



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Civilian Hiring Process

Eff. Date ~~01/13/2017~~ 12/21/2017

## Purpose

The City of Madison Police Department utilizes a standardized hiring process in order to ensure compliance with all federal and state laws, as well as City of Madison General Ordinances and relevant collective bargaining agreements.

## Procedure

The following outlines the procedures MPD will follow when making civilian hires.

1. When a Captain/Manager is notified of a civilian retirement or resignation and would like to hire to fill that opening, they should:
  - a. Contact the Finance Manager for information regarding salary savings.
  - b. Contact the Assistant Chief of Support and Community Outreach with request for authorization to hire.
  - c. Contact the Department's Civil Rights Coordinator (Lieutenant of Personnel) to assure compliance with the Department's Equitable Workforce Plan and RESJI process.
2. The Assistant Chief of Support and Community Outreach determines when to submit the "Request to Fill Vacancy."
3. If approved, the Captain/Manager completes the:
  - a. "Request to Fill Vacancy" form – Detailed information used in filling out this form can be obtained from the MPD Payroll Clerk.
  - b. Position Description – A new Position Description document must be completed each time, even if previously done for a position. A prior Position Description document can be used in updating for a new hire.
  - c. Once these are completed they should be forwarded to the MPD Payroll Clerk with an email request to enter the forms into the NEOGOV system. This email should also include the name of the Hiring Manager, who is the person coordinating the hire and the Department's Civil Rights Coordinator (Lieutenant of Personnel).
4. The Hiring Manager will receive a notification from City Human resources identifying the City Human Resources contact for the hiring process. The Hiring Manager should contact the Lieutenant of Personnel (as the Department's Civil Rights Coordinator) to assure compliance with the Department's Equitable Workforce (Affirmative Action) Plan.
5. The Captain/Manager or the Hiring Manager will contact the City Human Resources contact to finalize the following information:
  - a. Whether the process will be open/competitive or restrictive. Generally the decision will be based on the skill set needed for the position, the anticipated candidate pool, and any requirements related to the current employee handbook. City Human Resources has the final say on the process.
  - b. How the position will be advertised – If there is a financial cost for the advertising plan, approval for the expenditure must be obtained from the Finance Manager prior to moving forward.
  - c. Dates of opening and closing for receipt of applications.
  - d. Date and type of examination – The Hiring Manager should review any City examinations to determine the appropriateness of the questions in relation to the position.

- e. The Hiring Manager will be contacted by the City Department of Civil Rights if the position is underrepresented. This will then be discussed and taken into consideration during the hiring process.
6. City Human Resources posts the job announcement on the City of Madison website. City Human Resources does not accept paper applications and all applications must be completed online.
7. After the application period closes, minimally qualified candidates will move to the testing phase, which is conducted by City Human Resources. A list of referred candidates will be made available through the NEOGOV system. Every referred candidate must be offered an interview.
8. The Hiring Manager develops an interview panel with approval of the Captain/Manager.
  - a. The interview panel must be balanced and diverse (gender, race, and commissioned/non-commissioned) and usually has at least three people on it.
  - b. The names of the panel members should be kept confidential until the candidates appear for the interview. The Hiring Manager should remind the panel members the names of the people that appear before them are confidential and should not be discussed until after the process.
  - c. A list of job-related interview questions should be established along with benchmarks for scoring candidate responses.
  - d. All panel members should interview each candidate. However, if a panel member feels they cannot provide an impartial evaluation of a candidate due to a personal relationship with the individual, they should recuse themselves from that particular interview and any panel discussion of this candidate at the conclusion of the interview process. It is best to avoid any perception of impropriety in the selection process.
9. The interview panel ranks the top candidates for the position based on their responses to the interview questions and established benchmarks.
10. The Hiring Manager meets with the Captain/Manager to determine the number of backgrounds to be completed and whether there will be second interviews. If there are second interviews, the process should follow the same as for the first interview; i.e., with a new interview panel, questions, and benchmarks. Prior to a criminal background check, the selected candidate should be made a conditional job offer contingent upon the candidate successfully completing the criminal background check.
11. The Hiring Manager and Captain/Manager determine the recommendation for hire.
12. The Captain/Manager provides the recommendation to the Assistant Chief of Support and Community Outreach, who shares the recommendation with the Chief of Police. The Chief of Police then determines whether to approve the hire.
13. Upon approval, the Hiring Manager contacts the prospective hire with the official job offer.
  - a. The job offer must include the proposed start date, which should coincide with the first day of a pay period.
  - b. Any potential start date which is after November 1 must be discussed with the Finance Manager prior to making the job offer.
14. Once the candidate accepts the job offer, the Hiring Manager:
  - a. Completes the hiring personnel action form in the NEOGOV system.
  - b. Contacts City Human Resources to schedule the City Orientation training.
  - c. Contacts the MPD Personnel Lieutenant to schedule the MPD Orientation training.
  - d. Completes the New Employee Setup Information form on the intranet. It is preferred that this form be completed at least two weeks before the new employee starts. Information from this form is routed by the Chief's Office to set up the employee's payroll, TeleStaff, email account,

seniority information, IBM, and add the employee to the internal phone list. This form is then placed in the employee's personnel file.

15. The Hiring Manager mails (not email) rejection letters to candidates not selected. Refer to and utilize the Civilian Hiring Process Orientation Checklist. When appropriate, the Civil Rights Coordinator should be consulted to assure compliance with the Department's Equitable Workforce Plan.

Original SOP: 07/25/2012

(Revised: 03/26/2015, 04/08/2015, 03/04/2016, 01/13/2017, 12/21/2017)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



**Deadly Force – Use of**

Eff. Date: ~~07/10/2017~~ 12/06/2017

**Purpose**

Consistent with the Department's Core Values, the Madison Police Department is committed to valuing and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the Department's fundamental objective and the primary duty of all MPD employees. The application of deadly force is a measure of last resort, only to be employed when an officer reasonably believes all other options have been exhausted or would be ineffective.

The Department is committed to resolving conflicts through the use of communication skills, crisis intervention and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

As used in this SOP, deadly force refers to the intentional use of a firearm or other instrument, the use of which would result in a high probability of death **or great bodily harm**.

**Procedure**

**DEADLY FORCE AUTHORIZED**

The use of deadly force is only authorized when, under any of the following circumstances, an officer reasonably believes a lesser degree of force would be insufficient:

1. In the defense of another person who the officer has reasonable cause to believe is in imminent danger of death or great bodily harm.
2. In defense of oneself, when there is reasonable cause to believe one is in imminent danger of death or great bodily harm.
3. To effect the arrest or prevent the escape of a suspect who the officer has reasonable cause to believe has committed, or attempted to commit, a felony involving the use or threatened use of deadly force, when a high probability exists that the suspect, if not immediately apprehended, may cause death or great bodily harm.
4. To protect one's self or another from an animal which an officer reasonably believes may cause great bodily harm if not immediately controlled, or to end the suffering of an animal gravely injured or diseased after considering public view, safety, and other reasonable dispositions.

**VERBAL WARNING**

Before using deadly force, officers shall, if reasonably possible, identify themselves and order the suspect to desist from unlawful activity.

**DEADLY FORCE IS NEVER AUTHORIZED**

Deadly force is never authorized:

1. As a warning shot.
2. From a moving vehicle, unless an officer has reasonable cause to believe that one's self or another is in imminent danger of death or great bodily harm.

3. At a moving vehicle unless an officer has reasonable cause to believe that one's self or another is in imminent danger of death or great bodily harm or Deadly Force Authorized, paragraph 3, regarding certain felons applies.
4. When its use unreasonably risks the lives of innocent bystanders.

### **USE OF FORCE TECHNIQUES/INSTRUMENTS**

The intentional punching or striking of the trachea creates a substantial likelihood of death and is therefore considered deadly force and shall be used only in accordance with this SOP.

### **DE-ESCALATION**

Whenever safe and feasible, officers will attempt to utilize de-escalation tactics and techniques in a manner consistent with the De-Escalation SOP.

### **DUTY TO INTERCEDE**

Any officer present and observing another officer using excessive force, or engaged in unlawful conduct, or in violation of the Madison Police Department's Code of Conduct has an affirmative obligation to intercede and report.

### **AFTERCARE**

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention.

### **INVESTIGATION OF THE USE OF DEADLY FORCE**

See Madison Police Department Standard Operating Procedure regarding "Officer Involved Critical Incidents".

Original SOP: 03/23/2015  
(Revised: 03/26/2015, 05/26/2016, 07/10/2017, 12/06/2017)  
(Reviewed Only: 12/22/2016)



# CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



## Digital Forensics

Eff. Date ~~01/19/2017~~ 12/13/2017

### 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 computer 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. ~~Crimes committed using the internet, online services or email.~~
3. Any crime outlined in Wisconsin State Statute 943.70 or computer crimes defined by federal code.
4. Perform forensic analysis of digital evidence in felony cases where evidence or information pertinent to an investigation may be stored.
5. 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 up, **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 up, **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 up, 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 Computer Forensics Shared Resources Partnership office (S.R.P) 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 S.R.P. for viewing to take place in the S.R.P. office with all of the parties present.

2) MPD personnel assigned to the S.R.P. 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 S.R.P. 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 a DVD digital media and labeled clearly on the DVD 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 will 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 computer forensics 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 computer forensic examiners will be handled in a manner consistent with the preservation of evidence.
2. Computer 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 computer 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 computer 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 image files containing data of evidentiary value shall be archived. Archived media shall be maintained with the same level of security as the original evidence.

### RELEASE OF EVIDENCE

Evidence released from computer 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.

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:

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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.



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, EnCase reports, etc.).
2. The forensic examiner shall coordinate with the case detective 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)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



**Drug Recognition Expert**

Eff. Date ~~02/25/2015~~ 11/02/2017

**Purpose**

The Drug Recognition Expert (DRE) Program will assist in identifying persons who are operating a motor vehicle under the influence of a drug other than or in addition to, alcohol or may be experiencing a medical impairment. Officers trained in these skills will also be a valuable resource for other criminal investigations where the presence of drugs may be an important issue, such as with child neglect, weapons offenses, sexual assault investigations and other investigations as deemed relevant.

**Definitions**

**DRUG RECOGNITION EXPERT**

An officer who has been certified by IACP to provide a standardized evaluation of a subject who is suspected to be under the influence of a drug(s) other than, or in addition to alcohol.

**DRUG INFLUENCE EVALUATIONS**

An evaluation performed by a DRE that includes reviewing the investigating officer's observations of the suspect, a cursory examination of the suspect and, when appropriate, the standardized 12-step evaluation process.

**Procedure**

The DRE's Drug Influence Evaluation is primarily intended for subjects with an alcohol concentration under 0.10.

An officer may contact a supervisor or the Officer-In-Charge to determine if a DRE should be brought in under the following circumstances:

1. When an officer has made an arrest for an OWI-related offense and the alcohol content is not consistent with the level of observed impairment.
2. When an officer is investigating a drug-related offense where evidence of impairment would be beneficial to the investigation.
3. In the event of a crash involving fatalities and/or serious injuries, where there is a suggestion of illicit or prescription drug use.

The OIC will be responsible to review requests for a DRE to be called in to duty.

**Recordkeeping Procedures**

Each DRE is responsible for maintaining appropriate records related to DRE activities and submitting them to either the Regional or State coordinator as required.

Original SOP: 02/25/2015  
(Reviewed Only: 02/17/2016, 12/20/2016)  
(Revised: 11/02/2017)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



## Emergency Vehicle Operation Guidelines

Eff. Date ~~08/18/2017~~ 12/06/2017

### Purpose

This standard operating procedure (SOP) meets the obligation of Wisconsin State Statute Sec 346.03(6).

Members of the Madison Police Department (MPD) shall, at all times, operate City vehicles with due regard for the safety of all persons. When operating under emergency conditions, officers shall be ever vigilant in assessing evolving risk factors that could jeopardize public safety.

Intersections present a special hazard to emergency vehicles. Officers should always be prepared to slow the speed of their vehicles and be able to stop when approaching an intersection.

### Procedure

#### APPLICABILITY

This SOP governs the actions of MPD officers for MPD initiated response/pursuits as well as MPD involvement in mutual aid requests for pursuit assistance coming into the City. For MPD officers to participate in an outside agency pursuit, the pursuit must meet the criteria outlined within the SOP.

#### DEFINITIONS

**Authorized Emergency Vehicle:** A fully marked and unmarked squad with full or partial internal light package operated by a Law Enforcement Officer (LEO.) A full internal light package is defined as follows:

1. Showing to the front of the vehicle: multiple red/blue flashing lights and flashing headlights; and
2. Showing to the rear and sides of the vehicle: multiple red/blue flashing lights.

**Deadly Force:** The intentional use of a firearm or other instrument, the use of which would result in a high probability of death **or great bodily harm**.

**Due Regard:** The degree of care that a reasonably careful person, performing similar duties, and acting under similar circumstances would show.

**Eluding/Fleeing:** §346.04(3) No operator of a vehicle, after having received a visual or audible signal from a traffic officer, or marked police vehicle, shall knowingly flee or attempt to elude any traffic officer by willful or wanton disregard of such signal so as to interfere with or endanger the operation of the police vehicle, or the traffic officer or other vehicles or pedestrians, nor shall the operator increase the speed of the operator's vehicle or extinguish the lights of the vehicle in an attempt to elude or flee. (felony)

**Obedience to traffic officers, signs and signals; Fleeing from officer:** §346.04(2t) No operator of a vehicle, after having received a visible or audible signal to stop his or her vehicle from a traffic officer or marked police vehicle, shall knowingly resist the traffic officer by failing to stop his or her vehicle as promptly as safety permits. (misdemeanor)

**Officer:** Any sworn commissioned personnel, independent of rank.

**Pursuit:** § 85.07(8)(a) – An active attempt by a traffic officer in a police vehicle to apprehend one or more occupants of a moving motor vehicle, the operator of which is resisting apprehension by disregarding the officers visual or audible signal to stop his or her vehicle, increasing the speed of the vehicle or extinguishing the lights of the vehicle.

**Refusal (Slow) to Stop Pursuit:** A pursuit in which the operator of a motor vehicle is driving at a reasonable speed (but willfully refusing to pull over and stop).

**Silent Emergency:** This is when a police vehicle does not use its siren or emergency lights in response to a crime. Officers responding to a call, which is reasonably believed to be a **felony** in progress, may exceed the speed limit without giving audible signal but should give visual signal when doing so will not compromise a tactical response. When not giving a signal, the officer must reasonably believe that one of the following exists:

- a. Knowledge of the officer's presence may endanger the safety of a victim or other person.
- b. Knowledge of the officer's presence may cause the suspected violator to evade apprehension.
- c. Knowledge of the officer's presence may cause the suspected violator to destroy evidence of a suspected felony, or may otherwise result in the loss of evidence of a suspected felony.
- d. Knowledge of the officer's presence may cause the suspected violator to cease the commission of a suspected felony before the officer obtains sufficient evidence to establish grounds for arrest.

**True Emergency:** A situation in which there is a high probability of death or serious injury or significant property loss, and action by an emergency vehicle operator may reduce the seriousness of the situation.

#### AUTHORIZED EMERGENCY VEHICLE SITUATIONS

1. In response to calls of a true emergency;
2. In pursuit of an actual or suspected violator of law consistent with MPD SOP regarding authorized pursuits; or
3. While obtaining evidence of a speeding violation. (See below: Use of Warning Devices, paragraph 3.)

#### USE OF WARNING DEVICES

1. The red and blue emergency lights shall be activated whenever an officer, in the course of duty, stops, stands or parks an assigned vehicle contrary to the rules of the road. Officers may, however, elect to only use vehicle hazard flashers, rather than the red and blue emergency lights on their vehicles, whenever it is necessary to stop, stand or park in a space adjacent to a curb, which is not a legal parking space, as long as the vehicle does not obstruct a traffic lane.
2. The red and blue emergency lights and siren shall be used whenever an officer, in the course of duty, passes through a stop sign or signal, operates contrary to regulations governing direction of movement or turning, or exceeds the speed limit. This includes when operating in emergency mode.
3. An officer may exceed the speed limit without giving audible and visual signal, if the officer is obtaining evidence of a speeding violation; however, the officer **shall activate** this equipment and **attempt to stop** the violator once sufficient evidence is obtained for the violation.

#### USE OF OTHER SAFETY EQUIPMENT

All occupants of MPD vehicles shall use vehicle safety belts/restraint devices. (Exceptions: combative/oversize citizens.) This requirement does not prevent officers from removing restraint devices in limited circumstances when approaching an imminent tactical situation.

Parking Enforcement Officers acting under State Statute Sec. 347.48(2m)(dr) are not required to utilize safety harnesses, but are encouraged to do so whenever possible.

#### CIVILIAN MEMBERS OF THE MADISON POLICE DEPARTMENT

1. Civilian members of the MPD are never authorized to operate the vehicle's red and blue emergency lights and/or siren to exceed the speed limit, to operate contrary to regulations governing direction of movement or turning or to pass through a stop sign or signal.
2. Although civilian members of the MPD shall, for the protection of the public, operate the red and blue emergency lights of a police vehicle if it becomes necessary to stop, stand or park contrary to

the rules of the road (i.e., to protect persons and vehicles at an accident scene or at the location of a traffic hazard until an officer's arrival).

### **ASSESSMENT OF UNREASONABLE DANGER**

The decision to pursue, and while in pursuit, officers and supervisors must continually evaluate information to determine whether the pursuit presents an unreasonable danger of death or great bodily harm which outweighs the public interest involved in apprehension.

Examples include:

1. Make/model, actions and speed of the vehicle being pursued.
2. Geographic area of pursuit and its population density.
3. Time of day/day of week.
4. Vehicular and pedestrian traffic present in area.
5. Road and weather conditions.
6. Officer's familiarity with the area of pursuit.
7. Severity of crime.
8. Necessity of pursuit.
9. Type of squad being operated.
10. City events where large groups are likely to be gathered (i.e.) farmers market, races, protests, etc.

### **AUTHORIZED PURSUIT**

For all pursuits, **Due Regard** must be followed at all times. The pursuit of vehicles is authorized in accordance with the following guidelines:

1. Officers should attempt to stop as expeditiously and safely as possible, any person in a vehicle who the officer has probable cause to believe:
  - a. Has committed (or attempted to commit) a felony involving the use (or threatened) use of force and a high probability exists that the suspect, if not immediately apprehended, may cause death or great bodily harm to another. Officers may terminate and discontinue pursuit when the act of pursuit, in and of itself, creates an unreasonable danger of death or great bodily harm to the public, officers or the suspect. Or,
  - b. Has committed any acts or threats of violence but shall terminate and discontinue pursuit when the act of pursuit, in and of itself, creates an unreasonable danger of death or great bodily harm to the public, officers, or suspect.
2. A "refusal (slow) to stop pursuit" may be initiated and maintained for any offense. However, once the officer becomes aware it is an "eluding/fleeing" pursuit, justification for the pursuit must meet at least one of the criteria above under Authorized Pursuit, or the pursuit shall be terminated immediately
3. Officers shall not enter into an "eluding/fleeing" pursuit solely for non-violent criminal violations, traffic and ordinance violations.

### **TERMINATION OF PURSUIT**

A. Any officer shall terminate a pursuit if the pursuit violates the SOP guidelines or creates an unreasonable danger to the public, officer, or suspect. The following shall be accomplished as part of termination procedure:

- Notify dispatch and secondary units of termination location and last known direction of travel for suspect vehicle.
- Bring your vehicle to a complete stop or divert direction of travel away from suspect vehicle.
- Deactivate visual and audible signals.

B. If specific location of the suspect becomes unknown the pursuit shall be immediately terminated.

C. Once a pursuit has been terminated; other options should be explored to apprehend the suspect(s) prior to initiating another attempt to stop.

### **NON-COMMISSIONED PASSENGERS**

Pursuit should not be undertaken by any officer driving with civilians (with the exception of authorized ride-alongs) who are not commissioned law enforcement officers, except under circumstances involving death or great bodily harm violations.

### **UNMARKED SQUADS**

Pursuit by officers in unmarked squads not equipped with full internal light packages is not authorized, except under circumstances involving death or great bodily harm. Pursuit by officers in unmarked squads equipped with full internal light packages is authorized as outlined above.

### **ROLES AND RESPONSIBILITIES**

1. **PRIMARY OFFICER** shall adhere to the following procedures.
  - a. Inform Dispatch that you are in pursuit.
  - b. Radio communications may be delegated to another officer involved in the pursuit.
  - c. Reasonably attempt to inform Dispatch of the following:
    1. If your vehicle is unmarked.
    2. Location and direction of pursuit.
    3. Description of suspect vehicle, license plate, number & description of occupants.
    4. Reason for pursuit.
    5. Estimated speed of suspect vehicle.
    6. Driver and occupant behaviors.
  - d. Continually update Dispatch with:
    1. Changes of direction.
    2. Speed of vehicles involved.
    3. Actions of the suspect(s) and vehicle.
  - e. As soon as possible ensure the lead pursuing unit is in a fully marked squad.
  - f. Secondary police vehicles should not attempt to pass the primary pursuit vehicle and shall remain a safe distance back unless a coordinated change of lead needs to be made.
  - g. Pursuits should be accomplished with a minimum number of vehicles. The number of vehicles directly involved may be adjusted to fit the situation.
  - h. As a pursuit precedes through adjoining patrol districts, officers in these areas may parallel the pursuit so as to be available in the event their assistance is needed.
  - i. If suspect vehicle is stopped:
    1. Notify Dispatch of location and any additional resources needed.
    2. Coordinate the high risk stop.
2. **SUPERVISOR**

Commissioned supervisors have the following responsibilities in all pursuit situations:

  - a. A supervisor that is not actively pursuing will monitor the pursuit from the point of notification to its conclusion.
  - b. Control, if appropriate, by directing and coordinating the police units involved in the pursuit.
  - c. Terminate any pursuit which in the supervisor's judgment does not conform to the guidelines under "Authorized Pursuit."
  - d. Ensure adherence to all MPD procedures.
  - e. The supervisor shall complete a supplemental police report for all pursuits documenting their role and actions related to the pursuit. This includes both "refuse (slow) to stop pursuits" and "eluding/fleeing" pursuits.
  - f. After reviewing the circumstances of the pursuit, the monitoring supervisor shall document the actions of the officers involved in the pursuit. This review will also extend to officers indirectly involved in the pursuit (i.e., responding officers, officers deploying tire deflation devices, etc.)
    1. The supervisor shall complete a Blue Team entry and attach a memo detailing their review of the pursuit. The review will be forwarded to the lead EVOC Master Instructor Trainer as designated by the Captain of Personnel and Training. The EVOC MIT group,

- PSIA, and the involved officers' Unit/District Commander shall be carbon copied on the Blue Team entry.
2. The lead EVOC MIT will then forward their review to the Unit/District Commander. The Commander will review the incident and make a recommendation as to whether the pursuit is within or outside of MPD Policy.
  3. The Unit/District Commander will then forward the review to PISA for additional policy compliance investigation if necessary.
  4. PSIA will then forward the review to the Field Operations Assistant Chief for final review and discussion regarding final recommended outcomes if necessary.
3. **Officer In Charge (OIC)**
- a. If no field supervisor is available during a pursuit, the OIC will fulfill the duties outlined in Supervisory Roles and Responsibilities.
  - b. The OIC of the shift on which a pursuit occurs shall e-mail the involved officers' commanders with the date and case number of the incident, as well as the press release (if one was issued).
  - c. In the event the pursuit terminates in a crash causing injury to any party, the OIC shall follow established Command notification protocols.
  - d. Follow Officer Involved Critical Incident SOP (if applicable).

## STOP TECHNIQUES

### 1. ROADBLOCKS

#### a. Emergency stationary roadblocks with escape route

1. Emergency stationary roadblocks are those which, due to the urgency of the situation, must be set up with a minimum amount of notice and preparation for the purpose of stopping a vehicle which is actively attempting to elude. These will be set up, controlled and/or authorized whenever possible, by a commissioned supervisor.
2. Whenever possible, an emergency roadblock with escape route should be set in a well-lit area, using all emergency visual aid equipment to further light up the roadblock such as:
  - a. Emergency lights activated.
  - b. Headlights and spotlights aimed away from the path of the suspect vehicle.
  - c. Takedown and alley lights (aimed away from path of the suspect vehicle.)
  - d. Flares (aimed away from path of the suspect vehicle.)
  - e. All officers shall position themselves outside of their vehicles and at a safe distance. This does not apply to a squad positioned in a safe and strategic location ready to assist if the pursuit continues.
  - f. Officers shall attempt to remove and/or isolate all non-involved persons from the danger area of the roadblock.
3. An emergency stationary roadblock with escape route should never be set up in a dark or blind area, such as just over hills, or around curves, etc. The roadblock must offer an alternative path (other than certain crash) for the pursued vehicle.

#### b. Emergency stationary roadblocks with no escape route.

1. This option is considered deadly force and shall only be used under deadly force circumstances.
2. In a roadblock with no escape route, the roadway is completely blocked, and no alternate route is provided. If the suspect does not voluntarily stop, he or she will crash, with great potential for injury to the suspect and others in the area. For that reason, these guidelines must be applied:
  - a. Other traffic must be diverted or stopped before reaching the roadblock area.
  - b. The roadblock must be identified with emergency lighting to give warning.

- c. The suspect must have adequate sight distance and time to stop if he or she chooses to do so.
    - d. Officers must communicate to ensure that their actions are coordinated and risk to officers is minimized.
  3. An emergency roadblock with no escape route should be set in a well-lit area, using all emergency visual aid equipment to further light up the roadblock such as:
    - a. Emergency lights activated.
    - b. Headlights and spotlights aimed away from the path of the suspect vehicle.
    - c. Takedown and alley lights (aimed away from path of the suspect vehicle.)
    - d. Flares (aimed away from path of the suspect vehicle.)
    - e. All officers shall position themselves outside of their vehicles and at a safe distance. This does not apply to a squad positioned in a safe and strategic location ready to assist if the pursuit continues.
    - f. Officers shall attempt to remove and/or isolate all non-involved persons from the danger area of the roadblock.
  4. An emergency stationary roadblock with no escape route should never be set up in a dark or blind area, such as just over hills, or around curves, etc.

#### **c. Emergency Moving Roadblocks**

Although the use of an emergency moving roadblock is discouraged as a tactical response, it may be authorized by a commissioned supervisor to stop a vehicle when a high probability exists that the suspect, if not immediately apprehended, may cause death, great bodily harm, or an unreasonable risk of harm to uninvolved citizens.

## **2. PURSUIT INTERVENTION TECHNIQUE (PIT) AND RAMMING TECHNIQUES**

Use of PIT and any other ramming techniques shall only be used under deadly force circumstances.

## **3. USE OF TIRE DEFLATION DEVICES**

- a. Prior to beginning each tour of duty, officers will determine if their squad is equipped with a tire deflation device and verify that it is in proper working order.
- b. Tire deflation devices will only be deployed by officers trained in their use and in accordance with MPD training.
- c. The use of tire deflation devices in accordance with this procedure and MPD training does not constitute deadly force unless used to stop motorcycles, mopeds or other two or three-wheeled vehicles when the use of deadly force is justified.
- d. Tire deflation devices may be deployed during active pursuits.
- e. Officers deploying tire deflation devices will complete a supplemental report including all pertinent facts surrounding their use.

## **PURSUIT INTO ANOTHER JURISDICTION**

When acting in accordance with the provisions of this SOP, officers may pursue vehicles into adjoining jurisdictions. In this event, the jurisdiction involved should be notified by Dispatch of the pursuit, the reason for it, and whether direct assistance with the pursuit is requested. Direct pursuit assistance should only be requested if available MPD resources are inadequate, or if assistance of a special nature is needed. Officers equipped with tire deflation devices may continue monitoring an MPD pursuit and may deploy tire deflation devices in accordance with this SOP.

## **INVOLVEMENT IN THE PURSUIT OF ANOTHER JURISDICTION ENTERING THE CITY OF MADISON**

1. MPD will not become actively involved in another jurisdiction's pursuit unless mutual aid is specifically requested by the agency involved. Upon receiving a request of this nature, Dispatch will obtain and relay information to the officers and a supervisor regarding the request. MPD involvement in an outside agency pursuit must meet the guidelines outlined in this SOP. If the outside agency reason



for pursuit does not meet the guidelines outlined, mutual aid will not be granted for the pursuit and MPD officers will not get involved in the pursuit itself.

## 2. Allowable Exceptions

- a. If the circumstances of another jurisdiction's pursuit dictate that a MPD officer become involved prior to a request for mutual aid, the MPD officer must be able to clearly articulate the immediate need for their actions.
- b. Tire deflation device in support of another Jurisdiction
  - i. Officers may deploy tire deflation devices in accordance with this SOP.
  - ii. . MPD officers may deploy tire deflation devices to stop vehicles fleeing from another agency that have entered the City of Madison without a specific mutual aid request. Deployment in these instances will only be done with a supervisor's approval, unless it is impractical to obtain such approval. Outside agency officers involved in the pursuit will be notified prior to deployment if possible.

## **INVOLVEMENT IN POLICE ESCORTS** **See Vehicle Escorts SOP**

Original SOP: 02/25/2015

(Revised: 10/21/2015, 10/12/2016, 01/19/2017, 08/18/2017, 12/06/2017)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Enforcement of Immigration Laws

Eff. Date ~~01/30/2017~~ 10/09/2017

## Purpose

MPD is committed to community policing. Therefore, it is imperative that all our constituents come to expect that MPD will provide access to anyone seeking our services. An individual's immigration status is immaterial with respect to MPD's mission statement, core values, and operational systems. Immigration status is only relevant when an individual has committed serious crimes directly related to public safety (as outlined below).

## Procedure

The enforcement of immigration law is primarily the responsibility of the federal government, through the United States Immigration and Custom Enforcement Agency ("ICE"). Accordingly, MPD will not undertake any immigration-related investigation unless said operation involves an individual who has committed serious crimes directly related to public safety (as outlined below). Section 287(g) agreements under 8 U.S.C. § 1357 are voluntary agreements which require local consent. MPD will refrain from entering into these agreements as they are not consistent with furthering MPD's policing philosophy.

Officers shall not detain or arrest an individual solely for a suspected violation of immigration law. MPD will only cooperate with a lawful request of ICE under the following circumstances:

1. The individual is engaged in or is suspected of terrorism or espionage; or
2. The individual is reasonably suspected of participating in a criminal street gang; or
3. The individual is arrested for any violent felony; or
4. The individual is a previously deported felon.

When time and circumstances permit, an officer should obtain approval from a commander or OIC prior to detaining any individual for the above-outlined reasons. Any notification or contact with ICE for the purposes of detaining or apprehending individuals should only be made with the approval of a Commanding Officer and only after contacting the Assistant Chief of Operations or Investigative Services.

An individual's right to file a police report or otherwise receive services from MPD is not contingent upon their citizenship or immigration status. MPD officers shall strive to treat all individuals equally and fairly regardless of their immigration status. Therefore, officers shall not routinely inquire into the immigration status of persons encountered during police operations.

Officers shall not ask any individual to produce a passport, Alien Registration Card (Green Card) or any other immigration documentation in the normal course of business. This does not prohibit an officer from considering these documents as appropriate forms of identification when voluntarily provided by the individual.

Original SOP: 01/30/2017  
(Revised: 10/09/2017)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Guarding of Prisoners

Eff. Date 01/27/2017-11/09/2017

**Purpose**

On occasion there is the need for Madison Police Department (MPD) personnel to perform the function of guarding a prisoner at a medical facility. This SOP outlines the decision-making process and the resources to be utilized when it is deemed necessary to guard a prisoner.

**Procedure**

If it is determined a prisoner will need more than a few hours of medical care prior to incarceration, the Officer In Charge (OIC) shall be consulted and a decision will be made as to whether MPD resources will be used to guard the prisoner at the medical facility.

Factors to be considered in making the decision to guard a prisoner include the following:

- The seriousness of the incident/offense.
- The dangerousness of the individual/hazard to the community.
- The potential danger to themselves.
- The potential for flight or escape.
- The medical issues involved and the estimated length of required hospitalization.

The OIC will consult with the involved District Command staff or Violent Crime Unit Command staff in making a determination as to whether a prisoner will be guarded at a medical facility or if alternative arrangements can be made. On-duty patrol resources are likely to be used for the first prisoner guard assignment shift. The OIC and District Command will coordinate a staffing plan for the initial 72 hours prisoner guarding assignments to include the following personnel:

- On-duty patrol officers if patrol staffing is **above** hard minimum staffing level.
- Overtime officer assignments if patrol staffing is **at or below** hard minimum staffing levels (original case used to track OT).

After the initial 72 hour time frame, the First Detail OIC will be responsible to coordinate a prisoner guarding staffing plan that is staffed using overtime available to all commissioned staff on a voluntary basis. The prisoner status and staffing plan should be reviewed by the First Detail OIC on a daily basis.

**Prisoner Guarding Protocol**

The following guidelines will be adhered to whenever a prisoner is under guard at a medical facility:

- Officers will notify hospital/facility security of their presence upon arrival.
- Two officers should be assigned to the prisoner.
- The prisoner should be restrained unless their injury/illness prohibits it.
- Officers will remain in the room with the prisoner unless medical circumstances prevent it. Officers will coordinate with medical staff to maintain a reasonable degree of control/observation of the prisoner.
- Prisoners are not allowed access to phones for personal communications without approval from an MPD commander.
- Prisoners are not allowed visitors without approval from an MPD commander (professional visits from attorneys are generally permitted). In the event that approval is granted, guarding officers will document the visit (time, duration, names of visitors, etc.) in a report. Officers will remain in the room during visitation (excluding attorney visits when appropriate).

The restrictions apply to prisoners who are in custody and under arrest, and not to individuals who might be guarded for other purposes.

Command staff from the District/Unit responsible for the arrest may specify guidelines that add to or modify those above.

Original SOP: 12/08/2015  
(Revised: 03/04/2016, 01/27/2017, 11/09/2017)  
(Reviewed Only: 02/22/2016)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



In-Car Video System

Eff. Date ~~06/15/2017~~ 11/30/2017

**Purpose**

Madison Police Department (MPD) in-car video system utilization can provide accurate documentation of events, actions, conditions, and statements made during law enforcement contacts. The use of the in-car video system shall be limited to trained employees and be in accordance with applicable laws and MPD procedures.

**Procedure**

**USE AND CARE OF IN-CAR VIDEO EQUIPMENT**

1. Officers shall be responsible for the proper care and operation of the in-car video equipment installed in MPD vehicles and wireless microphone(s).
2. Officers shall not remove, dismantle or tamper with in-car video equipment and/or microphone(s).
3. At the beginning of each shift, officers shall ensure the in-car video equipment is functioning properly by completing the following procedures:
  - a. System power up upon starting the vehicle.
  - b. ~~Officer will log into the system with their user ID and password.~~ Confirm the correct date and time in the in car video application.
  - c. ~~The officer shall be logged into the in car video application throughout the duration of the shift.~~
  - d. Synchronize the wireless microphone to the in car video system. In the event two officers are assigned to a single squad (i.e. Field Training, Special Events) only one officer will be required to synchronize their wireless microphone.
  - e. Wearing the synchronized wireless microphone (and optional lapel microphone) in a position where it can effectively record audio throughout the duration of the shift.
  - f. Confirm video and audio recording.
4. When previously undocumented problems with the in-car video system arise, officers are required to:
  - a. ~~Call the IMAT support line M-F 0800-1630 at 261-9655 or send~~ ~~Send~~ an email containing the vehicle number and ~~the~~ problem to the IMAT support email address: [imat@cityofmadison.com](mailto:imat@cityofmadison.com).
  - b. Record the squad number and problem on the appropriate Police District vehicle dry marker board.

Officers may operate squads with non-functional in-car video systems when no other squad is reasonably available, provided that the issues have been properly documented as outlined above.

**OPERATION OF THE IN-CAR VIDEO SYSTEM**

1. Video recordings (including a 30 second video only pre-event) are initiated when:
  - a. The squad's emergency lights are activated.
  - b. The wireless microphone's record (REC) button ~~or auxiliary (AUX) button~~ is depressed.
  - c. The record button is depressed on the back of the front camera.
  - d. The record button is selected in the in-car video software on the MDC.
  - e. The vehicle crash sensor is triggered.
  - f. The vehicle speed trigger threshold has been exceeded.
2. In-car video equipment shall be used to record the following:
  - a. All emergency vehicle operations.
  - b. All traffic stops.
  - c. All transports of persons in custody.

- d. All interviews as required by Wisconsin State Statutes when other established recording facilities are not available, practical, or preferred.
3. In-car video equipment may also be utilized to record the following:
  - a. Official police contacts.
  - b. Person(s) the officer reasonably suspects has committed, is committing, or is about to commit a criminal offense or ordinance violation.
  - c. When transporting persons not in custody.
  - d. ~~All interviews as required by Wisconsin State Statutes when other established recording facilities are not available, practical, or preferred.~~
4. Officers should make every reasonable effort to position the front camera to accurately capture events.
5. Officers may temporarily mute audio recording of conversations between police personnel when such discussions involve strategy, tactics, or supervisor's directives.
6. Once initiated, video and audio recordings should not be terminated until the event is complete except:
  - a. When a supervisor authorizes the cessation of the recording.
  - b. When, in the officer's assessment, there is no evidentiary value in collecting further video.
7. Upon completion of a recording, the officer shall ~~must~~ select the applicable classification tag from the available menu. Officers will enter the case number in the appropriate field for each recording. It is highly recommended to enter additional information (e.g., license plate, name, suspect information, etc.) in the applicable fields. The classification and additional information entered by the officer, will serve as the initial selection for the duration of video retention.

## VIDEO TRANSFER AND DOCUMENTATION

1. Officers are responsible for ensuring that video recording are transferred at least once during the course of each work shift. Exceptions to this must be approved by the OIC or other supervisor. Transfer of video may be accomplished by:
  - a. Wireless transfer at any MPD district station, other identified wireless or other identified wireless access points.
  - b. Wired transfer at any of the download stations available at MPD district stations.
  - c. If the video recorded during the shift is more than two hours in length, then wired transfer is recommended. If video does not transfer, call the IMAT support line M-F 0800-1630 at 261-9655 or send an email containing the vehicle number and problem to the IMAT support email address: [imat@cityofmadison.com](mailto:imat@cityofmadison.com).
2. Officers must ensure that video recording deemed to be evidence of a crime are transferred prior to the end of their shift. If the video transfer process requires the employee to be on overtime, the officer shall contact a supervisor or the OIC to obtain approval.
3. In-car video recordings and reasons for any interruptions/microphone muting shall be documented within official reports and citations.

## IN-CAR VIDEO MANAGEMENT

1. Evidentiary recording submitted by officers will be maintained on a secure server within the City of Madison computer network until the case has been adjudicated and/or in accordance with existing MPD policies and procedures for the handling and disposition of evidence. Secondary images or video of any recordings shall not be captured at any time through any other application, system or device.
2. Recordings will be maintained based upon the retention schedule designated for each classification tag.
3. Designated members of the Forensic Services Unit (FSU) and IMAT will be responsible for system administration of all captured and stored recordings.
4. Video recording may be placed on an administrative hold, preventing their disposal by:
  - a. The Chief of Police or his/her designee.
  - b. Professional Standards and Internal Affairs Lieutenant.
  - c. A Command Officer.

- Any later removal of this hold must be submitted in writing to FSU.
5. If upon receipt of a complaint concerning the conduct of an officer or other employee, the supervisor receiving the complaint determines that the event in question has been recorded, that information shall be forwarded to the District Command Officer, and the Professional Standards and Internal Affairs Lieutenant outlining the details of the complaint.

All in-car video system recordings are subject to Wisconsin Open Records Law.

Original SOP: 02/25/2015  
(Reviewed Only: 02/04/2016)  
(Revised: 12/22/2016, 06/15/2017, 11/30/2017)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE  
Investigation of Cases Involving Officers as  
Victims of Serious Crimes



Eff. Date ~~01/17/2017~~ 11/02/2017

## Purpose

The purpose of this procedure is to establish more consistent guidelines for the investigation of cases where Madison Police Department (MPD) Officers are the victims of serious crimes and to deal with aftercare issues for those officers.

## Procedure

### Definitions -

**CISM Provider:** A select group of mental health professionals that are contracted to provide Critical Incident Stress Management services in response to critical incidents.

**Victim Officer:** Sworn Personnel who are on-duty, or off-duty but acting within the scope of their duties as Law Enforcement Officers, who are targeted with intentional violence which results in serious injury or the potential for death or great bodily harm to the officer. Any incident that is considered a serious physical or psychological threat to an officer in the line of duty, where the involved officer is considered a victim of a crime.

Uninjured Victim Officers shall report the incident to a supervisor at the earliest opportunity.

### Notifications

OICs should follow the Notification of Commanding Officers Standard Operating Procedure as well as Line of Duty, Life-Threatening Injury or Death of an Employee as appropriate. In addition to line #6 in Notification of Commanding Officers SOP, district command and the Chief should be notified whenever an officer is the victim of an attempted serious violent crime where likelihood of significant injury or death would have been high if the act had been carried out e.g. an officer who was shot at but not struck or an officer who the suspect attempted to run over with a vehicle. These examples are meant to be illustrative only and not all inclusive.

### Immediate Considerations

Victim Officers shall be extracted from the active investigation of the suspect as soon as it is practical.

Investigative personnel/detectives should be assigned to actively work the case as soon as it is practical.

Depending on the seriousness of the incident, Victim Officers or officers directly witnessing the event may be interviewed by investigators in lieu of completing a report on the incident. This decision will be made by the investigative supervisor managing the case, and should be communicated to the Victim Officer as soon as possible.

In the event that the officer completes their own report rather than being interviewed by a Detective, the Investigative supervisor will review the officer's report to make sure that the report addresses the incident properly (typically officers are taught not to include their own feelings and impressions in their reports but if we were interviewing a crime victim we would be asking for those things. Many officers might downplay or not address their feelings of being fearful, etc).

Personnel should remain cognizant of Victim Officer's status as a crime victim, and the associated rights provided under SS950. Contact with the Dane County Victim/Witness program will be made by investigators as early as practical. The Victim/Witness staff can assist with coordinating suspect bail



conditions, and requests for things like bail monitoring. Assigned investigators should verify that victim officers have been informed about victim impact statements (benefits of completing, timeline, etc.) and that the victim officer(s) are kept apprised of the case.

### **Follow up aftercare**

Upon being notified, district command staff will be responsible for checking in with involved officers prior to their next work shift. Officers will be offered the chance to take administrative leave if needed due to the physical/emotional after effects of the incident.

Every attempt should be made to have the officer(s) contacted by the CISM (Critical Incident Stress Management) provider prior to their return to duty. Exceptions can be made to this if the officer(s) feel strongly that it is not necessary. If contact with the CISM provider does not occur prior to return to duty, contact with the CISM provider will still need to occur in accordance with critical incident SOP.

When an officer becomes the victim of a crime through the course of a call for service, someone from the Victim/Witness Unit at the DA's Office will send a victim packet for the officer to the PD Subpoenas group ([pdsupoenas@cityofmadison.com](mailto:pdsupoenas@cityofmadison.com)). The Executive section PRT will forward it to the officer and to the officer's captain. The captain will then be responsible for checking in with the officer to make sure they have received the package and assign it to the officer's supervisor who will help the officer understand the process. The officer will need to request restitution and/or services by checking the right box and returning the form to the Victim/Witness Unit in the DA's Office.

### **Records**

All MPD reports and records, including relevant entries in LERMS, should not include individual officers' date of birth, home address or other personal information. Reports regarding officer victims should note the officer's age and use 211 South Carroll Street as a contact address.

### **Medical Records**

Where medical records are needed for a criminal investigation into an incident where an officer is a victim, the assigned detective will coordinate the appropriate collection and processing of the records. The victim officer will be asked to sign a consent for release of medical records, with the scope of the consent limited to that needed for the criminal case.

~~If consent is provided and the records are obtained, the assigned detective will meet with the victim officer with the records. The assigned detective will meet with the victim officer to review the records and ensure that any information outside the scope of their consent is redacted. The records will become part of the case file and be scanned into LERMS.~~

If consent is provided and the records are obtained, the assigned detective will meet with the victim officer, review the records and ensure that any information outside the scope of their consent is redacted. The redacted records will become part of the case file and be scanned into LERMS.

Original SOP: 01/17/2017  
(Revised: 11/02/2017)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Major Case Investigations

Eff. Date ~~09/15/2017~~ 12/06/2017

VCU Major Cases

**INITIAL CONTACT/ASSIGNMENTS**

Upon receiving any of the following calls for service, the nearest available officer and supervisor will be dispatched to the scene and/or victim's location:

1. Homicide or attempted homicide;
2. Any death that is not attended by a physician;
3. Any serious injury and/or condition where there is reason to suspect the injury/condition was caused by the act or omission of another or the cause is unknown;
4. Any death or serious injury involving a motor vehicle where there is intent to injure or kill. (MV accidents, however negligent, will be investigated in accordance with the Investigation of Motor Vehicle Crashes Involving Serious Injury or Death procedure.);
5. Any weapons violation believed to have just occurred or in progress.

The supervisor at the scene shall ensure that the Officer in Charge (OIC) is notified and advised of the circumstances surrounding the incident.

When a major case, typically a homicide (or attempted homicide that might require a Command Post) has occurred, the OIC or field supervisor should:

- If normal VCU working hours, contact the VCU Detective Sergeant directly.
- If outside normal VCU working hours, the on-call Detective Lieutenant should be called per current practice.

If the on-call Detective Lieutenant determines the case will likely fall within the scope of VCU responsibility, the VCU Detective Sergeants should be contacted. If outside normal VCU working hours, the Investigative Services Lieutenant should be contacted. If he/she is unavailable, one of the off-duty VCU Detective Sergeants should be contacted. If the Investigative Services Lieutenant or Sergeants are unavailable, the Investigative Services Captain should be contacted. If it is unclear whether the incident should be investigated by VCU or by the District where the incident occurred, the Investigative Services Captain and District Captain should be contacted to discuss the circumstances and determine the appropriate assignment.

The Investigative Services Captain will ensure the notifications are made to the following per current protocol:

- Madison Police Department (MPD) Chiefs
- Assistant Chiefs
- District Command staff

If the determination is made that the incident is a major case requiring a command post, the VCU will have overall responsibility for managing the incident and the command post. Generally, a command post should be established—and an incident considered a major case—if it is a serious offense requiring significant coordination of investigative resources. The District Captain, Assistant Chief of Investigative and Specialized Services, and Assistant Chief of Operations should be contacted as soon as reasonable.

The need for a Command Post in other types of crimes where the VCU is the primary investigating unit is possible, and that decision can be made on a case specific basis by unit supervisors.

The decision to establish a Command Post should be made after consulting with a Detective Sergeant of the Violent Crime Unit, or the Investigative Services Lieutenant. If neither of these are available, the Investigative Services Captain should be contacted.

The Investigative Services Lieutenant is responsible for determining what resources are needed and ensuring that those resources are contacted. The Investigative Services Lieutenant and VCU Detective Sergeant will be responsible for designating a lead detective. The Investigative Lieutenant should consider utilizing detectives from the BCU and SIU, as well as detectives from the affected district, to supplement VCU detectives. One district detective needs to be assigned as the primary district detective who will be imbedded in the VCU until it is mutually agreed upon for him/her to return to their district.

## COMMAND POST

A command post will be set up to direct the overall operation of the investigation. The Investigative Services Lieutenant will select the location of the command post based on the needs of the case (typically the appropriate district station). The Command Post will be run out of this district, ideally for the first 24-48 hours (as the investigation dictates); then, if it is necessary for the CP to continue operations after this time, the CP will be transferred to the Central District Incident Command Room.

While the needs of cases vary, it is recommended that the command post be staffed as follows (in an effort to maintain consistency within Command Posts):

- Investigative Lieutenant (overall incident commander); if the Investigative Services Lieutenant is unavailable, this position should be filled by another Commander (generally a district Detective Lieutenant)
- VCU Detective Sergeant
- CIS Personnel (One Supervisor and one Officer)
- Logistic Officer, if needed
- Command Post Assistant or Investigative Support Officer (if needed)

Back up to the following personnel should be as follows:

- Investigative Lieutenant should be relieved by the District Detective Lieutenant.
- VCU Detective Sergeant should be relieved by the other VCU Detective Sergeant or the BCU Detective Sergeant
- If the other VCU Detective Sergeant or the BCU Detective Sergeant is not available, this role can be filled by the District Detective Lieutenant if it is determined necessary.

## RESPONSIBILITIES

### Investigative Captain

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- Make appropriate notifications, as needed:
  - Chiefs
  - District Command
  - DA's office (if appropriate and in all homicide cases)
- Ensure Investigative Lieutenant has necessary resources
- Keep Chief and Assistant Chiefs apprised of investigation
- Communicate with budget office staff for AMPS overtime implications

### Investigative Lieutenant and Detective Sergeant

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- Overall management of the case
- Identify Lead and Scene Detectives
- Make investigative assignments:
  - Designate lead detective
  - Designate lieutenant and detective to oversee each scene
  - Coordinate investigative response to hospitals (if appropriate)
  - Designate detective to serve as liaison to victim families
  - Coordinate MPD detectives presence at autopsy (if appropriate)

- Work with District Det. Lieutenant to designate primary district detective assigned to VCU
  - Identify and coordinate other investigative tasks, as needed
- Communicate and coordinate efforts with the Scene Lieutenant
- Communicate and coordinate efforts with CIS Supervisor
- Communicate and coordinate efforts with Case Lead Detective
- Communicate with the OIC
- Communicate with Command Staff
- Designate case as “Extraordinary” for TeleStaff/payroll purposes, if appropriate
- Communicate with budget office staff for case number cost accounting
- Facilitate the release of information to MPD personnel through briefing and other police agencies.
- Collaborate with the PIO, case detective, Investigative Captain, and District Captain on case press releases
- Communicate with District Attorney staff and case detective
- Review reports for investigative leads
- Management of Violent Crimes Unit personnel (assignments, monitoring hours worked, etc.)
- Managing overtime and arranging relief for Investigative personnel
- Evaluate need for support staff
- Notify Property Room staff and evaluate needs, if applicable
- Create and prioritize a task list of work to be done
- Organize and lead briefings and debriefings of case investigators
- Organize and coordinate case information
- Ensure phone calls made to the command post are answered and information recorded
- Evaluate need for a detective to be assigned to family members (victim, suspect, witness, etc.)
- Arrange for special equipment or needs of the investigation
- Ensure that a timeline is started and kept up to date
- Oversee report completion and process (see below)
- Brief incoming commander when being relieved
- Make sure log is maintained
- Manage the “to do list”

### **Lead Detective**

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- Provide input to case lieutenant on investigation, assignments, etc
- The lead detective should have an opportunity early in the investigation to view the crime scene
- The lead detective should have an opportunity to view critical evidence prior to it being secured/packaged
- Participate and provide direction during evidence processing discussions between command post, Lab, and on- scene forensic and investigative personnel
- Coordinate needs with Property Room staff, if applicable
- Generally, remain in command post to maintain overall perspective on case and investigation
- Lead detective may assist in significant investigative tasks (suspect interview), if appropriate
- Co-lead or backup lead should generally assist with investigation and not remain in command post, unless relieving lead detective
- Review all incoming information by participating in briefings and de-briefings of investigative staff
- Review incoming reports for investigative leads
- Monitor Task lists/tips and prioritize for assignment
- Coordinate questions used in canvassing
- Monitor and provide input on information released to the media/public
- Assist case lieutenant in briefing the District Attorney
- Work closely with assigned Assistant District Attorney

## District Command Staff

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- Provide assistance to Investigative Detective Lieutenant, as needed
- Work with Investigative Captain to make necessary notifications
- Maintain familiarity with case and investigation
- Assist with notifications (Management Team, Alders, etc.), if needed
- Assist in the press releases
- Ensure that MPD Peer Support has been notified of the incident
- Plan any necessary patrol debriefings
- Coordinate with VCU on the sharing of information internally

## CIS Personnel

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Upon request from the Violent Crimes Unit, CIS will respond directly to the Command Post as soon as possible. CIS will immediately provide one CIS Supervisor (if needed) and one CIS Officer in the Command Post for the first 72 hours. If special circumstances are present, VCU Commanders can extend CIS assignment beyond the 72 hours.

The CIS Supervisor and/or Officer will:

- Communicate with and assist the Investigative Lieutenant
- Evaluate and ensure that adequate CIS resources are called-in. – i.e. additional CIS Officers/Gang Unit/Crime-stoppers/SIU/Investigative Support Officer
- Ensure that the Electronic Log Sheet is set-up for assigned staff to make log entries
- Establish and post the “CIS Requests To Do List” to best determine CIS request priorities

## Non-VCU Major Cases

### INITIAL CONTACT/ASSIGNMENTS

When a major case has occurred, and it has been determined the Violent Crime Unit will not be primary investigating unit, the OIC or field supervisor should initially make contact with the Detective Lieutenant from the district in which the incident occurred, if the incident occurs during normal working hours. During off-hours, the on-call Detective Lieutenant should be contacted. If the determination is made that the incident is a major case requiring a command post, the Detective Lieutenant from the district in which the incident occurred should be contacted; he or she will have overall responsibility for managing the incident. Generally, a command post should be established – and an incident considered a major case – if it is a serious offense requiring significant coordination of investigative resources. The District Captain and Assistant Chief of Operations should be contact as soon as reasonable. Factors to be considered when determining whether an incident should be considered a major case and whether a command post should be established include:

- Is the offense a homicide, attempted homicide, in-custody death, Officer-Involved shooting, serious serial crime, or any other serious crime?
- Did the incident result in a severe level of injury (death, great bodily harm, hospitalization)?
- Is there a danger to the community?
- Are there a large number of suspects/contacts involved?
- Does the incident/investigation involve multiple jurisdictions?
- Are there multiple tasks to be prioritized and immediately assigned that, if not addressed quickly, would harm the investigation or result in danger to individuals or the community?
- Are there a significant number of investigative personnel involved in the investigation requiring immediate briefing and assignment?
- Is there a Commander available to run the Command Post?

The absence of some or all of these factors does not negate the need for a Command Post in other circumstances, but commanders will want to consider which additional resources would be needed for less serious cases.

If the Detective Lieutenant from the district in which the incident occurred is not available, a Detective Lieutenant from another district should be contacted as indicated (if no Detective Lieutenants are available, other command staff should be contacted):

- South backs up West
- West backs up South
- North backs up East
- East backs up Central
- Central backs up North

The Detective Lieutenant is responsible for determining what resources are needed and ensuring that those resources are contacted; and for designating a lead detective. Generally, detectives should be contacted/assigned in this order:

- District detective from appropriate assigned specialty
- District detective with appropriate skills/experience
- Out-of-district detective from appropriate assigned specialty
- Out-of-district detective with appropriate skills/experience

These should be viewed as guidelines; they may be deviated from if circumstances warrant, but the tasks still need to be completed.

## COMMAND POST

A command post will be set up to direct the overall operation of the investigation. The case Lieutenant will select the location of the command post based on the needs of the case (typically the appropriate district station).

The case Lieutenant will generally be the Detective Lieutenant assigned to the district where the crime occurs, or, in his/her absence, the back-up Detective Lieutenant. While the needs of cases vary, it is recommended that the command post be staffed as follows:

- Case Detective Lieutenant (overall incident commander)
- Case Lead Detective
- CIS Personnel (one supervisor and one officer)
- Command Post Assistant or Investigative Support Officer (if needed)

## RESPONSIBILITIES

### Case Detective Lieutenant or Case Commander

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- Overall management of the case
- Identify Case and Scene Detectives
- Make investigative assignments:
  - Designate lead detective and co-lead (if appropriate)
  - Designate lieutenant and detective to oversee each scene
  - Coordinate investigative response to hospitals (if appropriate)
  - Designate detective to serve as liaison to victim families
  - Coordinate MPD detectives presence at autopsy (if appropriate)
  - Identify and coordinate other investigative tasks, as needed
- Communicate and coordinate efforts with the Scene Lieutenant
- Communicate and coordinate efforts with CIS Supervisor
- Communicate and coordinate efforts with Case Lead Detective
- Communicate with the OIC
- Communicate with Command Staff

- Make appropriate notifications, as needed:
  - Chiefs
  - District Command
  - DA's office (if appropriate and in all homicide cases)
- Communicate with budget office staff for case number cost accounting
- Designate case as "Extraordinary" for TeleStaff/payroll purposes, if appropriate
- Facilitate the release of information to MPD personnel through briefing and other police agencies
- Collaborate with the PIO, case detective and District Captain on case press releases
- Communicate with District Attorney staff with case detective
- Review reports for investigative leads
- Management of personnel (assignments, monitoring hours worked, etc.)
- Managing overtime and arranging relief for staff
- Evaluate need for support staff
- Notify Property Room staff and evaluate needs, if applicable
- Create and prioritize a task list of work to be done
- Organize and lead briefings and debriefings of case investigators
- Organize and coordinate case information
- Ensure phone calls made to the command post are answered and information recorded
- Evaluate need for a detective to be assigned to family members (victim, suspect, witness, etc.)
- Arrange for special equipment or needs of the investigation
- Ensure that a timeline is started and kept up to date.
- Oversee report completion and process (see below)
- Brief incoming commander when being relieved
- Keep Chief and Assistant Chiefs apprised of investigation
- Make sure log is maintained
- Manage the "to do list"

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### Lead Detective

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- Provide input to case lieutenant on investigation, assignments, etc.
- The lead detective should have an opportunity early in the investigation to view the crime scene
- The lead detective should have an opportunity to view critical evidence prior to it being secured/packaged
- Participate and provide direction during evidence processing discussions between CP, Lab, and on-scene forensic and investigative personnel
- Coordinate needs with Property Room staff, if applicable
- Generally, remain in command post to maintain overall perspective on case and investigation
- Lead detective may assist in significant investigative tasks (suspect interview), if appropriate
- Co-lead or backup lead should generally assist with investigation and not remain in command post, unless relieving lead detective
- Review all incoming information by participating in briefings and de-briefings of investigative staff
- Review incoming reports for investigative leads
- Monitor Task lists, tips and prioritize for assignment
- Coordinate questions used in canvassing
- Monitor and provide input on information released to the media/public
- Assist case lieutenant in briefing the District Attorney
- Work closely with assigned Assistant District Attorney

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### District Command Staff

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- Provide assistance to Case Detective Lieutenant, as needed
- Maintain familiarity with case and investigation
- Assist with notifications (Management Team, Alders, etc.), if needed

- Assist with coordination of internal information sharing
- Ensure that MPD Peer Support has been notified of the incident
- Notify Finance Section of Major Case
- Assist in the press releases

### **CIS Personnel**

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Upon request from the District, CIS will respond directly to the Command Post as soon as possible. CIS will immediately provide one CIS Supervisor (if needed) and one CIS Officer in the Command Post for the first 72 hours. If special circumstances are present, District Commanders can request to extend CIS assignment beyond the 72 hours through the Investigative Support Captain or Lieutenant.

The CIS Supervisor and/or Officer will:

- Communicate with and assist the Case Detective Lieutenant.
- Evaluate and ensure that adequate CIS resources are called in (e.g., additional CIS Officers/Gang Unit/Crime-stoppers/SIU/Investigative Support Officer).
- Ensure that the Electronic Log Sheet is set up for assigned staff to make log entries.
- Establish and post the, "CIS Requests To Do List" to best determine CIS request priorities.
- Generate and Search Available Intelligence venues.
- Communicate and obtain information from outside resources.

### **Logistics Officer**

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Coordinate and process requests for additional resources, support, materials for the incident. Review the incident action plan, and estimate needs for the next operational period.

### **Command Post Assistant**

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While it is recognized that this position is not required in all cases, the workload of some cases is so significant that additional help may be needed in the command post. This position is staffed at the discretion of the case Detective Lieutenant. If staffed, this position will be expected to assist and support the needs of the case Detective Lieutenant and the CIS Supervisor as requested. This position could be staffed by investigative support personnel, CIS personnel, or another commander.

### **Crime Scene**

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Once a crime scene has been identified and secured, it must be protected from contamination; therefore, the number of personnel allowed in the crime scene must be limited and strictly controlled. Access to the crime scene is limited to personnel needed to effectively process the scene, as determined by the Crime Scene Lieutenant. In most instances this includes only FSU personnel, scene and/or lead detective, and those directly assisting them.

**Note: Coordination with the FSU Lieutenant and Investigators should be done prior to entering scene as videotaping of the crime scene should be done prior to anyone entering.**

### **Crime Scene Lieutenant**

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- Typically the Crime Scene Lieutenant role is filled by the district operations Lieutenant
- Overall responsibility for the management, security and processing of the crime scene
  - Respond directly to scene
  - Relieve patrol sergeant of overall scene responsibility
- Assignment of perimeter security positions
  - Maintain inner and outer perimeter



- Ensure that scene is properly secured
  - Ensure that officer is assigned to maintain log of who enters scene
- Coordinate assignment of detectives at scene with case detective lieutenant
- If necessary, request mobile command post response (CV-1)
- Verify that legal authority exists to perform complete search/processing of scene
- Work with the FSU Lieutenant to coordinate the investigative efforts of Detectives and Investigators
- Control access to the scene to reduce contamination
- Management of personnel (assignments, monitoring hours worked, etc.)
- Managing overtime and arranging relief for staff
- Evaluate resource needs:
  - Additional personnel
  - Special equipment
- Coordinate area canvass
- Establish staging area for media:
  - In absence of PIO, serve as point of contact for media
  - Coordinate any media releases with command post
- Ensure crime scene log is maintained
- Coordinate responsibility of scene with FSU Lieutenant or other supervisor
- After scene stabilizes and assignments are given, respond to the Command Post
- Assist the Case Lieutenant, as needed

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### **FSU Lieutenant**

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- Overall responsibility for directing the collection and processing of evidence
- Communicate and work with Crime Scene Lieutenant to coordinate the efforts of Investigators and Detectives
- Work with Crime Scene Lieutenant to determine which evidence Investigators will collect and which evidence Detectives will collect
- Determine the need for outside agency assistance with processing scene/evidence
- FSU Lieutenant may request the County Crime Scene Vehicle through the DCSO OIC, if needed
- Ensure Lead Investigator has been selected as the representative for the FSU
- Make sure Lead Investigator briefs CP staff at completion of scene processing
- As conclusion of incident, a formal After Incident Review will take place incorporating the FSU personnel and the Detective Team of the affected district

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### **Crime Scene Detective**

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- Respond directly to scene
- Conduct work as assigned by the crime scene Lieutenant
- Works with investigators, as assigned, identify evidence at the scene
- Search the scene for evidence in accordance with proper authority and procedure
- Search for clues and evidence to establish the elements of a crime and identification of suspects
- Report to and discuss findings with the Crime Scene Lieutenant and Command Post
- Relay case information to Investigators

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### **Investigators**

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- Lead Investigator will make contact with the Scene Detective to start information flow to the CP
- Lead Investigator will coordinate processing efforts for multiple scenes utilizing Investigator pool on hand
- Lead Investigator will gather information from all other active scenes and communicate those efforts to the CP

- Process the scene and collect evidence under direction of the FSU Lieutenant or Crime Scene Lieutenant
- The body bag seal will be photographed when it is placed on the bag at the scene
- Video, photograph and create a crime scene diagram
- Work with Crime Scene Detectives to identify evidence and process the scene
- At conclusion of processing, Lead Investigator will go to CP and give final scene de-briefing on FSU collection efforts and to coordinate future operations

### **Canvass Personnel**

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- Conduct canvass as directed by Scene Lieutenant to locate witnesses or evidence
- Utilize MPD [Neighborhood Canvass](#) form and questions as guideline for canvass
- Screen contacts for persons requiring more detailed interviews
- Document vehicle plates and descriptions from area (department's plate reader vehicle)
- Names on mailboxes
- Share basic information about incident with residents (as approved by Scene Lieutenant) to calm fears and solicit information
- Share canvass results with scene lieutenant and Command Post and complete report

### **Other Scene Personnel**

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- Perform tasks as assigned by Scene Lieutenant
- Complete report documenting actions

### **Use of CV-1**

- The Scene Lieutenant is in charge of CV-1
- CV-1 is a resource for personnel at the scene; it is not a substitute for the main command post
- Entry to CV-1 is limited to those who have a specific need for access
- Make request through the 911 Center for delivery to scene. Request MPD designee to operate at scene and return after use

### **Hospital Assignment**

- Supervisor should respond if possible
- Detective or officer must stay with victim until released by the Command Post (includes going into surgery, wearing proper hospital attire)
- Limit number of people in exam room or with victim
- Obtain names of MFD personnel treating/transporting victim
- Obtain names of ER personnel treating victim
- If possible, an Investigator who has not been to crime scene shall assist in processing victim, clothing, and evidence. Swabs, photographs, and evidence collection shall be coordinated through the Investigator assigned to the hospital
- Collect evidence (bedding, clothing, etc.), as needed
- Obtain consent for release of medical information from victim, if possible
- Check in with command post prior to leaving hospital
- Hospital Investigator will link up with Dane County Medical Examiner personnel to ensure body recovery goes to protocol, and an autopsy time has been identified. This information will be passed on to the Lead Investigator and CP by the Hospital Investigator

### **TeleStaff/Payroll/Personnel Management**

- Incidents that should be considered a TeleStaff Extraordinary Event:

- All homicides
- All officer involved shootings
- All fatality or critical injury traffic crashes
- All full-team SWAT activations
- Other events likely to generate 30 or more hours of total overtime (including follow-up)
- If incident qualifies, notify MPD Payroll. Notification must include date of incident, time of incident, location of incident, case number and brief explanation of incident (e.g. shots fired, attempted homicide, house explosion, etc.) Payroll notification should occur as soon as possible (preferably the date of the incident), but must take place prior to the close of payroll for the incident.
- All employees working the event need to be notified that overtime entries should be OT Extraordinary:
  - Manage overtime.
  - After an employee(s) has worked 10 continuous hours a supervisor should start to work on a transition plan for that employee(s), so the employee(s) does not work more than 12 continuous hours. If a supervisor deems it necessary to hold an employee(s) in excess of 12 continuous hours, the supervisor should evaluate:
    - How vital a role in the investigation does the employee have?
    - Is there a compelling reason the employee needs to work extended hours?
    - Does the employee show signs of fatigue?
    - Can the employee reasonably be relieved without adversely impacting the investigation?
    - Relieve the employee(s) as soon as possible.

## Autopsy Protocol

The Medical Examiner's Office will schedule an autopsy for all homicides, questionable deaths and unexplained deaths, unless the District Attorney's office has been consulted and agrees an autopsy is not necessary.

The scheduling and coordination of autopsies is the responsibility of the Medical Examiner's Office, giving due consideration to availability of the Medical Examiner, the ME's office resources, as well as the resources of the Madison Police Department (MPD).

When the body is removed from the scene, the Medical Examiner will place the body on a clean sheet. In criminal cases, the sheet will be collected as evidence at the conclusion of the autopsy.

At the autopsy, the seal shall be photographed before and after being cut and the Detective/Investigator will document the time/date of this process in his/her report. The body bag seal does not have to be collected and stored as evidence after being removed. The body bag shall be examined for trace evidence during the autopsy and will not be destroyed without consulting with the District Attorney's office.

The following will usually be collected:

- Fingerprints (MPD Investigator)
- Fingernail scrapings ( occasionally)
- Fingernail clippings or swabs of fingernails, if nails are too short
- Blood (even if transfused) needed for DNA testing and toxicology
- DNA stain cards
- Clothing and personal effects of the deceased
- Photographs (MPD Investigator)
  - Photograph entire body with injuries prior to removing clothes and/or washing
  - Photograph entire body with injuries after body washing
  - Photographic after removing clothing
  - Photographs of case appropriate internal evidence
  - Photos of the body and autopsy should be reviewed by case detective prior to body being released

The following items should be considered for collection if case appropriate:

- Head hair, facial hair, body hair, pubic hair
- Skeletal X-rays (generally taken with infants if there is suggestion of abuse, occasionally taken with children)
- Body swabs
- Nasal swabs
- Sexual Assault kit

Detectives should consult with Investigator on special procedures or techniques and make arrangements for appropriate equipment. Coordination with the ME's office should take place prior to the autopsy.

Sexual Assault exams are conducted by the Medical Examiner. Sexual Assault exams should generally be requested in domestic homicides or in cases believed to involve sexual assaults.

Determining what should be collected during the autopsy is a collaborative effort between the Medical Examiner, Investigator, and Detective. The Medical Examiner will usually collect:

- Blood, Urine, Vitreous: all necessary for toxicology
- Liver, Kidney, Bile, Spleen: toxicology in special circumstances
- Stomach contents: toxicology, pill fragments, investigative needs, timing information
- Lung, Liver, Fat: inhalation deaths
- Brain toxicology
- Other samples, as needed

The primary responsibility of the Dane County Morgue is for storage of samples obtained from an autopsy.

Evidence will be shipped to AIT by the Medical Examiner. All refrigerated and freezer evidence resulting from an autopsy will be stored at the Dane County Morgue unless specifically signed out to MPD for testing by the Crime Lab at the request of the District Attorney.

The role of the Investigator is to assist in collecting evidence at the autopsy. Immediately after the autopsy, the Investigator will secure evidence collected. If there is need for further analysis by the Forensic Services Unit, FSU will take responsibility for that item. For autopsies on homicide victims, two Investigators will attend and collect/secure evidence, as needed.

The Detective present at the autopsy is responsible for documenting the preliminary findings regarding cause of death, as reported by the Medical Examiner. This documentation should be succinct and within the ability of the Detective. The Detective shall consult with the ME for appropriate details.

A search warrant can be based on the preliminary findings of the autopsy. However, Detectives should be mindful of the need to carefully document and clarify the Medical Examiner's findings to prevent a misunderstanding or misinterpretation of a ME's statement.

When the cause of death is pending toxicology, AIT will initially test specimen samples as requested by the Medical Examiner. The District Attorney may request secondary tests conducted by the Crime Lab. The samples will be obtained from the Medical Examiner's office and transported to the Crime Lab by the case Detective. Those requests may be appropriate when investigating an unexplained death, gunshot wounds, or drug overdoses. When submitting requests, the case Detective will need to specify the reasons and tests needed. The results will be provided to the specific Detective who submitted the request and to the Medical Examiner's Office.

The Medical Examiner's Office collects blood to send to AIT on most deaths. The Medical Examiner's Office may request a presumptive test as well if the death is a suspected drug overdose.

In all drug overdose or suspected drug overdose cases, the Medical Examiner will collect blood to be analyzed by AIT. If there is a probability that criminal charges will be filed or there is a questionable death, the Detective, at the request of the District Attorney, will transport the specimen to the Crime Lab as soon as possible. If

there are no criminal charges or suspect identified, then the Detective can wait until the results of the Medical Examiner's test is made available.

If death occurs at a hospital or medical facility, the District Attorney's Office can obtain a subpoena for the facility's medical information and documentation of the deceased, if necessary.

Release of information regarding cause and manner of death in homicides, questionable and unexplained deaths, shall be made by the Medical Examiner's Office after consulting with the District Attorney and case detective. Media requests to MPD for that information should be referred to the Medical Examiner's Office.

Organ Donation – The investigating law enforcement agency and the District Attorney must be consulted before authorizing the harvest of organs. Bone and tissue harvesting will only be done after the autopsy. Organs will be harvested in a hospital operating room.

The Medical Examiner will not release the body of the deceased before consulting with the case Detective and District Attorney's Office.

Most autopsies should have no more than one Detective and one Investigator (homicides shall have two investigators present). The only exception is for newly promoted Detectives or Investigators to attend for training purposes. The Medical Examiner's Office should be notified of additional attendees prior to the autopsy.

Detective reports documenting an autopsy should be written so non-medical personnel can understand the terms used and include:

- A list of all evidence taken by the detective
- Preliminary information from the medical examiner on the cause and manner of death
- Who was present during the autopsy
- Identification of the body
- Information pertinent to the investigation
- MPD autopsy checklist (optional)
- Anatomical diagrams, if needed
- Brief documentation of injuries, but should not conflict with the Medical Examiner (limited detail, non-technical)

Investigator reports documenting an autopsy should include:

- Time autopsy started and ended
- Body Bag seal number and time it was cut
- Who was present
- Items collected and who it was received from
- A list of all evidence taken

## Information Sharing

Effective and timely information sharing is a critical component to the management of any major case.

### EXTERNAL

- In most instances, the PIO should be called in and should serve as the media's contact for information
- If the PIO is not available, one person should be responsible for all media releases and contact to ensure that consistent and accurate information is released
- All information releases must be coordinated through and approved by the Command Post Lieutenant
- A media staging area should be established, typically somewhere in the vicinity of the crime scene

- District command staff should coordinate door-to-door information sharing with residents when appropriate
- Long-term external information sharing should be coordinated between the PIO and District Command Staff

## INTERNAL

- A commander should be designated to oversee information sharing internally and with other law enforcement agencies. If no other commanders are available, this responsibility initially rests with the Command Post Lieutenant. Once the Scene Lieutenant clears the scene and responds to the Command Post, responsibility passes to him/her
- An evaluation of internal information sharing should be ongoing during the investigation; information appropriate for release should be shared through briefings, email, etc.
- Information should be shared with other law enforcement agencies, as needed, to support the investigation or for safety reasons. CIS personnel should generally be responsible for sharing information as approved by the Case Lieutenant
- The Lead Investigator or an FSU representative with full knowledge of the active case will maintain contact with the Case Detective throughout the duration of the open case. This will include through a potential trial
- The Lead Investigator will ensure that the Case Detective receives a full work up matrix of all items collected for the case. The matrix will break down priority levels for evidence submission to the WSCL office
- The Lead Investigator will be present and assist the Case Detective in submitting evidence to the WSCL office
- The Lead Investigator will work with the Case Detective ensuring all materials will be present upon a jury trial

## Lead/Tip Management

It is important that any large volume of citizen lead or 'tip' information is managed properly from the onset of an investigation. Equally important is the simplicity of the system utilized to collect and store that information.

- The Case Lieutenant should assign someone in the Command Post to take responsibility for collecting and logging incoming tips/leads. This will typically be a CIS officer initially. Once CIS support is no longer available, the lieutenant should designate a detective to assume this responsibility
- All incoming tips should pass through the person designated to manage tips/leads. Tips/leads should be maintained in a log-book or electronic database, which should include the date the information is received, the caller's name, their telephone number, and the content of the tip
- Each lead should be reduced to a common form for data entry and uniformity, however the 'original' format (e-mail, telephone message, officer's report) should be retained and attached to the common form. The information should be cataloged under the major case number associated with the event
- Each tip should be assigned for follow up/review, and the actions taken should be documented in a report as well as in the log-book/database

## Reporting Procedures

- The decision to lock cases in LERMS will be made by the District or Unit Commander with notification to the Captain (though the OIC may initially designate that a major case be temporarily locked pending this decision). The following should be notified that a case should be locked:
  - Police Report Supervisor
  - Records Manager if Police Report Supervisor is unavailable
  - Records Supervisor if Police Report Supervisor is unavailableReports will be added to LERMS as they come in with security as to who has access. Default access

for locked cases includes Chiefs, Captains and Lieutenants. Others may be specified as appropriate by a Commander (case Detectives, etc.). Access may be limited further if needed (sensitive cases, etc.)

- Cases appropriate for consideration to be locked:
  - Homicides
  - Cases involving Officers or other high-profile individuals as suspects
  - Other high-profile cases (Officer involved shootings, etc.)
- OIC, Lead Detective Lieutenant, and PRT Supervisor decide if PRTs need to be called in. The PRT Supervisor will decide who and when if PRT support is needed
- Command Staff in the Investigative CP will be responsible for notifying on-scene patrol personnel to respond to the Investigative CP upon clearing the scene. Once at the CP, field personnel will be asked to brief the CP or designated Team Leader on actions taken at the scene (verbal summary of action and information about the case)
- The case Detective Lieutenant or VCU supervisor will review all reports in a Major Case in LERMS.
- The case Detective Lieutenant, the lead Detective, and the District Attorney assigned (if applicable) may have the option to receive a draft version of hard copies of the numbered reports as they are updated
- Detectives and Investigators should follow their normal protocol in reviewing and correcting reports for uploading to LERMS and major case reports should be a priority
- All major case documents should be scanned into LERMS
- Any investigative work created by specialized software (timelines, phone analysis, etc.) should be scanned into LERMS (if possible). The officer/detective creating the work should complete a supplemental report outlining the process and software utilized. The original electronic file containing the investigative work should also be saved in LERMS if possible
- Supporting documents (timelines, bulletins, etc.) should also be saved in LERMS under "Case Activity"
- Lead Detective is designated as in charge of the reports and begin to number reports and attachments in LERMS
- Numbered reports can be referred to the DA's office whenever possible depending on the size of the case. If too large, the case can be put on a CD and brought over to Intake staff at the DA's office. Reports need to be in PROTECT and not just given directly to the assigned ADA. Property and contact information can be extracted directly from LERMS as a tool to be given to the DA's office as well. Hard copies of reports will be considered draft or working copies and original reports will be housed in LERMS

## Long-Term Case Management

If a detective changes assignment (e.g., changes districts, goes to Task Force, or another detective assigned position) and still has an assigned caseload, the general rule is the caseload will follow that detective to their new assignment. Detectives should work with their current supervisors prior to changing assignments on what cases are still active and will need additional follow-up. Other inactive cases should be closed out appropriately. If a case lieutenant changes assignment, the general rule is that supervisory responsibility for a major case will remain in the district where it occurred. Detectives should still touch base with their previous supervisor on additional work done on those caseloads for recording-keeping purposes.

If a situation arises where the detective is unable to continue with their caseload in their new assignment, or there are other extraordinary circumstances, those instances will be reviewed on a case-by-case basis with discussions to occur between the newly assigned supervisor and the supervisor assigned to the district where the case originated.

Locked cases should be part of regular case review with Detectives/Lieutenants. Duration of time a case is locked is case specific, but should be limited when appropriate. Homicide cases should generally not remain locked beyond discovery when the reports have been turned over to the defense. Cases locked due to officer or high-profile subject involvement may remain locked longer or permanently. Locked cases should be reviewed quarterly to see if they can be unlocked.

## Deviation from this SOP

It is understood that every major case is different and that some of the items/positions/actions will not be needed for every case. If the commander does not see a need for CV-1, they do not have to use it. A commander may decide not to canvass the area, but will still be responsible for contacting residents in another way. Deviating from this SOP does not relieve one of the responsibilities outlined by the SOP.

Original SOP: 02/01/2015

(Revised: 04/23/2015, 09/15/2017, 12/06/2017)

(Reviewed Only: 02/25/2016, 01/09/2017)

(Persons Crimes Investigations SOP merged into this SOP 12/06/2017)





# CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



## Mental Health Incidents/Crises

Eff. Date ~~07/19/2017~~ 12/13/2017

### Purpose

The Madison Police Department (MPD) recognizes that police are not qualified to solve the underlying problems of people who exhibit abnormal behavior due to a mental illness, however, officers can learn to recognize when mental illness may be a contributing factor. The officer's course of action at this first encounter can both calm the existing situation and increase the likelihood of a positive outcome to the call ~~chance that if subsequent treatment is needed for the individual, it will be more effective.~~ Responses to situations which involve abnormal behavior should reflect sensitivity to the needs of the people involved, concern for officer safety and safety of others at the scene and concern for alleviating the situation in a reasonable manner. The goal in all crises stemming from mental illness is to utilize the least restrictive measures to secure the welfare of all those concerned, connect individuals with mental illness to needed services and divert them from the criminal justice system whenever possible.

### Procedure

All officers are trained to recognize behavior that may be attributable to mental illness and to respond to mental health related incidents in such a manner as to de-escalate crisis situations whenever possible. Situations involving individuals believed to be affected by mental illness or in crisis are often unpredictable and volatile. As such, these incidents require officers to make difficult judgments about the mental state and intent of the individual, and necessitate an understanding of the unique circumstances and approach required to resolve these crises safely.

Mental health providers have the primary responsibility to diagnose and treat individuals with mental illness. Due to limited services and the nature of mental illness, officers are increasingly required to respond to situations and crises stemming from mental illness. As a result, the MPD is committed to partnering with mental health providers, community service providers, and those in the justice system, to develop more compassionate and cost-effective approaches that emphasize providing community-based treatment instead of arrest and incarceration of individuals affected by a mental illness.

### MENTAL HEALTH LIAISON/OFFICER PROGRAM

The MPD has a longstanding commitment to partnering with mental health providers in order to improve services to those with mental illness. The Mental Health Liaison/Officer Program serves to further supplement our overall response with a specialized approach and provides added support to first-responding officers before, during, and after any mental health crisis occurs.

### Mental Health Officer (MHO)

In order to more consistently and comprehensively address mental health issues in our community and mitigate the increasing demands on patrol resources to provide services to people with mental illness, the MHOs will work with the formal and informal supports, Mental Health Liaison Officers, and the individuals affected by mental illness. MHOs will work to address both district-specific and city-wide systems issues related to mental health and individuals within their district areas of responsibility who are generating or are likely to generate police calls for service. While not call-driven or expected to field any and all mental health related calls, when possible the MHOs will respond into the field to address mental health related calls, particularly Emergency Detentions.

## **Mental Health Liaison Officer (MHLO)**

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Above and beyond their regular patrol responsibilities, MHLOs work collaboratively with mental health providers, advocates, consumers, and the MHOs to provide individual response plans and follow-up, address system issues/concerns, share information internally and externally as appropriate, and if possible respond to mental health calls for service when they arise.

### **RESPONSE GUIDELINES**

#### **When Mental Health Issues are Suspected**

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- Observe signs of abnormal behavior and circumstances under which observed (e.g., mental illness, alcohol).
- Attempt to obtain information regarding mental illness diagnosis, medical history, and medications.
- If danger to self or others, assess for Emergency Detention.
- Consult with Journey Mental Health (hereafter referred to as Crisis) for background information and general advice.
- Assess need for further police assistance.
- Route report to **PD Mental Health Officer and Liaisons**.

#### ***Disposition Options***

- Release with referral made to a mental health agency.
  - Place individual in the care of family or friends.
  - Convey voluntarily to Crisis or hospital for further evaluation.
  - ~~Emergency detention~~ Place in protective custody for the purpose of an evaluation for an **Emergency Detention**.
  - Arrest for a statute or city ordinance violation.
  - Protective custody to Detox if applicable.
- If the subject's behavior constitutes a criminal violation but criteria for an emergency detention is also present, officers should:
    - Consult with Journey Mental Health to determine the best short-term disposition/placement.
    - If the subject is placed under emergency detention, a probable cause affidavit should be completed for the appropriate criminal violations. Request that the destination facility where the subject is conveyed contact MPD when he/she is released to facilitate conveyance/booking.
    - If the underlying offense for which probable cause exists is a mandatory arrest under Wis. Stat. 968.075, the disposition of the subject must be an emergency detention, protective custody, or arrest (voluntary admissions are not an option).

#### **If Harmful Acts are Committed or Threats Made (suicide attempts, overdose, **non-suicidal self-injury, cutting, other overt acts or threats**)**

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- Ascertain whether the subject has consumed alcohol and/or drugs. If alcohol is on board and the subject is medically cleared, or where medical clearance is unnecessary, transport to Detox under protective custody.
  - For suicidal subjects – make sure to request that Crisis is notified, both verbally and **written in the narrative box in writing**, on the Detox admission form and request a copy for your report. **Notify Crisis by phone prior to clearing from the call when there are heightened concerns of imminent risk. Detox staff will coordinate risk assessment by Crisis as needed for suicidal subject when detoxification is completed.**

- **Overdose Calls**
  - Suicide attempts by overdose and accidental overdose are essentially **medical emergencies**. The role of law enforcement in most cases is very limited to a preliminary investigation to determine if a crime has been committed. **Where no crime is committed, our primary role is to assure a safe environment for EMS and other responders**. These situations can be divided into two categories, those where EMS transports the subject, and those where they do not.
    - EMS transports the subject**
      - An officer shall respond to the hospital if:
        - EMS requests assistance on the rig with a combative subject
        - Death appears imminent
        - The subject is unconscious, thus making it impossible interview them
        - The call precipitates a criminal investigation that cannot be completed at the scene
      - Reports in non-criminal overdose cases should reflect the limited role of law enforcement. The report should include the circumstances surrounding the overdose, that the subject was conveyed by EMS, and identification of the victim and witnesses. Extensive medical history information is not required. On some occasions, information received at the scene may be needed later by other officers to establish grounds for an Emergency Detention so these reports should not be held over.
    - EMS does not transport the subject**
      - When EMS does not transport, the call will likely become an Emergency Detention assessment, PC conveyance, or a death investigation and should be handled as such.
      - If family is willing to accept responsibility for the patient, and the officer believes that they are capable of preventing the subject from harming him/herself, the family may work directly with their health care providers to assure necessary treatment is provided
- If **subject is transported to hospital** by EMS, consult with ER staff regarding medical admission.
  - If admitted medically, release to hospital and get doctor information for report.
  - If medically cleared **or not transported to hospital by EMS**, assess for Emergency Detention.

**Note – Many suicide attempts by overdose are taken to hospitals and clinics with no police involvement. If family or medical personnel do not request the police, officers should not be dispatched in these cases. If this should occur, advise a supervisor or OIC.**

### **Assessing for Emergency Detention**

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- Consult with Crisis or other mental health practitioners as applicable. (If person is insured, Crisis will generally refer to provider, however, Crisis should still be involved.)
- Gather information regarding person's mental health history and/or support systems utilized in the past.
- When interviewing the subject don't hesitate to ask specific questions about their intent to harm himself or herself (i.e., "Do you want to hurt yourself?" "Did you really want to end your life?")
- If you have any concerns regarding the subject's welfare and they refuse to accept police assistance, you may place them under protective custody and convey them to Crisis or hospital for evaluation.

### **Emergency Detention (ED)**

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S.S.51.15(1) – Basis For Detention: A law enforcement officer is authorized to take into custody a subject whom the officer has **cause to believe** is mentally ill, or drug dependent, or developmentally disabled, **and** that person evidences any of the following:

- A substantial probability of physical harm to self or others as manifested by evidence of recent threats of or attempts at suicide or serious bodily harm.
- A substantial probability of physical impairment or injury to self or others due to impaired judgment as manifested by evidence of a recent act or omission.
- SS 51.15(1)(4) and 51.15 (1)(5) discuss lack of self-care issues and refusal to take medication as possible criteria as well.

### **Final Dispositions**

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Voluntary admission is generally the preferred option for individuals who are cooperative and need further mental health treatment.

#### ***Voluntary Admission – Where ED Criteria is NOT Present***

This option is best used when the subject is cooperative and would benefit from further mental health treatment, yet any threats to their welfare do not rise to the level of an ED. In these situations, officers conveying individual to ER may detach from the call once the subject is in the care of hospital ER staff, even if not yet fully admitted. If the individual is brought to ER by someone else (EMS, family member) then officers do not need to accompany them to ER.

#### ***Voluntary Admission – Where ED Criteria is Present***

Oftentimes, even when the criteria for an ED are clearly present, a voluntary admission is still the preferred outcome because it is the least restrictive, and therefore, most likely to result in productive treatment. In these situations, ~~it is recommended that the officers shall~~ stay with the subject until they are assured that the subject will follow through with an admission (e.g., signed papers, escorted through the doors of the psychiatric unit, or medical personnel has assumed responsibility for the person and their continued safety.) ~~Officers should request that hospital personnel re-contact their agency should the subject attempt to leave prior to being fully admitted so that an ED can be completed. Officers may leave prior to admission under certain circumstances and only with the approval of a supervisor.~~

Supervisors should evaluate this early departure based on the following factors:

- Subject's demonstrated level of compliance and willingness to seek treatment
- Subject's history of in-patient psychiatric admission and compliance therewith
- Subject's demonstrated level of insight to their condition and the behavior that led to police involvement
- The level of dangerousness exhibited in that behavior and the presence of any criminal exposure
- The presence of family, friends or other supports at the Emergency Room
- The hospital social worker or charge nurse have been briefed on the situation
- Police call volume and the need for the allocation of police resources city-wide

Officers should request that hospital personnel re-contact their agency should the subject attempt to leave prior to being fully admitted so that an ED can be completed. Officers must complete a report before their shift ends and the original ED form must be left with the OIC.

#### ***Emergency Detention***

When the basis for detention exists do the following:

- Contact Crisis on **all** emergency detentions.
- Crisis must approve all placements for Emergency Detention.
- Receive medical clearance prior to conveyance to authorized facility.
- Complete ED form and/or review form if filled out by mental health professional. The form **MUST** articulate dangerousness, threats, history, behavior, etc. and list names of witnesses. **The form must also be faxed while officers and subject are still at the hospital, prior to the subject going to his/her final destination.**

- Forms: 4 copies of ED form. 1 – Subject, 1 – Law Enforcement Agency, 1 – Crisis, 1 – Detention Facility. Fax original Original to probate court – Courthouse Rm 1005, fax 283-4915.
- Complete report as a priority and route it to PD Mental Health Officer and Liaisons.

## Reminders

- It is best to make phone contact with Crisis at the time of the incident, as well as route the report to PD Mental Health the MHLs for your agency.
- Officers may base an emergency detention on statements made by any reliable source, i.e., any mental health professional, or any direct witnesses to the subject's behavior such as family, friends, etc. **Officers do not have to witness dangerous behavior themselves and may rely solely on the opinion of mental health professionals recommending an ED.**
- If you are experiencing problems or have concerns while at the ER, contact the "point person" there who should be up to date on cases and able to communicate with involved parties. These "point persons" are: The Care Team Leader at UW, and the Charge Nurse at St. Mary's or Meriter.
- If other questions or concerns arise, contact your supervisor.

## Helpful Mental Health Definitions

### DIRECTOR'S HOLD

- The Treatment Director of a mental health facility/unit may file a statement of ED and detain a patient who has already been admitted to the psychiatric facility/unit.

### ORDER TO TREAT

- The court may order that medication may be administered to an individual regardless of his/her consent (involuntarily and/or forcibly).
- This can be, but is not always, a part of a Chapter 51 commitment.

### NON-SUICIDAL SELF-INJURY (NSSI)

- DSM-V symptoms include:
  - Act or its consequence can cause significant distress to the individual's daily life.
  - The act is not taking place during psychotic episodes, delirium, substance intoxication, or substance withdrawal. It also cannot be explained by another medical condition.
  - The individual engages in self-injury expecting to:
    - Get relief from a negative emotion
    - Deal with a personal issue
    - Create a positive feeling
  - The self-injury is associated with one of the following:
    - The individual experienced negative feelings right before committing the act.
    - Right before self-injury, the individual was preoccupied with the planned act.
    - The individual thinks a lot about self-injury even if it does not take place
- NSSI may include, but not limited to, cutting, scratching, picking, burning, head banging, and toxic ingestion.

## SETTLEMENT AGREEMENT

- A negotiated contract for treatment signed by the individual, his/her attorney, and the County Corporation Counsel, and approved by the court.
- Waives the court hearings for a specified period of time, up to 90 days.
- Cannot be extended at end of time period, if individual is compliant with treatment.
- Can be rescinded by County Corporation Counsel if the individual fails to comply with the treatment conditions.

**ORDER TO TREAT**

- ~~The court may order that medication may be administered to an individual regardless of his/her consent (involuntarily and/or forcibly).~~
- ~~This can be, but is not always, a part of a Chapter 51 commitment.~~

**THIRD THREE-PARTY PETITION**

- Three adults sign a sworn petition that is drafted by the County Corporation Counsel.
- At least one of the 3 petitioners (signers) must have personal knowledge of the individual's dangerous behavior. Petitioners who have not directly observed the individual's dangerous behavior must provide a basis for their belief that the allegations are true.
- Petition must allege that the individual is mentally ill, developmentally disabled, or drug dependent, and dangerous to self or others, and a proper subject for treatment.
- The County Corporation Counsel files the petition with the court. After review, the judge may order detention of the individual by law enforcement to a mental health detention facility, or may just set the case for a probable cause hearing without ordering detention.
- This process may take several days or more, so it should not be used for emergency situations.

**DIRECTOR'S HOLD**

- ~~The Treatment Director of a mental health facility/unit may file a statement of ED and detain a patient who has already been admitted to the psychiatric facility/unit.~~
- ~~A Treatment Director ED usually occurs when an individual is voluntarily admitted to a facility/unit, and later refuses treatment and/or requests discharge.~~

**DEALING WITH DEMENTIA PATIENTS (DP) AT ASSISTED LIVING FACILITIES (ALF)**

Madison Police Department (MPD) recognizes that combativeness may be a symptom of dementia for some patients and that this behavior is difficult to manage.

MPD will assist with stabilizing a dangerous scene if a DP is combative and is not calming down with staff intervention.

- It is not recommended to transport DP in the back of a squad car. If the DP cannot be calmed, call MFD to transport them to the hospital.
- Once the DP is calmed down, if ALF staff believes the person needs to be evaluated at a hospital, they should arrange a private ambulance.

Once the scene is stabilized, officers are advised to talk with staff about the care plan in place for when this person is combative.

- Does the DP give any signs prior to becoming combative so staff can divert them?
- What calms the DP down?
- Can the DP be safely removed from other patients during the outburst?
- Regarding medications, what is the policy for the DP refusing medications?
- What is the DP's legal status (guardian or activated Power of Attorney for Health?)
- Is this still an appropriate placement for this person?

Criminal charges or citations are not appropriate for combative DP as they are unable to learn/remember to act differently. Instead the facility needs to manage their behavior and work with MPD to keep them and everyone else safe.

WI Department of Human Services, ADRC, and WI Alzheimer's and Dementia Alliance can all be resources for ALFs and families of DPs.

Original SOP: 05/29/2015  
(Reviewed Only: 02/15/2016)  
(Revised: 12/22/2016, 07/19/2017, 12/13/2017)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Mobile Data Computers - Use of

Eff. Date ~~12/22/2016~~ 11/30/2017

**Purpose**

Madison Police Department (MPD) mobile data computers ~~Mobile Data Computers~~ will be operated and utilized in accordance with this policy. Officers are expected to use ~~the~~ mobile computers, systems, and applications properly, and in compliance with City APM 3-9. All dispatching of, acknowledgment of, and disposing of calls for service will continue to be done verbally over the air as well as on the mobile computer. Silent dispatching of calls by mobile computer is not authorized except with permission from the Officer-in-Charge.

All commissioned personnel expected to use mobile ~~Madison Police Department (MPD)~~ computers, systems and applications in the course of their duties will be provided training of ~~for~~ proper usage.

**Procedure**

**MANDATORY FUNCTIONS**

In addition to radio confirmation, patrol personnel must use the mobile data computer for the following, if possible:

**Mobile**

- En-route to Call: Indicates an officer was dispatched and is en-route.
- Arrived at Scene: Indicates the officer has arrived.
- In Service: Indicates the officer has cleared from a call. The primary officer will enter the disposition code, designating whether a report will be completed on the incident.
- Off-Shift: Indicates the officer has cleared their mobile unit in CAD. Officers must still provide radio communications regarding 10-42 status.

**TraCS**

- Completion of TraCS **ELCI and NTC** citations, warnings, and crash forms.

**Arbitrator**

- Review, tagging, and uploading of in car video.

**OPTIONAL USE OF MOBILE COMPUTERS**

**Mobile**

- The use of other mobile computer functions (10-6 and 10-7 out of service statuses, secondary locations, etc.).
- Call notes can be added real time during **a** calls for service.
- Data Checks – **TIME/NCIC** and local (LERMS) of persons and vehicles.
- Information: **Person ALERTS, prior prior NCIC history,** CAD Calls, LERMS Incidents, LERMS Cases (including reports), LERMS Property, and Preplan information can also be accessed.
- Officers may use Mobile CHAT messaging for communications that would not require radio air time.



## Field Reporting

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- Completion of reports through the Mobile Field Reporting application.

## Applications

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Various other systems and information may be accessed through the connectivity to the City Network from the MDC – Examples:

- SharePoint: Briefing, SIU, etc.
- Websites: EmployeeNet, MPD Intranet, CCAP, WILENET/e-TIME, Google Maps, etc.
- TeleStaff
- Outlook
- New World Records Management System- LERMS
- Documents: City Maps, Hazmat Guide, etc.

## RULES FOR MOBILE COMPUTER USE

1. Inappropriate or unprofessional messages will not be sent via mobile computer.
2. Inappropriate or unprofessional intranet usage will not be accessed via mobile computer.
3. While operating a motor vehicle, officers shall use due caution in the utilization of mobile computers and limit their use to circumstance which require mobile computer usage in order to meet core business functions and communications. Officers shall refrain from protracted typing or viewing of the mobile computer while operating, insomuch as it presents a potentially hazardous distraction while driving.
4. Limited personal use is tolerated, and limited to individualized communication that is not in violation of City APM 3-9.

Original SOP: 02/25/2015

(Revised: 02/10/2016, 12/22/2016, 11/30/2017)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



**Naloxone (Narcan) Protocol**

Eff. Date ~~01/06/2017~~ 12/06/2017

**Definition**

Naloxone is a medication that acts to combat the effects of opiate drugs, primarily the depression of the respiratory system. First Responder administration is intended to restore adequate respiratory effort.

**Administrators**

Naloxone may be administered in the field by Madison Police Department (MPD) ~~commissioned~~ personnel who have received the appropriate in-house training and approval from the Medical Director of MPD.

**Availability**

~~Commissioned employees~~ ~~Employees~~ trained and approved in the administration of naloxone **shall** carry their assigned medication on their person or with their equipment (squad car, squad box, bike bag, etc.) when on duty.

**Indications for Naloxone Administration**

- The patient is unconscious and not responding to any verbal stimuli.
- The patient has no detectable breathing, OR has poor respiratory effort such as: agonal breaths, loud snoring respirations, occasional gasping breaths or cyanosis.
- There is evidence that the patient is suffering from an opiate overdose including but not limited to:
  - Bystanders have given information that the patient has taken or may have taken an opiate of some kind.
  - There is physical evidence of opiate use, such as drug paraphernalia or prescription bottles.
  - The patient has a known history of opiate abuse.
  - The patient has pinpoint pupils along with the respiratory depression or arrest.
  - The totality of the circumstances lead the officer to believe the patient's condition is more likely caused by an opiate overdose than not.

**Contraindications for Naloxone Administration**

- Patients who are conscious or semi-conscious and responding to verbal stimuli.
- Patients who are breathing normally and adequately.
- Known allergy to naloxone. (Check for medical alert bracelet.)

**Administration**

Naloxone shall be administered nasally or through an injection (IM or SQ), in strict accordance with naloxone training guidelines and protocol. An ambulance **shall** be requested for any person who has received naloxone from a Madison Police Officer, if not already en route.

**STEPS FOR ADMINISTRATION OF PRE-FILLED NASAL NALOXONE**

- ~~Don protective gloves.~~
- ~~Gain access to the prefilled syringe.~~
- ~~Check to make sure the liquid inside the pre-filled syringe is clear.~~
- ~~Remove pop-off caps.~~

- Attach nasal atomizer to pre-filled syringe.
- Attach medication vial to syringe.
- Insert nasal atomizer until flush with the nostril.
- Administer 0.5 mL of naloxone into the nostril.
- Repeat this procedure on the opposite nostril.

### STEPS FOR ADMINISTRATION OF AUTO-INJECTION NALOXONE (EVZIO)

- Don protective gloves.
- Remove auto-injector from case.
- Check to make sure the liquid inside the auto-injector is clear.
- Remove red protective cap from device.
- Listen to voice prompts if needed.
- Place black end of auto-injector against the mid-section of the outer thigh. (Injection can be administered through most clothing. Extremely thick clothing like Carhartt with multiple layers may need to be cut. Secondary location of deltoid to be used only if primary location is inaccessible or would take too long to access.)
- Press auto-injector downward into the thigh, listening for the click and hiss.
- Hold for 5 seconds.
- Remove auto-injector from thigh.
- Dispose of auto-injector in an appropriate sharps container. (The needle has an automatic withdrawal mechanism. The needle should never be visible.)

### STEPS FOR ADMINISTRATION OF NASAL NALOXONE -- (Narcan)

- Don protective gloves.
- Remove nasal delivery device from sealed package.
- Insert nasal atomizer until flush with the nostril (Either left or right).
  - Depress plunger in middle of device to release spray into nose.
  - Remove and dispose of in any regular trash container.

Officers will continue to monitor patient and treat per training as needed until the arrival of higher medical care providers. for improvement of respiratory effort. Unconscious patients should be placed on their side to assist in preventing aspiration should they vomit or have other secretions.

If MFD or other advanced life support has not yet arrived on scene and the patient has not returned to a normal breathing status, subsequent doses may be administered every 1-2 minutes.

Upon their arrival, advise advanced life support personnel of the patient's original condition prior to naloxone use, the fact that naloxone was administered, the time of administration and the observed response of the patient.

## Considerations

Naloxone is a short acting drug and opiates are longer acting drugs. The naloxone will leave body systems faster than the opiate, so respiratory depression may return in a short period of time. Continue to assess respiratory status until advanced life support arrives. Rescue breathing may be indicated if breathing is absent. CPR may be indicated if there is no pulse or breathing.

Naloxone can be administered to a patient of any age, however, pediatric patients should warrant closer monitoring and may need airway management and support as well a rescue breaths or even CPR should they become pulseless

Naloxone may work rapidly and send the patient into immediate withdrawal. They may feel very sick and may become combative. Other side effects include flushing, sweating, agitation, dizziness and acute pain that may have been masked by the effects of opiates.

There have been a few documented case of sudden pulmonary edema associated with naloxone use in a resuscitation situation. Always continue to monitor patient's airway and breathing status and be ready to begin rescue breathing and/or CPR if needed. The risk of cardiac arrest due to the respiratory depression caused by opiate use outweighs the risk of possible flash pulmonary edema.

## Documentation Requirements

If naloxone is administered it shall be documented in a police report. The following information **shall** be included in the documentation:

- Who administered the dose.
- Time or estimated time that drug was administered.
- Administration route (Intranasal or IM).
- Where the drug was administered into the body.
- Condition of patient prior to administration including signs that indicated the need for naloxone.
- Condition of the patient after administration including signs that naloxone may have been effective or ineffective.
- Time or estimated time of arrival of advanced life support.
- Any complications that may have occurred.

Original SOP: 02/25/2015

(Revised: 03/04/2016, 01/06/2017, 12/06/2017)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



**Non-Deadly Force – Use of**

Eff. Date ~~07/10/2017~~ 12/06/2017

**Purpose**

Consistent with the Department's Core Values, the Madison Police Department is committed to valuing and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the Department's fundamental objective and the primary duty of all MPD employees.

The Department is committed to resolving conflicts through the use of communication skills, crisis intervention and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

As used in this SOP, non-deadly force means the use of any weapon or instrument, or any physical action taken by an officer which is not likely to cause death.

**Procedure**

**NON -DEADLY FORCE AUTHORIZED**

Non-deadly force is only authorized when an officer reasonably believes it is necessary to control a person under any of the following circumstances:

1. Detaining a person reasonably suspected of unlawful behavior.
2. Effecting an arrest.
3. Overcoming resistance.
4. Preventing escape.
5. Protecting oneself or another.
6. Maintaining order.

**FORCE CONSIDERATIONS**

Officers shall use the degree of force believed to be objectively reasonable to control a situation considering the following factors:

1. The existence of alternative methods of control.
2. Physical size, strength and weaponry of the person as compared to the officer.
3. The nature of the encounter.
4. Actions of the person.
5. The severity of the offense.
6. Whether the suspect poses a threat to the safety of officers or citizens.
7. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

**SPECIAL CIRCUMSTANCES**

As time and circumstances permit, there are a number of special circumstances officers may consider when engaging in and evaluating reasonable uses of force. These factors include, but are not limited to:

1. Reasonable perception of threat.
2. Special knowledge of the subject.

3. Sudden assault.
4. Subject's ability to escalate rapidly.
5. Officer's physical positioning.
6. Injury or exhaustion.
7. Equipment and training.
8. Availability of backup.
9. Other exigent circumstances.

Control of a person through presence and verbal commands shall always be the preferred method of control. Because verbal commands are not always effective or appropriate in gaining compliance, officers may escalate the degree of force based on the actions of the person they are attempting to control or make an affirmative decision to disengage. Once a person is under control, officers are required to revert to the lowest degree of force necessary to maintain that control, and then begin steps to render aid when applicable.

The degree of force an officer chooses should be based on his/her tactical evaluation and threat assessment of the situation. Based upon the totality of the circumstances known at the time, and in light of the officer's training and experience, the officer should choose a tactic/procedure that is objectively reasonable and is consistent with one of the following:

1. The tactic/procedure utilized is a trained technique.
2. The tactic/procedure is a dynamic application of a trained technique.
3. The tactic/procedure not trained, but justifiable under the circumstances.<sup>1</sup>

## **DE-ESCALATION**

Whenever safe and feasible, officers will attempt to utilize de-escalation tactics and techniques in a manner consistent with the De-Escalation SOP.

## **USE OF FORCE TECHNIQUES/INSTRUMENTS**

The intentional continued restriction of the carotid neck arteries is not a trained MPD technique and is therefore prohibited, unless deadly force is justified.

## **THE USE OF OLEORESIN CAPSICUM SPRAY (O.C. SPRAY)**

1. Officers may use O.C. spray when they reasonably believe they are facing active resistance, or its threat, from the subject. O.C. spray is not to be used against subjects who are offering passive resistance.
2. Officers shall only direct O.C. spray in a manner as prescribed by the Chief of Police through MPD training.
3. O.C. spray shall not be used once an individual is subdued and under control.
4. If practical, the individual should be provided with an opportunity to eliminate the effects of the irritant by washing and flushing the affected areas with water. Further, the officer should inform such individuals that it is not advisable to use creams, ointments, or bandages on the affected areas.

## **CHEMICAL AGENT USE**

Officers shall discharge chemical agents only in a manner as prescribed by the Chief of Police through MPD training.

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<sup>1</sup> Excerpted from Defensive and Arrest Tactics, A Training Guide For Law Enforcement Officers, Wisconsin Department of Justice, Law Enforcement Standards Board, March 2007.

## ELECTRONIC CONTROL DEVICE USE

1. An approved electronic control device (ECD) may only be utilized by officers that have successfully completed training in its use. Deployment and use of the electronic control devices will be in accordance with MPD training and procedure.
2. In cases where a subject is believed to be armed with a dangerous weapon, an ECD is not a substitute for deadly force. ~~In such situations, unless circumstances dictate otherwise, an officer~~ ~~Consistent with best practices, when encountering a subject believed to be armed with a dangerous weapon, an officer~~ should not arm him or herself with an ECD unless another officer at the scene has the immediate ability to deliver deadly force, unless unique circumstances dictate otherwise. Officers armed with an ECD should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. An officer may only display, present, or threaten to use an ECD if the officer reasonably believes that the potential for its authorized use exists. ~~Furthermore, an officer may do so absent deadly force coverage if they reasonably believe the involved person is not armed with a dangerous weapon.~~
4. An ECD may only be used under the following circumstances:
  - a. To overcome violent or assaultive behavior or its threat; if the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
  - b. To control persons in order to prevent them from harming themselves or others.
5. Use of an ECD under the following circumstances is prohibited, unless exigent circumstances are present:
  - a. Against handcuffed subjects.
  - b. Against subjects fleeing on foot.
  - c. Against subjects operating a motor vehicle.
  - d. From a moving vehicle.
6. The ECD will not be used under the following circumstances:
  - a. For coercion or intimidation.
  - b. To escort or prod subjects.
  - c. To awaken unconscious or intoxicated subjects.
  - d. Against subjects who are offering only passive resistance.
7. ECD probes may not be intentionally fired at the face, head, neck or groin, unless the use of deadly force would be justified.
8. Officers shall evaluate all subjects against whom an ECD has been deployed. The subject shall be medically evaluated if:
  - a. The subject requests medical treatment.
  - b. The subject displays an adverse reaction to the ECD deployment.
  - c. The subject has been exposed to more than one ECD simultaneously.
  - d. The subject has been exposed to three (3) or more ECD firing cycles; or one continuous firing cycle of fifteen (15) seconds or more.
9. If the ECD probes have penetrated the skin in a sensitive area (head, neck, groin or breast of a female) the subject will be conveyed to an emergency room for removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them.
10. Removing the air cartridge to deploy an ECD in the drive-stun mode is not authorized as a primary ECD deployment technique.

## BATON USE

1. A baton may be used when an officer reasonably believes a lesser degree of force would be insufficient to control the situation.
2. An officer shall never intentionally strike a person's head with a baton unless such an action is justified under the use of deadly force.
3. Officers shall only use MPD-approved batons and techniques.
4. MPD-approved batons are the only authorized impact weapons. Flashlights, radios, firearms, etc., are not recommended as impact weapons; however, the MPD recognizes that emergency self-defense situations involving other objects and instruments may occur.

## IMPACT PROJECTILES

1. Impact projectile weapons may only be utilized by officers that have successfully completed training in their use. Deployment of impact projectiles will be in accordance with MPD training.
2. In cases where a subject is believed to be armed with a dangerous weapon, an impact projectile weapon is not a substitute for deadly force. Unless circumstances dictate otherwise, an officer should not arm him or herself with an impact projectile weapon unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with impact projectile weapons should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. It is the responsibility of the officer arming him or herself with an impact projectile weapon to ensure that the weapon is loaded with impact projectiles each time the weapon is deployed.
4. Like any use of force, deployment of impact projectiles must be evaluated using the criteria in this. Deployment of impact projectiles at non-vital areas is considered non-deadly force. Impact projectiles may only be used under the following circumstances:
  - a. To overcome violent or assaultive behavior or its threat; if the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
  - b. To control persons in order to prevent them from harming themselves or others.Additionally, an officer must reasonably believe that a lesser degree of force would be insufficient to control the situation, or that it is necessary to deliver force at a safe distance from the suspect/subject.  
The intentional deployment of impact projectiles at the face, head or neck is considered deadly force.
5. All persons taken into custody who have been struck with an impact projectile will be conveyed to an emergency room for medical clearance.
6. The investigative requirements of the Use of Deadly Force SOP will be followed only if deployment of an impact projectile results in death or great bodily harm.
7. Absent an imminent risk of harm to officers or citizens, impact projectiles will not be used in crowd control situations. Impact projectiles will not be used to move or disperse crowds.
8. Impact projectiles may be deployed in other jurisdictions pursuant to a mutual aid request. In the event that an individual struck with an impact projectile is taken into custody by another agency, officers from that agency shall be notified of the need for medical treatment.

## USE OF RESTRAINING DEVICES

1. Officers shall place handcuffs on any individual in custody when the officer reasonably believes the individual may become violent, attempt to escape, or pose a danger to self or others. It is mandatory that all persons who have aggressively resisted or attacked another person be placed in handcuffs.
2. Officers shall apply handcuffs in a manner prescribed by the Chief of Police through MPD training.
3. When handcuffs prove to be insufficient in restraining an individual (e.g., kicking, attempting to flee, etc.), officers may employ the use of additional MPD-approved restraining devices.
4. In an emergency situation when a MPD-approved restraining device is not available, the MPD recognizes that alternative devices may have to be employed. In such situations, approved devices should be substituted as soon as reasonably practicable.
5. Individuals who are placed in **the a** maximum restraint position should be continuously monitored for breathing and circulation.

## USE OF SPIT HOODS

1. A spit hood is a temporary protective device, which may be used on persons that display behavior or threatening behavior that pose a hazard of exposure to bodily fluids transmitted by spitting, wiping blood from their face/head, or wiping/blowing nasal discharges at or onto officers.
2. Officers should use only MPD-approved spit hoods. In an emergency situation if not readily available, officers may utilize other breathable items, such as pillowcases, surgical masks, etc.



3. Officers shall apply the spit hood in accordance with MPD training.
4. Persons wearing the spit hood must be closely monitored and shall not be left unattended.
5. Officers shall document the use of the spit hood including the circumstances requiring its use in their report of the incident. A copy of the report shall be routed to Training.

### USE OF FORCE REPORTING REQUIRED

Any officer who uses physical force, or any of the following enumerated weapons, items or devices against another person, shall complete an original or supplementary report on the incident involved:

1. Firearms;
2. Baton or Less Lethal Impact Munitions;
3. Chemical Agents, including OC spray, or Electronic Control Devices;
4. Handcuffs or Other Restraining Devices, including hobble restraints, spit hoods, etc.
5. Physical Force force, including focused and diffused strikes, pressure points, escort holds, decentralization techniques, holding or grabbing of subjects, etc.

The report shall specifically note the totality of the circumstances necessitating force and the manner of force employed.

### DUTY TO INTERCEDE

Any officer present and observing another officer using excessive force, or engaged in unlawful conduct, or in violation of the Madison Police Department's Code of Conduct has an affirmative obligation to intercede and report.

### AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention.

### USE OF FORCE REVIEW AND INVESTIGATIONS

All instances of the use of non-deadly force shall be reviewed for compliance with MPD procedure by an appropriate supervisor. Anytime a commissioned employee uses recordable force during an incident, the force must be documented in the MPD use of force database.

In cases where a complaint is filed pertaining to an officer's use of non-deadly force, the Professional Standards and Internal Affairs Unit (PSIA) has the primary responsibility for coordinating the internal investigation to ensure compliance with the MPD Use of Non-Deadly Force SOP.

If necessary, as part of the District's or PSIA's internal investigation, members from the Personnel and Training Team who are certified WI Defensive and Arrest Tactics (DAAT) instructors can be consulted to determine findings and forward their conclusions to the appropriate source requesting assistance.

Original SOP: 03/23/2015  
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(Reviewed Only: 12/22/2016)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Officer Involved Deaths and Other Critical Incidents

Eff. Date ~~06/06/2017~~ 12/21/2017

**Officer Involved Death:** An incident involving the death of an individual that results directly from an action or an omission of a law enforcement officer while the officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties.

**Other Officer Involved Critical Incident (OICI):** An event in which an officer is involved as a principal, a victim, or is the custodial officer, where significant injury likely to cause death occurs or when an officer intentionally discharges his/her firearm at another person.

**Criminal Investigation:** An investigation of a critical incident to ascertain all the relevant evidence as to whether or not anyone committed a crime during the course of the event which led up to and included the critical incident. The criminal investigation is separate and precedes the internal and civil investigation.

**Involved Officer:** An officer who is directly involved in the critical incident as a principal, a victim, a witness, or is the custodial officer.

**Involved Agency:** The "involved agency" is the law enforcement agency which employs the officer(s) who are directly involved in the officer-involved death. In the event that officers from more than one agency are directly involved, there can be multiple involved agencies. In such case, the second agency should be considered an involved agency depending on their level of involvement, if any, in the incident.

**Outside Agency Lead Investigator:** The outside agency lead investigator has statutory authority to oversee and direct the investigation. The outside agency lead investigator will work with the supervisors of the involved agency in order to accomplish the investigation. The involved agency supervisor(s) will use their formal authority within the agency to assist the lead investigator.

Pursuant to Wis. Stat. 175.47, MPD will request that an outside agency conduct the criminal investigation of any officer involved death where an MPD officer is a principally involved officer. MPD, if requested, may conduct the criminal investigation of another agency's officer involved death if approved by the Chief or designee.

A. Officer Involved Death: Duties of Involved Officer(s)

1. Immediately notify dispatch of incident and location.
2. Render first aid and request response by emergency medical services.
3. Officer(s) shall inform a supervisor or the Officer-in-Charge of the incident as soon as possible.
4. Protect and secure the scene until relieved.
5. Identify witnesses for subsequent interviews. The involved officer(s) shall not participate in the interviews of witnesses.
6. Brief the first arriving supervisor of the nature of the incident and consider providing a voluntary Public Safety Statement according to Section C below.
7. When relieved of duties at the scene by a supervisor, remain with assigned uninvolved officer and proceed to a local hospital.
8. Upon request, surrender all weapons and equipment used in the incident in the officer's possession at the time of the incident. Replacement of weapons and equipment will occur as soon as possible.
9. The Involved Officer(s) will be required to provide a blood sample. The blood draw and subsequent testing will be in accordance with Attachment B.
10. Reporting requirements for involved officer(s) will be completed by investigators assigned to the incident. Involved Officers will not be required to prepare a written report.
11. Review for content and accuracy the OID report(s) detailing their statement(s).

12. Unless exigent circumstances related to an on-going threat require it, involved officers shall not watch video related to the incident until their formal interview with the outside agency lead investigator, or upon receiving approval from the lead outside agency investigator.
13. Unless exigent circumstances related to an on-going threat require it, involved officers shall not discuss the incident with other involved officers until after the completion of their formal interview with the outside agency investigator.

#### B. Officer Involved Death: Duties of On-Scene Supervisor

1. Assume responsibility for the security and preservation of the scene. The involved agency is responsible for the initial response until relieved by the outside agency lead investigator.
2. Contact the officer(s) involved to obtain a Public Safety Statement.
3. Notify the dispatcher to broadcast a message if no officer(s) have been injured.
4. In the event an officer is injured, immediately notify the Officer-in-Charge.
5. Ensure that a non-involved supervisor, if not already at the scene, responds immediately to the scene of the incident. (A non-involved supervisor is defined as one who has not been involved specifically at the scene, or involved in any tangential fashion, e.g., raid planning, drafting of search warrants, surveillance officers, intelligence gathering, etc.)
6. Establish a scene command post and give location to the Dane County Public Safety Communications (911 Center).
7. As soon as practical, relieve the officers directly involved in the critical incident of any further responsibilities at the scene. A non-involved fellow officer shall be assigned to accompany the involved officer(s), until such time that the lead investigator or designee are able to assume responsibility. If the involved officer elects to speak about the incident with the non-involved officer, those conversations are not privileged and may become part of the investigation.
8. Identify and separate witnesses until the arrival of the outside agency lead investigator and / or other outside investigators.
9. Provide an opportunity for the involved officer to contact Union officials or legal counsel as soon as practical. Provide phones and numbers as needed.
10. Provide all necessary information to the outside agency lead investigator, and then relinquish control of the investigation to the outside agency lead investigator.

#### C. Public Safety Statement

1. Response to Public Safety Statement questions by the principal officer is voluntary.
2. The first arriving supervisor not involved in the incident will seek a Public Safety Statement from the involved officer. This is not an interview, but will address only the most basic information regarding the incident, to include:
  - a. Injuries requiring immediate medical intervention
  - b. Location and description of offenders
  - c. Identify evidence in order that it be protected from loss, etc.
  - d. Identity of witnesses
  - e. Has the scene changed or been altered in any way since the incident
  - f. Use of force, what type of force was used
  - g. A minimal summary of the event in order to address and better understand the first six investigative points.
3. If possible, the Public Safety Statement should be done with a FSU Investigator present. If this is not possible/practical, a second short statement can be obtained if needed.
4. The supervisor obtaining the Public Safety Statement will document the information in a report and share it with the outside investigating agency.
5. In the event a supervisor is not available, a detective may take the Public Safety Statement from the involved officer(s).

D. Officer Involved Death: Duties of the Officer-In-Charge (OIC)

1. Notify the OICI team commander or designee and the Forensic Services Lieutenant.
2. Contact the District Commanders of the District where the incident occurred. If the incident occurred outside of the employee's assigned district, the District Commanders of the involved employees should also be notified.
3. Notify the Chief, Assistant Chief of Operations, and Assistant Chief of Investigative & Specialized Services.
4. Contact Dane County Public Safety Communications (911 Center) and direct them to inform officers of the status of the incident (e.g., injuries to officers and citizens, important information). This should generally be done in a private manner (email, phone, MDC, etc.).
5. In the event of an injury or death of an employee, notify the immediate family per the Line of Duty, Life Threatening Injury or Death of an Employee policy.
6. Notify the Professional Standards and Internal Affairs Unit (PSIA), and the Public Information Officer (PIO).
7. Notify the Peer Support Team Coordinator and deploy any on-duty Peer Support Officers to the scene to initiate the Critical Incident Stress Management protocol.
8. Follow the Aftercare Protocol and deploy Critical Incident Partner officers to the scene.
9. All media releases shall be cleared through the OICI Commander and the Office of the Chief of Police.

E. Officer Involved Death: Duties of the OICI Commander

1. Contact the Assistant Chief of Investigative & Specialized Services and make notification of the critical incident.
2. Ensure that services regarding the involved personnel have been provided.
3. Liaison with the outside agency lead investigator to ensure s/he has access to all necessary resources to conduct the investigation.
4. Communicate with the OIC.
5. Communicate with Command Staff.
6. Make appropriate notifications as needed:
  - Chiefs
  - District Command
  - DA's office (if appropriate and in all homicide cases)
7. Communicate with budget office staff for case number cost accounting.
8. Designate case as "Extraordinary" for Telestaff/payroll purposes (if appropriate).
9. Management of personnel (assignments, monitoring hours worked, etc).
10. Managing overtime and arranging relief for staff.
11. Evaluate need for support staff.

F. Officer Involved Death: Outside Agency Lead Investigator

1. Per Wis. Stat. § 175.47 the investigation into an officer-involved death must be led by at least two investigators employed by outside agencies, one of whom is designated as the outside agency lead investigator.
2. The outside agency lead investigator is not required to personally accomplish every single task involved in the investigation. The role of the outside agency lead investigator is one of oversight and supervision; personally performing critical tasks while delegating and overseeing other tasks. If MPD is investigating another agency's officer involved death, the OICI commander will determine to what extent personnel from the involved agency will be asked to assist.
3. The outside agency lead investigator is in charge of the investigation. The outside agency lead investigator of an officer-involved death must be responsible for the investigation and have hands-on leadership of investigation activities. If MPD is investigating another agency's officer involved death, members of the OICI team will be assigned to the investigation.

4. The outside agency lead investigator will direct the overall investigation and shall coordinate with the lead officer/agency conducting any underlying criminal investigation of the event, or events, which led to the officer-involved death. They shall take possession of, or direct the collection of, all evidence, take or direct the taking of statements of witnesses and police officers, and act as the primary contact for prosecutors.
5. The outside agency, when practicable, will provide a supervisory officer with sufficient training and experience in conducting major investigations. This supervisory officer will respond to the scene along with the investigators, and will interface with the command staff of the involved agency. If MPD is investigating another agency's officer involved death, the OICI commander will oversee the investigation.
6. MPD's expectations are that the outside agency will accomplish (personally or by delegation) the following tasks related to the investigation:
  - a. Supervise the crime scene investigation and ensure that all involved parties and witnesses are kept separate during the scene investigation. If these parties are moved to another location, this responsibility is transferred to the investigator at that location.
  - b. Liaison with the involved agency supervisor and/or incident commander to ensure the necessary equipment and/or personnel are brought to the scene and utilized efficiently.
  - c. In conjunction with the involved agency supervisor ensure that the integrity of the scene is maintained. The involved agency supervisor shall continue to manage that agency's resources committed to the investigation.
  - d. Act as a liaison between the department and investigators from the Dane County District Attorney's Office.
  - e. Make contact with the deceased person's next-of-kin for the purpose of notifying them of the death, and serve as the point of contact with them throughout the investigation.
  - f. Facilitate a walk-through of the secure and intact scene for personnel from the DA's office, as well as the command staff and/ or internal investigators of the involved agency as needed. The purpose of the walk-through is to give these representatives an understanding of the conditions and layout of the scene for future proceedings.
  - g. Ensure that a complete copy of the criminal investigation is provided to the Dane County District Attorney's Office for review within a reasonable amount of time.
  - h. Participate in all necessary district attorney appearances to include any future inquest proceedings.

G. Officer Involved Death: Duties of OICI Investigation Team

1. Review the Officer Involved Critical Incident Investigation Conflict of Interest Checklist and report to OICI Commander if there is the potential for a conflict of interest. See Attachment A for the checklist.
2. Assist as directed by the OICI Commander.
3. If MPD is investigating another agency's officer involved death, fulfill responsibilities of the outside agency lead investigator as described in this SOP.

H. Officer Involved Death: Duties of the Hospital Assignment

The involved agency is responsible for the initial hospital response until relieved by the outside agency lead investigator. If the incident results in an officer, citizen or suspect being transported to a medical facility, the outside agency lead investigator, or designee, shall respond to the facility and be responsible for the following:

1. Liaison with hospital staff to ensure that all involved-officers are kept separate from suspects, witnesses or other injured parties, and that the investigation does not unduly disrupt the normal operations of the hospital.

2. In conjunction with the involved agency, establish appropriate security for suspects and/or department member(s).
3. Establish a liaison with the involved agency's administration to ensure that an injured officer's family members, spouse, or significant other are notified, and if practicable, transported to the medical facility, pursuant to the officer's wishes.
4. Ensure that investigators are assigned to interview any witnesses present and that all evidence is collected. If possible, an investigator who has not been to the crime scene will conduct evidence gathering at the hospital. Care should be taken to preserve the integrity of physical evidence present on the involved officer's equipment, person or clothing until investigators can collect it. It may be inappropriate to wait for a FSU investigator to photograph the involved officer or collect evidence under certain circumstances (to facilitate medical treatment, due to significant exposure concerns, etc.).
5. Ensure that the names of treating MFD and hospital staff are documented.
6. Brief the command staff of the involved agency and/or family members of any injured officers as soon as circumstances allow.

I. Officer Involved Death: Interviewing Involved Officers

1. Involved officer(s) will be given the opportunity to provide voluntary statements. The Outside Agency Lead Investigator or their designee will communicate with the officer(s)' Union Representative or legal counsel on this issue. No officer will be disciplined for declining to make a voluntary statement. If the officer(s) declines to provide voluntary statements, the criminal investigation will proceed without the officer(s)' statements.
2. Detailed interviews should be delayed to allow the involved officer(s) time to overcome the initial stress of the incident. Whenever practical, the involved officers should give one formal statement with all needed parties present.
3. Involved officers are not to file any reports.
4. Involved officers shall not participate in any group debriefings until they have completed their detailed interview.
5. If the interview is to be observed by personnel other than those directly involved, the officer and any representatives will be notified.
6. If audio and/or visual records are available, and are relevant to the involved officer's point of reference of the incident, the involved officer(s) may be allowed to review the recordings prior to or during their formal statement.
  - a. Generally, the formal statement should begin with the involved officer providing a statement based on his or her recollection of the incident. Relevant video/audio may then be reviewed (in the presence of a member of the OICI team) prior to the completion of the formal statement.
  - b. Deviation from this guideline is at the discretion of the OICI commander.
  - c. Interviews of MPD officers by an outside agency will be in accordance with the outside agency's standard procedures
7. The involved officer will have an opportunity to review for accuracy the report detailing their statement before it is submitted.
8. All interviews of involved officers will be audio recorded unless impractical or the officer refuses.
9. The Assistant Chief of Investigative & Specialized Services (or designee), after consulting with the Assistant Chief of Operations (or designee), PSIA and the OICI Commander, will determine whether the officer(s) will be ordered to provide statements. If the officer(s) are ordered to provide statements, the following procedure will be adhered to:
  - a. PSIA will order the officer(s) to provide a statement, and the order will be documented in writing.
  - b. The compelled interview will be audio recorded and transcribed, and will be documented under the PSIA case number for the critical incident review.
  - c. PSIA will coordinate the compelled interview of the involved officer(s) with the goal of obtaining a complete and accurate statement from the officer(s). This may involve the utilization of Detectives as primary interviewers. If Detectives are utilized, the

OICI Commander, after consultation with PSIA, will assign detectives that have not been involved in the criminal investigation to be the primary interviewers

- d. Detectives conducting the compelled interviews will report directly to PSIA, and the original reports will be maintained by PSIA. Content of the compelled interview (and reports documenting the compelled interview) will only be used for internal investigation/review of the incident, and will not be released to the District Attorney's Office (or other prosecuting entity), the OICI Investigation Team, or to any member of the public. Compelled statements will only be subject to release when no possibility for criminal prosecution (of the subject of the compelled interview) remains.
- e. If a compelled statement is made prior to the resolution of a district attorney review of a criminal investigation, then a second Assistant Chief will be involved to oversee the criminal investigation.
- f. Deviations from this procedure may only occur with the approval of the Chief (or designee).

J. Officer Involved Death: Scene Investigation

The outside agency lead investigator or designee is responsible for the investigation of the scene, to include documentation and recovery of all evidence. At the discretion of the outside agency lead investigator, the physical tasks (measuring, photographing), may be delegated to another agency, including the involved agency, but in all cases will be overseen by the outside agency lead investigator (unless circumstances require immediate evidence collection to avoid loss or contamination).

1. The outside agency lead investigator will take possession of or direct the collection of all evidence. The outside agency lead investigator will work with the assisting agency(s) to determine which items of evidence will be conveyed for analysis (to the crime lab or elsewhere.)
2. The outside agency lead investigator, or scene investigator designee, is responsible for maintaining the integrity of the crime scene(s) until the initial investigation is concluded.
3. The scene investigator designee shall regularly communicate their findings to the outside agency lead investigator. At the appropriate time, they will facilitate a walk through for personnel from the district attorney's office and the involved agency's command staff as needed.

K. Officer Involved Death: Interviews of Citizen Witnesses

1. All key citizen witnesses should be audio recorded when possible.
2. Photographs should be taken from the vantage point of key witnesses.

L. Officer Involved Death: Canvass

1. It is important that all citizen witnesses be located and thoroughly interviewed.
2. Consider documenting vehicle plates and descriptions from the canvass area.
3. Consider documenting names on mailboxes if appropriate.

M. Officer Involved Death: Duties of the District

1. Ensure that involved personnel have had appropriate opportunities to contact family members, Union officials, and/or attorneys.
2. Ensure that EAP services have been offered.
3. Officers directly involved in the incident shall be placed on administrative leave with pay. This leave is not a suspension and is no way to be construed as disciplinary action or any indication of wrongdoing on the part of the officer(s).

4. Ensure that within 72 hours of the incident, the involved officer(s) are contacted by an MPD approved traumatic stress professional.
  5. Ensure that regular command updates are given to the Chief and Assistant Chief of Operations.
  6. If applicable, ensure that the Significant Exposure to Blood Borne Pathogens SOP is followed.
  7. Responsible for Community Care tasks.
  8. Ensure a Workers Compensation Accident Report is completed for each involved officer with the following language in the comment section, "Reporting to document exposure to a critical incident event."
- N. Officer Involved Death: Duties of Assistant Chief of Investigative & Specialized Services
1. Will make request for an outside agency lead investigator.
- O. Officer Involved Death: Duties of the Chief or Highest Ranking Officer
1. The Chief or highest ranking officer available should provide a press conference or briefing within 4 hours of the case time when officer actions results in the death or great bodily harm to a member of the community or a member of the Department.
- P. Officer Involved Death: District Attorney
1. Will have the option to view the scene (walk through).
  2. Observe the investigation from the Command Post.
- Q. Officer Involved Death: Lead Investigator's Report
1. Per Wis. Stat. § 175.47(5)(a), "The investigators conducting the investigation under sub. (3)(a) shall, in an expeditious manner, provide a complete report to the district attorney of the county in which the officer-involved death occurred. (b) If the district attorney determines there is no basis to prosecute the law enforcement officer-involved in the officer-involved death, the investigators conducting the investigation under sub. (3)(a) shall release the report...."
  2. The outside agency lead investigator shall prepare a written report as required above. This report will summarize the entire investigation, including the actions performed by the outside agency lead investigator, as well as those actions performed by other investigators to whom those tasks were delegated.
  3. Prior to submitting their report, the outside agency lead investigator will gather and review all reports generated by other investigators, as well as other relevant reports such as the autopsy report, crime lab results and medical records.
  4. A complete copy of all reports, photographs, audio/video recordings and other records collected by the outside agency lead investigator will be given to the district attorney along with the outside agency lead investigator's report.
  5. The outside agency lead investigator, along with a representative of the involved agency, shall meet with the district attorney at the conclusion of the investigation for a formal review of the incident.

**Other Officer Involved Critical Incident (OICI):** An event in which an officer is involved as a principal, a victim, or is the custodial officer, where significant injury likely to cause death occurs or when an officer intentionally discharges his/her firearm at another person. In the event of an other officer involved critical incident involving an MPD officer as the principal officer, the Chief of Police will determine whether the criminal investigation will be handled by MPD or whether an outside agency will be requested. If an outside agency is requested, the investigation will be conducted consistent with the officer involved death investigation procedures in this SOP (except where inapplicable). If MPD conducts the investigation a qualified observer from an outside agency will be requested to monitor the investigation.



**A. Other Critical Incident: Duties of Involved Officer(s)**

1. Immediately notify dispatch of incident and location.
2. Render first aid and request response by emergency medical services.
3. Officer(s) shall inform a supervisor or the Officer-in-Charge of the incident as soon as possible.
4. Protect and secure the scene until relieved.
5. Identify witnesses for subsequent interviews. Involved officer(s) shall not participate in the interviews of witnesses.
6. Brief the first arriving supervisor of the nature of the incident and consider providing a voluntary Public Safety Statement consistent with Section C below.
7. When relieved of duties at the scene by a supervisor, remain with assigned uninvolved officer and proceed to a local hospital.
8. Upon request, surrender all weapons and equipment used in the incident in the officer's possession at the time of the incident. Replacement of weapons and equipment will occur as soon as possible.
9. The Involved Officer(s) will be required to provide a blood sample. The blood draw and subsequent testing will be in accordance with Attachment B.
10. Reporting requirements for involved officer(s) will be completed by investigators assigned to the incident.
11. Review for content and accuracy the OID report(s) detailing their statement(s).
12. Unless exigent circumstances related to an on-going threat require it, involved officers shall not watch video related to the incident until their formal interview with OICI detectives or upon receiving the approval of the OICI commander.
13. Unless exigent circumstances related to an on-going threat require it, involved officers shall not discuss the incident with other involved officers until after the completion of their formal interview with OICI detectives.

**B. Other Critical Incidents: Duties of On-Scene Supervisor**

1. Assume responsibility for the security and preservation of the scene.
2. Contact the officer(s) involved to obtain a Public Safety Statement.
3. Notify the dispatcher to broadcast a message if no officer(s) have been injured.
4. In the event an officer is injured, immediately notify the Officer-in-Charge.
5. Ensure that a non-involved supervisor, if not already at the scene, responds immediately to the scene of the incident. (A non-involved supervisor is defined as one who has not been involved specifically at the scene, or involved in any tangential fashion, e.g., raid planning, drafting of search warrants, surveillance officers, intelligence gathering, etc.).
6. Establish a scene command post and give location to the Dane County Public Safety Communications (911 Center).
7. As soon as practical, relieve the officers directly involved in the critical incident of any further responsibilities at the scene. A non-involved fellow officer shall be assigned to accompany the involved officer(s), until the appropriate evidence collection has occurred. If the involved officer elects to speak about the incident with the non-involved officer, those conversations are not privileged and may become part of the investigation.
8. Provide an opportunity for the involved officer to contact Union officials or legal counsel as soon as practical. Provide phones and numbers as needed.
9. Protect the scene and separate and secure witnesses until the arrival of investigative personnel.

**C. Public Safety Statement**

1. Response to Public Safety Statement questions by the principal officer is voluntary.
2. The first arriving supervisor not involved in the incident will seek a Public Safety Statement from the involved officer. This is not an interview, but will address only the most basic information regarding the incident, to include:

- a) Injuries requiring immediate medical intervention.
  - b) Location and description of offenders.
  - c) Identify evidence in order that it be protected from loss, etc.
  - d) Identity of witnesses.
  - e) Has the scene changed or been altered in any way since the incident.
  - f) Use of force, what type of force was used.
  - g) A minimal summary of the event in order to address and better understand the first six investigative points.
3. If possible, the Public Safety Statement should be done with a FSU Investigator present. If this is not practical a second short statement can be obtained if needed.
  4. The supervisor obtaining the Public Safety Statement will document the information in a report and share it with the outside investigating agency.
  5. In the event a supervisor is not available, a detective may take the Public Safety Statement from the involved officer(s).

D. Other Critical Incidents: Duties of the Officer-In-Charge (OIC)

1. Notify the OICI team commander or designee and the Forensic Services Lieutenant.
2. Contact the District Commanders of the District where the incident occurred. If the incident occurred outside of the employee's assigned district, the District Commanders of the involved employees should also be notified.
3. Notify the Chief, Assistant Chief of Operations, and Assistant Chief of Investigative & Specialized Services.
4. Contact Dane County Public Safety Communications (911 Center) and direct them to inform officers of the status of the incident (e.g., injuries to officers and citizens, important information). This should generally be done in a private manner (email, phone, MDC, etc.).
5. In the event of an injury or death of an employee, notify the immediate family per the Line of Duty, Life Threatening Injury or Death of an Employee policy.
6. Notify the Professional Standards and Internal Affairs Unit (PSIA), and the Public Information Officer (PIO).
7. Notify the Peer Support Team Coordinator and deploy any on-duty Peer Support Officers to the scene to initiate the Critical Incident Stress Management protocol
8. Follow the Aftercare Protocol and deploy Critical Incident Partner officers to the scene.
9. All media releases shall be cleared through the OICI Commander and the Office of the Chief of Police.

E. Other Critical Incidents: Duties of the OICI Commander

1. Contact Assistant Chief of Investigative & Specialized Services and make notification of the critical incident.
2. Ensure that services regarding the involved personnel have been provided.
3. Overall management of the case. Communicate and coordinate with the VCU Supervisor as necessary. Make investigative assignments and coordinate investigative efforts:
  - a. Designate a lead detective
  - b. Designate a scene detective to oversee each scene
  - c. Designate a canvass detective
  - d. Designate an involved officer detective
  - e. Designate a subject/decedent detective
  - f. Designate a detective to serve as a liaison to the subject/decedent family, if appropriate
  - g. Coordinate investigative response to the hospitals, if appropriate
4. Communicate with the OIC.
5. Communicate with Command Staff.
6. Make appropriate notifications as needed:
  - Chiefs
  - District Command

- DA's office (if appropriate and in all homicide cases)
  - 7. Communicate with budget office staff for case number cost accounting.
  - 8. Designate case as "Extraordinary" for Telestaff/payroll purposes (if appropriate).
  - 9. Facilitate the release of information to MPD personnel through briefing and other police agencies.
  - 10. Management of personnel (assignments, monitoring hours worked, etc).
  - 11. Managing overtime and arranging relief for staff.
  - 12. Evaluate need for support staff.
  - 13. Notify Property Room staff and evaluate needs (if appropriate).
  - 14. Ensure phone calls made to the command post are answered and information recorded.
  - 15. Arrange for special equipment or needs of the investigation.
  - 16. Keep Chief and Assistant Chiefs apprised of investigation.
  - 17. Facilitate a walkthrough of the secure and intact scene for personnel from PSIA, and the DA's office, and involved personnel, if appropriate. The purpose of this walkthrough is to give these representatives an understanding of the conditions and layout of the scene for future proceedings.
  - 18. Ensure that a copy of the criminal investigation is provided to the Dane County District Attorney's office, to include all reports, attachments, and videos.
- F. Other Critical Incidents: Duties of the Outside Law Enforcement Agency Observer
1. Will view the scene.
  2. Will be partnered with the OICI Commander
  3. Will observe the investigation with the OICI Commander.
  4. Will report to their Executive Officer designee
  5. Will do a summary memo to their Executive Officer on the integrity of the investigation. This should not be a summary of the facts of the case, but rather an overview as to whether the investigation was thorough, objective, impartial, and consistent with best practices relating to the investigation of law enforcement critical incidents.
  6. The Executive Commanding Officer or their designee will share the memo with the Chief of the Madison Police Department. The memo will become part of the case file.
- G. Other Critical Incidents: Duties of OICI Investigation Team
1. Review the Officer Involved Critical Incident Investigation Conflict of Interest Checklist and report to OICI Commander if there is the potential for a conflict of interest. See Attachment A for the checklist.
  2. Assist with the criminal investigation of incidents within the city of Madison and conduct OICI investigations outside the city of Madison as directed by the Chief of Police.
  3. Detectives will be assigned a specific function by the OICI Commander which may include any of the following:
    - a. Lead Detective - see major case protocol
    - b. Scene Detective - see major case protocol
    - c. Canvass Detective
      - i. Conduct canvass as directed by the OICI Commander. It is important that all citizen witnesses be located and thoroughly interviewed. These interviews may be conducted by police officers or detectives. All key citizen witnesses shall be audio recorded when possible. Detectives should be equipped with portable audio recorders for this purpose. Photographs should be taken from the vantage point of key witnesses.
      - ii. Utilize Canvass form and questions as a guideline for the canvass.
      - iii. Screen contacts for persons requiring more detailed interviews
      - iv. Consider documenting vehicle plates and descriptions from the area.
      - v. Consider documenting names on mailboxes if appropriate.
      - vi. Search for and document all video cameras within the canvass perimeter and notified the scene LT.

- vii. Share canvass results with scene LT and OICI Commander and complete a report.
          - viii. When appropriate, work with the OICI Commander to designate a Video Detective. The Video Detective is responsible for ensuring that all video is collected as evidence according to best practices. The Video Detective shall write a report detailing the contents of all collected video.
          - ix. Work with the assigned Crime Analyst to ensure a complete canvass of the designated area.
        - d. Involved Officer Detective
          - i. Work with FSU Investigators to ensure that evidence on the involved officer is collected, and needed photographs of the involved officer are taken.
          - ii. Ensure that a FSU Investigator retrieves and takes custody of the weapon(s) used by the officer(s) at the hospital if possible or a neutral site. The supervisor of the OICI team shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the FSU Investigator shall take custody of the officer's weapon in a discrete manner and should be replaced with another weapon, or advise the officer that it will be returned or replaced at a later time as appropriate. (When processing an officer's personal weapon as evidence, consideration shall be given to marking the weapon with the necessary information as inconspicuously as possible.) FSU Investigators will also take needed photographs and collect evidence from the officer (s) involved at the scene, hospital, or neutral site.
          - iii. Inform the OICI Commander if the officer has suffered a Significant Exposure.
        - f. Suspect/Decedent Detective
          - i. Ensure the presence of an FSU investigator for appropriate evidence collection
- H. Other Critical Incidents: Crime Analysts
  - 1. The primary responsibility of the Crime Analyst will be to partner with the canvass detective to ensure a thorough and complete canvass for witnesses and video evidence.
- I. Other Critical Incidents: Hospital Supervisor
  - 1. Liaison with hospital staff to ensure that all involved-officers are kept separate from suspects, witnesses or other injured parties, and that the investigation does not unduly disrupt the normal operations of the hospital.
  - 2. In conjunction with the involved agency, establish appropriate security for suspects and/or department member(s).
  - 3. Work with the OIC to ensure that an injured officer's department member's family members, spouse, or significant other are notified, and if practicable, transported to the medical facility, pursuant to the member's wishes. See Line of Duty, Life-Threatening Injury of Death of an Employee SOP.
  - 4. Work with the OICI Commander to ensure detectives are assigned to interview any witnesses present and that all evidence is collected. If possible, a FSU Investigator who has not been to the crime scene will conduct evidence gathering at the hospital. Care should be taken to preserve the integrity of physical evidence present on the involved officer's equipment, person or clothing until investigators can collect it. It may be inappropriate to wait for an FSU investigator to photograph the involved officer or collect evidence under certain circumstances (to facilitate medical treatment, due to significant exposure concerns, etc.).
  - 5. Ensure that an FSU Investigator collects a blood sample from the involved officer(s) in accordance with Attachment B.
  - 6. Ensure that the names of treating MFD and hospital staff are documented

7. Brief the command staff and/or family members of any injured department member(s) as soon as circumstances allow.
8. Ensure the completion of a Workers Compensation Accident Report for each involved officer with the following language: "Reporting to document exposure to a critical incident event."
9. Check in with the Command Post before leaving the hospital

J. Other Critical Incidents: Interviewing Involved Officers

1. Involved officer(s) will be given the opportunity to provide voluntary statements. The OICI Commander or Lead Detective will communicate with the officer(s)' Union Representative or legal counsel on this issue. No officer will be disciplined for declining to make a voluntary statement. If the officer(s) decline to provide voluntary statements, the criminal investigation will proceed without the officer(s)' statements.
2. Detailed interviews should be delayed to allow the involved officer time to overcome the initial stress of the incident. Whenever practical, the involved officers should give one formal statement with all needed parties present.
3. Involved officers are not to file any reports.
4. Involved officers shall not participate in any group debriefings until they have completed their detailed interview.
5. If the interview is to be observed by personnel other than those directly involved, the officer and any representatives will be notified.
6. If audio and/or video records are available, and are relevant to the involved officer's point of reference of the incident, the involved officer may be allowed to review the recordings prior to or during their formal statement.
  - a. Generally, the formal statement should begin with the involved officer providing a statement based on his or her recollection of the incident. Relevant video/audio may then be reviewed (in the presence of a member of the OICI team) prior to the completion of the formal statement.
  - b. Deviation from this guideline is at the discretion of the OICI commander.
7. The involved officer will have an opportunity to review for accuracy the report detailing their statement before it is submitted.
8. All interviews of involved officers will be audio recorded unless impractical or the officer refuses.
9. The Chief of Police is the sole authority as to when an officer is arrested unless exigent circumstances exist.
10. The Assistant Chief of Investigative & Specialized Services, after consulting with the Assistant Chief of Operations (or designee), PSIA and the OICI Commander, will determine whether the officer(s) will be ordered to provide statements. If the officer(s) are ordered to provide statements, the following procedure will be adhered to:
  - a. PSIA will order the officer(s) to provide a statement, and the order will be documented in writing.
  - b. The compelled interview will be audio recorded and transcribed, and will be documented under the PSIA case number for the critical incident review.
  - c. PSIA will coordinate the compelled interview of the involved officer(s) with the goal of obtaining a complete and accurate statement from the officer(s). This may involve the utilization of Detectives as primary interviewers. If Detectives are utilized, the OICI Commander, after consultation with PSIA, will assign detectives that have not been involved in the criminal investigation to be the primary interviewers
  - d. Detectives conducting the compelled interviews will report directly to PSIA, and the original reports will be maintained by PSIA. Content of the compelled interview (and reports documenting the compelled interview) will only be used for internal investigation/review of the incident, and will not be released to the District Attorney's Office (or other prosecuting entity), the OICI Investigation Team, or to any member of the public. Compelled statements will only be subject to release when no possibility for criminal prosecution (of the subject of the compelled interview) remains.

- e. If a compelled statement is made prior to the resolution of a District Attorney review of a criminal investigation, then a second Assistant Chief will be involved to oversee the criminal investigation.
- f. Deviations from this procedure may only occur with the approval of the Chief (or designee).

K. Other Critical Incident: Duties of the District

1. Ensure adequate supervision at all scenes.
2. Ensure that involved personnel have had appropriate opportunities to contact family members, Union officials, and/or attorneys.
3. Ensure that EAP services have been offered.
4. Officers directly involved in the incident shall be placed on administrative leave with pay. This leave is not a suspension and is no way to be construed as disciplinary action or any indication of wrongdoing on the part of the officer(s).
5. Ensure that within 72 hours of the incident, the involved officer(s) are contacted by an MPD approved traumatic stress professional.
6. Ensure that regular command briefings are given to the Chief and Assistant Chief of Operations.
7. If applicable, ensure that the SOP regarding Significant Exposure to Blood Borne Pathogens is followed.
8. Responsible for Community Care tasks.
9. Ensure a Workers Compensation Accident Report is completed for each involved officer with the following language in the comment section, "Reporting to document exposure to a critical incident event."

L. Other Critical Incident: Duties of Assistant Chief of Investigative & Specialized Services

1. Oversight of the criminal investigation.
2. Coordinate media releases until such time that this responsibility is delegated back to the District.
3. Will make the request from for an outside agency lead investigator, or outside agency observer.

M. Other Critical Incident: Duties of the Chief or Highest Ranking Officer

1. The Chief or highest ranking officer available should provide a press conference or briefing within 4 hours of the case time when officer actions results in the death or great bodily harm to a member of the community or a member of the Department.

N. Other Critical Incidents: District Attorney

1. Will have the option to view the scene (walk through).
2. Observe the investigation from the Command Post.
3. All reports, attachments, videos, etc. involving the critical incident shall be submitted to the District Attorney's Office for review.

**PS&IA Function – Officer Involved Deaths and Critical Incidents**

A. Officer Involved Death and Other Critical Incidents: PSIA Lieutenant

1. The PSIA Lieutenant will coordinate with the OICI commander and designate a supervisor to make the Use of Force Blue Team entry.
2. Will determine which officers will be required to undergo an administrative blood draw.
3. Will receive the results of the any administrative blood draw and will notify the officer of the results of any testing.

4. Will notify the criminal investigation that blood results are available.

B. Officer Involved Death and Other Critical Incidents: MPD Policy Compliance Review

All Officer Involved Deaths and Other Critical Incidents shall be reviewed for compliance with MPD Policy.

1. Professional Standards and Internal Affairs Unit (PSIA)
  - a. PSIA has the primary responsibility for conducting the internal investigation to ensure compliance with the MPD Policy, Procedures, Regulations, Work Rules, and Training and Standards.
  - b. PSIA may be present in the command post and at key steps in the investigation (scene walk through, interviews, etc.) as appropriate. The OICI Commander retains responsibility for directing the investigation.
  - c. PSIA may observe the interviews of involved officers conducted by OICI personnel.
  - d. PSIA shall have access to all reports and interview transcripts.
  - e. Additional supervisory personnel may be assigned to PSIA as needed.
  - f. The PSIA internal review/investigation of the incident shall be concluded as soon as practical.
  - g. The PSIA findings of the incident may be utilized as the basis for future training.
  - h. PSIA will report the findings of the internal investigation directly to the Assistant Chief of Support Services.
2. Assistant Chief of Investigative & Specialized Services
  - a. Oversee all internal investigations resulting from the Officer Involved Critical Incident which results in death or serious injury.
  - b. Review administrative command decisions of the internal investigation.

## Officer Involved Critical Incident Aftercare Mental Health Response

Officer Involved Critical Incidents (OICI) are unique. While critical incidents are something to which officers respond many times throughout their career and in the performance of their duties, traumatic incidents that involve the officers as a victim, principal, or custodial officers demand particular and specialized attention. This procedure will address the various needs—individual and departmental—following Officer Involved Critical Incidents and will guide officers, their families, and the department as a whole in the aftermath of these unique and challenging circumstances. Given that it is not possible to predict the many potential circumstances surrounding an officer involved critical incident, deviations from the protocol outlined here may occur with approval from the chief or his/her designee.

### DEFINITIONS

**Officer Involved Critical Incident (OICI):** An event in which an officer is involved as a principal, a victim, or is the custodial officer, where death or injury likely to cause death occurs or when an officer intentionally discharges his/her firearm at another person. This includes all in-custody deaths, use of deadly force, or serious motor vehicle crash involving a squad car.

**Critical Incident Partner (CIP):** A co-worker, of an involved officer's choosing, who is assigned to the officer involved in a critical incident. The CIP will act as a liaison between the officer, their family, and the MPD.

**Peer Support Officer (PSO):** An officer that has been selected by his/her peers to be available as a resource for other officers. The PSO is trained to provide assistance to co-workers through listening, understanding and providing appropriate referrals when necessary. In addition, the PSO will serve as the first point of contact for the OIC when a critical incident has occurred to activate MPD's Critical Incident Stress Management (CISM) process and will work with the CIP to provide relevant information and required aftercare to officers involved in a critical incident.

**CISM Provider:** A select group of mental health professionals that are contracted available through the City's Employee Assistance Program (EAP) services to provide Critical Incident Stress Management services in response to critical incidents. These services may include, but are not limited to, assessment, defusing, debriefing, follow up and outreach to affected officers, family members/significant others.

**Trauma Specialist Clinical Consultant:** A person licensed mental health professional trained to deal with the stresses often induced by whose practice includes the treatment of officers who experience a critical incident. This may include counselors, specially trained peers and others including mental health professionals whose practice includes dealing with the traumatic effects of critical incidents.

#### A. Initial Aftercare Response:

1. **Peer Support** – MPD SOP: Employee Assistance Program outlines the role of the Peer Support Officers in facilitating the CISM response, to include providing information about the stresses often induced by critical incidents, coordinating the defusing process immediately following the incident and prior to involved officers going home, and finally scheduling and facilitating any subsequent Critical Incident Debriefing. The role of the PSO in an OICI is to assure that MPD SOP: Employee Assistance Program is observed and to facilitate our CISM protocol. Peer Support supervisor will be responsible for the oversight/monitoring of the aftercare process.
2. **Critical Incident Partner (CIP)** – The CIP is an officer pre-designated by the involved officer to be deployed to focus exclusively on the emotional welfare of the involved officer. Each officer will designate 1-3 officers in order of preference in advance of any involvement in a critical incident. Officers' pre-designated list of CIP officers will be housed confidentially in the



OIC's office to be consulted and activated upon and officer's involvement in a critical incident. The form will be completed/updated annually at district/section inservice. The CIP will be pulled from their regular assignment and/or called in to work to support the involved officer. Guidelines for the role of the CIP are as follows:

- The CIP will serve as a liaison for the involved officer and other MPD personnel throughout the investigative process.
- The CIP may be put on paid Administrative Leave with the involved officer to whom they are assigned as support. The length of time that a CIP will be placed on paid Administrative Leave will be evaluated on a case-by-case basis and approved through chain of command.
- The CIP will review the "OICI Aftercare Information" packet outlining MPD expectations and procedures with the involved officer following the incident.
- The CIP will coordinate continued support and CISM care with the assigned PSO.
- Communications between the CIP and the involved officer regarding the critical incident are not privileged and therefore not confidential.

3. **Critical Incident Stress Management** – Recognizing that officers involved in a critical incident are likely to experience compounded stress related to the incident and any ongoing investigation(s) into their actions, the MPD CISM response to officers involved in a critical incident will include additional formalized support as outlined in this SOP beyond that which is covered in MPD SOP: Employee Assistance Program. Support systems already in place under MPD SOP: Employee Assistance Program include a mandatory Defusing and optional attendance at any subsequent Critical Incident Debriefings. In addition to these, officers involved in a critical incident will be required to attend mandatory consultations with a Trauma Specialist Clinical Consultant. The first of these consultations will occur within 24-72 hours following the incident. Subsequent required sessions will be scheduled prior to the officer's return to work, at 6 months post-incident; at 1 year post-incident; and annually thereafter up to 5 years post-incident (as indicated by the Trauma Specialist Clinical Consultant). The lieutenant or captain of Personnel & Training will work with the involved officer(s) to schedule these mandatory consultations.

The only feedback provided to MPD regarding the mandatory consultations is an acknowledgement from the Trauma Specialist Clinical Consultant that a meeting with the officer took place. No substantive information regarding the officer's medical or mental health condition will be shared with the MPD.

4. **Administrative Leave with/Pay** – Officers involved in a critical incident an OICI shall be placed on administrative leave with pay for a minimum equivalent of one and a half work rotations beginning with the first work day following the incident and will be placed on a Monday-Friday, 8 AM to 4 PM schedule. This leave is not a suspension and is in no way to be construed as disciplinary action or any indication of wrongdoing on the part of the officer.

The involved officer shall remain on paid administrative leave until all of the following occurs:

- The case has been submitted for review by the District Attorney.
- The officer has received the mandatory Defusing immediately following the CI and optional attendance of any scheduled Debriefings related to the incident.
- An initial consultation with a Trauma Specialist Clinical Consultant has occurred within the first 24-72 hours following the incident.
- The officer has met with their chain of command to establish a Return to Duty Plan.
- The officer will participate in a relevant re-familiarization training scenario as appropriate depending on the circumstances surrounding the critical incident in which they were involved. For example, if an officer was involved in a critical incident that included the use of deadly force by use of a firearm, the officer would participate in a firearms course of fire facilitated by Personnel & Training staff. The purpose in this case is not to qualify the officer, rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision-making and

weapons handling. These re-familiarization training scenarios will be coordinated by Personnel & Training staff as needed and will be tailored to provide the officer with a useful opportunity for self-assessment based on their specific incident.

- Officers involved in a critical incident (an OICI) will be afforded the option of using leave time (vacation, compensatory time or sick time) on the one year anniversary date of the incident, regardless of staffing levels. Officers should work with their chain of command to facilitate this leave if desired.

**B. District Command Responsibilities** – In addition to the responsibilities discussed in the investigative portion of this SOP, District Command will assure the following officer aftercare issues are addressed:

1. Coordinate administrative leave with pay as appropriate and make all necessary Telestaff entries for this leave.
2. Establish a plan for regular contact with the officer while they are on administrative leave.
3. Work with the CIP to provide ongoing updates to the officer regarding the status of the investigation, DA and internal administrative reviews.
4. Meet with the officer and their CIP or other chosen support person to develop and document a Return to Duty Plan.
5. Monitor the behavior of officers involved in critical incidents for symptoms of acute or prolonged stress.

**C. Return to Duty Plan** – It is important for officers involved in critical incidents to participate in developing their individual Return to Duty Plan. While the MPD will set minimum requirements, the involved officer, the Trauma Specialist/Clinical Consultant, and the officer's chain of command should all work together to create a plan that best meets the needs of the officer and facilitates a successful return to duty transition. Options to consider include:

- Graduated return schedule that allows for a paced re-entry.
- Return in a temporary restricted duty capacity or inside assignment for a period of time.
- Temporary change of assignment to a non-patrol work unit such as TEST, CPT, partnering with a NPO, etc.
- Ride with a partner officer for a period of time.
- Return to regular assignment under close supervision.

No two officers react the same to involvement in a critical incident and each incident in and of itself brings to bear unique circumstances. For this reason, it is important to allow for flexibility in developing a return to duty plan. The key is that a clear plan should be developed and put in writing with all interested parties participating in its development so that all share the same understanding of the expectations and timeline set forth.

**D. Duties of Personnel & Training** – Personnel & Training staff will have the following responsibilities related to OICI aftercare:

1. Review incident specifics to identify any possible training concerns and work with the officer to provide any necessary review or clarification.
2. The Personnel Lieutenant will work with the officer to schedule all mandatory consultations with the Trauma Specialist/Clinical Consultant as previously outlined.
3. Training staff will discuss with the involved officer and evaluate the appropriateness of coordinating scenario-based training. The purpose in this case is not to qualify the officer, rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision-making and weapons handling.

**E. Ongoing Care/Post-Traumatic Stress Disorder Prevention** – Officers involved in critical incidents are at risk of developing and suffering from post-traumatic stress disorder (PTSD). Symptoms of PTSD may not arise immediately and in some cases, officers may attempt to hide the problem.

Because of the significant impact that these types of incidents can have on an officer's wellbeing over time and in an effort to provide ongoing support to mitigate the cumulative stress that often occurs in

the aftermath of a critical incident, all supervisors and co-workers should monitor the behavior of officers involved in a critical incident for symptoms of acute or prolonged stress. All officers should be informed of and trained as appropriate regarding the nature of these incidents, potential symptoms of critical incident stress, as well as how the necessary investigations that often accompany an OICI are conducted. For this reason, ongoing communication with the officer throughout the process and following their return to duty is essential in stemming any long-term stress related to an OICI.

Original SOP: 11/06/2013

(Revised: 04/24/2014, 07/15/2014, 11/23/2015, 6/10/2016, 06/06/2017, 12/21/2017)

(Reviewed Only: 02/25/2016)

## Attachment A

## Officer Involved Critical Incident Investigation Conflict of Interest Checklist

**Involved Officer:** An officer who is directly involved in the critical incident as a principal, a victim, a witness, or is the custodial officer.

If any of the below criteria apply to you, you will not be eligible to participate as an investigator of the incident. You shall notify the OICI commander immediately. If you have a potential conflict of interest, you shall discuss this with the OICI commander before participating in the investigation.

1. You are a direct relative or are related by marriage to the involved employee(s).
2. You have been involved in a romantic or sexual relationship with the involved employee(s).
3. A former spouse or domestic partner of yours is currently or has been involved in a relationship with the involved employee(s).
4. You have been involved in an internal investigation as a complainant or subject of an investigation involving the employee(s).
5. Any other possible conflict of interest that would create a potential appearance of unfairness in your ability to conduct an objective investigation (close friendship with the involved officer(s), etc.).

## Attachment B

## Post-Incident Alcohol/Drug Testing

Any employee involved as the principal officer in an officer involved critical incident will be required to submit to chemical testing for alcohol and drugs as provided for in this document. The collection and testing will be in accordance with these guidelines:

1. The primary means of testing will be a blood draw, conducted at a medical facility. (In the event that a blood draw is not practical, urine may be used as an alternate test.) If it is not practical for the sample to be collected at a medical facility, an alternate means of collection—utilizing an appropriately trained professional—may be used.
2. The sample will be collected as soon as is reasonably practical after the incident, taking other needed post-incident tasks into account (collecting other evidence, medical treatment, etc.).
3. The sample should be collected in the presence of an FSU Investigator. The FSU investigator will ensure that the sample is handled, transported and shipped in accordance with proper evidence handling practices. In the event that an Investigator is not available to monitor the sample collection within a reasonable time frame, the OICI Commander may assign an MPD supervisor or OICI Team Member to do so. The sample will be turned over to an FSU Investigator as soon as possible for further handling.
4. A sufficient sample will be collected to allow for additional testing in case of an initial positive test.
5. The sample will be sealed and transported to a testing facility using proper evidence handling practices. MPD will not retain any portion of the sample.
6. MPD will request a report from the testing facility that shows the presence and concentration of the following substances and derivatives:
  - a. Alcohol
  - b. Marijuana/THC
  - c. Cocaine
  - d. Opiates
  - e. Amphetamines
  - f. LSD
  - g. PCP
7. The test result report will be directed to the PSIA Lieutenant and will be placed in the internal investigative file. Once the test results have been received, the OICI commander will be notified. The OICI commander will notify the outside investigating agency (if applicable) and the District Attorney's office that the test results are available. The test result report will be provided to the outside investigating agency and/or the District Attorney's office if requested.
8. The PSIA Lieutenant or designee will share the test results with the involved employee. A copy of the results will go in the PSIA investigation file. The lab will automatically destroy any remaining sample 6 weeks after the test results become available. The involved employee may request additional testing with the remaining sample. In that event, it is the responsibility of the involved employee to notify the PSIA Lieutenant that the employee would like any remaining sample to be preserved by the lab.
9. Other testing protocols as permitted by policy, APM or law remain in effect.



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Overtime Protocols for Police Report Typists

Eff. Date ~~12/22/2016~~ 11/20/2017

**Purpose**

The purpose of this memorandum is to establish clear and consistent protocols for the allocation of overtime for employees assigned to the job classification of Police Report Typist (PRT).

**Procedure**

In order to facilitate compliance with this agreement, the following guidelines have been developed for department managers to use when police report typist resources beyond those immediately available are necessary on an overtime basis.

PRTs perform a wide array of job duties throughout the department beyond just the typing of police reports. However, regardless as to WHERE a PRT may be assigned, they all are assigned to the PRT job classification, and compliance with the Employee Benefits Handbook overtime provisions is necessary.

**WHAT NECESSITATES OVERTIME FOR POLICE REPORT TYPISTS?**

1. **OT to meet minimum staffing levels (6) (Full shift)**
  - a. Control Point: (1) PRT on each shift every day

Procedure for Authorizing Full Shift Replacement Overtime:

- If unexpected (last minute) Monday through Friday, contact the Police Report Supervisor, or if unavailable, contact the Records Manager.
- If unexpected (last minute) Friday night through Sunday, consult the "RDO Call-In" list posted in Patrol.
- If shift vacancy known in advance, the Police Report Supervisor or the Records Manager will schedule overtime.
- If necessary, the least senior, on duty PRT can be "ordered" over/in on overtime to insure minimum staffing levels are maintained for partial or full shifts.

OT for Major Cases and Significant Events: All major crimes (homicides, attempted homicides, traffic fatalities) or other significant events (search warrants, etc.) which will most likely result in a large number of police reports to be typed in a timely manner.

Procedure for authorizing OT for Major Cases and Significant Events:

- Remember reports will generally not start coming in for three to four hours so consult with the OIC and look at the schedule as to how many PRTs you may need outside of who is scheduled to come in. Call in the next shift early and/or have the last shift stay over first. Consult the "RDO Call-In" list posted in Patrol next for volunteers.
- Contact the Police Report Supervisor, or if unavailable, contact the Records Manager if not enough help is available or to help coordinate if needed.

2. **OT for processing "weekend" arrests and priority reports:** It is the shared, coordinated responsibility of OICs and PRTs working during the weekend to monitor CFS activity and dictation files listed on Winscribe for "In Custody" Adult and Juvenile arrests (Baskets 1 & 2), and Priority reports (Basket 3). Court Detectives work throughout the weekend preparing arrest reports for the District Attorney's Office. Therefore, it is imperative we process arrests in a timely manner. In addition, it is imperative for District command staff to have access to all Priority reports by 12:00 p.m. on Monday.

Procedure for authorizing OT for “weekend arrests” and priority reports:

- OIC and PRTs will monitor the weekend arrests and priority reports.
- Seek volunteers of staff already working to stay over/come in early.
- If no volunteers, consult the “PRT RDO Call-in” list posted in Control Point. PRTs should, by rule, be called into work strictly based on the order they appear on the “PRT RDO Call-in” list. (Keep in mind, PRTs are guaranteed a minimum of TWO hours for being called in. If called in between midnight and 6 a.m., PRTs are guaranteed a minimum of THREE hours).
- Email the Police Report Supervisor if the “PRT RDO Call-in” list is used and **they are she is** not already aware.
- **If a PRT would be ordered in on OT in either of these situations, please email PD Payroll for appropriate processing of minimum OT.**

3. **OT for processing “Report Backlog:”** The management and monitoring of Winscibe, or the “reports to be typed” backlog, is the responsibility of the Police Report Supervisor or in his/her absence, the Records Manager. There is no specific number of reports needing to be typed that necessitates overtime being used to complete this work. Rather, an analysis is done that takes into consideration such factors as total number of reports needing to be typed, the oldest reports needing to be typed, and total number of priority reports needing to be typed. As a general rule, all Priority and Felony reports (Baskets 3 & 4) are typed by 4:00 p.m. Monday through Friday. Next, all OMVWI reports (Basket 5) are typed by Wednesday of each week to facilitate timely processing by Court Services personnel. Lastly, Citation and Other reports (Baskets 6 and 7) are typed throughout the week, with part-time “hourly” PRTs scheduled to assist in processing these reports. Command staff should remember the priority or basket level assigned to any dictated report can be changed so that it gets processed sooner.

Procedure for authorizing OT for “Report Backlog” processing:

- Authorized by the Police Report Supervisor or the Records Manager.

It is hoped this memorandum clarifies overtime protocols and procedures for PRTs. Police reports move information throughout the department. When this movement is unnecessarily slowed or hindered, our ability to effectively clear cases, solve crimes, make arrests and address substantive problems is slowed and hindered as well. It is our job as managers to monitor this process and make it work for all of us.

Original SOP: 03/01/2014

(Revised: 02/05/2016, 12/22/2016, **11/20/2017**)



# CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



## Patrol Leave Requests

Eff. Date ~~01/19/2017~~ 12/11/2017

### Purpose

The following procedures outline how Patrol leave requests are to be handled.

### Procedure

#### SAME DAY LEAVE REQUESTS

The starting minimum for 1st, 3rd and 5th shifts will include two buffer beats above “hard minimums” which will maintain staffing levels on these shifts at their designated “soft minimums.” Both of these buffer beats will be maintained on a daily basis. However, at a specified time prior to the start of a shift, officers who have been previously denied leave through Telestaff may call in on the affected day and request the entire day off as long as staffing has remained at the “soft minimum” of that shift. Approvals will be granted to one officer on the basis of the order of their denial status (e.g., first, second denial, etc.). Should there be no denied leave requests in Telestaff for a particular day when staffing has remained at “soft minimums,” leave will be granted on a first come, first served basis; however, approvals will not be made until one hour before the start of the early shift of the respective detail. Please note that the shift OIC retains the discretion to hold staffing at “soft minimums.”

It shall be the officer’s responsibility to call the on-duty Officer in Charge to inquire as to whether or not same day leave can be granted. If all-day leave was previously denied, 1st Detail officers will be expected to call in between 4:30 a.m. and 4:45a.m. 3rd Detail officers must call in between 12:30 p.m. and 12:45 p.m., and 5th Detail officers are to call in between 8:30 p.m. and 8:45 p.m. If officers do not call, they will be expected to appear for duty as previously scheduled. An officer who was not previously denied all-day leave on a particular date must call in after the following times to determine if leave can be granted: 1st Detail, 4:45 a.m.; 3rd Detail, 12:45 p.m.; 5th Detail, 8:45 p.m. Should unforeseen circumstances cause staffing levels to fall below designated “soft minimums” for that shift (e.g., sick-ups, light duty status, etc.), no other leave (with the exception of sick leave) will be approved.

Any officer who requires sick leave must notify the Officer in Charge as soon as practical. This should ideally be at least two hours prior to the start of briefing for the shift the officer was scheduled to work.

#### PARTIAL SHIFT LEAVE REQUESTS

The process for partial shift leave requests is unchanged. All early leave requests are to be made in Telestaff. **Please note that officers may not sign-up for early leave more than 30 days in advance or occupy the first sign-up position more than once during a calendar week (Sunday through Saturday).**

Please direct any questions to your respective shift Lieutenant Officer in Charge.

#### DAY OFF TRADE REQUESTS

- Day off trades will only be approved when officers are unable to take off by using leave time (staffing is at shift minimum; no remaining leave time available, etc.).
- Requests should be submitted simultaneously from both involved officers to the appropriate shift scheduler. Each email should specify both days affected. If the shift scheduler is not available, the request should be made through the appropriate shift OIC. Both days involved in the trade must be within the same FLSA work period.
- Double trades (i.e., after one day is traded for another in the future, one of those identified days is traded again) are discouraged but may be approved by the shift OIC under extenuating circumstances.



- This procedure is intended to benefit officers who are otherwise unable to schedule time off using leave time. So, officers who volunteer to trade should not be penalized by being bumped to a beat other than the beat they agreed to work (so, for example, if a permanent beat officer gets someone to work for him/her, that person will ride the permanent beat).
- If an officer (with a permanent beat) has his/her RDO changed by the department to accommodate training, the officer will be scheduled in their beat on the day they are scheduled to work (even if the relief officer gets bumped). However, if the RDO change is to accommodate something at the officer's request (such as specialized training) they are not guaranteed to ride their beat on the day they work.
- Day off trades will not be allowed on holidays, except through the holiday leave process.

## HOLIDAY STAFFING

Order-offs will be utilized to reduce patrol staffing to **hard** minimums for most holidays. Higher staffing levels may be maintained on certain holidays with an operational need (such as New Year's Eve). Order-offs should generally be done at least ten days prior to the holiday. Any time off requests for holidays must be entered in Telestaff at least ten days prior to the holiday. Once order-offs for particular holidays have been made, officers who have voluntarily taken that holiday off may not cancel their holiday leave for that day.

A process will be conducted in early November by the 1<sup>st</sup> detail shift scheduler 5th detail OIC to allow for non-patrol personnel to work patrol shifts on holidays in order to maximize the ability for patrol personnel to take leave on those dates.

Original SOP: 03/01/2014  
(Reviewed Only: 02/22/2016, 01/09/2017)  
(Revised: 01/19/2017, 12/11/2017)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE  
Personnel File Contents and the  
Process for Accessing These Records



Eff. Date ~~02/03/2017~~ 12/21/2017

## Purpose

The Madison Police Department (MPD) maintains information on all current and past employees, commissioned and civilian, pursuant to State of Wisconsin Statutes and City of Madison Ordinance.

The purpose of this standard operating procedure is to identify and clarify specific categories of personnel information and to establish criteria to assure that this information is maintained and protected, allowing access only when provided by law. Accordingly, not all portions of an employee's employment file will be available to the employee. In addition, there may be a reasonable charge for providing copies of records.

The following categories are considered sections of an employee's overall Personnel File Record and the documents identified represent typical types of records that may be stored within. The documents listed within each category are not inclusive.

## Files/Definitions

### EMPLOYEE FILE (GREEN)

#### (Maintained by the Lieutenant of Personnel)

This file is stored in the Master File room in the CCB in a green file folder. File contents are typically related to:

- Letter to Offer Position to Candidate
- Letter of Acceptance
- Letters of Recommendation (if turned in after employment began)
- ~~Pre-employment Agreement to Reimburse Costs and Expenses~~
- Standards of Conduct Pledge
- ~~Statement of Commitment~~
- Employee Status Information (rank, address, education, assignment)
- Commendations and Awards (Employee Recognition Form(s), Citizen Recognition Letters, Departmental Awards)
- Evaluations
- Disciplinary Notice/Findings
- Employee Notification of Grant Funded Position

### MEDICAL FILE (BLUE)

#### (Maintained by the Lieutenant of Personnel)

This file is stored in the Master File Room in the CCB in a blue file folder. File contents are typically related to:

- Doctors Documents
- Workers Compensation Documents
- OSHA
- Any Medical Related Documents
- Family Leave Form
- Fitness to Use a Respirator
- Drug Test Results (Post-Employment Offer)

## **TRAINING**

### **(Maintained by the Training Section)**

These files are stored electronically by the Program Assistant assigned to the Training Team. Files earlier than 2013 are currently housed in a Green File Folder. File contents are typically related to:

- In-Service Specialized Training
- Remedial Training (non-discipline related)
- Field Training Officer/Sergeant
- Specialized Unit Training
- District/Section Training
- HR 218

## **PROFESSIONAL STANDARDS AND INTERNAL AFFAIRS<sup>1</sup>**

### **(Maintained by the Lieutenant of PS&IA)**

Prior to 2014, some of the below listed files are stored in the Master File Room in the CCB and secured in a separate locked storage cabinet. After that date, all PS&IA files are stored electronically within the IA management software program designated by the Madison Police Department. File contents are typically related to:

- Internal and External Complaints
- Investigations by PSIA and District Command of SOP and Codes of Conduct Violations
- Documentation of Sanctions (discipline and non-discipline)
- Existing and expired Work Rules/Performance Improvement Plans
- Historic Disciplinary Records
- Pursuit Reviews
- Squad Crash Reviews, Arbitrator, MDC messages, Emails and Sick Leave Use Audits

## **DISTRICT UNIT FILE OR DISTRICT SECTION FILE (OPTIONAL)**

### **(Maintained by Employee's Commanding Officer/Civilian Manager of District/Section)**

A district/section file is simply a working file containing copies of documents permanently stored elsewhere. The district/section file is not to be used to store any original personnel documents. Examples of documents to place in a district/section file:

- Copies of reports
- Copies of emails
- Copies of performance recognition documents, compliments, letters, etc.
- Copies of work rules/performance improvement plans (originals to PS&IA file)

Whenever a copy is placed in a District/Section file, the Commanding Officer/Manager should note the date on the document and ensure that the original document is maintained elsewhere (personnel file, records, PS&IA, etc.).

## **PRE-SERVICE ACADEMY TRAINING FILE (YELLOW)**

All pre-service records remain at the Training Center under the direction of the Lieutenant of Training until transferred to the Master File Room at Headquarters. The maintenance of these files is then the responsibility of the Lieutenant of Personnel. Documents related to tests and performance measures of probationary

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<sup>1</sup> These files have restricted access. Access to portions of these files may be denied due to exceptions noted in Wisconsin State Statutes §§19.31-19.39 and §103.13.

commissioned personnel while attending the MPD Police Academy are housed electronically or on microfilm; certain paper files may also be housed in the Master File Room located at Headquarters.

### **FIELD TRAINING FILE (ORANGE)**

Documents related to performance measures of probationary commissioned personnel while participating in MPD's Field Training and Experience program are housed electronically or on microfilm and maintained by Training until the employee is deployed to a field assignment. Certain paper files may also be housed in the Master File Room located at Headquarters.

### **PROMOTIONAL PROCESS FILE**

#### **(Maintained by the Lieutenant of Personnel/Chief's Administrative Assistant)**

Certain process documents, including those that are generated as the result of candidate interviews with the Chief, will be stored in the Master File Room. These documents are specific to the commissioned promotional process.

## **Rules and Guidelines**

### **CRITERIA**

- A current or former employee may review their personnel records up to two times within a calendar year upon request. A review form indicating date of review and signature of employee will be maintained within the file.
- Employees must be notified and/or sign off on new documents placed within their personnel file pertaining to performance issues.
- All file entries should include the following specific dates when appropriate: the date the information was added to the file and/or the date the information was received by PS&IA.
- Documentation should occur each time someone accesses an employee personnel file. This documentation should consist of a short memo indicating the date of the review, who conducted the review, the reason for the review, and what sections of the personnel file were accessed. This memo shall be placed within the employee file.
- Personnel files are all to be housed within the locked Personnel File Room located at Headquarters. However, certain Pre-Service Field Training Files are stored electronically. In addition, certain PS&IA files are kept in this room through 2013 but are otherwise electronic (see above).
- Personnel Files are available to the employee, the employee's representative when involved in a grievance, an employee's physician (per medical record exception) and decision-maker (Lieutenant of Personnel or their Commanding Officer).
- Employees may add to their files; i.e., when they receive direct commendations from the public.
- Copies. The right of the employee or the employee's representative to inspect records includes the right to copy or receive a copy of records. The employer may charge a reasonable fee for providing copies of records, which may not exceed the actual cost of reproduction.

### **RETENTION OF RECORDS**

- No records are to be removed or purged at an employee's request. If an employee believes a record exists in error or disagrees with the content of a record, the employee can submit a memo stating they dispute the record and why. This memo will be stapled to the disputed record.
- Copies of documents placed in a district/section file should generally be maintained in the district/section file for 18 months. After that, the copies should be purged or maintained in the district/section file if there is an organizational need. Commanders/managers should routinely monitor the contents of employees' district/section files to ensure that all original records are forwarded to the Employee File at Headquarters.

- All documents listed above that are placed in an employee's permanent file will be stored for at least **eight (8) fifteen (15)** years after separation from service.

Wisconsin State Statutes §§19.31-19.39 and §103.13 clearly articulate exceptions related to employee access of their Personnel Records. These exceptions include:

- Records relating to the investigation of possible criminal offenses committed by that employee.
- Letters of reference provided through the background process.
- Any portion of a test document, except that the employee may see a cumulative total test score for either a section of the test document or for the entire test document.
- Materials used by the employer for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignment or other comments or ratings used for the employer's planning purposes.
- Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- An employer who does not maintain any personnel records.
- Records relevant to any other pending claim between the employer and the employee, which may be discovered in a judicial proceeding.

### RECORDS APPEAL PROCESS

- Review processes initiated by the employee shall be in writing describing the disputed information and directed to the authority responsible for maintaining the record in question.
- The authorities designated to maintain the specific record will be responsible for the review process and may delegate the review to his/her designee. The designated authority will make a determination on the record in dispute. Appeals to this decision are to be directed to an Assistant Chief.
- The final decision on the disposition of the appeal shall be the responsibility of an Assistant Chief.
- If an agreement is not reached through the appeal process, an employee may submit a response to their written dispute articulating the employee's position. That response is to be attached to the original disputed document.

Original SOP: 05/11/2012

(Revised: 02/25/2015, 06/10/2015, 02/12/2016, 03/21/2016, 02/03/2017, **12/21/2017**)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Police Weaponry

Eff. Date ~~08/25/2016~~ 12/21/2017

**Purpose**

This procedure defines authorized handguns, holsters, allowable alterations to handguns and rifle use.

**Procedure**

**HANDGUNS**

**Shall be Carried On Duty**

All commissioned personnel shall carry a fully loaded handgun, one extra fully loaded magazine and a pair of handcuffs on their person while on duty, pursuant to the guidelines in this policy, unless otherwise directed or waived by a commander for special circumstances. If primary role is a patrol/street capacity, a person shall carry two extra fully loaded magazines for their primary handgun.

Officers will qualify in accordance with Madison Police Department (MPD) standards with any handgun carried on duty.

Any officer transitioning to a new duty or secondary weapon, must successfully qualify with that weapon prior to use on or off duty. Any officer transitioning to a new primary holster requiring a different carrying method must successfully qualify with that holster prior to use on duty. Any officer transitioning to a weapon-mounted lighting system must successfully ~~qualify~~ complete the MPD weapon mounted light course of fire, with ~~that the installed~~ system prior to use on or off duty.

Officers shall not carry more than two handguns.

The Chief of Police may authorize special weapons and/or ammunition to be carried by SWAT officers.

**Specifications for Primary Duty Firearm**

The approved primary duty handguns for members of the MPD will be:

1. Glock Models 17 (9mm), 19 (9mm), 26 (9mm), 22 (.40 cal.), 23 (.40 cal.), 27 (.40), 21 (.45 cal.) and 30 (.45 cal.), and Heckler & Koch VP9.
  - a. Glock duty handguns shall be equipped with the factory Glock trigger components which, per Glock Inc., requires 5.5 lbs of force to fire. If an officer chooses, they can utilize a configuration that makes the trigger pull heavier as long as Glock factory parts are utilized, and they are installed by a certified armorer.
  - b. Heckler & Koch duty handguns shall be equipped with the factory Heckler & Koch trigger components which, per Heckler & Koch, requires 5.4 lbs of force to fire. If an officer chooses, they can utilize a configuration that makes the trigger pull heavier as long as Heckler & Koch factory parts are utilized, and they are installed by a certified armorer.
2. Any officer that carries a Glock Sub-Compact Model as their primary duty weapon must use a magazine extender when in Military Uniform. A magazine extender is defined as a replacement of the magazine floor plate that allows additional rounds to be carried in the firearm. Glock model 42 is not an approved primary duty weapon, even with a magazine extender, unless approved by supervisor for a special assignment.

Officers currently qualified with other semi-auto pistols will be allowed to continue to remain qualified with those weapons authorized in policy as of January 1, 1996. Those officers wishing to change primary firearms after this date will be required to change to the approved Glock or Heckler & Koch models above.

An officer may not be simultaneously qualified for more than one brand of semi-automatic pistol to be used as a primary weapon.

The Training Section will determine what weapon model all newly hired officers will carry while on probation.

**Detectives and Plainclothed Personnel:** When detectives or plainclothed officers wear their weapon in plain view, they will also display their MPD badge in a manner that is clearly visible and have their MPD identification on their person.

### Specifications for Secondary Firearms

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1. All secondary weapons must meet the following specifications:
  - a. Smith & Wesson, Sig Sauer, Glock, Beretta, Ruger, or Walther, or H&K brand.
  - b. Double action or ~~striker fire~~ ~~Safe action Glock~~ as specified above.
  - c. Semi-automatic action only or revolver.
  - d. .380, .38, .357, 9mm, .40 caliber or .45 caliber.
  - e. Carrying any other type of handgun must be approved by the Chief of Police or designee in advance.
2. Officers will qualify with their secondary weapons annually. Officers will be required to draw their weapon, in the qualification course, from the concealed carry position utilized on duty. The method of carry must be approved by the Training Team at the time of qualification.
3. Secondary weapons are intended only as an emergency backup weapon in the event the primary weapon is lost, non-functional or inaccessible to the officer.
4. Officers may be responsible for ammunition and weapon maintenance for secondary and off-duty weapons.

### Off-Duty Firearms Carry

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1. Officers wishing to carry a handgun while off duty, based on their authority as a Madison Police Officer, must comply with these guidelines:
  - a. Officers carrying a handgun while off duty must have a badge and MPD identification on their person.
  - b. Officers carrying a handgun while off duty are responsible for knowing and acting in accordance with all relevant MPD procedures.
2. Officers who have been issued a license to carry a concealed weapon under 175.60 Wis. Stat. may carry weapons as authorized for any license holder by applicable state law. Officers carrying a weapon off duty, pursuant to a license issued under 175.60 Wis. Stat., are limited to carrying in places and circumstances a license holder would be. If an off-duty officer is carrying a weapon under this statute, and this weapon is not an authorized MPD weapon, the employee must be aware that he/she is acting as a private citizen carrying a concealed weapon (CCW) permit.
3. No firearm may be carried off duty when an officer is consuming intoxicants. See Wisconsin Statute 941.20(1)(b) which prohibits any person from carrying a firearm while intoxicated.

### General Specifications

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Only MPD-authorized service ammunition shall be carried on or off duty. Officers are only authorized to use magazines designed and marketed by the manufacturer of the weapon being carried.

MPD authorized firearms may not be modified, altered, or have any non-approved part(s) installed. ~~No modification, alteration, or installation of any part in any authorized firearm shall be made~~ without the approval of the Captain of Training or designee. Firearms with actions altered beyond established safety guidelines are not permitted. Trigger shoes are not permitted. Non-standard grips must be approved by the Captain of Training or designee. Officers shall not disassemble their weapons beyond the basic "field strip" unless the officer is a certified armorer for that particular weapon. A weapon mounted lighting system is considered to be an extension of the weapon and shall not be removed from the weapon except for repairs, battery/bulb

replacement, or when training without the lighting system is desired. **Laser projecting aiming systems are not approved for MPD firearms.**

## HOLSTERS

1. MPD will provide the initial issue duty holster to all new employees. Officers may purchase other approved holsters through their uniform and equipment account. MPD will replace duty holsters that are damaged in the course of duty.
2. Holsters must meet the following specifications:
  - a. Uniformed personnel, while working in the field in a patrol capacity, shall carry a holster which is designed to secure the specific weapon carried. The holster will be plain black, have a safety strap or hood which covers the back of the slide or hammer, and possess characteristics which secure the weapon so as to withstand strenuous activity, whether snapped or unsnapped. The holster will have solid belt loops and allow a handgun to be reholstered and secured with one hand.
  - b. Uniformed personnel, not working in the field in a patrol capacity, shall carry a holster which is designed to secure the specific weapon being carried. The holster will be plain or basket weave, black in color, and be capable of securing the weapon so as to withstand strenuous activity, whether snapped or unsnapped. The holster will allow the handgun to be reholstered and secured with one hand.
  - c. Plainclothes/Blazer Personnel shall carry a holster or fanny pack designed to secure the specific weapon being carried. The holster will be capable of securing the weapon so as to withstand strenuous physical activity. The holster will allow the handgun to be reholstered and secured with one hand.
3. Primary duty holsters are to be worn in a manner that allows for a strong hand draw stroke.
4. Shoulder holsters which meet the following specifications are authorized:
  - a. The holster will be worn in the manner intended by the manufacturer, and secured to the waist belt.
  - b. The holster will have the capability of allowing the handgun to be returned to the holster with one hand.
  - c. The holster will be equipped with a safety strap or other means of securing the weapon so as to withstand strenuous physical activity.
5. Captains may permit subordinate officers to carry a holster that deviates from the above, or authorize other means of carrying their weapon; such permission shall be in writing and placed in the employee's personnel file.
6. Secondary weapons must be holstered and fully concealed in such a manner as to remain secure during vigorous physical activity. A designated representative of the Training Team will inspect the security of holsters and carrying methods for all secondary weapons during firearm qualification.

## DRAWING THE HANDGUN AND CONFRONTING A THREAT

1. A handgun may be removed from its holster in the performance of duty under the following circumstances, and only with the finger outside of the trigger guard:
  - a. When an officer reasonably believes that the potential for the authorized use of deadly force may exist.
  - b. When it is necessary to secure in a safe place or check on the serviceability of the weapon.
  - c. At an approved range.
2. Confronting threats with drawn handgun:
  - a. The finger will remain outside of the trigger guard until such time as circumstances exist which reasonably indicate a danger to life or of great bodily harm.
  - b. If applicable to the officer's particular weapon system, the pistol will be in double action mode, and the weapon will not be cocked.
  - c. If applicable to the officer's particular weapon system, after being fired, a semi-automatic pistol may remain in the cocked/single action mode until such time as the immediate threat of death or great bodily harm no longer remains. The weapon will then be restored to double action mode by use of the de-cocking lever, if so equipped.



## DEPARTMENT APPROVED RIFLES / ADMINISTRATIVE GUIDELINES

1. Officers will only use MPD-authorized rifles.
2. No modification, alteration, or installation of any part on any department assigned or individually owned rifle shall be made without the approval of the Captain of Training or his/her designee, or by the SWAT commander (for SWAT tactical team members).
3. Only officers who meet MPD training requirements are authorized to use MPD approved rifles and will use them in accordance with department training, policy, and established safety procedures.
4. Officers shall ensure that their MPD assigned and/or individually owned rifle is properly maintained, regularly inspected, and serviced in accordance with MPD training.
5. The Captain of Training or his/her designee shall maintain rifle assignments and records.
6. Except for exigent circumstances, officers shall not use a rifle not assigned to them.
7. Uniformed officers assigned to and engaged in field operations shall ensure that their authorized rifle is properly secured in their squad at the start of their shift unless approved by a supervisor. This requirement does not apply to off-duty or special assignments.
8. Rifles transported in police vehicles shall be secured in the mounting brackets provided or be cased in the vehicle's trunk. The rifle should have an empty chamber, have the safety on, and have a magazine loaded with the prescribed number of rounds as established by this SOP.
  - a. Only MPD-approved rifle ammunition is authorized to be carried on duty.
  - b. Magazines designed to hold 20 rounds shall be loaded with 18 rounds. Magazines designed to hold 30 rounds shall be loaded with 30 rounds. In no case shall the magazine be loaded with more rounds than designated by the manufacturer.
9. In police vehicles equipped with a prisoner transport screen, the screen shall be in the up or closed position when transporting prisoners, suspects, or persons under protective custody when a rifle is secured in the passenger compartment.
10. In the event an officer's rifle becomes fouled, is suspected of having a partial or complete barrel obstruction, or is otherwise not in a serviceable condition, it shall be immediately made safe and placed out of service until proper cleaning and/or repairs can be made. The officer responsible for the rifle shall promptly make written notice to the Training Team's In-Service Sergeant noting the nature of the problem. If the rifle will be unserviceable for an extended period of time, the officer will be issued an MPD-owned loaner rifle zeroed to the officer.
11. In the event an officer's rifle is collected as evidence, the Training Team's In-Service Sergeant or his/her designee will issue an MPD-owned loaner rifle zeroed to the officer as soon as possible.
12. Storage for rifles will be provided in each district station armory.

### Individually Owned Rifles

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Officers who have completed MPD-approved training may carry and utilize an AR-15 A2/A3 style 5.56mm/.223 rifle they personally own while on duty.

The rifle shall meet the following criteria:

1. Be made by Colt or Bravo Company (BCM) manufacturing.
2. Be semi-automatic.
3. Have a minimum barrel length of 16 inches.
4. Have a full or multi-position collapsible stock. No folding stocks are allowed.
5. Have a sling attached.
6. Be equipped with iron sights.

Deviations from these requirements may be made only with the written approval of the Captain of Training. Deviations for SWAT tactical team members may be approved by the SWAT commander.

### Optional Accessories for Authorized Rifles

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1. MPD-owned rifles may be equipped with a flashlight. The flashlight mount must:
  - a. Not require a modification of the rifle hand guards as delivered by Colt or Bravo Company.

- b. Be able to be stored in the rifle mounting rack system in the squads.
2. Individually owned rifles may be equipped with the following accessories purchased at the owner's expense:
  - a. Flashlight.
  - b. A vertical forward grip.
  - c. A tactical hand guard or free floating hand guard. A low-profile gas block may be used in conjunction with an extended free floating hand guard.
  - d. An alternative stock and/or pistol grip.
  - e. An ambidextrous safety and/or charging handle.
  - f. A "winter" trigger guard.
3. MPD-owned rifles may only be equipped with MPD-owned optical sights.
4. Individually owned rifles may be equipped with optical sights.
5. Guidelines for optical sights and magnifiers:
  - a. Only MPD approved optical sights and magnifiers can be used on duty. The Captain Training or his/her designee will maintain a list of the approved optical sights and magnifiers.
  - b. If equipped with optics, the optics must allow for simultaneous utilization of the iron sights.
  - c. Officers utilizing an optical sighting system must qualify with that sighting system and iron sights prior to using the rifle on duty.
  - d. Officers with individually owned rifles may use a fixed-power magnifier in conjunction with the approved optic. The magnifier must utilize a mounting system that allows it to be instantly folded or rotated out of the way so the primary optic can be used without the magnifier, while remaining attached to the rifle.
  - e. Rifle optics shall never be used as a replacement for binoculars.
6. Current SWAT members may add additional accessories to individually owned rifles with the approval of the SWAT commander. **SWAT members who leave the team in good standing may retain accessories at the discretion of the SWAT Commander. This approval may be rescinded at any time.**
7. Installation of accessories that require disassembly beyond the standard field strip must be completed by a trained armorer or gunsmith, and inspected by an MPD armorer prior to duty use.

### Rifle Safety Procedures

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1. Rifles shall at all times be handled in accordance with MPD training, policy and established safety procedures.
2. When inspecting, loading or unloading rifles, officers shall:
  - a. Insure the safety is on.
  - b. While seated in the front passenger compartment of a police vehicle, place the muzzle toward the engine and away from any portion of an officer's body.
  - c. Remove the magazine.
  - d. Pull the charging handle to the rear and lock the bolt back by depressing the lower half of the bolt catch. If a round is in the chamber, it should be ejected by this action.
  - e. Visually inspect the chamber to see that it is empty, keeping fingers out of the ejection port to prevent injury.
  - f. Close the action by pulling the charging handle to the rear and then releasing it.
  - g. Inspect the magazine to ensure it is properly loaded before inserting into the magazine well. Tug aggressively down to insure the magazine is properly seated.
  - h. Close the dust cover.
  - i. Inspect the sights to insure they have not been altered.
  - j. Secure the rifle in the vehicle mounting bracket.
3. In police vehicles so equipped, the prisoner transport screen shall be in the up/closed position when transporting prisoners, suspects, or persons under protective custody.

### DEPLOYING THE PATROL RIFLE AND CONFRONTING A THREAT

1. A rifle may be deployed in the performance of duty under the following circumstances and only with the finger outside of the trigger guard and the safety on:

- a. When an officer reasonably believes that the potential for the authorized use of deadly force may exist.
  - b. When it is necessary to secure in a safe place or check on the serviceability of the weapon.
  - c. At an approved range.
2. Confronting threats with a deployed rifle:
    - a. The finger will remain outside of the trigger guard with the safety on until such time and circumstances exist which reasonably indicate a danger to life or of great bodily harm.
    - b. After being fired, the safety selector may remain on fire until such time as the immediate threat of death or great bodily harm no longer remains. The weapon will then be restored to safe.

### MISCELLANEOUS WEAPONRY

1. Uniformed personnel, while working in the field in a patrol capacity, shall have an MPD-authorized baton immediately available in their vehicle.
2. All uniformed personnel, while working in the field in a patrol capacity, are required to carry an MPD-authorized chemical agent. Carrying of an MPD authorized chemical agent is optional for non-field personnel.
3. All uniformed personnel, while working in the field in a patrol capacity, are required to carry an MPD-authorized electronic control device (ECD). This does not apply to personnel who have not been trained in the use of an electronic control device, or if no device is available.
4. The use or carrying of any non-authorized firearm, electronic control device, ammunition, chemical agent, or agent-dispensing device is prohibited.
5. Commissioned personnel are permitted to carry folding knives with a blade no longer than four inches for utility purposes while on duty. Fixed-blade knives are authorized only for members of SWAT and only while operating in that capacity during special circumstances with the written permission of the Chief of Police.

### FIREARMS SAFETY

Members of the MPD shall strictly adhere to all safety guidelines when handling any firearm to prevent an unintentional discharge of that firearm. Members shall not engage in any behavior with a firearm that may pose an unnecessary danger to any other person. Officers shall take reasonable measures to ensure the security and safe storage of MPD approved weapons. This procedure applies to all members of the MPD while on duty and to the handling of any MPD approved weapon while off duty.

### FIREARMS IN THE DANE COUNTY COURTHOUSE

It is the procedure of MPD to actively participate in the safe and secure operation of the Dane County Courthouse (DCC). Courthouses are locations where disputes involving the most volatile human emotions are resolved, and thus can create unique potential dangers. Madison Police Officers shall recognize this environment and exercise extreme care when bringing a firearm into the Dane County Courthouse.

1. On-duty MPD sworn employees performing official duties are authorized to carry firearms in the DCC regardless of attire (e.g., military, utility, professional uniform or civilian).
2. On-duty employees shall:
  - a. Wear a visible breast/pocket badge if wearing the military, utility or professional uniforms. While in civilian attire, a pocket badge and/or MPD ID card shall be displayed on the outer garment.
  - b. Wear an agency-approved holster and adhere to all MPD firearms safety and weapon retention procedures.
  - c. When in civilian attire, wear an outer garment (coat, jacket, vest) to cover the firearm. A badge on a belt clip or MPD ID card shall be displayed near the firearm.
  - d. Have MPD-issued identification on his/her person and produce this identification to Sheriff's staff or weapons screener upon request.

- e. Officers engaged in undercover activities are exempt from the above visible identification requirements and may provide weapons screening staff with other evidence of law enforcement status.
3. On-duty employees entering the DCC through the main entrance on Hamilton Street shall, upon request of Sheriff's staff or a weapons screener, provide proper identification and state the reason of the visit and sign-in. If an employee is not on official business, his/her firearm shall be secured in a gun locker near the main entrance, and he/she shall submit to weapons screening procedures.
4. Off-duty employees requiring access to the DCC for the purpose of attending to personal business shall enter the DCC through the public entrance on Hamilton Street and will submit to weapons screening. If armed, they will be required to secure their firearm in a gun locker near the main entrance and will be required to submit to weapons screening procedures. MPD employees who are not on duty and not on official business are not authorized to carry firearms in the DCC.

Original SOP: 02/25/2015

(Revised: 03/17/2015, 04/21/2015, 03/04/2016, 08/25/2016, 12/21/2017)

(Reviewed Only: 12/22/2016)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



**Pre-Employment Candidate Files**

Eff. Date ~~02/03/2017~~ 12/21/2017

## Purpose

The Madison Police Department (MPD) maintains information on all candidates competing for employment within the MPD pursuant to State of Wisconsin Statutes and City of Madison Ordinance.

The purpose of this standard operating procedure is to identify and clarify specific categories of records contained within these files that specifically relate to candidates that are hired. **These files have restricted access. Access to portions of these files may be denied due to exceptions noted in Wisconsin State Statutes §§19.31-19.39 and §103.13.** Accordingly, not all portions of an employee's pre-employment file will be available to the employee. In addition, there may be a reasonable charge for providing copies of records.

## File/Definition

These files are stored in the Master Personnel Records room at Headquarters in separate folders within a secured area. These files can only be accessed by the Lieutenant of Personnel and the Chief's administrative assistant. Documents referenced within the file categories below are representative of the types of documents that may be found therein but are not inclusive lists. Document types within the identified categories will vary between commissioned and non-commissioned employees.

### PRE-EMPLOYMENT APPLICATION FILE (MANILA)

(Maintained by the Lieutenant of Personnel ONLY if applicant hired)

- Preliminary Application (includes responses to essay questions on the application, education diplomas, education transcripts, copy of birth certificate, copy of drivers license, applicant photo)
- Biographical Information (Applicant Data Sheet)
- Letters of Recommendation (if submitted with application)
- Military Service Records (if submitted with application)
- Resume (if submitted with application)
- Pre-Employment Contract (Agreement to Reimburse Costs and Expenses)
- Statement of Commitment

### PRE-EMPLOYMENT TESTING FILE (GRAY)

- Written Test Score Sheet
- Written Essay
- Physical Agility Test Score and Waiver
- Oral Board Questions/Response Evaluations

### PRE-EMPLOYMENT BACKGROUND FILE (RED)

- Personal History Statement (includes biographical information, education/employment/military history, family members, past residences) and references that were requested as part of the background process)
- Authorization for Release of Information
- Criminal/Financial History Checks
- FTO Ride-a-long Overview
- MPD Background Summary

## INTERN FILE

(Maintained by the Public Information Officer)

## Rules and Guidelines

### RETENTION OF RECORDS

- Medical test results after a conditional offer of employment are to be stored in the Medical file within the Personnel File Records of an employee, which includes a cover sheet medically clearing the applicant and drug screen results.
- Pre-employment Application, Pre-Employment Testing and Pre-Employment Background files have very limited access, generally restricted to the Lieutenant of Personnel and the Chief's administrative assistant.
- If the candidate is hired, all documents listed above, will be stored for at least **eight (8) fifteen (15)** years after separation from service (consistent with the contents of their Personnel File Records, although these records are not considered a part of their Personnel File).

**Hiring process records and background files for individuals who were not hired by the MPD will be retained for at least three (3) years after the **related hiring process. document's origin date.** For commissioned positions, the Captain of Training and/or his/her designee are responsible for maintaining and purging these records. For candidates in a civilian position process, the respective Civilian Managers and/or his/her designees are responsible for maintaining and purging these records. The Public Information Officer is responsible for intern process and background records for individuals who were not later hired by the MPD. Associated intern records will be retained for at least **three (3) years after the document's origin date.** The Public Information Officer is responsible for maintaining and purging these records.**

Original SOP: 02/25/2015  
(Revised: 03/04/2016, 02/03/2017, **12/21/2017**)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Professional Standards and Internal Affairs Complaint Investigation

Eff. Date ~~06/19/2017~~ 12/06/2017

## Complaint Acceptance and Investigation

### 1. General Purpose

It is essential that public and employee confidence be maintained in the ability of the Madison Police Department (MPD) to investigate and properly resolve complaints against its employees, policies or procedures. It is also essential that the rights of the employee, as well as those of the public, be preserved. Therefore, the MPD is committed to investigating complaints in a fair manner with the truth as the primary objective.

Citizen complaints of code of conduct or procedural violations or alleged officer misconduct will be entered into the Professional Standards & Internal Affairs (PSIA) records system, including service complaints. ~~may be entered into the PSIA records system. allegations of unlawful conduct or significant rule violations~~ All complaints will be given a PSIA investigation number. ~~Complaints that are considered lower level conduct violations and are unlikely to result in discipline will be entered as a Conduct Review (CR). At any time during a CR, when discipline is anticipated a PSIA investigation number shall be assigned.~~

### 2. Employee's Responsibility

When involved in an investigation, employees are required to cooperate fully, answer questions truthfully, and to provide material and relevant statements to the investigating officer.

### 3. Supervisory Responsibility

Supervisors assigned to investigate a complaint against an employee are responsible for conducting a thorough and fair investigation, and for respecting the dignity of all persons involved.

### 4. Guideline for Complaint Acceptance

As a general rule, citizen complaints will not be investigated if the complaint is received more than 90 days after the alleged incident. If such a complaint is brought forth, it will be limited to a supervisory review of the available information, unless the complaint involves an alleged criminal violation, a significant rule violation (such as excessive use of force), or the complainant can show good cause for not making the complaint within the specified time limit.

### 5. Prompt Disposition of Complaints

Investigations of complaints against employees will be prompt. The disposition of CRs will be within 60 days of the assignment of the complaint. The disposition of PSIA investigations will be within 90 days of the assignment of the complaint. An extension of these time limits may be granted by the Chief of Police.

### 6. False Complaints of Police Misconduct

Per WI Statute 946.66(2), whoever knowingly makes a false complaint regarding the conduct of a law enforcement officer is subject to a Class A forfeiture.

## Responsibility For Accepting/Referring Complaints

Every employee has the responsibility to insure that a citizen complaint is received and referred to the appropriate unit or supervisor.

## Methods Available For Receiving Citizen Complaints

The methods available for receiving complaints from citizens are listed below:

1. Verbal complaints can be tendered by a complainant either personally or by telephone.
2. A complainant may tender a complaint in writing or online on the MPD's website. Citizens will not be required to submit a complaint in writing.
3. A citizen may file a complaint against a commissioned employee with the Board of Police and Fire Commissioners, as provided in Wis. Statute Section 62.13.
4. Citizens who have complaints against any MPD code of conduct or procedure of MPD will be directed to submit their complaint in writing to the office of the Chief of Police.

## Responsibility of Supervisor Receiving Citizen Complaints

1. Supervisors receiving citizen complaints will obtain the nature of the complaint and a description of the events in question.
2. If the incident in question can be readily resolved because there are no disputed facts, and there is not an allegation of a significant code of conduct violation (i.e., alleged criminal conduct, excessive use of force, or other violations that if sustained would result in a letter of reprimand or more severe disciplinary action), the supervisor may make a preliminary finding on the complaint. A written record of the complaint and predetermined disposition will then be forwarded to PSIA for review.
3. A supervisor taking a complaint with an allegation of significant misconduct shall document the nature and description of the allegation, as well as the contact information for witnesses. This will be submitted to PSIA by entering it into the PSIA records system. The supervisor should then follow the appropriate command notification protocol.

## Allegations of Criminal Activity, Serious Misconduct and Critical Incidents

1. In all cases where a felony or other serious misconduct is alleged, the following individuals will be contacted as soon as possible:
  - a. The Chief of Police.
  - b. The PSIA Lieutenant.
  - c. The employee's commanding officer.
2. The investigation into significant allegations will begin as soon as possible upon receipt of the complaint.
3. Employee statements **will generally** shall not be compelled until after review by the District Attorney's Office in any case with the potential for criminal liability.
4. If the investigating supervisor determines that there may be probable cause for a criminal violation, the case shall be forwarded to the District Attorney's Office for review. This does not preclude an immediate physical arrest if there is a threat to public safety.
5. Allegations of criminal conduct that are unclear may be taken to the District Attorney's Office for informal review at the investigator's discretion.
6. The same legal standards regarding Miranda warnings shall be applied to employees as would be applied to individuals not employed by the MPD.



7. Employees involved in significant misconduct, which could result in discipline, termination or criminal charges, shall be offered services from the City's Employee Assistance Program (EAP). This does not preclude offering employee assistance services in other disciplinary matters

## Investigative Responsibility

1. PSIA will review, document and assign complaints.
2. PSIA will ensure that the Chief of Police and the employee's commanding officer have been notified of significant complaints.
3. **Category A** (as listed in PSIA Discipline Matrix (Matrix)) allegation investigations will be assigned to the employee's assigned work group supervisor or district command for investigation. Upon completion of the investigation, the investigating supervisor will contact PSIA to ensure consistency with similar investigations and that matrix guidelines have been followed.
4. **Category B** (as listed in the Matrix) allegation investigations **may** be sent to the assigned employee's work group supervisor or district command for investigation. PSIA will confer with the employee's commanding officer or supervisor to determine the most appropriate venue for investigation.
5. PSIA will typically investigate all **Category C, D and E** (as listed in the Matrix) allegations.
6. When the PSIA investigator is unavailable or unable to conduct an investigation, a commanding officer assigned by the Chief of Police or his/her designee will be responsible for the investigation.
7. The Chief of Police reserves the right to request PSIA investigate allegations at any category level when circumstances merit.
8. Notification of the involved employee will be completed at the discretion of the investigating supervisor in order to protect the integrity of the investigation.
9. In cases where citizen complaints are filed against arresting officers, the investigation of an allegation will generally be conducted promptly. However, the investigation may be suspended, only at the discretion of the Chief of Police, until the court proceedings are completed. In these cases, a notice will be placed in the case file and the involved employee and their commanding officer shall be notified.
10. In cases of potential criminal conduct when it is necessary to assign additional investigators, the PSIA unit will be kept informed as to the progress and details of the investigation and assigned investigators.
11. ~~When a complaint is sustained, the investigating supervisor shall confer with PSIA and the district/section commander to determine if the complaint will be sent to the Chief of Police for a potential disciplinary action.~~
12. When there are allegations of insubordinate or disrespectful behavior towards a supervisor, the commanding officer of the involved employee will designate someone other than the directly involved supervisor to investigate. In other instances when the appearance of an interpersonal conflict exists, the commanding officer of the involved employee may designate a non-involved supervisor to conduct the investigation.
13. The investigating supervisor will forward the file to the employee's commander for review. PSIA will review all complaint investigations/dispositions, and brief the Chief (or designee) of final disposition. the Chief of Police will make the final determination as to disposition.

14. For all internal investigations, PSIA will ensure that:
  - a. The investigation was conducted in a fair, dignified and thorough manner in accordance with Chapter 164 and Sec. 62.13, Wis. Stat.
  - b. All documents of a completed investigation shall be forwarded through the chain of command to the PSIA office for review and entry into the PSIA records system.
  - c. The investigation was completed within the allowable time period.

## Steps in a Complaint Investigation

1. Complaint received.
2. Complaint entered into the PSIA records system. Contact PSIA to discuss the case and determine investigative venue.
3. Conduct investigation. Interview witnesses, review police reports, etc.
  - a. In all cases, the investigator shall review available information to determine if a code of conduct violation occurred. When a complainant or witness fails to follow through with the investigating supervisor, the attempts to contact the complainant/witness shall be documented in the record.
  - b. Interview notice should be sent to the employee(s) **alleged to have committed the violation** with at least 48 hours notice, when appropriate. An employee must be allowed to contact a representative in any interview if desired. **Interview notice is not required for** ~~This does not pertain to situations involving~~ coaching, mentoring, training, feedback, **interviews of employee witnesses** or basic fact finding.
  - c. In cases where the allegations, if proven true, would likely result in discipline, interviews with the officer(s) alleged to have committed the violation will be audio recorded. This does not apply to instances where the factual circumstances of the incident are clear and undisputed, or if recording the interview is impractical.
  - d. The decision to audio record interviews with victims, witnesses or complainants will take the following factors into account:
    - The severity of the allegation.
    - The complexity of the allegation.
    - The location of the interview.
    - The relevance of the interview to the investigation/allegation.
    - The willingness of the interviewee to have the interview recorded.
  - e. Interviews of key witnesses in significant investigations should be recorded when possible.
  - f. Employees should be informed and referred to the City's EAP.
  - g. Employees may be ordered to not discuss their involvement in an investigation with others. Such an order should only be imposed for the length of time reasonably necessary. It is not the MPD's intent to restrict employee rights to prepare a defense to a complaint filed against them.
  - h. If the case does not reach the level of **"discipline"** (i.e., a Letter of Reprimand or higher), then the case may be resolved with verbal counseling or documented counseling if deemed appropriate by the employee's district/section Captain. **PSIA must review the investigation and proposed disposition and receive approval from the Chief (or designee) prior to final resolution/disposition.**

- i. Once the investigation is completed, a pre-determination notice will be sent out if there is a preliminary finding of a code of conduct violation that meets the level of “**discipline.**” The notice should be sent to employee (and representative if a representative has previously been involved) one (1) week before the hearing.
- j. Pre-determination hearing / pre-determination response from employee; In lieu of a hearing, the employee can opt to submit a written response. The employee is allowed to have a representative present during the hearing if so desired.
- k. Pre-determination findings **should** document ~~taking into account~~ any mitigating or aggravating factors that employee discussed in pre-determination response.
- l. The commander of the employee shall conduct a command review.
- m. Prior to making disciplinary action, the recommendation will be forwarded through the chain of command to the PSIA unit to ensure consistency and uniformity of discipline within the MPD.
- n. A discipline meeting will be held with the employee’s command staff and the Chief of Police.
- o. The Chief of Police has final authority on all discipline decisions.
- p. **The employee will be notified in writing of any discipline The complainant will be notified of the final outcome of the case as well (in the manner in which they prefer to be contacted).**  
~~Notify the employee in writing of discipline and notify complainant of finding.~~
- q. If a complainant is not satisfied with the outcome of the investigation, they should be advised that they have the option to pursue their complaint to the Police and Fire Commission.

## Complaint Disposition

Upon completion of an investigation, the investigating supervisor will make a conclusion for each allegation from among the following dispositions:

1. Exonerated: The alleged incident occurred, but was lawful and in accordance with code of conduct.
2. Unfounded: The evidence shows that the alleged conduct did not occur.
3. Not Sustained: The allegation is not supported by a preponderance of evidence.
4. Sustained: A preponderance of evidence shows that the action of the employee was not consistent with MPD code of conduct, **standard operating** procedure or Administrative Procedure Memoranda (APM).

## Seven Tests For Just Cause

The Chief of Police must show “Just Cause” when issuing discipline to a sworn employee. In any internal investigation resulting in discipline, per Wis. Stat. Sec. 62.13, there are seven “Just Causes” that must be met:

1. Whether the subordinate could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.
2. Whether the rule or order that the subordinate allegedly violated is reasonable.

3. Whether the Chief of Police, before filing the charge against the subordinate, made a reasonable effort to discover whether the subordinate did, in fact, violate a rule or order.
4. Whether the effort described under sub. 3 was fair and objective.
5. Whether the Chief of Police discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate.
6. Whether the Chief of Police is applying the rule or order fairly and without discrimination against the subordinate.
7. Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the Chief of Police's department.

## Police Bill of Rights

Wis. Stat. Sec. 164.02 provides guidance on police interviews as it relates to the Police Bill of Rights.

- (1) *If a law enforcement officer is under investigation and is subjected to interrogation for any reason which could lead to disciplinary action, demotion, dismissal or criminal charges, the interrogation shall comply with the following requirements:*
  - (a) *The law enforcement officer under investigation shall be informed of the nature of the investigation prior to any interrogation.*
  - (b) *At the request of any law enforcement officer under interrogation, he or she may be represented by a representative of his or her choice who, at the discretion of the officer, may be present at all times during the interrogation.*
- (2) *Evidence obtained during the course of any interrogation not conducted in accordance with sub. (1) may not be utilized in any subsequent disciplinary proceeding against the law enforcement officer.*

## Civilian Employees

All employees are expected to adhere to MPD policies and procedures and City APMs. This SOP describes the complaint investigation process for all employees; however, discipline matters resulting from a sustained finding involving non-commissioned personnel follow the overall City of Madison Personnel Rules.

## Cooperation With Investigations Required Notice

In some cases where there is a possibility of criminal liability, and an employee is interviewed, the employee shall be given an MPD memo called "**Cooperation with Investigation Required.**"

This memo advises that although employees are required to cooperate in an internal investigation (Code of Conduct #20), that the employee's statement cannot be used against the employee in any subsequent criminal proceedings. If a statement is going to be ordered from an employee, the following procedure will be adhered to:

1. PSIA will order the officer(s) to provide a statement. The order will be documented in writing.
2. The interview will be audio recorded and transcribed.

## Suspension

Should an employee be suspended without pay, the order shall be issued by the Chief of Police. Disciplinary actions against commissioned personnel requesting demotion or dismissal will be filed by the Chief of Police with the PFC, pursuant to Wis. Stat. Sec. 62.13.

Disciplinary actions against civilian employees will be in accordance with the relevant City Ordinances.

## Notification/Documentation

After the imposition of a sanction or discipline, the imposing supervisor will direct a memorandum to the employee with a copy to PSIA indicating the complaint number, employee involved, policies violated, date and the type of sanction or discipline imposed. A copy of this memorandum will be placed in the employee's PSIA file, in accordance with the Complaint Acceptance and Investigation Code of Conduct.

## Notification of Decision

Following completion of a complaint investigation, the employee who is the subject of the complaint, and the complainant(s), shall be informed in writing of the disposition by PSIA or the Commander/Manager of the employee. This notification should be made as soon as possible, but not later than 10 days following completion of the investigation and command review procedure. Notification to the complainant shall be documented and attached to the PSIA case file.

The Police and Fire Commission will be notified of any dispositions involving suspension of a sworn employee. Such notification will be made immediately upon issuing the suspension to the employee.

## Restorative Performance Initiative

~~MPD employees who have received a Letter of Reprimand (considered discipline) may be eligible for Restorative Performance if they have not received discipline in the past. This is based on the Chief of Police's discretion. By taking part in Restorative Performance, the Letter of Discipline may be reduced to Documented Counseling (not considered discipline).~~

~~The following are requirements for successful completion of the Restorative Performance Initiative:~~

- ~~• No prior discipline cases.~~
- ~~• Offered at the Letter of Reprimand level of discipline.~~
- ~~• Officer will attend training in a field related to what Code of Conduct, Standard Operating Procedure, or City APM was violated.~~
- ~~• Officer will provide a written summary of the training attended and demonstrate knowledge learned.~~
- ~~• No additional Code of Conduct, Standard Operating Procedure, or City APM violations that result in discipline within one year from date of agreement.~~

~~An employee who is participating in the Restorative Performance Initiative will have the PSIA case held in "open" status for one year. If the above listed requirements are met after one year, the Letter of Reprimand is amended to Documented Counseling and the case status will be changed to "closed." The Letter of Reprimand will be removed from the employee's personnel file.~~

~~If the employee is unsuccessful in completing the program, the discipline will be maintained as a "Letter of Reprimand."~~

## Professional Standards & Internal Affairs Records

1. PSIA will maintain secure, electronic records of:
  - a. All complaints investigated as CRs which are cases that are considered lower level conduct violations. These are cases in that if a violation is found to be sustained, the sanctions typically do not result in discipline.
  - b. Complaints that are assigned PSIA investigation numbers. PSIA cases are typically cases that if a violation is found to be sustained, the sanctions may result in discipline.
  - c. All received complaints, including dispositions.
  - d. Complaints against civilian employees.
  - e. Expired work rules/performance improvement plans.
  - f. Documentation of verbal and documented counseling.

2. A record of dispositions of investigations finding a sustained violation of code of conduct resulting in a letter of reprimand or greater sanction will be maintained in an employee's personnel file.
3. No records of complaints resulting in the dispositions of unfounded, exonerated or not sustained will be maintained in an employee's personnel file.
4. PSIA records will not be released from the MPD without approval from the Chief of Police.

## Administration of Sanctions/Discipline

Methods of correcting inappropriate behavior may range from counseling, where the immediate effect is on the individual, to corrective sanctions, or termination of employment, where the positive effect is in the reassurance to other employees and the community that unacceptable conduct will not be tolerated. In each case, care must be exercised to obtain a desired and just result and the uniform application of corrective action, including discipline, department-wide.

## Role of the EAP

MPD recognizes that problems in the workplace may be related to alcoholism, other drug dependency, emotional disorders, or other personal problems. In order to address problems such as these, MPD has an EAP. Employees are encouraged to use the program as a prevention measure, as well as, a parallel system to the disciplinary process.

## PSIA Summaries

Quarterly summaries will be sent out to all MPD personnel, as well as, to the local media on all PSIA cases regarding sustained complaints that result in discipline. Employees will not be named in these summaries. The summaries will include the PSIA case number, allegation, description, disposition and discipline.

PSIA cases are typically allegations that are more serious in nature and could potentially result in discipline to an employee if an allegation is sustained.

CRs are typically allegations of "minor" internal rule violations. These are violations that are unlikely to result in discipline, even if the allegation is sustained. In some cases, allegations may be initially labeled a "Conduct Review," however, further investigation may reveal more serious allegations. In these cases, if the allegation is substantiated and the employee could be disciplined, the case will then be amended and assigned a PSIA case number. CRs will not be included in the quarterly media summaries.

An individual summary may be sent out in cases that are deemed to be significant in nature. If an employee's alleged conduct is serious and "public" in nature, and it is determined to be a sustained violation, the MPD may release the employee's name in a separate, individual summary. The Madison City Attorney's office will be consulted and will review the summary. This will be weighed on a case-by-case basis in determining the public's right to know about the conduct.

Rules of Wis. Stat. Sec. 19.356 "Notice to Record Subject" will be followed if employee's name is to be released. This statute requires that an employee be notified in writing if the employee's name is to be released. A copy of the record released will be provided at the time of the notification to the employee. The notification may occur in person or by certified mail. This statute also allows for an employee to challenge the records release in circuit court. The notice will be served on the employee according to statutory time requirements.

Original SOP: 02/25/2015  
(Reviewed Only: 02/15/2016)  
(Revised: 03/21/2016, 03/24/2016, 01/06/2017, 06/19/2017, 12/06/2017)



**CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE**



**Professional Standards and Internal Affairs Discipline Matrix**

Eff. Date ~~07/06/2017~~ **12/06/2017**

**Purpose**

This procedure outlines the guidelines and expectations for the Madison Police Department’s (MPD) response to complaints and the steps involved in the investigation of complaints. Investigatory responsibilities, the Police Bill of Rights and the Seven Steps for Just Cause are also detailed. This procedure begins with a description of the Discipline Matrix. A police discipline matrix aims to achieve consistency in discipline and to eliminate the appearance of disparity. This matrix does not remove discretion; it provides a range of possible sanctions, thus providing clarity.

**Procedure**

The matrix lists both code of conduct violations and Standard Operating Procedural (SOP) violations. It then provides sanction categories **A** through **E**. The least punitive sanctions are category **A**, with sanctions becoming more severe as the categories progress to category **E**.

In each category, there is a recommended guideline of sanctions. These guidelines are based on comparable sanctions for each violation from Professional Standards & Internal Affairs (PSIA) cases in years past.

This matrix captures most violation sanctions that have occurred in the past 25 years. There are code of conduct/procedural categories that are not covered in this matrix. There is the expectation that all policies and procedures will be followed. MPD understands that as times change, policies and expectations will change, and there will be violations that are not covered on the matrix. These violations shall be added to the matrix as deemed appropriate. For code of conduct violations not specified on the matrix, the sanction will be determined by the Chief of Police.

**Sanction Categories**

<b>Category A</b>	<b>Category B</b>	<b>Category C</b>	<b>Category D</b>	<b>Category E</b>
<p>Conduct violation in a single incident that has a minimal negative impact on the operations or reputation of the MPD. Sanctions listed in the below categories are not considered discipline. Sanction guidelines may include:</p> <ul style="list-style-type: none"> <li>• Verbal Counseling</li> <li>• Mediation</li> <li>• Documented Counseling</li> </ul> <p>A single sanction or a combination of the above listed sanctions may be deemed appropriate. <b>Training and/or Work Rules</b> can also be ordered in conjunction with any sanctions listed above.</p>	<p>Violations that have more than minimal impact on the operations or reputation of the MPD or that negatively impacts relationships with other officers, agencies or the public. This includes repeated acts from Category A within time frames listed below. Sanction guidelines may include thereof:</p> <ul style="list-style-type: none"> <li>• Verbal Counseling</li> <li>• Mediation</li> <li>• Documented Counseling</li> <li>• Letter of Reprimand (First Level of Discipline)</li> </ul> <p>A single sanction or a combination of the above listed sanctions may be deemed appropriate. <b>Training and/or Work Rules</b> can also be ordered in conjunction with any sanctions listed above.</p>	<p>Violations that have a pronounced negative impact on the operations or reputation of the MPD or on relationships with employees, other agencies or the public. This includes repeated acts from Category B within time frames listed below. Sanction guidelines may include:</p> <ul style="list-style-type: none"> <li>• Letter of Reprimand</li> <li>• Suspension without pay for one to five days</li> </ul> <p><b>A single sanction or a combination of the above listed sanctions may be deemed appropriate. Training and/or Work Rules</b> can also be ordered in conjunction with any sanctions listed above.</p>	<p>Violations that are contrary to the core values of the MPD or that involve a substantial risk of officer or public safety. This includes repeated acts from Category C within the time frames listed below. Sanctions guidelines may include:</p> <ul style="list-style-type: none"> <li>• Suspension without pay for five to fifteen days</li> </ul> <p><b>Training and/or Work Rules</b> can also be ordered in conjunction with any sanctions listed above.</p>	<p>Violations that are contrary to the core values of the MPD. This includes acts of serious misconduct or acts of criminal conduct. This also involves any conduct that will effectively disqualify an employee from continued employment as a law enforcement officer. Sanction guidelines may include:</p> <ul style="list-style-type: none"> <li>• Suspension without pay for fifteen days or more</li> <li>• Reduction in rank</li> <li>• Separation from service</li> </ul> <p><b>Training and/or Work Rules</b> can also be ordered in conjunction with any sanctions listed above.</p>

### Repeated Acts

Repeated acts of category **A** violations within **one year** will increase the repeated violation into category **B**.

Repeated acts of category **B** within **two years** will increase the violation to category **C**.

Repeated acts of category **C** within **three years** will increase the violation to category **D**.

Repeated acts of category **D** within **five years** will result in **separation of service**.

*This matrix does not apply to employees with a last chance agreement.*

*The matrix categories may not be sequentially followed in cases where there may be a number of violations or in cases where there are particularly egregious circumstances. The matrix is considered a guideline only and it is within the Chief of Police's discretion to deviate from the matrix based on the individual case.*

### Discipline Matrix

Corresponding Code of Conduct Manual Listing <i>Categories skipped have not had recent previous discipline associated.</i>		Category				
		A	B	C	D	E
<b>2.</b>	<b>Truthfulness</b>					
	Failure to be truthful.					X
	Employees shall not make false reports or knowingly enter false information into any record.					X
<b>3.</b>	<b>Performance of Duties</b>					
	Failure to respond to dispatch.		X			
	Failure to properly perform duties assigned.		X			
	Failure to respond to subpoena or scheduled training.	X				
	Failure to comply with SOPs (excludes property handling code of conduct).	X				
	Failure to meet expectations of special initiatives.	X				
	Failure to notify supervisor of custodial arrest.	X				
	Failure to obtain supervisor approval for strip search.			X		
	Failure to assist backup officers.			X		
	Failure to make an effort to check email and mailbox once per shift and respond accordingly.		X			
	Failure to pursue flagrant law violations that they are aware of.		X			
	Engaging in activity on duty that does not pertain to MPD business.		X			
	Employees shall not sleep, idle or loaf while on duty.		X			
	Supervisors shall not knowingly allow employees to violate any law, code of conduct or procedure.			X		
	All employees shall report fit for duty.				X	
All MPD members shall not be impaired as a result of any drug usage or alcohol. All employees are prohibited from having any measurable amount of alcohol in their system while on-duty. No MPD member shall consume or purchase any intoxicants while in uniform. No MPD member shall consume intoxicants while armed except with the approval of the Chief of Police. It is the responsibility of the employee to consult with their physician to determine their fitness for duty based on their medical condition and/or prescribed treatment.				X		
<b>4.</b>	<b>Absence from Duty</b>					
	Employees shall not be late or absent from duty without prior permission from a supervisor or the Officer in Charge (OIC).		X			



Corresponding Code of Conduct Manual Listing <i>Categories skipped have not had recent previous discipline associated.</i>		Category				
		A	B	C	D	E
5.	<b>Unlawful Conduct</b>				X	
	Employees shall not engage in conduct that constitutes a violation of criminal law, or ordinance corresponding to a state statute that constitutes a crime.				X	
	Employees convicted of first offense OWI.			X		
	Failure to immediately notify a supervisor whenever investigating an incident involving a law enforcement officer who is a suspect in any criminal activity or OMVWI.			X		
6.	<b>Notification Required of Law Enforcement Contact</b>					
	Failure to notify of contact by any law enforcement agency regarding their involvement as a suspect, witness, victim or contact in criminal conduct, violation of municipal ordinance for which a corresponding state statute exists (ex. OWI or Hit and Run). The employee SHALL report the incident to their commanding officer or the OIC within 24 hours of the contact, or their return to duty, whichever comes first. This must be done in person or via telephone.		X			
7.	<b>Equal Protection</b>					
	Employees shall not show bias based on relationships in investigative decisions, or assist in investigations or enforcement decisions.		X			
	Employees are prohibited from interfering in the normal processing of traffic/parking citations or otherwise disrupting enforcement of the law by other members of the MPD. If a supervisor orders a change in an enforcement decision and a subordinate feels it is wrong, it should be reported to a commanding officer.		X			
9.	<b>Harassment</b>					
	Employees shall not engage in harassment or to retaliate against an employee who reports such harassment. (For definition of harassment, see APM 3-5.)			X		
	Supervisors shall not allow employees under their command to engage in harassment or permit retaliation against an employee who reports such harassment.			X		
	Employees shall not engage in sexual harassment, this includes unwanted sexual advances.			X		
10.	<b>Courtesy, Respect and Professional Conduct</b>					
	Failure to be courteous to the public and to coworkers and shall avoid the use of profane language or gestures. Employees shall also avoid actions that would cause disrespect to the MPD.		X			
	Employees shall not act so as to exhibit disrespect for a supervisor.		X			
	Employees shall not speak derogatorily to others about orders or instructions issued by supervisors.		X			
	Employees shall use police communications systems, email, radio only for official police business and shall exhibit courtesy during the transmission of all messages.		X			
11.	<b>Public Criticism</b>					
	Employees shall not publicly criticize the operations or personnel of the MPD if such criticism undermines the discipline, morale or efficiency of the MPD. This applies both on duty and off duty.		X			
12.	<b>Use of Force</b>					
	<b>9A</b> Employees shall not use deadly force when a lesser degree of force was reasonable.					X
	<b>9B</b> Employees shall not use excessive force when a lesser degree of force was objectively reasonable.				X	
13.	<b>Vehicle Operation</b>					
	Employees shall operate city vehicles with due regard for safety.			X		

Corresponding Code of Conduct Manual Listing <i>Categories skipped have not had recent previous discipline associated.</i>		Category				
		A	B	C	D	E
14.	<b>Insubordination</b>			X		
	Failure to promptly obey lawful orders from any supervisor. This includes violations of work rules. If these orders conflict with code of conduct or procedure, the ordered member shall call attention to this conflict. Any unlawful orders shall be promptly reported to the Chief of Police.			X		
16.	<b>Criminal Association</b>			X		
	Failure to avoid regular or continuous associations or dealings with persons known to be engaged in ongoing criminal activity, under indictment, on probation, parole, house arrest or Huber. Association consists of more than a single occurrence.			X		
20.	<b>Cooperation with Investigations Required</b>					X
	Failure to cooperate in internal investigations of alleged misconduct, illegal activity or code of conduct violations. This includes failure to answer questions or submit to proper investigative techniques.					X
21.	<b>Access to Police Records</b>			X		
	Employees shall not access MPD official records for any reason inconsistent with their professional duties.			X		
	Employees shall not release official records of the MPD for reasons inconsistent with their professional duties.			X		
	Employees shall not tamper with any MPD records system.			X		
<b>STANDARD OPERATING PROCEDURES</b>						
SOP	<b>Transportation and Treatment of Prisoners</b>		X			
	Failure to take all reasonable precautions necessary to secure and safely transport prisoners in accordance with SOP.		X			
SOP	<b>Status Changes</b>	X				
	Failure to report changes in address or telephone number within 24 hours after making such changes by submitting in writing the changes to the Chief of Police's Office, their commanding officer and the shift OIC. All employees shall maintain a working telephone number. Officers shall promptly notify their commanding officer if their drivers license status changes.	X				
SOP	<b>Search and Seizure</b>		X			
	Failure to obtain Command Approval for search warrants for any building or dwelling. This does not include search warrants for property or vehicles that are already in MPD custody. Tactical execution of warrants will only be performed by personnel with appropriate training and who are in uniform or otherwise clearly identifiable as police officers.		X			
SOP	<b>Police Weaponry</b>		X			
	Failure to adhere to the specifics of this procedure as described in the SOP.		X			
SOP	<b>Firearms Safety</b>			X		
	Employees who have been trained in MPD firearms safety shall strictly adhere to all safety guidelines when handling firearms to prevent unintentional discharges. This applies both on and off duty.			X		
	Unintentional discharge on the range line (no injury or horseplay).		X			
	Failure to ensure the security and safe storage of MPD approved weapons. This applies both on and off duty.		X			

Corresponding Code of Conduct Manual Listing <i>Categories skipped have not had recent previous discipline associated.</i>		Category				
		A	B	C	D	E
<b>SOP</b>	<b>Use and Care of City-Owned Property</b>		X			
	Failure to adhere to prescribed procedures for check out and use of any MPD owned property. Members of the MPD are responsible for the good care of MPD property and shall promptly report to their supervisor in writing the loss of, damage to or unserviceable condition of such property.		X			
	Unintentional discharge of electronic control device if it occurs in the armory during the check out process and no injuries (documented counseling).	X				
	Failure to drive city owned vehicles with due regard for safety at all times.			X		
	Employees shall not use any MPD property for private purposes unless permission is first obtained from the Chief of Police.		X			
<b>SOP</b>	<b>Property Handling</b>		X			
	Failure to take all precautions necessary to guarantee proper handling of evidence and any property seized, received or found and shall conform to MPD procedure for handling and disposition; a written record of the property disposition shall be included in the employee's report.		X			
	Destruction of property without following normal tagging procedures.			X		
	Failure to adhere to the specifics listed in detail in this SOP.		X			
<b>SOP</b>	<b>Personal Appearance</b>					
	Failure to adhere to personal appearance code of conduct described in the SOP.	X				
<b>SOP</b>	<b>Identification of Employees</b>					
	Failure to identify with name, rank and employee number when requested to do so. Plain clothes officers will ID themselves with badge and ID card.		X			
<b>SOP</b>	<b>Reporting</b>					
	Failure to write accurate and complete reports and reports shall be completed promptly.		X			
	Failure to complete reports in all arrests, use of force, stops, frisks, criminal investigations, property/evidence handling and other cases outlined in SOPs.		X			
<b>SOP</b>	<b>TIME System Access</b>					
	TIME system access will be in strict compliance with their procedures and information gleaned shall be disseminated in accordance with the SOP.		X			
<b>SOP</b>	<b>Stop and Frisk</b>					
	Failure to adhere to the specifics listed in this SOP.	X				
<b>SOP</b>	<b>Searches</b>					
	Failure to adhere to the specifics listed in this SOP.		X			
<b>SOP</b>	<b>Handling of Evidence, Contraband, Found or Lost Property</b>					
	Failure to adhere to the specifics listed in this SOP.	X				
<b>SOP</b>	<b>Use of Mobile Data Computers</b>					
	Failure to adhere to the specifics listed in this SOP.		X			
<b>SOP</b>	<b>Off-Duty Officer Responsibilities</b>					
	Failure to adhere to the specifics found in the SOP.		X			
<b>SOP</b>	<b>Traffic/Parking Enforcement and Crash Investigation</b>					
	Failure to promptly report to an on-duty supervisor any accident with damage to any city owned motor vehicle operated by them or in their charge. An employee shall request a field supervisor be dispatched to supervise any accident investigation.		X			
<b>SOP</b>	<b>Outside Employment</b>					
	Failure to adhere to the specifics as described in the SOP.	X				
<b>SOP</b>	<b>In-Car Video System</b>					
	Failure to log into squad video system		X			
	Failure to sync in-car video microphone		X			
	Failure to wear microphone		X			

Corresponding Code of Conduct Manual Listing <i>Categories skipped have not had recent previous discipline associated.</i>		Category				
		A	B	C	D	E
<b>SOP</b>	<b>Social Media – Off Duty</b>		X			
	Failure of personnel to appropriately represent MPD honestly, respectfully, and/or legally while on- or off-duty through the use of social media. Personnel are expected to represent the Core Values of the MPD at all times even when using the internet for personal purposes.					
<b>SOP</b>	<b>Emergency Vehicle Operation</b>					
	Unauthorized Pursuit.		X			
	Improper Use of Warning Devices and Other Safety Equipment.		X			
	Failure to Operate With Due Regard.			X		
<b>SOP</b>	<b>Police Vehicle Parking</b>					
	Failure to adhere to the specifics listed in this SOP.		X			
<b>SOP</b>	<b>Domestic Abuse</b>					
	Failure to Complete a Required Report Where No Arrest.		X			

See Code of Conduct manual and SOPs for detailed description of code of conduct/procedures. The above-described policies/procedures are general summaries and are not meant to be all inclusive.

Not all policies are listed in the matrix, however, all code of conduct/procedural violations will be enforced.

For code of conduct violations not listed in the matrix, sanction levels will be determined by the Chief of Police.

### Sanction Options in Internal Investigations

These levels **are not considered formal discipline**:

1. Verbal Counseling.
2. Training.
3. Mediation - in minor complaints, if both parties are MPD employees and mutually agree, mediation will be arranged through Employee Assistance Program (EAP) using a professional mediator.
4. Work Rules.
5. Documented Counseling.

The levels covered below **are considered formal discipline** and are placed in the employee’s personnel file:

1. Letter of Reprimand.
2. Suspension without Pay.
3. Reduction in Rank.
4. Separation of Service.

### Restorative Performance Initiative

MPD employees who have received a Letter of Reprimand (considered discipline) may be eligible for Restorative Performance if they have not received documented sanctions in the past. This is based on the Chief of Police’s discretion. By taking part in Restorative Performance, the Letter of Discipline may be reduced to Documented Counseling (not considered discipline).

The following are requirements for successful completion of the Restorative Performance Initiative:

- No prior sustained cases.
- Offered at the Letter of Reprimand level of discipline.
- Officer will attend training in a field related to what Code of Conduct, Standard Operating Procedure, or City APM was violated.
- Officer will provide a written summary of the training attended and demonstrate knowledge learned.
- No additional Code of Conduct, Standard Operating Procedure, or City APM violations that result in discipline within one year from date of agreement.

An employee who is participating in the Restorative Performance Initiative will have the PSIA case held in "open" status for one year. If the above listed requirements are met after one year, the Letter of Reprimand is amended to Documented Counseling and the case status will be removed from the employee's personnel file.

If the employee is unsuccessful in completing the program, the discipline will be maintained as a "Letter of Reprimand."

## Multiple Violations

In cases where there may be multiple code of conduct/procedural violations involved with a single investigation, each violation may receive a separate and distinct sanction.

## Police and Fire Commission (PFC)

The PFC is established by Wis. Stats. Sec. 62.13. The PFC appoints all commissioned officers and establishes hiring guidelines. Charges may be filed against an officer by the Chief of Police, member of the PFC or by any aggrieved party. These charges may request that an officer be reduced in rank, suspended or removed. Under the statute, the PFC shall hold a hearing on the charges and evidence shall be presented. After the presentation of evidence, the PFC must determine that the seven just causes (outlined in Wis. Stats. Sec. 62.13(5)(3m)) have been met. If the PFC determines there is just cause to sustain the charges, the PFC may suspend, reduce in rank, suspend and reduce in rank or remove the officer.

## Rights of the Chief of Police/Right of Deviation

The Chief of Police reserves the right of suspension, transfer of assignment and extension of probation, counseling, alcohol/drug assessment, psychiatric evaluation, fitness for duty evaluation, or any other training, treatment or evaluation reasonably deemed necessary by the Chief of Police, in certain cases. The Chief of Police also reserves the right to file charges with the PFC as outlined above. The Chief of Police also reserves the right to terminate civilian employees for just cause.

The Chief of Police or designee will approve all discipline.

The Chief of Police reserves the right to hold suspension days in abeyance.

The Chief of Police reserves the right to deviate outside the recommended Matrix guidelines. If a deviation occurs, the factors leading to the deviation shall be addressed in the discipline notice to the employee. Deviation may be based on mitigating or aggravating factors.

The Chief of Police will make the final determination of disposition.

## EXAMPLES OF MITIGATING AND AGGRAVATING FACTORS

Mitigating factors include but are not limited to:

- Ordered by supervisor.
- Mistake of facts.
- Necessity.
- Unintentional.

Aggravating Factors include but are not limited to:

- Inappropriate use of force.
- Personal motive.
- Intoxication.
- Conspiracy.
- Criminal conduct.

- Deception.
- Intentional act.

Nothing in this code of conduct shall be construed to limit the management prerogative of the Chief of Police, nor any other supervisory officer, to take corrective action whenever appropriate.

The Chief of Police may file formal charges against an employee, with the appropriate authorities, irrespective of an internal investigation.

## **Civilian Employees**

All employees are expected to adhere to the MPD code of conduct, SOPs, city administrative procedural memoranda (APMs) and the City of Madison Employee Benefits Handbooks. This discipline matrix is not meant to cover civilian employees of the MPD. Discipline matters resulting from a sustained finding involving non-commissioned personnel follow the overall City of Madison Personnel Rules.

In situations where there is a conflict between the MPD Code of Conduct, SOP, APM or the Employee Benefit Handbook the most stringent rule, code, guideline shall apply.

## **Probationary Police Officers**

This matrix SOP may not apply to probationary police officers whose employment status is subject to their probationary performance.

Original SOP: 02/27/2015

(Revised: 02/29/2016, 03/21/2016, 01/06/2017, 06/15/2017, 07/06/2017, 12/06/2017)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE  
Professional Standards & Internal Affairs  
Electronic Complaint File Management System



Eff. Date ~~01/19/2017~~ 11/30/2017

## General Purpose

This Standard Operating Procedure establishes operational protocols for Professional Standards & Internal Affairs (PS&IA) to become a paperless unit, eliminating the need to create and maintain paper files except in unusual circumstances.

## File Creation and Maintenance

All administrative and investigatory documents may be submitted in either electronic or paper format. PS&IA personnel will electronically convert all necessary documents into a PDF. Documents should be appropriately titled (see below) and placed within both the F:\ drive and the official **PS&IA Case Management Software Records Management System (RMS, presently IA Pro)**. Once a document is placed into the relevant PS&IA electronic filing systems, the original paper documents can be destroyed as outlined below. It is unnecessary to retain a paper copy of electronically submitted original documents.

When a document is submitted in paper format (i.e., written complaint), PS&IA personnel will scan the document into the PS&IA folder in order to convert it into a PDF file. That PDF file should then be appropriately titled (see below) and placed within the F:\ drive, as well as within the **PS&IA Case Management Software RMS**.

All paper documents should be maintained for a minimum of 48 hours in order to ensure that the document has not been lost due to a server malfunction. After 48 hours, a document can be destroyed, regardless if the document has an original signature. This process applies to all finalized documents submitted throughout the complaint process, including written complaints from the public and original signed discipline letters. The only paper documents which shall be maintained are handwritten documents considered to be evidence (i.e., a handwritten note by an employee). All other documents can be destroyed following the aforementioned guidelines; however, if there is an open records request pending on any document, this document may not be destroyed until after the request has been granted or until at least sixty days after the date that the request is denied. If any document is the subject of a pending legal action, it may not be destroyed without the express consent of the City Attorney.

## Signed Documents

In most circumstances, it is not necessary to sign the majority of administrative forms. Legal documents drafted by the Office of City Attorney and discipline letters for individual cases require a signature, although once scanned into a PDF, these original signed documents can be destroyed following the guidelines noted above. As noted above, all documents submitted in paper format should be retained for a minimum of 48 hours once the document has been converted into a PDF and stored within both the F:drive and the **PS&IA Case Management Software official RMS**.

## Document Titling

Each document should be appropriately titled. The titling systems for conduct reviews versus PS&IA cases are slightly different.

For conduct reviews (2017CR-0001), documents should be titled in the following manner:

*ABBREVIATED CASE NO. DOCUMENT TYPE*  
17-CR-01 Written Complaint  
17-CR-01 Investigation  
17-CR-01 Documented Counseling

For PS&IA cases (2017PSIA-0001), documents should be titled in the following manner:

*ABBREVIATED CASE NO. DOCUMENT TYPE*  
17-PSIA-01 Written Complaint  
17-PSIA-01 Interview Notification  
17-PSIA-01 Interview Transcript  
17-PSIA-01 Investigation  
17-PSIA-01 Memo  
17-PSIA-01 PreD Notice  
17-PSIA-01 PreD Response  
17-PSIA-01 PreD+Findings  
17-PSIA-01 Command Review  
17-PSIA-01 Letter of Reprimand  
17-PSIA-01 Discipline  
17-PSIA-01 Restorative Performance  
17-PSIA-01 Media Summary

For civilian conduct reviews (2017CCR-0001), documents should be titled in the following manner:

*ABBREVIATED CASE NO. DOCUMENT TYPE*  
17-CCR-01 Written Complaint

For civilian PS&IA cases (2017CPSIA-0001), documents should be titled in the following manner:

*ABBREVIATED CASE NO. DOCUMENT TYPE*  
17-CPSIA-01 Interview Notification

## Video Footage

PS&IA personnel will instruct the administrator for squad video to save any pertinent squad video onto the evidence server. Once saved onto the server, PS&IA personnel do not need to retain a hard copy for the file. This procedure does not apply to any video or audio footage obtained from an external source (e.g., a business security camera). In cases where external video is located, **PS&IA shall maintain a hard copy to be placed within the file.** PS&IA will provide the video to FSU to upload the video to the server as evidence; the original video will only be maintained by PS&IA if it cannot be saved to the video server. **External video can also be provided to the administrator of squad video in order to upload the video to the server as evidence.** The program utilized by the administrator, Panasonic Arbitrator, has the ability to index and track pertinent video, in addition to restricting access as prescribed by PS&IA on a case-by-case basis. PS&IA personnel will also make a notation within the **PS&IA Case Management Software official RMS** whenever there is video available in a case.

## Creating a Paper File

**PS&IA will create an official paper file whenever circumstances dictate the need to do so: evidence, external video, etc. Whenever PS&IA creates a paper file, personnel shall also make a notation within the official RMS advising of the creation of a paper file and its contents. The paper file in such circumstances will only contain the necessary documents or evidence, and is not intended to mirror the entire official electronic case file.**



## Closing Cases

PS&IA personnel are responsible for officially closing all types of internal investigations (PSIA, CPSIA, CR and CCR). Prior to closing the case, PS&IA personnel will ensure that all finalized documents are located within the **PS&IA Case Management Software** ~~official RMS~~, unless otherwise noted.

Original SOP: 07/30/2015  
(Reviewed Only: 02/15/2016)  
(Revised: 01/19/2017, **11/30/2017**)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Recording Suspect Interviews

Eff. Date ~~02/25/2015~~ 11/09/2017

## Purpose

The purpose of this policy is to establish guidelines for recording interviews of suspects. It is the policy of the Madison Police Department (MPD) to use electronic recording systems to provide accurate documentation of events, actions, conditions, and statements made during law enforcement interviews. The use of the electronic recording system shall be in accordance with applicable laws and MPD **standard operating procedures. policy.**

## Procedure

### WHEN RECORDING IS REQUIRED

All custodial interviews of adults suspected of committing a felony shall be recorded. All custodial interviews of juveniles shall be recorded when feasible, and without exception when questioning occurs at a place of detention. Any police facility, including MPD District Stations, the Juvenile Reception Center and any in-patient treatment facility, will be considered a "place of detention." The MPD recognizes that in some circumstances, victim/witness statements may be electronically recorded. If electing to do so, officers shall adhere to **MPD standard operating procedures. the current policy and practices.**

The recording may be audio, or both audio and video. Interviews requiring recording may occur in the field or in MPD facilities. Miranda warnings shall be provided in accordance with MPD policy.

If a custodial interview of a juvenile occurs in the field and is not recorded, the officer shall document in a report the reason the interview was not recorded.

The law does not require that officers recording a custodial interview inform the subject that the questioning is being recorded. If asked, officers should ordinarily disclose whether recording is occurring.

Once a recording of an interview begins the recording should not be stopped. If a break in the interview occurs, record the time the break starts and the time the interview resumes. Any stopping or resuming of recordings shall be articulated in the officer's report.

### EXCEPTIONS

The following are exceptions to the recording requirements listed above:

1. The suspect refuses to provide a statement if it is recorded. The officer must audibly record the refusal or document the refusal in a report.
2. The statement was part of routine prisoner processing.
3. The recording equipment did not function properly.
4. The statement was made spontaneously and not in response to questioning.
5. Exigent circumstances prevented recording or made recording not feasible.
6. The officer, at the outset of the interview, reasonably believed that the offense being investigated was not a felony.

Custodial interviews taking place in an MPD facility can be recorded using the **Winscribe Dictaphone** system (with either a handheld walkabout or a landline speakerphone) or using the electronic video and audio recording systems available in the interview rooms. Custodial interviews conducted within a squad car can be recorded using the in-car data capture system. Officers shall refer to the In-Car Video System SOP for protocols related to that system.

Original SOP: 02/25/2015  
(Reviewed Only: 01/22/2016, 11/01/2016)  
(Revised: 11/09/2017)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Records Inspection and Release

Eff. Date ~~02/03/2017~~ 11/30/2017

## Purpose

The Madison Police Department (MPD) recognizes that employees of this agency will need to access different records within our agency for a variety of reasons, and records created and/or maintained by this agency are subject to release as outlined in the Wisconsin Public Records Laws. This standard operating procedure outlines when it is appropriate for employees to access MPD records and the procedures for processing public requests for access to MPD records. This procedure also recognizes that citizens' accessing our records through our public records request process is an essential element of establishing trust within our community and confidence in this agency.

## Procedure for Requesting a Record

The MPD will accept an oral, electronic or written request from a member of the public who desires to inspect MPD records. All **public requests and** releases of records must be coordinated through the Public Records Unit. This unit will maintain a log of all records released, identifying the requestor (if known), the date the request was made, and the date the request was processed. The MPD begins with the presumption that our records are open to inspection and copying, recognizing that there are some exceptions. We understand that the requestor does not have to identify themselves or provide a reason for their request. If no responsive record exists, a record does not have to be created to fulfill a request.

The public may submit their request for records during regular business hours between 8 a.m. - 4 p.m., Monday through Friday, holidays excluded, at the Records Section in person, electronically, mail, or by phone. Requests made by mail should be mailed to: Madison Police Department, Public Records Unit, 211 S. Carroll St, Room GR-10, Madison WI 53703 or by email at [PDrecords@cityofmadison.com](mailto:PDrecords@cityofmadison.com).

All records requests will be handled as soon as practicable and without delay in the order in which they are received.

All requests involving "sensitive" issues (personnel file contents, PS&IA documents/investigations, high profile investigations) require notification to the Office of the Chief of Police and will be handled by the designated Records Custodian.

All media requests require notification to the PIO and the Chief's Office and will be handled by the designated Records Custodian.

A copy of all data releases to the public will be routed to PD Records.

Sharing records between the MPD and fellow law enforcement agencies is permissible, as long as the Public Records Unit is notified with the necessary information for the log. MPD members releasing records to fellow law enforcement agencies shall consult with the Dane County District Attorney's Office regarding release when such release carries potential for impacting open cases.

## PERSONS WHO MAY CONSIDER REQUESTS FOR PUBLIC INSPECTION

The following officers of the MPD will consider requests for the inspection of public records and documents in the custody of the MPD: Chief of Police, Assistant Chiefs of Police, trained Records Custodians, Public Information Officers, PS&IA Commander, and records staff assigned to the Records Unit.

Budget requests and logistical information will be released only by the Chief of Police or his/her designee.

All comments referring to inter-departmental memos, orders, and communications will originate from the Chief of Police.

Plans, personnel matters, and prepared releases concerning specific news items will be released only by permission of the Chief of Police.

Personnel photographs will be released only by permission of the Chief of Police.

Investigative photographs **from an active or ongoing investigation** will be released by the Commanding Officer of the investigating district/section.

## ACCESS TO POLICE RECORDS

Access to records maintained by the MPD shall only be authorized for official business needs. This regulation prohibits all unofficial and/or personal use of police records. This includes accessing or retrieving any personally identifiable information of another employee (to include date of birth, home address, home/cell phone numbers, social security numbers and driver's license numbers). Tampering with records by members of the MPD is prohibited.

Members of the MPD shall not divulge the contents of police records to anyone outside the MPD without permission from their Commanding Officer or a Records Custodian. The only exception to this is that it is permissible to share information with other law enforcement agencies and other governmental or service agencies as necessary to ensure public safety (e.g., Dane County Human Service, Journey Mental Health). No member of the MPD shall otherwise divulge any matters relating to official police business without first receiving authorization. **The MPD Records Unit shall be notified by any MPD employee of any release of records made to another agency under this provision. Such notification should be sent via email to [PDrecords@cityofmadison.com](mailto:PDrecords@cityofmadison.com).**

## SUBPOENAS

Subpoenas solely for police reports or other investigative files should be directed to MPD Records. Subpoenas for personnel or disciplinary records should be directed to PS&IA.

If an employee receives a subpoena to appear at a court/judicial proceeding and the subpoena includes a requirement to produce records, the employee should:

- Review the requested documents with his/her commanding officer. The commanding officer will assess the records in question and determine whether any special response to the subpoena is required (such as a protective order or motion to quash the subpoena). If necessary, the City Attorney's Office will be consulted.
- Absent any special circumstances, the employee may bring a copy of the specified records to the court/judicial proceeding and provide it.
- The employee who has been subpoenaed will email a copy of the released documents to PD Records along with a copy of the subpoena.

## INSPECTION VS. NON-INSPECTION OF RECORD

Records are presumed to be open for public inspection unless access is controlled by a specific state or federal statute, case law restricts access to the record or the presumed public benefits of inspection are outweighed by the harm that would be incurred to the public interests by inspection of the record.

When access to a record is being denied in whole, or in part through redaction of information, the person requesting inspection of the record shall be informed that their request is being denied. This denial can be orally provided if the request was made verbally. All other requests must be responded to in writing. This

response will explain the statutory, common law or public policy reasons for the denial or redactions contained within the document. This written response must also inform the ~~requester~~ requestor of his or her right to court review of the denial under mandamus action or upon application to the Wisconsin Attorney General or the Dane County District Attorney. The Public Records Unit is not required by law to give an explanation for redactions to the ~~requester~~ requestor if the request was made verbally. Written responses must be reviewed by the City Attorney's Office in accordance to 3.70(6) MGO.

When a request cannot be fulfilled within ten (10) business days, the requestor shall be informed that their request has been received, is being processed and will be produced as soon as practicable. They shall also be provided with the reasons why their request cannot be fulfilled (if the location/redaction of the documents will be time consuming, or research into the request will cause delays), as well as the anticipated amount of time when the request will be complete.

Requests for video and audio records will be forwarded to the Forensic Services Video Technology staff for a copy of these records to be generated. Dissemination of these records will follow the above-stated process.

Requests for employee disciplinary investigations or potential law violation(s) will be processed by the designated Records Custodian. Prior to release, a notice will be provided to the affected employee(s) as required by State Law (19.356). The Chief's Office will be notified of all requests of this type.

Prepayment for records shall be required as set forth in sec. 3.70(4)(b)3.e., Madison General Ordinances. This includes requests where location costs exceed \$50.00, where reproduction costs exceed \$5.00 or when the requestor is a prisoner/institutionalized person. Copy costs are determined by the City's Information Technology Director and the Finance Director.

## **PUBLIC RECORDS OR DOCUMENTS WHICH MAY NOT BE RELEASED**

Certain records and documents are made confidential and precluded from public inspection by statute or common law. In the following instances, inspection may not be granted to the public.

### **1. Juvenile Records**

Requests for inspection of children's police records may not be granted except to representatives of newspapers or other reporters of news who wish to obtain information for the purpose of reporting news without revealing the identity of the child involved. (Wis. Stats. Sec. 48.26) However, this section will not be invoked if the offense is a traffic violation of Chapters 340 to 349, Wis. Stats., or a County or municipal ordinance enacted under Sec. 349.06, Wis. Stats.

Wisconsin Statute §938 allows certain persons access to juvenile records without obtaining a court order. While generally referenced below, additional requirements may apply to the various exceptions.

- Legal Guardian or Custodial Parent (or to any person designated in writing by a legal guardian or custodial parent)
- Subject of Report (if over 14 years of age)
- News Media
- Victim-Witness Coordinators
- Victims of the Juvenile Act (but only for the purposes of collecting for their losses)
- Law Enforcement
- Social Agency
- Schools as allowed under Wisconsin Statute §118.127
- The identity of the ~~requester~~ requestor must be verified prior to any release of information to ensure they are entitled to receive the record.
  - Photo Identification of party requesting record, and
  - A Birth Certificate verifying the relationship with the child, or
  - A Court Order showing legal guardianship

Information will not be released if the case in question is an active or pending investigation or prosecution, and the release of that information would jeopardize the investigation/prosecution; the requestor is the subject of the investigation (this includes legal guardians and parents); or the release would subject an individual to threats of harm or intimidation.

If the requestor requests a police report that contains information on a juvenile and they do not provide proof of entitlement to the information, juvenile information will be redacted in its entirety.

## 2. Attorney-Client

Certain information contained in public records and documents in the MPD is protected by the attorney-client privilege.

Original SOP: 02/25/2015

(Revised: 03/16/2016, 02/03/2017, 11/30/2017)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Replacement of Lost, Stolen or Damaged Equipment

Eff. Date ~~11/15/2016~~ 11/20/2017

## Purpose

To outline the procedure to obtain replacement of lost, stolen or damaged equipment.

## Procedure

1. If an item of department-issued property is lost, stolen or damaged while on duty, within one month of the incident, the responsible employee will forward an email to their commander/manager detailing the circumstances of the loss and requesting replacement.
2. When City-owned property is lost, stolen or damaged through employee negligence, the information will be forwarded to PS&IA by their commander/manager for review when appropriate. (Refer to SOP regarding ~~Use and Care of~~ City-Owned Property ~~– Use and Care.~~)
3. Items damaged by reason other than negligence will be examined by a supervisor and a decision will be made as to the most appropriate method, repair or replacement, for restoring the item to service.
4. If a replacement item is to be purchased, the commander/manager will email PD Purchasing explaining the reason for the replacement, providing the case number related to the incident and the name of the employee impacted. The commander/manager will also provide the details needed for ordering, such as item number, sizes and any other pertinent information needed so that an order can be placed. In this instance, the replacement item will not be charged to the employee's uniform account.
5. If approved for replacement, personal watches will be repaired or replaced to a maximum of \$50.
6. The Madison Police Department (MPD) recommends the wearing of safety glasses, but other prescription glasses will be repaired or replaced at a reasonable cost for frames and lenses, if lost or damaged while taking police action. (The current approved maximum replacement cost is \$190.) Employees desiring special frames or lenses (e.g., designer frames, U/V or scratch resistant lenses, etc.) will be responsible for those costs. This provision will also apply to prescription sunglasses and non-prescription reading glasses.
7. Contact lenses will be replaced if lost or damaged as a result of taking a police action.
8. Damaged or lost jewelry, such as beads, earrings, rings, bracelets, etc. will be the responsibility of the employee and no repair or replacement will be made by the MPD.
9. Work-related equipment not issued by the MPD will remain the responsibility of the employee and no repair or replacement will be made by the MPD, except as specifically provided for in labor contracts.
10. All worn out or lost uniform and equipment items shall be paid for out of the employee's uniform and equipment account.

Please be aware that MPPOA and AMPS labor contracts, and civilian employee handbooks, also contain language related to uniform purchase and replacement. Since these contracts may change, it's important to note that any labor agreements supersede any uniform procedures currently in place.

Original SOP: 04/01/2015  
(Revised: 02/12/2016, 11/15/2016, 11/20/2017)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE  
Requesting Additions or Changes  
to Approved Uniform and Equipment Lists



Eff. Date ~~02/22/2017~~ 12/11/2017

## Purpose

The MPD Uniform Committee was formed in order to review requested additions or changes to the approved uniform and equipment lists.

## Procedure

The committee will meet at a minimum of two times per calendar year. "PD Group" will be advised of the dates of these meetings in a timely fashion. Before the MPD Uniform Committee will review requested additions or changes, the following procedural steps must be completed:

1. Personnel advocating for additions/changes of equipment items to the approved uniform and equipment lists must have the support of the MPD Training Team. Employees presenting the proposal should conduct any related research supporting the equipment item prior to meeting with the training staff. If, after being provided with the rationale and research, the Training Team is unconvinced of the merit of a proposal, the proposal will go no further. Recommendations for additions/changes of equipment items should be directed to the Sergeant of Training. Proposals for additions/changes to uniform items do not require MPD Training Team approval and may start at Step 2.
2. If the MPD Training Team supports a proposal, the proposal will be taken to the MPD Officer Advisory Committee for consideration. The person who presented his or her request to the MPD Training Team will again share the rationale, research, and cost estimates/comparisons and be prepared to answer questions the OAC might have. **There must be strong justification for proposing an addition to the approved uniform and equipment lists without a corresponding recommendation to remove something else.** ~~Only if the OAC supports the~~ The recommendation will ~~only~~ **only** it be forwarded to the MPD Uniform Committee for consideration ~~if supported by the OAC.~~
3. The MPD Uniform Committee will discuss the uniform/equipment item in question. If the MPD Uniform Committee supports the proposal, the designated Assistant Chief will forward it to the Chief for approval.
4. The Assistant Chief will advise the OAC of the Chief's decision at a subsequent meeting of the OAC and forward the information to the organization.
5. At the direction of the Assistant Chief, MPD purchasing personnel will implement any uniform/equipment decisions that have been approved by the Chief.
6. In the event that we are notified that a uniform or equipment item is no longer available and the vendor has proposed a replacement, the Uniform Committee will evaluate the item and make a recommendation to the Assistant Chief. The Assistant Chief will advise the OAC of the proposed change at a subsequent meeting of the OAC. The Assistant Chief will then take the proposed change to the Chief for approval.

Exceptions to the review process will be made when a safety and/or training concern has been identified that requires more immediate attention or when an approved item has been discontinued by a manufacturer, and an equivalent and acceptable replacement has been identified. In such cases, the **Assistant Chief and/or** MPD Uniform Committee may expedite its decisions.

Special team requests should be vetted through their respective Commanding Officer, and if supported, ~~the CO would submit~~ **submitted** to the Assistant Chief of Police. The Assistant Chief would then refer the proposal to the Chief of Police for approval.

Recommendations for changes involving medical or first-aid related items may be made directly from the MPD Medical Director or medical training coordinator to the Assistant Chief.



The Uniform Committee will consist of personnel from a cross-section of MPD assignments. Members will be selected as needed by the designated Assistant Chief. The Traffic Section will establish a Parking Enforcement Officer uniform committee to make recommendations in approved uniform items for PEO's.

Original SOP: 03/26/2015  
(Reviewed Only: 03/03/2016, 12/22/2016)  
(Revised: 02/22/2017, 12/11/2017)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE  
**Restricted Duty**  
**(Temporary Transitional Assignments)**



Eff. Date ~~09/06/2017~~ 12/11/2017

## Purpose

The purpose of this Standard Operating Procedure (SOP) is to clarify expectations related to temporary transitional assignments, also referred to as “restricted/light-duty status.” This SOP applies to both commissioned and civilian personnel. The City and the Madison Police Department (MPD) recognize that this process affords mutual benefit to both the organization and affected employees. However, it is expected that the MPD properly manage this process. Therefore, the MPD has established the following restricted/“light-duty” procedure.

Restricted duty is intended to provide a temporary assignment to an employee who is unable to perform their essential job tasks due to a temporary injury, illness or other condition. Frequent reoccurrence of the same medical condition is not considered “temporary.”

Providing a temporary restricted duty assignment to an employee is contingent upon the ability of the employee to perform meaningful work for the Department within their medical restrictions. Nothing in this SOP imposes a duty on the Department to provide a temporary restricted duty assignment for any employee.

The City of Madison also offers relief for ill or injured employees beyond the restricted duty process (APM 2-7). In addition to protections under Federal and State law related to the Family Medical Leave Act (FMLA), the City also offers support through temporary (APM 2-31) and extended medical leave provisions (APM 2-45), employee donated leave (APM 2-30) and wage insurance (Hartford Insurance Company).

## Procedure

### NOTIFICATION/DOCUMENTATION

**All commissioned and civilian personnel, regardless of rank or position, are subject to this process.**

#### **Duty Related Injury**

All personnel are required to notify a supervisor, commander, civilian manager or MPD’s Officer in Charge immediately, if injured while on duty. The Lieutenant of Personnel shall be notified as soon as practical. The employee and their supervisor must complete a Worker’s Compensation Accident Report form and forward same to [PD Medical](#) immediately. Worker’s Compensation Accident Report forms are available at:

- [www.cityofmadison.com/finance/documents/WC-1page1.pdf](http://www.cityofmadison.com/finance/documents/WC-1page1.pdf)
- [www.cityofmadison.com/finance/documents/WC-1page2.pdf](http://www.cityofmadison.com/finance/documents/WC-1page2.pdf)

#### **Non-Duty Injury or Restrictions**

All commissioned employees must be in physical and mental condition to deploy for emergency field deployments, and be able to complete any and all assigned duties. When an employee has an issue that precludes full participation in any assigned duties or operational readiness, the employee should notify the Lieutenant of Personnel (HT LT) before returning to work. Although an employee is not required to identify the nature of a non work-related medical condition or illness, if restricted/light-duty status is either anticipated or requested it must be approved by the Lieutenant of Personnel before the employee returns to the workplace.

Employees should provide the Department with as much advance notice as possible when they are undergoing a planned medical procedure. Although an employee is not required to identify the nature of a non work-related medical condition or illness, if restricted/light-duty status is either anticipated or requested, the employee shall notify the Lieutenant of Personnel of this need as soon as practical. This is required as the Lieutenant of Personnel is tasked to review, approve and manage all light-duty requests (work and non work-related), as well as notify the Captain of Centralized Patrol Services of potential patrol staffing impacts. In the

absence of the Lieutenant of Personnel, the Captain of Centralized Patrol Services serves as an alternate contact and resource for restricted/light-duty matters. **All restricted or full duty status requests must be pre-approved by the Lieutenant of Personnel or the Captain of Centralized Patrol Services before the employee can return to work in a restricted or full duty capacity.**

Before any restricted/light-duty request can be considered, proper documentation must be submitted to [PD Medical](#) which will include some or all of the following:

- Worker's Compensation Accident Report form (if applicable)
- Medical Status Report form (<http://www.cityofmadison.com/finance/documents/WC-MedStat.pdf>) completed by the employee's medical provider, to include:
  - The nature of any physical/medical restrictions (e.g., can't bend, lift, push/pull, stand, or work full shifts, etc).
  - The approximate length of time that the employee may require restricted/light-duty status.
  - When appropriate, a date on which an employee may return to their regular, unrestricted duties.

**A Medical Status Report form must be completed by a medical provider for every work-related injury requiring a medical appointment.** Medical documentation for non work-related conditions or illnesses is required when there is a change in the employee's work restrictions as they relate to the employee's work status. To remain on restricted duty status, the employee's medical documentation must have dates that reflect the specific timeframes that restricted duty status is requested for. **Please note that specific medical/physical restrictions are required by City APM 2-7.** Failure to have proper documentation may result in the employee's restricted duty status request either being denied or revoked.

Medical Status Report forms are also required for non-duty related requests.

Both work and non-work related medical documentation is to be forwarded to [PD Medical](#) by either e-mail or via a secure fax line at (608) 261-9963. **It is preferred that medical documentation is sent electronically. Employees may take a photo of the medical document and e-mail it directly to PD Medical.** Medical documentation should never be sent to, or copied by, the employee's supervisor, commander or manager.

## REVIEW PROCESS

Once received, the Lieutenant of Personnel will review the medical/physical restrictions identified in the medical provider documentation, and will determine if the employee will be approved for restricted/light-duty status. The Lieutenant of Personnel will then notify the affected employee by phone or e-mail as to the status of their restricted/light-duty request. The employee's supervisor, commander or manager will also be notified. **All employees shall adhere to the medical restrictions that are identified by their medical provider.** Employees may be allowed to operate an unmarked City vehicle for work-related purposes only, provided their doctor has not restricted the employee's ability to drive. Employees are not allowed to come to work if using prescription narcotics that cause impairment or if using medication that causes impairment. **Commissioned employees will not be allowed to carry a firearm on duty while on restricted/light-duty status unless pre-approved by the Lieutenant of Personnel or the Captain of Centralized Patrol Services.** Such approvals may be made when there are threats made to the officer or in circumstances where there is a heightened risk of threat to law enforcement. However, exceptions cannot be approved when the officer has an injury that inhibits the safe use of a firearm. If approved, **the officer officers** cannot be identifiable as **law enforcement-police** personnel; firearms are to be concealed at all times.

**Please note that an employee will not be allowed to return to work in a restricted/light-duty status or allowed to return to work in a full duty or unrestricted status until appropriate medical documentation is received, reviewed and approved by the Lieutenant of Personnel or the Captain of Centralized Patrol Services.** Employees must return to their normal work assignments timely, consistent with their physician's or treatment provider's recommendation and/or certification once reviewed by the Lieutenant of Personnel or the Captain of Centralized Patrol Services.

## ASSIGNMENT/SCHEDULE

The Lieutenant of Personnel shall be responsible for determining the employee's initial work assignment, schedule and shift. **Priority will first be given to organizational need(s). If no larger organizational need exists**, then consideration will be given to assigning the employee to their district or work unit. **The Lieutenant of Personnel will determine if it is necessary to re-assign commissioned light-duty employees should a greater organizational need develop.**

Commissioned employees re-assigned to restricted/light-duty status may not start earlier than **the patrol** 6:00 a.m. **shift** and no later than **the patrol** 3:00 p.m. **shift**. Commissioned employees must attend a shift within this timeframe that offers a Patrol or Detective Briefing. This guideline may be modified by a commander based on operational need and/or the employee's normal work assignment. **If a commissioned employee's work shift is changed by a commander, it is the responsibility of the commander or employee to make timely notification to PD Payroll of the change as shift differential pay may be a consideration.** Civilian employees will be afforded work assignments consistent with City **APM 2-7** and the Employee Benefits Handbook for General Municipal and Non-Represented Employees, subject to their specific medical work restrictions and current practice. All training/special assignments must be reviewed for approval by the Lieutenant of Personnel to assure that employees do not perform work that exceeds their medical/physical restrictions.

Any changes in work hours must be pre-approved by a commander or civilian manager. The following also applies to commissioned employees:

- While on duty, commissioned employees may not take police action or otherwise engage in any action that places the employee at undue risk, wear military-style uniforms, display badges, carry firearms, or operate marked police vehicles without authorization by the Lieutenant of Personnel or in his/her absence, the Captain of Centralized Patrol Services.
- If a firearms qualification or any mandatory training is missed by a commissioned employee while on light duty, the employee is required to arrange a mutually agreeable time with a member of the Training Team in order to successfully complete the qualification course or the required training before returning to full duty. Exceptions can be considered by the Captain of Training or his/her designee.

## ADDITIONAL REQUIREMENTS

- Employees who will likely request restricted/light duty status for more than two weeks, **for non-duty related illnesses or injuries**, may be required to submit FMLA paperwork. In addition, employees that are or will be approved for non-duty related restricted/light duty status for two months or more, will be required to have their medical provider **update the status of their physical/medical restrictions when their restrictions change. A new Medical Status Report (with specific physical restrictions) is to be submitted submit a medical progress report** to the Lieutenant of Personnel. **An In all circumstances, an updated Medical Status Report medical/healing progress report** must be submitted **periodically (generally every two months)** that the employee remains in a temporary restricted duty assignment. Medical progress reports are not **initially** required for employees in a temporary restricted duty assignment due to pregnancy. **A medical note requesting restricted duty from the pregnant employee's provider is required to process this request. For further details, please refer to the Maternity Duty SOP.**
- Temporary restricted duty assignments are limited to eight (8) months (35 weeks total). On a case by case basis the Chief may approve an extension of **four (4) months (17 additional weeks)**, not to exceed twelve (12) total months (52 weeks).
- Temporary restricted duty assignments are only available if it appears the employee will be able to return to his/her original position (with an ability to perform the essential job tasks of the position). If the employee's medical provider determines that the employee is no longer making progress towards unrestricted **or full-**duty status, the temporary restricted duty assignment will be discontinued and the employee will be placed on appropriate leave status **pursuant to City APM's and guidelines.**

- If the department does not receive the required **updated Medical Status Reports two-month progress reports** in a reasonable timeframe the temporary restricted duty assignment will be discontinued and the employee will be placed on appropriate leave status.
- The length of an employee's **non-duty** restricted duty status will be measured by allotment, to include the time period where any extensions to the initial allotment are granted. This means that once an employee is approved for restricted duty status, their allotment will commence, to include re-occurrences of the same illness/injury, or any additional injuries/illnesses that may occur within the same timeframe. This provision will not interfere with or supersede any requirements mandated in APM 2-45. Any leave taken during the period that the employee is in restricted duty status will not extend the employee's restricted duty allotment.

**Assignments filled by restricted/light duty personnel are to be temporary, and will not become, permanent positions.**

## TELESTAFF

There are additional administrative guidelines that need to be followed daily while an employee is on restricted/light-duty status:

- It is important that the affected employee's Telestaff calendar reflects the actual time worked by using either the appropriate "**Light Duty: Non-Duty Related**" or the "**Light Duty: Workers Comp**" work code. Never add an Adjust Work Hours work code.
- Employees are required to also use Telestaff to document the work they perform. To accomplish this, employees will have to "edit" their Light Duty Work Codes while on restricted/light duty status. Employees are required to fill-in the Detail Code with their assignment location. In the Note Field, employees are to type in a brief reference to the work they did that day.

## AUDIT/COMPLIANCE VERIFICATION

- Once approved for restricted/light duty status, employees may be required to have an initial meeting with the Lieutenant of Personnel. For extended light duty requests, monthly meetings will occur. **This is mandatory.** The purpose of these meetings is to relay expectations and assure compliance with this SOP and intended purpose of City **APM 2-7**. It is also an opportunity to discuss the ongoing needs of the employee where FMLA and other City APM's may afford the employee additional benefits and assistance.
- Supervisors/commanders of the work units where employees are physically assigned are responsible for auditing the work that their restricted duty employees are performing to assure that meaningful work is being accomplished, consistent with City **APM 2-7**. This audit process includes verifying that the employee's daily Telestaff record is accurate.
- When a work unit does not have meaningful work, the Lieutenant of Personnel is to be contacted. The Lieutenant of Personnel will determine whether there is meaningful work in a different unit and will reassign the employee as appropriate.
- Should an employee be approved for an extended period in a restricted/light duty status, the employee may be moved from their current work unit and reassigned. The purpose of this reassignment is to avoid creating a permanent restricted/light duty position.

Original SOP: 04/17/2015  
(Revised: 10/22/2015, 03/04/2016, 01/13/2017, 09/06/2017, **12/11/2017**)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



**Sexual Assault Investigations**

Eff. Date ~~04/05/2016~~ 12/06/2017

**Purpose**

To outline the procedure for investigating sexual assault and their attempts.

**Procedure**

1. Adults
  - a. The initial responding officer shall advise the victim they may request to be interviewed by an officer of the gender of their choice. Should the victim request an officer of the gender opposite the initial officer, the officer shall immediately notify a supervisor and a reasonable attempt will be made to honor the victim's request.

Once follow up has been assigned to a Detective, the case will remain with the Detective regardless of gender.
  - b. In the event of a fresh occurrence, the initial responding officer shall make a reasonable attempt to obtain suspect, officer safety, and other relevant information to relay to other officers as soon as possible.
  - c. The officer conducting the victim interview shall:
    - i. Notify the Officer in Charge (OIC) of the circumstances of the incident. The OIC will determine if the incident is a 1st or 2nd degree sexual assault or if additional investigative resources or advice is needed, and if so, will ensure that the On Call Detective Lieutenant (if after normal business day) or District Detective Lieutenant is notified of the circumstances. The exception to notification is an incident involving consensual sex between teenagers within 3 years of age.
    - ii. Ensure the collection of evidence from the victim and scene(s), (e.g., photos, clothing, etc.), and also medical forensic hospital exam evidence if the assault occurred no more than 120 hours prior to the time it is reported. Meriter Hospital's Forensic Sexual Assault Nurse Examiner (FNE) (SANE) program should be used for collection of biological evidence from the victim.
      1. Any time an officer is dispatched for a sexual assault and the victim is reporting; the Officer should stand by outside the room while the exam is being done, in case the nurse needs to communicate with the Officer, and to then take the evidence for processing.
      2. Please see the SOP on Searches, specifically the Strip Search section for further details on the collection of evidence from the suspect.
      3. An Investigator, at the request of the interviewing officer or a supervisor, shall process the scene of a sexual assault for evidence, including photos.
      2. An Investigator, at the request of the interviewing officer or a supervisor, shall process the scene of a sexual assault for evidence, including photos.

**INVESTIGATING CASES INVOLVING CHILD VICTIMS (SEXUAL AND PHYSICAL ABUSE AND NEGLECT)**

1. The primary officer shall notify Dane County Human Services (DCHS) within 12 hours of the report of a sexual assault of a juvenile per state statute 48.981(1)(2)&(3).

The primary officer shall notify the parents or guardians, if appropriate, of the juvenile victim within 24 hours.
2. When investigating a sexual assault of a child under the age of 16, the investigating officer shall collect as much information as possible without interviewing the victim. The officer shall notify the OIC of the circumstances. The OIC shall contact the On Call Detective Lieutenant (if after normal business day) or District Detective Lieutenant prior to conducting a detailed interview or physical exam. The subsequent investigation will be at the direction of the Detective Lieutenant or Detective assigned to the case.

3. When the investigating officer or detective for cases involving child victims determines that probable cause exists that the suspect has committed crimes in violation of the statutes listed below, the cases will routinely be referred to the district attorney for criminal prosecution:
  - a) Sexual intercourse or sexual contact under s. 940.225, 948.02, 948.025 or 948.085
  - b) Sexual exploitation of a child under s. 948.05
  - c) Permitting, allowing or encouraging a child to violate s. 944.30 (Prostitution)
  - d) Causing a child to view or listen to sexual activity s. 948.055
  - e) Causing a child to expose genitals or pubic area s. 948.10

## INVESTIGATIONS INITIATED BY HUMAN SERVICES

### Officer-in-Charge Information

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Child Protective Services (CPS) workers have been asked to make the OIC the first point of contact for Madison Police Department (MPD) collaboration for the initial field investigation when responding to reports of child abuse and neglect. It is MPD's established procedure to respond with on-duty patrol officers in the initial response. The OIC is able to evaluate available resources and timing, understanding that child protection workers may be under a timeline to initiate an investigation.

### OIC Considerations

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- Obtain basic information regarding the allegation under investigation.
- Obtain contact information for the responding worker to provide to the responding officer(s).
- Coordinate reasonable adjustments in timing (things like other significant ongoing events, or shift change may dictate an adjustment).
- Initiate contact with on-duty Detective supervisor or on-call as needed.

### Responding Officer/Field Supervisor Considerations

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- Determine who will lead the interview (Officer or DCHS worker).
- If CPS leads the interview, officer should take *detailed* notes of interview.
- Officer *can and should* ask questions pertaining to their investigation if those questions are not asked by CPS.
  - Officer must ensure they have explored the elements of alleged crime.
- CPS is ultimately responsible for conducting a safety assessment for the child (making sure the child is safe).
- Regardless of who leads the interview, officers shall complete a detailed report.
- Note: If Children are alleged victims of abuse by a caregiver or unknown person, the children can be interviewed without parental consent at any location police are legally authorized to be present(see Wisconsin statute 48.981(3)(c)1.b.).

## FIRST RESPONDER CONTACT WITHOUT CPS

1. Collateral Information Collection ~~From from~~ Others.
  - a. Reporting Party.
  - b. Non-offending parent (if possible).
  - c. 3rd Parties with information (teachers, counselors, friends, etc.).
  - d. Witnesses.
2. CPS Contact.
  - a. Provide CPS information obtained from #1.
  - b. Determine other collaborative information from CPS.
    - i. Other open/prior cases with subjects.
    - ii. Identification/contact information for offender and others.
  - c. Will CPS come out?
    - i. Yes - wait to continue investigation with CPS.

- ii. No - proceed to #3.
- d. If CPS responds, determine who will lead the interview (Officer or DCHS worker).
  - i. If CPS leads the interview, officer should take *detailed* notes of interview.
  - ii. Officer *can and should* ask questions pertaining to their investigation if those questions are not asked by CPS.
    - 1. Officer must ensure they have explored the elements of alleged crime.
  - iii. CPS is ultimately responsible for conducting a safety assessment for the child (making sure the child is safe).
- 3. Factors to Determine if Officer Should Conduct Child Interview.
  - a. Do we have corroborated information of abuse, neglect, or that child witnessed (CRIME) obtained by #1 and #2? No need for officer to interview child.
    - i. Preserve/collect pertinent evidence.
      - 1. SANE exam/photos/weapons/implements/etc.
      - 2. Determine if child is in need of immediate medical treatment.
      - 3. Determine if the child is safe in its present placement.
    - b. Even if 3.a. is present, officer articulates need for immediate child interview (manipulation of child's testimony, family dynamics/pressure, etc.).
- 4. Contact Sgt/OIC.
  - a. Provide information obtained from #1, #2, and #3.
  - b. Determine if on-call Det. Lt. will be contacted (and presumably a detective called in).
- 5. Officer Interview of the Child.
  - a. General guidelines.
    - i. Do NOT do truth/lie.
    - ii. Do NOT use body diagrams.
    - iii. Must use open-ended questions (i.e., "tell me all about it").
      - 1. "Tell me *what* happened?" (elements of crime).
      - 2. "Tell me *how* it happened?" (evidence - weapons, DNA).
      - 3. "Tell me *where* it happened?" (jurisdiction).
      - 4. "Tell me *who* else was there?" (witnesses).
      - 5. If the "tell me" questions, coupled with collateral information, have not given the "*when*," attempt to ascertain "*when*" from the child.
        - a. Developmentally appropriate words.
        - b. If not recent enough to raise evidentiary concerns, close is good enough.

See "Searches" SOP for guidance on suspect SANE exams.

Original SOP: 11/18/2015  
(Revised: 04/05/2016, 12/06/2017)  
(Name change only: 05/03/2016)  
(Reviewed Only: 01/09/2017)





CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



**Social Media – On-Duty Use**

Eff. Date ~~06/19/2017~~ 11/02/2017

**Purpose**

The Madison Police Department (MPD) endorses the use of web-based and mobile-based technologies designed to facilitate internet communications, known as “social media,” to enhance communication with the public, to disseminate information in an accessible and timely manner, and to solicit collaboration with the community. This procedure establishes a standard of conduct and content for all items posted to any social media site or application by any personnel authorized and trained to represent the MPD to the public through these channels of communication.

**Application**

This procedure applies to all MPD employees and personnel using or posting to social media as an authorized representative of the MPD.

**Procedure**

This procedure serves to clarify and establish guidelines and prohibitions for MPD-authorized use of social media. These guidelines and prohibitions build on policy requirements put forth in the Law Enforcement Code of Ethics, MPD Mission Statement and Core Values, as well as all applicable portions of MPD Code of Conduct and Standard Operating Procedures, City of Madison Administrative Procedure Memoranda, and established city, state, and federal law.

As representatives of the MPD in all public settings, personnel have a responsibility to communicate accurate and timely information to the public in a professional manner. Authorized personnel posting to social media sites on behalf of the MPD are expected to adhere to all standards of conduct and to present information in a respectful, professional, and ethical manner. Authorized personnel are approved by the Assistant Chief of Support and Community Outreach.

Appropriate use of MPD-sanctioned social media sites may include, but is not limited to, community outreach and engagement, recruitment, release of time-sensitive and emergency information, soliciting information regarding an investigation or activities, and promoting safety and informing the public about crime prevention tips and tactics.

All pages and accounts maintained on behalf of the MPD will contain a statement indicating the official nature of the account, as well as, general contact information for the MPD; where possible, a disclaimer will be posted on these pages, as well, stating that opinions expressed by visitors to the page do not reflect the opinions of the MPD, and a statement of notification regarding comment moderation and open records requirements.

Where possible and appropriate, digital postings should link directly to information available through the City of Madison website, most commonly the MPD section of the website. Linking to sources outside of the official internet presence maintained by the City of Madison and its various departments and offices is strictly prohibited without the express permission of the Assistant Chief of Support and Community Outreach, or the designee of that individual.

Records of all posts to social media sites will be retained per open records regulations as established by the City of Madison. These records will be maintained by City of Madison Information Technology. All content posted to these sites on behalf of the MPD, as well as in interaction with the MPD, will be stored in a manner such that they are accessible for open records requests.

Use of personally-owned devices, such as home computers and mobile computing devices, is allowed as long as access to the software is accomplished through the use of a City IT developed web browser application.

MPD personnel shall abide by all Terms of Service as stipulated by the site or software; this includes, but is not limited to, a prohibition of falsely identifying oneself on a site or sites, infringing on copyrighted material, and violating the privacy or rights of other users.

MPD personnel are prohibited from sharing, transmitting, or posting classified or sensitive information, or the contents of police records, or any matters relating to official police business, or knowledge gained during the course of their professional duties. (See MPD Code of Conduct # 21, SOP Records Inspection and Release and City of Madison General Ordinance 3.35(5)(d).)

MPD-approved representatives are prohibited from using their affiliation with the MPD or the City of Madison as grounds to endorse or promote products, opinions, or causes; the MPD should not be made to appear to condone or support any public, private, or personal enterprise through digital posts made to any social media site. **This does not preclude, however, instances where social media is used in collaboration with partners to cross promote events and to acknowledge the good works of these relationships.**

## On-Duty Photography and Videos

Photos and videos may be taken with personal cell phones and cameras while on duty for MPD social media purposes **only**. The use of personal cell phones and cameras to take photos and videos on behalf of MPD is done at the discretion of the owner. MPD is not responsible for loss or damage incurred as a result of device use while on duty.

All photos and videos intended for MPD social media should be sent to a member of the MPD Social Media Team ([pdsocialmedia@cityofmadison.com](mailto:pdsocialmedia@cityofmadison.com)) along with a brief description/caption that can accompany the photo(s) and video(s) when they are posted.

Authorized personnel will review the photos and videos for compliance with City APMs and Department policy before they are published on MPD's social media accounts.

## Photographs and Videos of Youth

Photos and videos of children will require permission from a parent or guardian. When submitting the photo or video to the MPD Social Media Team, include a note in the message confirming:

1. Name and relationship to the child of the person giving permission
2. The location, date, and time permission was granted

Best practice is to take photos and videos that do not clearly depict juvenile's faces. If a juvenile has written permission on record with another agency/business/school/program, then include a note indicating such when submitting the photo or video.

Original SOP: 02/25/2015  
(Revised: 02/05/2016, 01/20/2017, 06/19/2017, **11/02/2017**)  
(Reviewed Only: 11/01/2016)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Social Media Non-Investigative Use – On-Duty Use

Eff. Date ~~11/02/2017~~ 11/09/2017

## Purpose

The Madison Police Department (MPD) endorses the use of web-based and mobile-based technologies designed to facilitate internet communications, known as “social media,” to enhance communication with the public, to disseminate information in an accessible and timely manner, and to solicit collaboration with the community. This procedure establishes a standard of conduct and content for all items posted to any social media site or application by any personnel authorized and trained to represent the MPD to the public through these channels of communication.

## Application

This procedure applies to all MPD employees and personnel using or posting to social media as an authorized representative of the MPD. This does not apply to approved use of social media for investigative purposes (see MPD SOP, Social Media – Investigative Use).

## Procedure

This procedure serves to clarify and establish guidelines and prohibitions for MPD-authorized use of social media. These guidelines and prohibitions build on policy requirements put forth in the Law Enforcement Code of Ethics, MPD Mission Statement and Core Values, as well as all applicable portions of MPD Code of Conduct and Standard Operating Procedures, City of Madison Administrative Procedure Memoranda, and established city, state, and federal law.

As representatives of the MPD in all public settings, personnel have a responsibility to communicate accurate and timely information to the public in a professional manner. Authorized personnel posting to social media sites on behalf of the MPD are expected to adhere to all standards of conduct and to present information in a respectful, professional, and ethical manner. Authorized personnel are approved by the Assistant Chief of Support and Community Outreach.

Appropriate use of MPD-sanctioned social media sites may include, but is not limited to, community outreach and engagement, recruitment, release of time-sensitive and emergency information, soliciting information regarding an investigation or activities, and promoting safety and informing the public about crime prevention tips and tactics.

All pages and accounts maintained on behalf of the MPD will contain a statement indicating the official nature of the account, as well as, general contact information for the MPD; where possible, a disclaimer will be posted on these pages, as well, stating that opinions expressed by visitors to the page do not reflect the opinions of the MPD, and a statement of notification regarding comment moderation and open records requirements.

Where possible and appropriate, digital postings should link directly to information available through the City of Madison website, most commonly the MPD section of the website. Linking to sources outside of the official internet presence maintained by the City of Madison and its various departments and offices is strictly prohibited without the express permission of the Assistant Chief of Support and Community Outreach, or the designee of that individual.

Records of all posts to social media sites will be retained per open records regulations as established by the City of Madison. These records will be maintained by City of Madison Information Technology. All content posted to these sites on behalf of the MPD, as well as in interaction with the MPD, will be stored in a manner such that they are accessible for open records requests.

Use of personally-owned devices, such as home computers and mobile computing devices, is allowed as long as access to the software is accomplished through the use of a City IT developed web browser application.

MPD personnel shall abide by all Terms of Service as stipulated by the site or software; this includes, but is not limited to, a prohibition of falsely identifying oneself on a site or sites, infringing on copyrighted material, and violating the privacy or rights of other users.

MPD personnel are prohibited from sharing, transmitting, or posting classified or sensitive information, or the contents of police records, or any matters relating to official police business, or knowledge gained during the course of their professional duties. (See MPD Code of Conduct # 21, SOP Records Inspection and Release and City of Madison General Ordinance 3.35(5)(d).)

MPD-approved representatives are prohibited from using their affiliation with the MPD or the City of Madison as grounds to endorse or promote products, opinions, or causes; the MPD should not be made to appear to condone or support any public, private, or personal enterprise through digital posts made to any social media site. This does not preclude, however, instances where social media is used in collaboration with partners to cross promote events and to acknowledge the good works of these relationships.

## On-Duty Photography and Videos

Photos and videos may be taken with personal cell phones and cameras while on duty for MPD social media purposes. The use of personal cell phones and cameras to take photos and videos on behalf of MPD is done at the discretion of the owner. MPD is not responsible for loss or damage incurred as a result of device use while on duty.

All photos and videos intended for MPD social media should be sent to a member of the MPD Social Media Team ([pdsocialmedia@cityofmadison.com](mailto:pdsocialmedia@cityofmadison.com)) along with a brief description/caption that can accompany the photo(s) and video(s) when they are posted.

Authorized personnel will review the photos and videos for compliance with City APMs and Department policy before they are published on MPD's social media accounts.

## Photographs and Videos of Youth

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1. Name and relationship to the child of the person giving permission
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Best practice is to take photos and videos that do not clearly depict juvenile's faces. If a juvenile has written permission on record with another agency/business/school/program, then include a note indicating such when submitting the photo or video.

Original SOP: 02/25/2015  
(Revised: 02/05/2016, 01/20/2017, 06/19/2017, 11/02/2017, 11/09/2017)  
(Reviewed Only: 11/01/2016)



## CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



### Special Events Team Medic Platoon

Eff. Date 10/18/2017

#### **Purpose**

Under the direct command of the Special Events Team (SET), the Medic Platoon was created to better respond to protest and crowd events with an internal resource. The platoon has specialized training and skills to provide immediate emergency casualty care to officers and citizens within an austere environment.

This document establishes procedures for this asset, its members and its deployment. It also establishes the medical protocols under which SET medics operate.

#### **Mission**

We believe the MPD SET team acts as guardians of the community, and of their constitutional rights. We recognize that special events and large crowds pose unique potential physical dangers to members of the public and to officers protecting them. Through providing immediate emergency casualty care coverage to SET officers and the community, we aim to maintain a professional standard, improve safety, and preserve life.

#### **Procedure**

Deployment to SET Events:

- SET medics will be deployed at the discretion of SET command and should be staffed with platoon-sized deployments

Deployment to other incidents:

- At the request of a supervisor, or at their own discretion, medics may deploy to a call for service involving mass casualties or a clear need for emergency casualty care coverage. In the event of such a deployment, the medic shall notify SET command and/or the OIC as soon as practical. Medics may keep their SET-issued specialized medical equipment with their regular work equipment for this purpose

#### **Personnel**

The SET team should maintain a number of SET medics sufficient to staff each SET platoon with two medics.

The SET medic platoon shall abide by the following standards:

Selection:

- Members of the medic platoon (medics) shall be selected through a process determined by the SET commanding officer

Training:

- Medics shall attend all required annual platoon trainings, SET team trainings, and shall maintain any required certifications or licenses as determined by the SET commander
- Medics shall attend specialized platoon trainings as required by the SET commander
- Absences from medic platoon training shall be pre-approved by the SET commander
- The SET commander shall designate a SET supervisor or senior medic to maintain and update training records

**Promotion:**

- Medics who are promoted to supervisory rank shall leave the platoon, unless, in the judgment of the SET commander, they have obtained a level of specialized training related to this platoon such that it remains in the department's best interests that they continue to serve
- Recently promoted medics may continue to deploy until their replacements are trained and equipped for SET events at the discretion of the SET commander

**Standards:**

- Membership on this platoon is a privilege. Medics shall remain dedicated to serving in this roll, commit to maintain the core competencies and be physically able to perform the necessary tasks

**Medical Procedures**

At all times, medics shall abide by the following standard procedures pertaining to medical treatment and interventions.

Medics shall provide training only to the level of their training.

Medics shall follow appropriate protocol for treatment established by the following authorities:

- State of Wisconsin Department of Justice Law Enforcement Standards Board for Tactical Emergency Casualty Care
- The directions, trainings, and protocol as ordered by the Medical Director of the Madison Police Department

**Documentation**

Using procedures established by SET command, medics shall document all treatment provided to citizens.

(Reviewed Only: 12/26/2017)



# CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



## Telestaff Requirements

Eff. Date ~~11/04/2016~~ 12/11/2017

### Purpose

All members of the Madison Police Department (MPD) have the responsibility of ensuring that Telestaff accurately reflects their work time.

### Procedure

The various work codes have been established to account for how each employee is assigned, and the hours that are worked, and it is important that each employee utilizes the correct codes for the work that is performed.

When an employee takes leave time, it is their responsibility to make certain that an entry is made in the Telestaff system prior to the close of payroll on each payroll Monday at 10 am. When an employee works overtime, the Telestaff entry should be made prior to leaving that day. The note field of the entry should include a case number, where applicable, followed by the name of the approving supervisor. If there is no case number, 00-000000 should be entered, followed by the name of the approving supervisor and then the reason for the overtime.

If an entry cannot be made at the end of the work period, the entry must be completed in Telestaff by the next work day or in extenuating circumstances, prior to close of payroll. Employees are responsible to verify that overtime, leave time and work hour adjustment entries on their Telestaff calendar are entered on a timely basis, and accurately reflect the hours worked.

Members of the MPD are further required to update their current address and telephone listings in the Telestaff system within 24 hours of returning to work of any change (My Info). Members of the MPD are also required to notify the Chief of Police of these changes.

### Exigent Leave Telestaff Procedure

- The employee will notify the shift scheduler, shift OIC, or MPD Master Scheduler of his/her request for an exigent personal leave day with at least forty-eight (48) hour notice. The notification will include the type of leave (vacation, comp, etc) to be used.
- The scheduler, shift OIC, or MPD Master Scheduler will enter the appropriate Exigent Leave Work Code in the employee's TeleStaff calendar.
- Within 72 hours of the shift, or prior to the close of payroll (whichever comes first), if no overtime is needed on the shift, the employee will notify the shift scheduler, shift OIC, or MPD Master Scheduler of his/her request to be charged only eight (8) hours of exigent leave.
- The scheduler, shift OIC, or MPD Master Scheduler will verify contract conditions have been met, reduce the hours used from twelve (12) hours to eight (8) hours if appropriate, and e-mail PD Payroll of the change along with the date the employee notified them of the request for reduced hours. At no time will the work code be changed from Exigent Leave to a different type of leave.
- After an exigent personal leave request has been submitted, but prior to the shift in question, the employee may request to cancel the exigent personal leave request. The employee may submit another type of leave request (vacation, comp, etc.) which will be considered in the appropriate sequence with any other leave requests.

Original SOP: 02/25/2015  
(Revised: 02/12/2016, 11/04/2016, 12/11/2017)





CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Third Party Database Use and Dissemination

Eff. Date ~~10/15/2015~~ 11/30/2017

**Purpose**

The Madison Police Department (MPD) uses third party database services and systems from private vendors and governmental agencies. These third party database services and systems are used as investigative tools to facilitate the successful arrest and prosecution of those responsible for crimes.

**Procedure**

**SYSTEM USAGE**

Only authorized users shall access use these approved third party databases for valid law enforcement/criminal justice purposes. Usage will be in compliance with all state and federal privacy laws regarding confidential, non-public personal information (i.e., Gramm-Leach Bliley Act of 1999), applicable MOUs, agreements, and of contracts.

**PENALTY FOR MISUSE**

MPD, the vendor(s), or a governmental agency may investigate any alleged misuse of the third party databases to ensure compliance with system usage. Individuals determined to have misused these databases may be subject to internal discipline, criminal and/or civil penalties under state and federal laws.

**SECONDARY DISSEMINATION**

The information obtained through the third party databases will only be disseminated to authorized parties for valid purposes. The original authorized user must ensure that the recipient is properly authorized to receive the information.

**OVERSIGHT & AUTHORIZATION**

The Records Manager or his/her designee will oversee the authorization and the use of the third party database services and systems.

Original SOP: 10/15/2015

(Revised: 11/30/2017)

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



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



**TIME System Use and Dissemination of Records**

Eff. Date ~~01/06/2017~~ 12/11/2017

**Purpose**

Madison Police Department (MPD) uses the Transaction Information for the Management of Enforcement (TIME) System/eTIME. The TIME system grants access to the following data service agencies: Wisconsin Department of Justice Crime Information Bureau (CIB), the FBI Criminal Justice Information Services (CJIS) Division, the FBI National Crime Information Center (NCIC), the National Law Enforcement Telecommunication System (NLETS), Canadian Police Information Centre (CPIC), the Wisconsin Department of Transportation (DOT), the Wisconsin Department of Natural Resources (DNR), and the Wisconsin Department of Corrections (DOC).

**Procedure**

**SYSTEM USAGE**

ONLY authorized users shall use the TIME system for valid law enforcement/criminal justice purposes. ~~shall use the TIME System.~~ At no time will any user use the TIME system to run any family member or anyone with whom the user is closely associated. Should a situation arise wherein the subject who needs to be run through the TIME system is closely affiliated with the user, the user will request another officer, staff member, or a supervisor run the subject.

**PENALTY FOR MISUSE**

The Department of Justice Crime Information Bureau, as well as the MPD, may investigate any alleged misuse of the TIME System. This includes running family members or other subjects with whom the user is closely associated for criminal justice purposes during the normal course of work, running information for personal use, and running information that is in direct conflict with the regulations set forth by the FBI and CIB for the use of the TIME system. Individuals determined to have misused the TIME system may be subject to internal discipline, criminal and/or civil penalties under state and federal law.

**SECURITY**

**Time TIME Agency Coordinator**

The MPD shall designate an individual to serve as a TIME Agency Coordinator. The Coordinator may designate authorized contacts to fulfill various roles and responsibilities in the administration of the TIME system. The Coordinator's responsibilities include training authorized users and ensuring are to ensure that authorized users are trained and in compliance with CJIS, FBI and MPDs data service agencies' policies and regulations. They also serve as the administrator of TIME interfaces to departmental applications/systems and terminal designations. Additionally, the Coordinator is responsible for the completion of audits performed by CIB and the FBI. In order to maintain our agencies access to the TIME system, it is essential that all staff comply with all requests from the Coordinator or their designee.

**General Security**

Access to TIME terminals shall be limited so that only authorized users will be able to view and access information from the system. In order to qualify for authorization, a TIME user must pass an initial background check, complete initial certification within six months, and maintain applicable TIME certifications bi-annually. To maintain technical security, the MPD shall designate an individual to serve as a Point of Contact (POC). The POC shall identify who is using the system, identify how the system is connected, and ensure that appropriate technical security measures (such as data encryption, etc.) are implemented.

## CRIMINAL HISTORY RECORD INFORMATION (CHRI/III)

Information from CHRI and the FBI Interstate Identification Index (III) shall only be obtained for designated purposes outlined below. This information is not to be disseminated to non-criminal justice agencies or persons. Dissemination to another criminal justice agency requires a secondary dissemination log that will be maintained for one year. The original authorized user must ensure that the recipient is properly authorized, and for valid purposes, to receive the information. CHRI/III records received cannot be disseminated via radio broadcast or cellular phones unless there is a situation affecting the safety of an officer or the general public.

### Authorized Purpose Codes

- **Code C:** Code C is used for Criminal Justice/Law Enforcement purposes and is accepted by CIB and the FBI III. Adult and juvenile records will be supplied. This code is used for official duties in conjunction with the administration of justice (such as detection, apprehension, detention, prosecution, etc.).
- **Code J:** Code J is used for Criminal Justice/Law Enforcement employment applicants and is accepted by CIB and III the FBI. Adult and juvenile records will be supplied.
- **Code D:** Code D is used Domestic Violence/Stalking and is accepted by CIB (only adult records will be returned) and III the FBI (only returns information not sealed by state). This code is used by agencies providing a record to a court hearing for Domestic Violence, and is for court use only. Actual Domestic Violence incidents will use Code C.
- **Code H:** Code H is used for checking suitability of Public Housing Applicants and is accepted by CIB (for adult records only) and III the FBI (for identification only).
- **Code F:** Code F is used for the return of Firearms to Lawful Owner and is accepted by CIB and III the FBI. Both adult and juvenile records are supplied. This code is used for the return of firearms to owners after theft, improper seizure, etc.
- **Code E:** Code E covers other Authorized Employment Purposes and is accepted by CIB ONLY (which ONLY supplies adult records). The FBI III will not accept this code. This code is used for when criminal history is required by state statute, local ordinance, or federal regulation.

### Secondary Dissemination

CHRI information obtained through the TIME system will only be disseminated to authorize parties for valid purposes. The original authorized user must ensure that the recipient is properly authorized to receive the information. If CHRI information is released to another authorized user not initially specified, the MPD shall log the dissemination.

### Storage and Disposal of CHRI Information

CHRI/III records shall not unnecessarily be maintained in case files to avoid disclosure of out-of-date/inaccurate records under Wisconsin open records law. Cases that are e-Referred may contain CHRI/III information, however it is not considered part of the case documentation and is not subject to open records. When no longer needed, Data data from the TIME System shall be disposed of by the user in a secure manner via by shredding, incineration, etc.

### Probable Cause/Hit Confirmation

A hit on TIME is not sufficient for probable cause. A hit on TIME only comprises part of the probable cause analysis and must be viewed in conjunction with other available information. As the time period increases, the significance of the hit decreases. When a hit confirmation request is received via dispatch or directly to the OIC, the OIC is responsible for providing timely confirmation back to the requesting agency.

## CHRI/III INFORMATION

On the CHRI/III request screens, for the 000 and 158, the "Justification/Case#" the attention field shall contain the user's IBM# and the additional information field shall contain the case number. be filled out to explain why the request was run. Usually, an MPD case number will be sufficient. If no case number exists, a brief explanation of why the request was run will need to be entered will suffice. The "IBM#" field must be filled in each time a user runs a triple III.

## TRAINING

Each authorized user shall be trained in usage of the TIME System within six months of employment and retested biennially to reinsure proficiency.

## TIME and NCIC Management of Records

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Only staff with Advanced TIME Certifications shall be allowed to enter, modify, and remove records from TIME/NCIC. Once a record has been entered or modified a secondary check will be completed by a staff member whom did not enter or modify the original record. Validation of all entries into TIME/NCIC shall be completed as designated by CIB.

Original SOP: 02/25/2015  
(Reviewed Only: 02/04/2016)  
(Revised: 01/06/2017, 12/11/2017)



**CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE**



**Tours, Visitors and Ride-Alongs**

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Eff. Date ~~02/12/2016~~ 11/09/2017

**Purpose**

Tours of police facilities will be conducted for approved groups who have expressed an interest in observing the functions of the Madison Police Department (MPD).

Most MPD facilities have areas within them that are secured and not accessible to the general public. We recognize that members of the general public and other law enforcement officials will have a need to enter into these secure areas from time to time. When doing so, all visitors will be expected to comply with all security measures put in place.

Unlike many jobs in today's society, the duties of a police employee are not easily described to persons outside the profession. Therefore, the purpose of allowing citizens to ride with police employees is to add to the public's knowledge and understanding of the problems and complexities of law enforcement.

**Procedure**

**TOURS OF POLICE FACILITIES**

Tour screening and coordination will be the responsibility of the Public Information Office (PIO) and conducted by various volunteers of the MPD. All tour groups must be escorted at all times.

**VISITORS OF POLICE FACILITIES**

Visitors coming into any secure area of a police facility will need to be escorted by an employee of the MPD. Visitors must sign the MPD visitor log and must wear a visitor badge so that it is in plain view.

**RIDE-ALONG PROCEDURE**

**Ride-Along Program Responsibility of PIO**

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The administration of the Ride-Along Program is the responsibility of the PIO and requests for permission to ride will be handled by this office unless the ride-along is a non-commissioned employee, intern or initiated by an officer. Eligibility of each applicant will be determined by the PIO. The PIO will be responsible for collecting the name, address, date of birth, and home phone number of each person requesting to ride. The MPD Records Section will conduct background checks on applicants. The Centralized Patrol Services Captain will disseminate viable applications to district commanders who schedule officers to accommodate ride-alongs. Each district will be asked to schedule a maximum of five applicants per month unless there is a larger group request, i.e., U.W. class.

Persons requesting to ride, who are applying for the position of Police Officer with the MPD, will be referred to the Recruiting Officer for placement and scheduling.

**Ride-Along Database**

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A Ride-Along Database will be maintained electronically by the PIO. The data will contain a complete listing of those who have participated in the Ride-Along Program including the date of their ride and the employee with whom they ride.

Generally, a person taking part in the program may not ride-along for more than once a year unless the ride-along is a non-commissioned employee, intern or initiated by an officer.

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## **Voluntary Employee Participation**

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Employee participation in the ride-along program will be voluntary. Employees may wish to advise their commander of their willingness to participate in the program

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## **Waiver of Liability Form**

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The Waiver of Liability form must be completed by the person requesting to ride and the employee performing the ride-along prior to the beginning of the ride-along. A supervisor must also sign the approval of the waiver prior to the start of the ride. The completed waiver form will be forwarded to the PIO where they will be kept on file. These records will be purged in accordance to the MPD records retention schedule approved by the State Records Board.

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## **Duration of Ride-Along**

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It is suggested that the length of the ride-along period will be four (4) hours. The total time period of the ride-along is to be recorded on the Waiver of Liability form.

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## **Juvenile Ride-Along**

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All juvenile (ages 15-17) ride-along periods will be conducted between the hours of 7:00 a.m. and 7:00 p.m. The majority of the ride-alongs will be scheduled as early in the afternoon as possible. Extensions to 10:00 p.m. may be granted by the Officer-in-Charge (OIC). The extension and exact time of the ride-along shall be documented on the returned Waiver of Liability form. Requests for juveniles under the age of 15 must be approved by the Chief of Police.

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## **Employee Initiated Ride-Alongs**

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MPD personnel will be allowed to initiate ride-alongs for relatives or friends. Employees should obtain the approval of their immediate supervisor or OIC on the waiver form for employee initiated ride-alongs.

The number of ride-alongs an employee will be allowed to take will be determined on an individual basis. Some criteria in making the determination will be:

1. The number of employee-initiated ride-alongs performed.
2. The effect of the ride-alongs on the employee's ability to perform assigned duties.
3. The time period involved.

This determination will be made in conjunction with the PIO and the officer's supervisor(s).

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## **Non-Commissioned Employee Ride-Alongs**

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Non-commissioned employees of the MPD may be authorized to ride-along (on duty time) more than once per year if their supervisor believes such action will increase the employee's understanding and performance of assigned duties.

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## **Intern Ride-Alongs**

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Persons working on projects involving the MPD may be granted permission to extend the ride-along period. Interns working with the MPD should complete the Internship Waiver of Liability form prior to the start of the internship, if the internship includes ride-alongs with MPD personnel.

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## Employee Participation

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Employees on probation will not be allowed to participate in the ride-along program unless prior approval has been obtained from the employee's Commanding Officer.

Approval for probationary police officers from their Commanding Officers should only be given when the officer has demonstrated, at a minimum, a performance of "acceptable" according to the Field Training and Evaluation Program standard evaluation guidelines (#4 level). Ride-alongs should not be approved if the assignment would interfere with the progress of the officer or reflect negatively on the MPD.

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## One Ride-Along Limit

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There will only be one ride-along assigned to an employee at any given time unless approved by the OIC (e.g., camera crew for approved interview).

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## Scene Guidelines

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Officers shall adhere to the following guidelines when determining whether to allow a ride-along to enter a scene:

1. Ride-alongs may not accompany officers into private residences or into any other place not readily open to the public when the officer's legal basis for entering is not based upon consent (i.e., warrant execution, exigent circumstances, community caretaker, etc.).
2. Ride-alongs may accompany officers into private residences or into any other places not readily open to the public when:
  - a. The owner/resident or other person in control of the premises expressly consents to the ride-along's entry.
  - b. The ride-along is directly assisting the officer in the performance of the officer's duties, (example: intern assisting with searching or evidence collection during search warrant execution).
3. Ride-alongs may accompany officers any place that is open to the public, subject to state and local laws (i.e., underage persons not to enter taverns).
4. Ride-alongs may not exit the squad car during a traffic stop prior to the occupants being secured, unless it is necessary to insure their safety or approved by a supervisor.

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## Ride-Along Personal Appearance

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All ride-along participants are visible representatives of the City of Madison and its Police Department and as such, a neat, clean and professional appearance is required.

1. Clothing shall not be torn, frayed, stained, excessively faded, or sheer to the skin.
2. Clothing shall not be excessively loose or tight fitting and must not pose a safety hazard when accompanying officers on calls for service.
3. Clothing, buttons, badges, or pins shall not have political or potentially offensive words, terms, logos, pictures, cartoons, or slogans.
4. Shorts may be worn as long as they are knee length or longer and are professional in appearance.
5. Undergarments shall not be visible.
6. Footwear should consist of closed toed shoes. Sandals, open toed shoes or open back shoes could potentially be a safety hazard and shall not be worn.
7. Strapless, halter, spaghetti strap, low cut shirts, tank tops or muscle shirts shall not be worn unless worn under another shirt.
8. Sweatpants, bib overalls, lounge pants, and athletic pants and shorts are not acceptable.
9. Headgear shall be appropriate for the assignment. Scarves and head covers that are required for religious or medical purposes shall be allowed.

## Restriction Applications

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The restrictions outlined in this SOP apply to all civilian ride-alongs, including interns, students, and non-commissioned MPD employees.

Original SOP: 02/25/2015  
(Revised: 02/12/2016, 11/09/2017)  
(Reviewed Only: 12/20/2016)





CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



**Traffic/Parking Enforcement and Crash Investigation**

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Eff. Date ~~04/27/2017~~ 11/09/2017

**Purpose**

The traffic enforcement objective of Madison Police Department (MPD) is to reduce traffic crashes and injuries and to facilitate the safe and expeditious flow of vehicular, bicycle and pedestrian traffic through voluntary compliance with traffic regulations.

**Procedure**

**PUBLIC EDUCATION**

MPD stands committed to the concept of education as an important factor in prevention and law adherence. Whenever appropriate, MPD will preface any new or concentrated traffic enforcement with a period of public education or reeducation.

**TRAFFIC ENFORCEMENT**

Officers should take appropriate enforcement action to address unsafe driving, bicyclist or pedestrian behavior, focusing on areas with a high incidence of traffic crashes as well as being responsive to neighborhood and citizen complaints.

**PARKING ENFORCEMENT**

Street parking is restricted in various areas of the City to ensure fair access to parking and to expedite the flow of vehicular traffic. All existing parking regulations will be enforced with reasonableness and impartiality in all areas of the City.

**Withdrawal of Parking Citations**

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Parking citations may only be withdrawn by a Traffic/Specialized Services Supervisor following the standard review process:

- 1) A written request for review is submitted to the Traffic Section (online or paper form).
- 2) A Parking/Traffic and Specialized Services Supervisor will review the circumstances and make a determination on the status of the citation.
- 3) A written response will be sent to the requestor notifying them of the outcome of the review.

Commanding Officers may request withdrawal of parking citations for employees under their command if the citation resulted from an emergency call-in, holdover, or other unusual work related circumstances.

The Chief of Police or Commanding Officers may authorize withdrawal of parking citations issued to citizens if the citation resulted from department related issues.

A Traffic/Specialized Services Supervisor may withdraw a citation for "malfunctioning meter" when conditions are verified.

(When a parking citation is withdrawn for any of the above reasons, the disposition must be noted on the original citation, or the written or electronic citation disposition record. No other method of withdrawing a citation is authorized).

## TRAFFIC CRASH INVESTIGATIONS

Traffic crash investigations are conducted by our department in order to protect the rights of citizens, detect traffic violations, and to determine enforcement, engineering, and educational needs.

Officers will respond to, investigate, and **complete the Wisconsin Motor Vehicle Accident Report (DT4000) within 10 days per WI Statute 346.70(4)** when the crash occurred on public property or private property held open to the public, and:

- a) the crash resulted in a reported injury or fatality of a person,
- b) the crash resulted in damage to one person's property to an apparent extent of \$1,000 or more,
- c) the crash resulted in damage to government-owned property, to the apparent extent of \$200 or more, or to a government-owned vehicle, to the apparent extent of \$1,000 or more.

Officers will respond to, investigate, and may **complete the Madison Police Department's accident report (MPD4000)** when:

- a) the crash resulted in less than an apparent \$1,000 damage to either owner's property/vehicle, and
- b) the crash resulted in no reported injuries, and
- c) there are citizens requesting police documentation of their crash.

After an officer responds to a crash scene, and determines that the crash does not meet the criteria for a reportable DT4000, citizens can mutually decide that they would rather simply exchange names at the crash scene, and request not to have an MPD4000 accident report completed.

An MPD "Driver Information Exchange" form (with the case number and officer name only listed) should be provided to each driver to complete the remaining information. **Officers themselves shall not provide identifying information of those involved to the other parties.** Officers shall not utilize the Driver Exchange Form in TraCS.

Officers are not required to complete a DT4000 or MPD4000 accident report when:

- a) The crash resulted in property damage only and occurred during a time period when the OIC has determined that severe weather conditions, or other unusual circumstances has increased the number of crashes beyond the department's capacity to respond.
- b) All of the vehicles/pedestrians involved in the crash have left the scene of the crash prior to calling police, unless special circumstances prompted their leaving, such as: following a hit and run vehicle, seeking medical treatment or moving to a nearby safe location.

When a. or b. above occur, the officer should advise citizens to obtain a DT4002 Self Report of Accident form from the DOT website.

Officers will not complete a DT4000 or MPD4000 when the crash involved a collision between bicycles and/or pedestrians, and no motor vehicles. In this case, a report should be completed as an Incident Report.

Officers will submit addendum reports (Officer's Report Form) when:

- Any charges are issued/pending (the DT4000 cannot be used in any criminal case).
- All of the information cannot be adequately reported in the narrative section of the DT4000 or MPD4000, e.g., hit & run, witness statements.

### Issuance of Citations at Motor Vehicle Crashes

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Officers shall issue citations in any crash where probable cause exists for a violation that is a causal factor in the crash, regardless of which form is used to document the investigation.

### Investigation of Motor Vehicle Crashes Involving Serious Injury or Death

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In order to insure that motor vehicle crashes involving serious injury or death are handled consistently, the case management of such crashes will be the responsibility of Traffic and Specialized Services.

Serious injuries are those injuries which appear life threatening. Crashes with injuries of questionable severity will be investigated as if they were serious injury/fatal crashes. A Field Supervisor will be responsible for assessing the crash scene and any associated injuries to determine if an Investigator and Traffic Specialist should be called to the scene.

Procedure - If the Field Supervisor determines a crash is a serious injury or fatal crash:

- a. The Field Supervisor will be in charge of the crash scene and will be responsible for coordination of the initial investigation.
- b. The Field Supervisor at the scene will consult with the OIC to determine if a Traffic Specialist, Detective and additional Investigators are needed. The OIC should give particular consideration to the need for a Traffic Specialist when a driver has fled the scene of a serious injury traffic crash.
- c. If the OIC deems it necessary that a Traffic Specialist is needed, Traffic/Specialized Services and Forensics Commanders should be contacted:
  - Lieutenant of Traffic
  - Lieutenant of Forensics Services Unit
- d. A Forensics Services Unit Investigator(s) will be dispatched to manage the collection of evidence and documentation of the crash scene. If determined appropriate after consultation with above command staff a Traffic Specialist, Detective and additional Investigators will be assigned.
- e. Field supervisors will make all assignments, with specific attention to witnesses' statements, blood specimens, and other evidence relative to the investigation. Detective resources should be requested and utilized as needed.
- f. Whenever possible investigating officers should obtain a signature authorizing the release of medical information from injured persons who are conveyed for treatment. The forms are available in all medical facilities and will insure proper documentation of injuries, which is particularly critical in cases that may result in criminal charges against a driver. The medical release form should be filed with the officer's original report.
- g. Field supervisors will insure that a "Supervisor Serious and Fatal Crash Investigation" form is completed. All essential witnesses' statements and all Investigators, Detectives and Officers' reports are completed before ending their shift when appropriate.
- h. The Medical Examiner will be contacted in cases involving a fatality and the information must be included in the appropriate report.
- i. Major Case SOP should be followed for reports.
- j. The Traffic Lieutenant will make all follow-up investigation assignments as needed, in consultation with the District Detective Lieutenant. Detectives are to be assigned when appropriate.
- k. **Per State Statutes – 165.785(1)(b)3, 165.785(2r), and 175.51(2m)** – If law enforcement receives a report of a hit and run violation, the agency **shall** disseminate the report through the integrated crime alert network if the law enforcement agency determines that **all** of the following conditions are met:
  - 1) A person has been killed due to the accident that is related to the violation;
  - 2) The law enforcement agency has additional information that could help identify the person who has allegedly committed the violation or the vehicle involved in the violation; and
  - 3) An alert could help avert further harm or aid in apprehending the person who allegedly committed the violation.

## DEPARTMENT VEHICLE TRAFFIC SAFETY

Proper and safe driving of department vehicles is an important job-related responsibility of employees. Injuries and damaged property resulting from preventable employee crashes reflect adversely upon the department's image as a public safety agency. Therefore, the following procedure is intended as a positive education program aimed at reducing preventable motor vehicle crashes by correcting higher risk driving behavior.

All department employees who drive city-owned vehicles may be required to participate in crash prevention in-service programs which will include a review of existing policies, "good practices" in police driving, and special requirements of emergency driving, especially the use of speed and the approaching of intersections.

### **Employee Involved Traffic Crash Protocol**

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Members of the MPD shall promptly report to any on-duty supervisor any traffic crash with, or damage to any City-owned motor vehicle operated by them or in their charge.

If an off-duty MPD employee operating a privately owned motor vehicle is involved in a traffic crash within the city of Madison, a field supervisor shall be dispatched to supervise. If no field supervisor is initially dispatched the responding officer shall request a supervisor respond.

## **CITY VEHICLE/EMPLOYEE TRAFFIC CRASH INVESTIGATION PROCEDURE**

### **Definitions**

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The following definitions will apply for reporting purposes under this SOP:

**Traffic Crash:** Any contact between a City-owned or on-duty employee driven vehicle and another vehicle, pedestrian, or object, resulting in evident damage or reported injury.

**Incident:** Any time a City or on-duty employee driven vehicle:

- a. Has contact with an occupied, privately owned vehicle, or
- b. Is in motion and has contact with a pedestrian, bicyclist or fixed object and there is no evident damage or reported injury.

### **Investigation**

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When an officer is dispatched to investigate a vehicle traffic crash involving a City-owned vehicle and/or an on-duty City of Madison employee, the officer shall:

- 1) Investigate the crash in a manner consistent with MPD policies and request a Field Supervisor be dispatched to the scene to oversee the investigation.
- 2) Determine the causal factors of the crash and if probable cause exists that a driver committed a traffic violation.
- 3) Complete a DT4000 and report before the end of shift. The MPD 4000 short form is not to be used except when approved by a Supervisor for single vehicle crashes on City property involving only City vehicles and very minor damage. (i.e. MV/FO).
- 4) Route reports to the Captain of Traffic and Specialized Services for review.

A Field Supervisor will be required to respond to all motor vehicle crashes involving City of Madison vehicles or on-duty employees, as well as those involving off-duty MPD employees. If a supervisor is not available, the OIC will make the determination as to whether an Investigator or Police Officer will investigate the crash.

**Under no circumstances will an MPD employee investigate a crash in which they were involved.** If the operator of the MPD vehicle involved in the crash is a commissioned officer, he/she may be required to complete an addendum.

If probable cause exists for a violation by an **on-duty** City employee, the on-scene supervisor shall:

#### **For non-MPD City employees:**

Issue the appropriate citation.

#### **For MPD employees:**

Do not issue a citation at the scene.

Before the end of their shift, the on-scene supervisor is required to send a notification via e-mail to the Captain of Traffic/Specialized Services providing at minimum the following information: **MPD case number, date, time, location, employee name and agency, other involved driver(s) information and insurance company, injuries and citation information, if issued.** The Captain of Traffic/Specialized Services will forward this information to the City Risk Manager.

The on-scene supervisor must also complete, in a timely manner, a Blue Team entry including their investigative memo to the Captain of Traffic/Specialized Services detailing the probable cause for the violation and the circumstances involved, including any **duty related mitigating factors.**

In the event of a serious injury crash, the "Investigation of Motor Vehicle Accidents Involving Serious Injury or Death" SOP will be followed. As a standard procedure, all crashes involving on-duty City employees in which serious injury or death occurs shall be submitted to the City Attorney and the District Attorney for review.

### **Review and Follow-Up**

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For crashes involving on-duty MPD employees:

- All traffic crash reports involving on-duty MPD employees will be entered into Blue Team by a supervisor, routed to the Captain of Traffic/Specialized Services, and **carbon** copied to the employee's commanding officer as well as PSIA for review. If the computer entry cannot be completed by the end of the supervisor's shift, an email regarding the details of the crash and any mitigating circumstances should be sent to the above listed personnel at a minimum.
- The Captain of Traffic/Specialized Services (or his/her designee) and the Vehicle Operations Review Committee will meet within 21 days of a crash involving an MPD employee to whom the issuance of a citation is being considered. For this review, the committee should include a minimum of two line members in addition to the Chair. Consideration should be given to establishing probable cause, mitigating circumstances, equity with similar incidents and training or equipment issues. The Captain of Traffic/Specialized Services will be responsible for the decision regarding whether a citation will be issued. The Chief of Police will review this decision.
- If it is determined that a citation is warranted, the on-scene supervisor will be responsible for issuance of the citation. The involved employees Commanding Officer will be notified of the decision.
- In addition, the Department will assess whether remedial training or internal discipline is appropriate.

For crashes involving all other on-duty City of Madison employees:

- All traffic crash reports involving on-duty (non-MPD) City employees will be routed to the Captain of Traffic/Specialized Services for review.
- The Captain of Traffic/Specialized Services (or his/her designee) will review the circumstances of a crash involving an issued citation. Consideration should be given to establishing probable cause, mitigating circumstances, equity with similar incidents. For this review, the employee's supervisor or Department Head may be consulted. The Captain of Traffic/Specialized Services will be responsible for a decision regarding whether the citation will stand or be withdrawn.

### **Recordkeeping**

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All crash data will be stored in a designated MPD database. Details regarding crashes involving MPD employees will be shared with the Chief and Assistant Chiefs on a biweekly basis.

### **Vehicle Operations Review Committee**

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All reports of crashes involving on-duty employees shall be entered into Blue Team and routed to the Captain of Traffic/Specialized Services. Supervisors and OICs will insure these reports are completed on a timely basis.

The Vehicle Operations Review Committee will review crashes involving on-duty City of Madison Police Department employees. This may include operations of City-owned vehicles, leased vehicles or privately

owned vehicles if the operator is on duty. The committee may also be asked to review pursuits or operations that Command staff consider potentially hazardous or unprofessional.

The following items should be considered during the review:

- 1) Type of vehicle involved.
- 2) Environmental factors.
- 3) Training and experience of the operator.
- 4) Past incidents involving similar circumstances.
- 5) Applicable policy and procedures.

The results of the review will be recorded and disseminated through Blue Team to appropriate managers. This review may include recommendations for additional training or equipment modifications. Once the review is completed, PSIA will consider MPD employees' actions for compliance with Codes of Conduct and/or Standard Operating Procedures.

The Lieutenant of Traffic, or their designee, will chair the committee. In addition to the chair, the committee will consist of four to six MPPOA members of the department and a Parking Enforcement Officer. When selecting members, consideration should be given to their training and assignment, utilizing persons who regularly operate city vehicles in conditions similar to those experienced by line personnel and may include Traffic Specialists, E.V.O.C. Instructors and Officers or Sergeants assigned to patrol.

The Lieutenant of Traffic will determine the need to meet and schedule meetings based on the number of incidents requiring review. Minimally, the committee shall meet biannually.

Original SOP: 02/25/2015

(Revised: 02/29/2016, 03/11/2016, 05/18/2016, 05/19/2016, 01/09/2017, 02/03/2017, 04/27/2017, 11/09/2017)

(Reviewed Only: 11/01/2016)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



## Handling of Evidence, Contraband, Found or Lost Property

Eff. Date ~~06/15/2017~~ 10/09/2017

### Purpose

This SOP establishes procedures for processing, maintaining and disposing of evidence in a manner that insures the evidentiary value of the property, as well as the integrity of the Madison Police Department (MPD) and its employees.

### Responsibility

Between the hours of 7:00 a.m. - 4:30 p.m. Monday through Friday, in which the Property Room is staffed, Property Clerks will be responsible for the control of all property. In their absence, the Officer in Charge will be responsible for coordinating the handling of secured property.

Police Property Clerks will follow the processes outlined in the Property Room Procedures Manual. This manual will be reviewed annually for updates and clarifications.

### Property Intake Rooms

Property Intake Rooms have been provided for storage of evidence, found property and recovered stolen property. Evidence packaging supplies and storage lockers are provided within the Property Intake Rooms which have been keyed to allow officers access with department-issued keys. Employees are responsible for following established policies and procedures for packaging of items placed into storage lockers as outlined.

### LOCKERS

1. After packaging item(s), officers should place the item(s) and the quick entry receipt in an empty storage locker and lock the door with the attached padlock.
2. Various sized lockers are provided and employees are expected to use the appropriate sized locker for the items to be temporarily stored. One specific locker is designated in each district's intake room for small items such as ID cards, driver licenses, etc.
3. If an item is too large to fit into a locker, it may be left on the floor of the Property Intake Room. If the item is evidentiary, it must be taken to the First Street Bay.

### Tagging and Packaging Property

1. All items will be entered into LERMS using the Quick Entry system. There is a guide for this system in each intake room.
2. All property should be processed in accordance with the MPD Packaging Guide. Each package will be assigned its own barcode/tag number. Only one barcode/tag number will be assigned per package.
3. Some types of property require special intake procedures or special storage. Employees having questions should consult with the MPD Packaging Guide, the Property staff, or if they are unavailable, the Officer in Charge for guidance.

### Temporary Evidence Storage

In most instances, all evidence/property must be secured, tagged and entered into LERMS prior to the end of the employee's shift. However, some evidence may need further processing, or due to volume and time constraints may need to be temporarily secured until final processing can be completed. Under these circumstances, temporary evidence storage may be utilized as follows:

1. The item(s) may be secured in a designated temporary evidence locker. Evidence may not be stored in any other location (desk, personal locker, etc.) unless unusual circumstances exist (large size, hazardous materials, etc.) and with a commander's approval.
2. A temporary storage log book will be placed in each property room, and employees using temporary evidence storage will document the property in the log and in their report. Employees will also designate their use of a temporary locker by placing their name or business card on the locker. By January 15th of each year, the filled pages will be sent to the Records Section.
3. Items may not be stored in a temporary evidence locker for more than 72 hours without the approval of a commander. Items should be removed from temporary storage and entered into the property control system as soon as possible.
4. Non-evidentiary property may be removed from temporary evidence storage and released without being entered into the property system only under these circumstances:
  - a. The property is non-evidentiary and not sensitive (controlled substances, firearms, currency, etc.).
  - b. The employee responsible for the property arranges to return it to the owner or party responsible for it.
  - c. The property is released within 72 hours of seizure.
  - d. The release is approved by a supervisor.
  - e. The seizure and release is documented in a report.
5. All sensitive evidence taken into custody (firearms, drugs, currency) must be processed and property tagged prior to the end of the employee's shift, unless unusual circumstances exist and with a commander's approval.
6. Items that are tagged and entered into Quick Entry in the Records Management System (LERMS) must be submitted to Property and not stored in temporary evidence lockers.

## Safe Handling of Drugs

When testing or packaging any drugs or paraphernalia as listed below, the best practice is to be paired up with at least one other officer. The second 'safety officer' will not be directly involved in the testing, handling, or packaging of the drug, but can perform other supportive functions such as computer entries. All people present in the property intake area when the drugs listed in this policy are packaged or tested should wear N95 masks (supplied in each property intake room) to protect against accidental inhalation of fine particle drugs. Anyone in direct contact with the drug should wear protective, disposable gloves. In addition to sworn personnel, any civilian employees handling the drugs listed below for the purposes of destruction should take the same precautions. This practice does not apply to the simple movement of a sealed package.

- Any known or suspected opioid regardless of form (pill, capsule, powder, liquid, patch etc).
- Any unknown powdered drug regardless of color or the substance it is suspected to be.
- Any other drug, such as marijuana, when there is any question about safety or opioid contamination.
- Any drug packaging or paraphernalia that has what is commonly referred to as "drug residue" within, when that residue is potentially a powdered substance.

## Firearms

1. A Seized Property Receipt shall be provided to all owners of confiscated firearms.
2. **No Loaded Firearms** of any type should be property tagged and stored in the Property Room. Proper unloading procedures are described in the Wisconsin State Crime Lab Handbook and an Investigator will assist with the unloading of any weapon which is to be checked for fingerprints.
3. **All ammunition must be packaged separately from firearms.**
4. All firearms, including facsimile, should be placed in a gun box with the case number, tag number, date, employee name/IBM number, weapon description, and serial number on the outside.



## RECEIVING RECOVERED STOLEN FIREARMS FROM OUTSIDE AGENCIES

1. When MPD is notified that another agency has recovered a stolen firearm which originated from MPD OIR, MPD will make arrangements to receive the firearm.
2. The assigned Detective, or in the event that the case was never assigned, the responsible district's Detective Lieutenant will contact the outside agency to provide MPD case number and shipping information account number and address: Madison Police Property Room, Attn: Property Supervisor, 211 S. Carroll St. GR-4, Madison, WI 53703 (608) 266-4955. The cost of this shipping will be provided by the Investigative Funds and the Shipping Account information will be provided to the assigned Detective or Detective Lieutenant.
3. Once the firearm is received by the Property Room, Property Staff will check the firearm in per the MPD Packaging Guide.
4. The assigned Detective or Detective Lieutenant will determine the firearm disposition and the appropriate Property Disposition paperwork will be completed.
5. MPD Property/Records Staff will complete the background process prior to releasing the firearm.
6. Once, the background paperwork for the firearm return is completed and authorized by the Commander of Property, the Property Staff will contact the authorized owner via certified letter and it will be released per the Property Firearm Return Guidelines outlined in the Property Room Procedure Manual.

## BACKGROUND OF FIREARMS FOR RELEASE

1. The background shall include:
  - a. Firearm Check for Stolen with Data
  - b. ATF Weapon Trace
  - c. Owner III & CIB Checks
  - d. Owner Adjudicated or Committed – Mental Defective
  - e. Report Review (to include Other Police Agencies)
  - f. Prosecution Release Authority

## Med Drop

The purpose of this initiative is to prevent unwanted medicines from harming members of the community or the environment, by disposing of them in a safe manner. The Department of Justice coordinates the Drug Take Back Program and the Police Property Supervisor is responsible for registering the department for the program each Spring and Fall for the deposit dates.

1. Med Drop Bins are located at East and West Police District lobbies and are available for public medication deposits Monday through Friday 8am-4pm.
2. The keys for the locked med drop receptacles will be kept within the control of the district captain or their designee.
3. Instructions and baggies will be provided for the public at the Med Drop receptacles.
4. A case number shall be generated at the beginning of each calendar year for each Med Drop bin location (East PD and West PD) and all reports reference Med Drop collection will be documented under this case number.
5. Packaging materials are provided by the Department of Justice and ordering of the materials will be coordinated by the Police Property Supervisor.
6. On a weekly basis, or as needed, the bucket/ box contained within the drop bin will be inspected by two commissioned personnel for capacity. If the bucket/box is not full, the receptacle shall be closed and secured and the key returned to the respective commander from which it was used. If the bucket/box is full the two commissioned personnel shall collect, safely sort (to determine if there are prohibited items in the bins), weigh and package the prescription medications within the box in accordance with the Property Packaging Procedures. The Med Drop collection bucket/box will be replaced with a new bucket/box and bin shall be secured. The key used shall be returned to the respective commander from which it was used.
7. A report will be completed documenting the box weight, date collected, and that the property tagging

- process was completed.
8. The packaged Med Drop boxes will be removed by the Property Room Personnel on a weekly basis along with their standard district property collection. The boxes will be stored within the property control system until they are turned over to the appropriate authorities/location designated by the Department of Justice.

## Liquid Evidence

1. **Non-Volatile Liquids** should be processed in accordance with the MPD Packaging Guide.
2. **Volatile Liquids** should be processed in accordance with the MPD Packaging Guide.

## Collection of Standard Blood Sample in Criminal Investigations

Blood samples in criminal cases are withdrawn to determine blood types of victim and suspect, and/or to determine the presence of foreign chemicals (e.g., controlled substances, poisons).

### BLOOD DRAW

1. Blood is to be drawn only by a physician or a person acting under his or her direction. An officer should witness the blood being drawn and shall properly seal, number and mark each tube drawn, and shall report the chain of evidence, including:
  - a. Subject's name.
  - b. Offense.
  - c. Date and time of collection.
  - d. Name of person withdrawing the sample.
  - e. Identification of each tube collected.
  - f. Location of each tube.

The blood kit itself must be sealed in accordance with the MPD Packaging Guide.

2. If a suspect objects to having blood samples taken, and if there is any doubt about drawing blood without a search warrant, the OIC may need to contact the on-duty District Attorney for advice.
3. Screening for Controlled Substances - Use the WI Implied Consent Blood Kit when screening for controlled substances. The kit has all the equipment and forms necessary to obtain the blood sample. Follow instructions provided in blood kit.
4. Screening for Blood Type - Use the blood kit provided by the State Hygiene Laboratory. In sexual assault cases, the blood kit and instructions are found in the Wisconsin State Crime Lab Forensic Nurse Examiner Kits.
5. Deceased Person - The Medical Examiner takes the blood.
6. Sexual Assaults - Refer to MPD Sexual Assault Checklist for type of samples needed. (Note: All Madison hospitals have Wisconsin State Crime Lab Evidence Collection Kits with Instructions.) Officers should utilize both documents when investigating sexual assaults.

### PROCEDURAL GUIDELINES

1. **Packaging Blood Samples.** Within two hours, if possible, after each blood sample tube has been properly sealed and marked with the case number, date, name of subject withdrawn from, employee's name witnessing drawing, and sample tube number, the individual tubes should be packaged in such a way that the glass tube is protected from breaking. The blood kit box should also be properly sealed and marked on the outside with the date, case number, tag number, employee name, suspect name and offense.
2. **Refrigeration of Samples (never freeze liquid blood before testing).** For proper analysis of blood samples, it is important that the samples be refrigerated within two hours or as soon as possible after it is drawn. The sample(s) should be property tagged and be placed in the refrigerator located in the Property Intake Room. The key for the refrigerator can be obtained from the OIC or designee.

3. **Disposition of Samples.** It shall be the responsibility of the Police Property Supervisor to coordinate the transport all blood/urine sample(s) in a timely fashion to the State Crime Laboratory or Hygiene Lab when appropriate. This includes samples taken from victim and/or suspects.
4. **Disposition of Evidence in Sexual Assault Cases Where no Suspect is Known.** Where there is no suspect identified, all blood samples (victim, suspect, or other) shall be turned over to the State Crime Lab for analysis as soon as possible, or until the sample is no longer of evidentiary value. The Crime Lab will analyze the blood samples even though specific suspect is not identified. The follow-up officer shall periodically monitor the value of maintaining other biological evidence in the property room.
5. **Reporting Evidence Chain.** Transportation or disposition of any evidence shall be documented in reports by any officer involved in the evidence chain.

### COLLECTION OF WHOLE BLOOD IN TRAFFIC-RELATED CASES

1. WI Implied Consent Blood Kits, supplied by the State Hygiene Laboratory, shall be utilized for traffic-related cases. The supply is maintained by the MPD, and is stored in the CCB Intake Room and area hospital emergency rooms. The kit has all the equipment and forms necessary to obtain the blood sample.
2. Blood is to be drawn only by a physician or registered nurse, medical technologist, physician assistant, phlebotomist, or other medical professional who is authorized to draw blood, or person acting under the direction of a physician. The arresting officer should witness the blood being drawn and maintain custody of the evidence once sealed by the medical personnel.

### Deceased Animals

In the event that a deceased animal needs to be collected for evidence/necropsy purposes, it is recommended that you contact the **Wisconsin Veterinary Diagnostic Laboratory at 608-262-5432 (M-F 7:45am-4:30pm)**. The WVDL is located at 445 Easterday Lane. The WVDL does not recommend freezing the animal prior to necropsy. Therefore, if an animal is collected for necropsy and it is after the WVDL normal business hours, you can contact the **UW Veterinary Hospital at 608-263-7600** for refrigerated storage options. The UW Veterinary Hospital can then turn the deceased animal over to the WVDL during normal business hours.

The Property Room **WILL NOT** store a deceased animal in the refrigerator. It will only be stored in the freezer. In the unusual event that a deceased animal is collected and not going to have a necropsy, it will be stored in the Property Room Freezer. If the animal is collected and packaged during the hours of 7am-4:30pm, please contact the Property Room for assistance. If it is after hours, and the animal is small enough to fit into the Evidence Refrigerator Freezer in the CCB Intake room, it can be stored there. If it is after hours, and the animal cannot fit into the Evidence Refrigerator Freezer in the CCB Intake Room, contact the OIC to call in a Property Room Staff Member to allow access to the larger evidence freezer.

### Latent Evidence

Items of evidence bearing or suspected of bearing latent evidence, (e.g., fingerprints, palm prints, foot or shoe prints) which are to be processed must be entered into LERMS Quick Entry, marked and sealed, and secured in a Property Intake Room. If there is danger of destroying possible evidence by marking the item, it must be protected and the package containing the item must be marked.

## Vehicles

### VEHICLE STORAGE

The MPD's Vehicle Impound Facility (VIF) is for the processing and storage of vehicles of evidentiary value. All other vehicles MUST be towed to the contracted tow company.

A vehicle should be towed to the VIF when a vehicle has been determined to be evidence of a crime and needs to be processed. An MPD vehicle tow card must be completed for all vehicles towed to the VIF. The tow card must be completely filled out. The pink copy is given to the tow truck driver and the other copies should be placed in the box in the VIF intake office.

Vehicle keys will be placed in a clear plastic Ziploc envelope provided in the VIF Intake room. The case number will be written clearly on the envelope and the keys placed in the tray with the tow card.

Officers are not required to make any entries into LERMS. All entries and vehicle marking will be completed by Property Room Staff.

### Two Options are Available to Release a Vehicle from the VIF

1. Utilizing MPD's Contracted Tow Company:

When a vehicle has been processed and retains no evidentiary value the authorizing official will send an email to PD Tow authorizing its release.

This email should include the following information:

Please release vehicle:

- Case#
- Tag#
- Make
- Model
- VIN
- License
- Owner Information

The Property Room Staff will arrange release of the vehicle by contacting the contracted tow company and completely filling out the MPD vehicle tow card. The appropriate tow code for releasing a vehicle is "6". The name of the releasing officer will be annotated in the tow card left margin. When the tow company arrives the driver must sign in utilizing the VIF log if releasing vehicle from the inside storage area. The vehicle will then be removed and the driver will sign out. The pink copy of the tow card will be given to the tow driver, the remaining two copies (goldenrod and white) will be forwarded to Records.

After the release has been completed the Property Room Staff will notify the authorizing official and email PD Tow that the transaction is complete. Property Staff will make the appropriate computer entries and the authorizing official will notify the owner of the release.

2. Release of a Vehicle to Owner/Victim without Utilizing Contracted Tow Company.

***Under no circumstances should a vehicle be released to an owner/victim at the VIF.***

In the event that a person authorizing the release deems it appropriate to release a vehicle directly to an owner, the person authorizing the release must first check with Court Services to verify there are no Owners Fees associated with the vehicle to be released. If there are no fees, an email must be sent via PD Tow.

This email should include the following information:

Please release vehicle:

- Case#
- Tag#
- Make
- Model
- VIN
- License
- Owner Information
- Date and time of release

A supplemental report must be submitted by the releasing officer. Property will make the appropriate computer entries documenting the release.

No unauthorized personnel or personal vehicles will be allowed inside the VIF.

## Air-Drying

1. Items requiring air-drying should be placed in the special air-dry lockers available at the Central District Air Dry Room. If these are not available, standard lockers in the Central District Air Dry Room may be used. **Do not air dry in standard lockers at other districts.**
2. Within four days, officers must complete the packaging of the item(s). If absent from duty for more than four days, arrangements should be made with a commissioned co-worker to complete packaging of the items (if the items are dry).

## Chain of Custody

Written documentation for the removal or disposition of any item in evidence will be submitted to a Property Clerk. Any officer involved in the evidence chain shall document transportation or disposition of any evidence in a police report.

## Refusal of Property

Property that does not meet the packaging and labeling standards outlined in the MPD Packaging Guide will be placed back into the storage locker with the associated lock. The locker will be secured and sealed with a red evidence zip tie. The zip tie will be labeled with the name and IBM of the Police Property Clerk refusing the property. In addition the case#, tag#, and officer responsible for the item will be annotated. The Clerk will notify the Employee and the Police Property Supervisor of the deficiency and the steps needed to correct the problem via email.

The responsible employee will verify the information on the red evidence zip tie and then cut the red evidence zip tie to remove the affected property.

The employee will correct the deficiencies outlined in accordance with the MPD Packaging Guide and return the correctly packaged property to the storage locker. The red zip tie should also be placed (unpacked) in the storage locker to allow the Police Property Clerk to identify the property and the deficiencies that were to be corrected.

The employee will notify Property via email that the deficiencies have been corrected and the item is ready for pickup. The employee will submit a supplemental report outlining the deficiency, the circumstances surrounding the opening of the locker, the correction and the re-securing of the evidence. The Clerk, when picking up the packaged property, will verify that the cut red evidence zip tie is indeed theirs and the property has been corrected in accordance with MPD SOP. In the event the indicated deficiency is not corrected within a reasonable amount of time of refusal, the Clerk will send a second email notification to the employee. The Police Property Supervisor will take the necessary steps to facilitate correction of the indicated deficiencies.

## Release of Sensitive Evidence/Property

Certain types of evidence and property create a higher liability by their very nature and shall be subject to special restrictions for temporary or permanent release.

### DESIGNATED EVIDENCE/PROPERTY

The following categories of property or evidence fall within these guidelines:

1. All controlled substances/drugs.
2. Any functional firearms.
3. U.S. Currency amounts in excess of \$100.
4. Individual items with an estimated value in excess of \$1,000 (excluding vehicles).

### AUTHORIZATION

Temporary or permanent release of any of the property/evidence listed above must have documented authorization by a Lieutenant (to include OIC), Captain or Chief.

The temporary release of any controlled substances/drugs that have been designated to be destroyed may only be authorized by the Assistant Chief of Investigative and Specialized Services.

### DOCUMENTATION

The temporary or permanent release of any of the designated sensitive evidence/property shall be documented on a "Property Release/Receipt Form" from the authorizing Commander which includes the same information as this form.

In addition to this form, any officer to whom designated sensitive evidence or property is released shall complete an official police report documenting the handling and disposition of this property/evidence.

## Disposition of Property Requirements

### UNCLAIMED PROPERTY

State Statutes 66.0139, 170.07-170.11, and Madison General Ordinance 8.44 regulate the manner in which property coming into the possession of the MPD is handled.

### ITEMS NOT TO BE SOLD AT AUCTION

It is required that items such as firearms, beer, liquor, fireworks and flammables be destroyed after it is determined it is not necessary to retain the item.

### BICYCLES FOR DONATION

Section 12.761(4) of the Madison General Ordinance allows for donation of bicycles to charitable non-profit organizations. When abandoned bicycles are not returned to the owner or sold, the City of Madison Police Department will donate abandoned bicycles to qualified organizations.

1. Bicycles shall be held by the Madison Police Department Property Section for 45 days before being considered for donation.
2. All requests for bicycle donations must be made with the "Bicycle Donation Form" found at (hyperlink to internet form) which is to be reviewed by the Police Property Supervisor and the Captain of Specialized Services - Property. The Police Property Supervisor will notify all requesters of the approval/denial of their requests. If approved, the Police Bicycle Recovery Specialist will be in contact with the requester to schedule a pick-up date and time for the requested bicycles.

3. Requests should be made at least 30 days in advance from when the organization would like to receive the bicycles.
4. Donations shall be limited to charitable non-profit organizations. Such organizations must provide proof of their non-profit government status, (subsequent applications may reference these materials as "on file" with the Police Property Room) and assurances that the bicycles will be used as part of a charitable program sponsored by the organization.
5. Bicycles shall only be for the use of clients of requesting organizations and not for the employees or directors of such organizations. Bicycles may not be sold to raise revenue for any purpose. By accepting a bicycle under this program, the applicant grants permission to the City of Madison Police Department to audit its use of said bicycles in accordance with these guidelines.
6. Organizations wishing to request an ongoing supply of bicycles are required to submit a separate request on each occasion when a donation is desired. Bicycle donations are subject to availability, as determined by the Police Department. Organizations may receive no more than 20 bicycles at one time. Once all requests have been filled then an organization may receive additional bicycles.
7. Organizations receiving donated bicycles must sign a liability waiver and provide for the removal of the bicycles.
8. The Madison Police Department Property Supervisor will maintain the following: copy of the approved request form, date the donation form was filled, and number of bicycles received by the organization.

## EXPLOSIVES

Items capable of exploding such as dynamite, nitroglycerin, pipe bombs or any Class A explosive, including M-80s and other powerful fireworks, will be handled by the Dane County Bomb Disposal Squad and will not be placed in the Property Room.

## FIREARMS AND AMMUNITION

Firearms and ammunition must be turned over to the Wisconsin State Crime Laboratory when it is no longer necessary to retain them for any reason.

## SEIZED ITEMS

Items seized during the serving of a search warrant or incident to an arrest which are not later used as evidence in a court case, must be returned to the owner or disposed of in accordance with State Statute.

## OTHER PROPERTY RELEASED TO OWNER

Other property will be released to the owner according to procedural guidelines set up by the Commander in charge of the Property Room.

## Property Room Controls

An audit of all or a specified portion of the property/evidence storage areas is a critical internal control and will be conducted quarterly. Comprehensive inventories will be conducted when deemed necessary. The audit will review policies, procedures and processes of the property and evidence functions to ensure compliance. Any variances or irregularities identified as a result of an audit or inventory of the property system will be documented by the Police Property Supervisor and/or Commander designated to monitor those processes. This documentation shall be forwarded to the Assistant Chiefs and the Chief of Police for review.

Original SOP: 02/25/2015

(Revised: 01/20/2017, 02/07/2017, 06/15/2017, 10/09/2017)



**CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE**



**Video and Audio Surveillance**

Eff. Date ~~11/15/2016~~ 11/30/2017

**Purpose**

The Madison Police Department (MPD) recognizes the use of video and audio surveillance technology can significantly aid MPD investigative efforts and promote greater public safety in our community. City of Madison APM 3-17, "Use of Surveillance Cameras" recognizes how many other City agencies beyond the MPD, also benefit from the use of video and audio surveillance technology. Yet the use of surveillance technology must also be balanced with the need to protect the privacy rights of the public and MPD employees when and where applicable.

**MPD Authorized Use and Compliance with APM 3-17**

City of Madison APM 3-17 directs agencies to adopt a written surveillance camera procedure on the use of surveillance cameras. Such written procedure must also be placed on file and available for public review in the City Clerk's Office per Common Council Resolution RES-08-00863. APM 3-17 states that agency policies must address specific considerations. The MPD's responses to these considerations is are outlined below:

Agency Policies Must Address...	MPD Response:
<ul style="list-style-type: none"> <li><i>Circumstances which necessitate the use of surveillance cameras.</i></li> </ul>	When necessary, the MPD deploys video and audio surveillance technology to: <ol style="list-style-type: none"> <li>Assist with the investigation of criminal or otherwise unlawful activity.</li> <li>To protect and secure MPD facilities.</li> <li>To maintain order during planned and unplanned events (e.g., Freakfest, Mifflin Street, political demonstrations, or other similar large scale public assemblies).</li> </ol>
<ul style="list-style-type: none"> <li><i>Whether the agency will utilize the City's standardized enterprise camera system and if not, specify business/technical reasons prohibiting such use.</i></li> </ul>	The MPD routinely utilizes the City's standardized enterprise camera video surveillance system. The MPD will also, from time to time, deploy and utilize other, stand alone, covert video or audio surveillance technology often in conjunction with other law enforcement agencies. These deployments are often limited in duration and part of an on-going investigation of specific criminal activity for purposes of collecting evidence necessary for criminal prosecution.
<ul style="list-style-type: none"> <li><i>The personnel, by name or position that will have access to either the cameras or the data recorded by such cameras.</i></li> </ul>	All commissioned members of the MPD are authorized by the Chief of Police to access the City's public (or overt) enterprise camera system and the MPD Arbitrator Video system, consistent with the limitations outlined above. <del>Access to covert video and audio surveillance deployed as part of specific criminal investigation will be limited to only those commissioned members as authorized by the MPD Captain/Lieutenant in charge of that investigation.</del>  Access to covert video and audio surveillance deployed as part of specific criminal investigation will be limited to only those commissioned members as authorized by the MPD Captain/Lieutenant in charge of that investigation.
<ul style="list-style-type: none"> <li><i>The circumstances under which such personnel will have access to either the cameras and/or the recorded data.</i></li> </ul>	Commissioned members of the MPD shall access the City's enterprise camera system and MPD Arbitrator Video system only in conjunction with their official duties as a City of Madison police officer.



Agency Policies Must Address...	MPD Response:
<ul style="list-style-type: none"> <li>Whether the cameras will be recording video or both audio and video.</li> </ul>	<p>The City's enterprise camera system only captures video surveillance; not audio. However, MPD may conduct both video and/or audio surveillance as part of an on-going criminal investigation. Such surveillance must be reviewed and approved by an MPD command officer to insure the deployment of video and audio surveillance is consistent with APM 3-17 and other applicable State and Federal laws.</p> <p>MPD does utilize both audio and video recording in MPD interview rooms. Use of these systems will be in accordance with MPD "Recording Suspect Interviews: standard operating procedure and Wis. Stat. 968.073.</p>
<ul style="list-style-type: none"> <li>The physical location of cameras and a description of the areas to be observed.</li> </ul>	<p>MPD does not deploy covert public video surveillance cameras. However, MPD command staff will continue to recommend and request City I.T. staff to deploy additional cameras to the City's enterprise camera system should we believe a public safety concern is present in that area. MPD will not reveal the deployment or location of covert surveillance technology used in conjunction with criminal investigations unless the harm to the integrity and successfulness of the investigation is outweighed by other public interests, i.e. the identification and apprehension of a fugitive. Such decisions will be made by the Captain/Lieutenant in charge of the investigation after appropriate consultation with legal counsel.</p> <p>Cameras on the City's enterprise system are deployed to public areas in MPD facilities.</p> <p>MPD utilizes in-car video recording, see "In-Car Video System" standard operating procedure.</p> <p>MPD utilizes body worn cameras in limited circumstances, see "SWAT Body Worn Cameras" standard operating procedure.</p> <p>MPD utilizes unmanned aircraft systems with camera capabilities, see "Unmanned Aircraft Systems" standard operating procedure.</p> <p>MPD's Special Events Team uses handheld video recording in limited circumstances, see "Demonstrations and Assemblies" standard operating procedure.</p> <p>MPD personnel may be provided with access to third-party video systems. Use of these systems must be approved by a commanding officer. MPD personnel will only utilize third-party systems for official police business.</p>

Agency Policies Must Address...	MPD Response:
<ul style="list-style-type: none"> <li>The corresponding location and the verbiage of signage of alerting persons that their actions are subject to audio-visual recording. Such signage shall be conspicuous and shall clearly inform all persons that their actions are being both audibly and visually recorded.</li> </ul>	<p>MPD <b>does</b> <b>posts</b> signage near the entrance to MPD facility parking lots, customer service areas and internal secure holding areas alerting the public to the use and deployment of video surveillance technology.</p>
<ul style="list-style-type: none"> <li>Unless otherwise prohibited by law, the MPD will be provided with immediate access to all data or recordings that may constitute evidence of a crime. The MPD shall determine, in consultation with the Dane County District Attorney's Office, whether to obtain a warrant to take custody of such data or recording.</li> </ul>	<p>The MPD continues to work with and assist all City of Madison agencies as we strive to make Madison a safe community. When other City agencies, while using the City's enterprise camera system, believe they have witnessed criminal activity, we ask they contact any MPD employee for guidance as to which police district or work unit would be best to direct their information for further review and any additional follow up.</p>
<ul style="list-style-type: none"> <li>The time period that recorded audio/video will be retained and available. No retention period of less than fourteen days may be approved under this procedure.</li> <li>Procedures for ensuring that records are not destroyed during the pendency of any public records request, investigation or civil/criminal litigation.</li> </ul>	<p>All video and audio data collected and recorded on the City's enterprise camera system is purged after 14 days, unless a recording is requested under the Wisconsin Public Records Laws or it contains evidence of a crime/ordinance violation or is determined to have other value in being preserved. If a record is created through preservation video from the City's enterprise system, that record is to be maintained in accordance with MPD's records retention schedule, or if the video contains evidence of a crime, it shall be maintained in accordance with MPD's digital evidence policies and procedures.</p> <p><b>Cameras on the City enterprise system deployed to sensitive areas within MPD facilities are retained for a one-year period.</b></p> <p><b>Video and audio data collected and recorded through MPD in-car video, body worn cameras or unmanned aircraft systems are purged after 180 days, unless a recording is requested under the Wisconsin Public Records laws, or if it contains evidence of a crime/ordinance violation or is otherwise determined to have value in being preserved (in which case it shall be maintained in accordance with MPD's digital evidence procedures).</b></p>
<ul style="list-style-type: none"> <li>Each agency procedure shall address any laws unique to that agency.</li> </ul>	<p>Pursuant to the State's "Recording Custodial Interrogations" statutes (Wis. S.S. 938.195 and 968.073), the MPD has installed in all district stations video and audio recording equipment for purposes of recording all custodial interrogations for individuals under seventeen years of age, and for adults involved in felonious incidents. MPD also video and audio surveillance technology installed in marked and unmarked squad cars which may also be used to record custodial interrogations when necessary. All video and audio records associated with custodial interviews are maintained in accordance with applicable MPD departmental procedure.</p>

Agency Policies Must Address...	MPD Response:
<ul style="list-style-type: none"> <li><i>Every procedure shall address the implications of any applicable collective bargaining agreement. Compliance with this provision requires close consultation with the Labor Relations Unit of Human Resources.</i></li> </ul>	Currently there are no applicable clauses related to video and audio surveillance in any collective bargaining agreements between the City of Madison and any MPD commissioned or non-commissioned employees.

## Procedure for MPD Deployment and Use of Video and Audio Surveillance Technology

The procedures outlined below serve to clarify and establish guidelines for further deployment of video and audio surveillance technology by MPD (e.g. beyond the City's enterprise camera system). As noted earlier, MPD uses overt and covert surveillance strategies depending upon the situation. Overt surveillance for purposes of this SOP shall be defined as video or audio surveillance where the subject(s) being recorded are aware they are being recorded. Covert surveillance is defined as video or audio surveillance where the subject(s) is not aware they are being recorded.

Prior to the use and deployment of video and audio surveillance technology, MPD employees shall adhere to the following:

- All requests for the new use and deployment of video or audio surveillance will be directed to an MPD Command Officer. The Command Officer shall review the request and insure the request is compliant with City APM 3-17, and that the anticipated installation/use of the video or audio surveillance is compliant with all applicable legal requirements.
- The reviewing Command Officer will then review the request in light of the below matrix seeking higher level approval for the request if necessary:

Type of Surveillance	To be Authorized by
<b>Overt video-audio surveillance</b> of public spaces (e.g., State St. cameras, Special Events, etc.)	<b>Chief of Police only with recommendation sent to City I.T.</b>
<b>Covert video (only) surveillance</b> related to criminal investigations.	<b>Command Officer approval (With notification to Chief of Police)</b>
<b>Covert audio (only) surveillance</b> related to criminal investigations (e.g., suspect telephone recording, etc.).	<b>Command Officer Approval</b>
<b>Covert video or audio surveillance</b> related to any internal, PS&IA employee investigation.	<b>Chief of Police Only</b>

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(Revised: 03/04/2016, 11/15/2016, 11/30/2017)