

**CITY OF MADISON**  
**INTRA-DEPARTMENTAL**  
**CORRESPONDENCE**

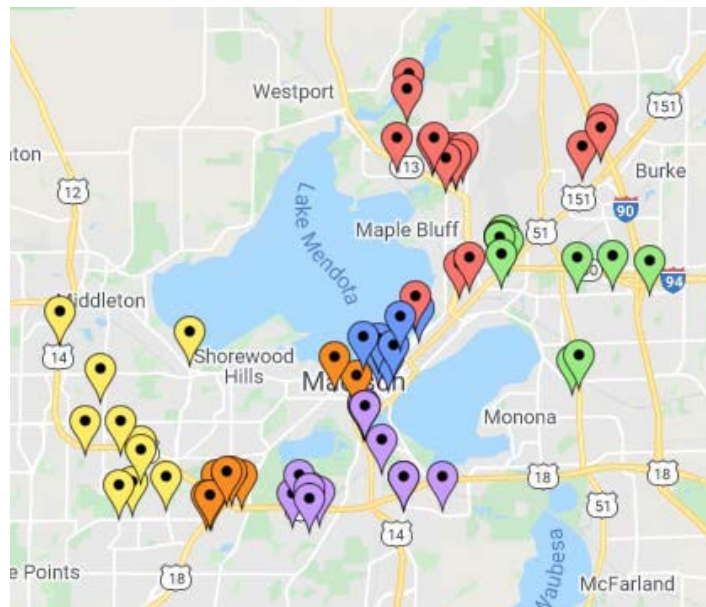
**DATE:** August 3, 2020

**TO:** All Alders  
**FROM:** Victor Wahl, Acting Chief of Police  
**SUBJECT:** Quarterly Report

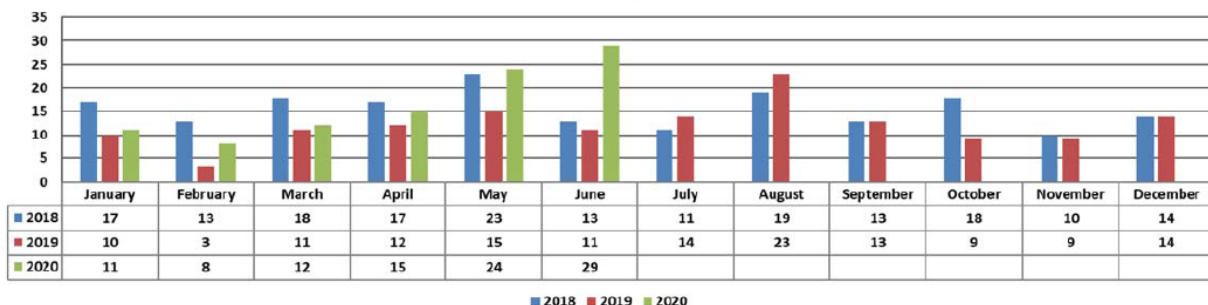
This document provides an update on selected MPD topics for the second quarter (April, May and June) of 2020. **Please consider the data included in this update as preliminary, subject to modification.**

**Significant Incident Types**

*Shots Fired* – there were sixty-eight (68) shots fired incidents in the City from April 1<sup>st</sup> through June 30<sup>th</sup>. This is a **79%** increase from the second quarter of 2019. Thirty (30) shots fired incidents were reported during the 4pm – midnight period; Twenty-four (24) were reported during the midnight – 8am time period; and fourteen (14) were reported during the 8am – 4pm time period.



**Shots Fired by Month**

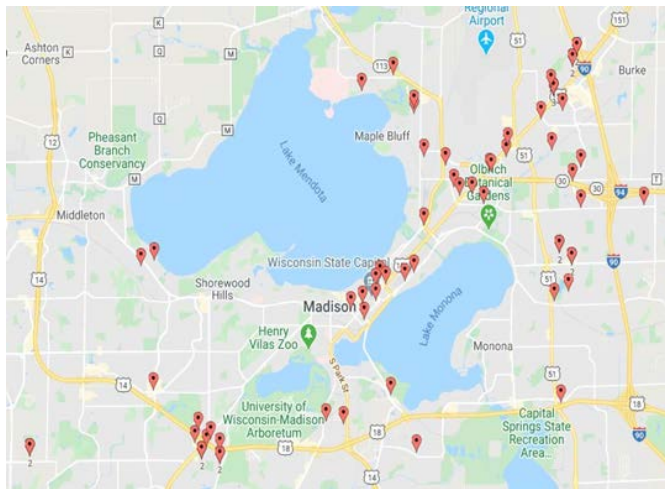


	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Total
<b>Property Damage</b>	6	26			32
<b>Subjects Struck by Gunfire*</b>	7	13			20
<b>Accidental Discharge</b>	4	1			5
<b>Self-Inflicted (intentional)</b>	2	3			5
<b>Casings Recovered</b>	70	197			267

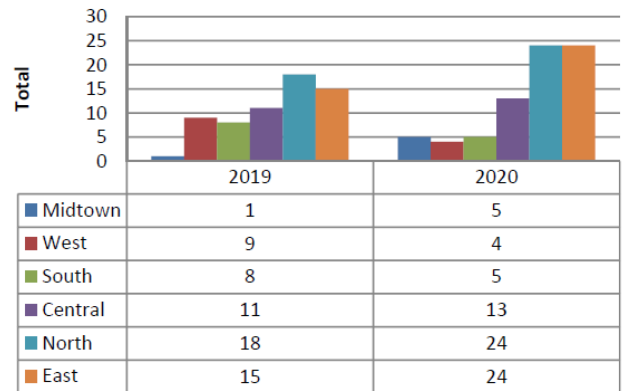
\*Excludes accidental discharge & self-inflicted

*Heroin Overdoses* – MPD responded to seventy-five (75) known heroin overdoses during the second quarter of 2020. This is an increase of 21% from the second quarter of 2019. Note that these figures refer to known overdoses...it is likely that many overdoses are occurring without any report to MPD or MFD.

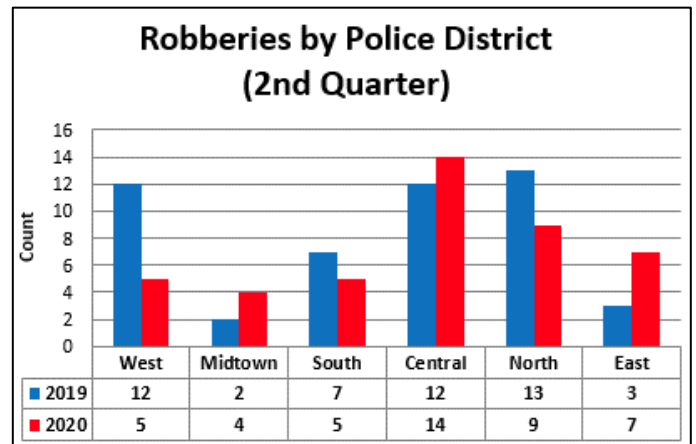
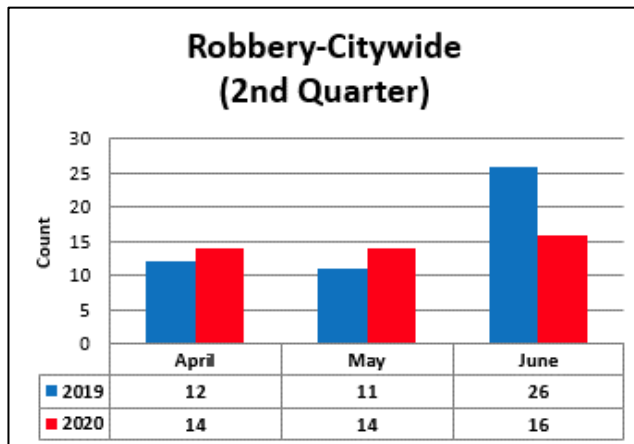
There were ten (10) overdose deaths during the second quarter of 2020. This is a 100% increase from the second quarter in 2019 [note that these figures only include overdose deaths with police involvement and clear evidence of an overdose; the actual figure may be higher].

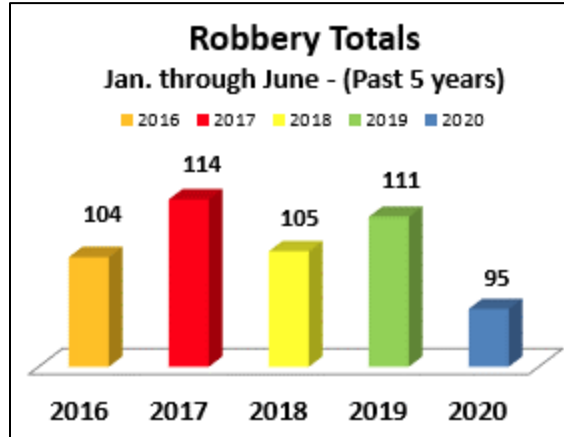


**Heroin Overdoses 2nd Quarter 2019 & 2020**

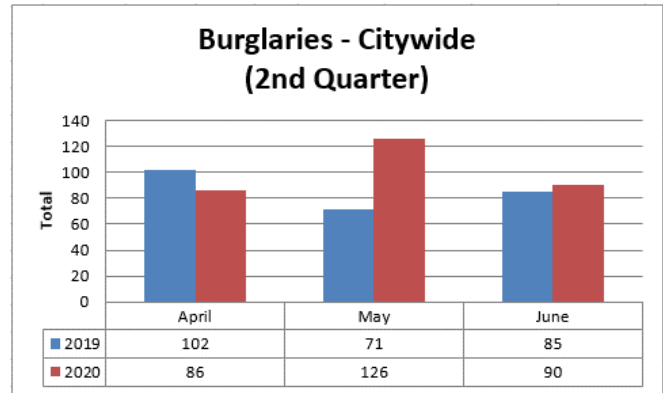


*Robberies* – Forty-four (44) robberies occurred in the City during the second quarter of 2020. This is a 10% decrease from the second quarter of 2019.





*Burglaries* – MPD responded to 302 burglaries during the second quarter of 2020. This is a 17% increase from the second quarter in 2019.



### Arrest Data

Second quarter arrest data:

Sex	Q1	Q2	Q3	Q4	Total	%
Male	1,371	1,222			2,953	73.2%
Female	539	407			946	26.7%
Unknown	1	0			1	0.0%
<b>Total</b>	<b>1,911</b>	<b>1,629</b>			<b>3,540</b>	<b>100.0%</b>

Race	Q1	Q2	Q3	Q4	Total	%
Asian	28	27			55	1.6%
African-American	905	754			1,659	46.9%
Native American	7	10			17	0.5%
Other	38	42			80	2.3%
Caucasian	933	796			1,729	48.8%
<b>Total</b>	<b>1,911</b>	<b>1,629</b>			<b>3,540</b>	<b>100.0%</b>
<b>Hispanic</b>	<b>155</b>	<b>111</b>			<b>266</b>	<b>7.5%</b>

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

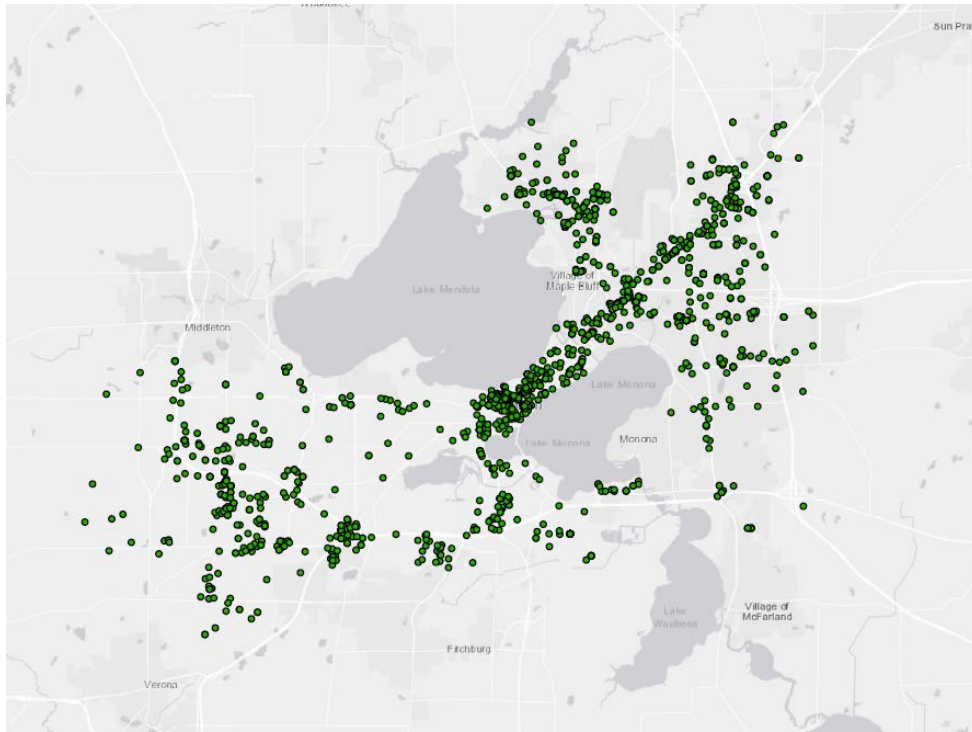
IBR Arrest Charges						
Group A Offenses	Q1	Q2	Q3	Q4	Total	%
Animal Cruelty	1	1			2	0.0%
Arson	0	1			1	0.0%
Assault Offenses	308	303			611	10.4%
Bribery	0	0			0	0.0%
Burglary	22	39			61	1.0%
Counterfeiting/Forgery	6	3			9	0.2%
Damage to Property	117	124			241	4.1%
Drug/Narcotic Offenses	235	212			447	7.6%
Embezzlement	4	0			4	0.1%
Extortion	1	4			5	0.1%
Fraud Offenses	24	16			40	0.7%
Gambling Offenses	0	0			0	0.0%
Homicide Offenses	0	1			1	0.0%
Human Trafficking Offenses	0	1			1	0.0%
Kidnapping/Abduction	13	13			26	0.4%
Larceny/Theft Offenses	233	172			405	6.9%
Motor Vehicle Theft	63	35			98	1.7%
Pornography/Obscene Material	2	2			4	0.1%
Prostitution Offenses	4	0			4	0.1%
Robbery	30	20			50	0.8%
Sex Offenses, Forcible	24	11			35	0.6%
Sex Offenses, Non-Forcible	0	1			1	0.0%
Stolen Property Offenses	6	9			15	0.3%
Weapon Law Violations**	38	47			85	1.4%
Group B Offenses	Q1	Q2	Q3	Q4	Total	%
Bad Checks	1	0			1	0.0%
Curfew/Loitering/Vagrancy Violations	11	36			47	0.8%
Disorderly Conduct	642	575			1217	20.6%
Driving Under the Influence	132	92			224	3.8%
Drunkenness	0	0			0	0.0%
Family Offenses, Nonviolent	13	22			35	0.6%
Liquor Law Violations	91	21			112	1.9%
Peeping Tom	0	1			1	0.0%
Runaway	0	0			0	0.0%
Trespass of Real Property	165	133			298	5.1%
All Other Offenses	969	846			1815	30.8%
<b>Total</b>	<b>3,155</b>	<b>2,741</b>	<b>0</b>	<b>0</b>	<b>5,896</b>	<b>100.0%</b>

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

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

Also, there has been some historical variation in the offense categories that the department has used when reporting crime data, particularly after the transition to Incident Based Reporting (IBR). Moving forward, the department will report all IBR categories using the designated IBR titles. This format will also be used in the MPD annual report and quarterly public releases.

Second quarter arrests reflected geographically:



Comparison of 2019 to 2020 second quarter arrest data:

Sex	2019 (Q2)	2020 (Q2)
Male	1,680	1,222
Female	629	407
Unknown	0	0
<b>Total</b>	<b>2,309</b>	<b>1,629</b>

Race	2019 (Q2)	2020 (Q2)
Asian	44	27
African-American	1,107	754
Native American	15	10
Other	39	42
Caucasian	1,104	796
<b>Total</b>	<b>2,309</b>	<b>1,629</b>

<b>Hispanic*</b>	<b>143</b>	<b>111</b>
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\*"Hispanic" is not a racial designator used for UCR/IBR crime reporting purposes. However, it is an ethnicity collected and tracked in MPD's records management system, in addition to race. These arrest figures are based on that data. Each arrested person with a Hispanic ethnicity will also have a race indicated (from the above options) and reflected in MPD's crime reporting.

## Use of Force Overview

During the second quarter of 2020, MPD officers responded to 30,605 incidents. In that time, there were fifty-one (51) citizen contacts in which officers used recordable force during the encounter. Each of these force incidents documented by officers was reviewed for compliance with MPD standard operating procedures. Note that use of force data related to the riots/unrest that occurred in late May and early June is reflected separately below.

Description	Q1	Q2	Q3	Q4	Total
Calls for Service	32,218	30,605			62,823
Citizen Contacts Where Force Was Used	80	51			131
% of CFS Where Force Was Used	0.25%	0.17%			0.21%
<b>Force</b>					
Decentralization/Takedown	59	44			103
Active Counter Measures	19	13			32
Taser Deployment	9	9			18
Hobble Restraints	13	10			23
OC (i.e. Pepper) Spray Deployment	12	3			15
Baton Strike	0	0			0
K9 Bite	0	1			1
Firearm Discharged Toward Suspect	0	0			0
Impact Munition	3	0			3
Specialty	0	0			0
<b>Total</b>	<b>115</b>	<b>80</b>			<b>195</b>
Firearm Discharged to Put Down a Sick or Suffering Animal	12	11			23

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

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

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

District*	Q1	Q2	Q3	Q4	Total	%
West	11	8			19	14.5%
Midtown	13	3			16	12.2%
South	5	4			9	6.9%
Central	23	15			38	29.0%
North	14	9			23	17.6%
East	12	12			24	18.3%
Out of County	0	0			0	0.0%
Within County - Assist Agency	2	0			2	1.5%
<b>Total</b>	<b>80</b>	<b>51</b>			<b>131</b>	<b>100.0%</b>

Time of Day/Patrol Shift	Q1	Q2	Q3	Q4	Total	%
1 <sup>st</sup> Detail (7am – 3pm)	13	7			20	15.3%
3 <sup>rd</sup> Detail (3pm – 11pm)	29	22			51	38.9%
5 <sup>th</sup> Detail (11pm – 7am)	38	22			60	45.8%
<b>Total</b>	<b>80</b>	<b>51</b>			<b>131</b>	<b>100.0%</b>

Comparison of second quarter 2019 with second quarter 2020 use of force data:

<b>Force</b>	<b>2019 (Q2)</b>	<b>2020 (Q2)</b>
Decentralization/Takedown	81	44
Active Counter Measures	30	13
Taser Deployment	8	9
Hobble Restraints	15	10
OC (i.e. Pepper) Spray Deployment	1	3
Baton Strike	1	0
K9 Bite	0	1
Firearm Discharged Toward Suspect	0	0
Impact Munition	1	0
Specialty (SWAT/SET)	0	0
<b>Total</b>	<b>95</b>	<b>80</b>

### **Riots/Unrest**

On May 30, what started as a peaceful protest deteriorated into a night of violence, property damage, and looting. Similar behavior occurred the following two nights. The scope of the unrest was unprecedented and something not seen in Madison since the Vietnam War protests/riots. Law enforcement agencies from across the State along with National Guard personnel were required to assist MPD's response.

Over the course of these three nights (May 30, May 31, and June 1) more than 180 businesses in Madison were looted. Multiple fires were set; several MPD squads were damaged or destroyed; and the MPD rescue vehicle was struck by a bullet. Rocks, bottles, chairs, and other projectiles were thrown at officers; nineteen officers sustained injuries. Officers utilized chemical agents and other tools/techniques to address ongoing looting and violence:

<b>Force (May 30 – June 1)</b>	<b>Total</b>
Decentralization/Takedown	7
Active Counter Measures	1
Taser Deployment	0
Hobble Restraints	0
OC (i.e. Pepper) Spray Deployment	96
Baton (push/shove)	56
K9 Bite	0
Firearm Discharged Toward Suspect	0
Impact Munition	20
Specialty	135
<b>Total</b>	<b>315</b>

Thirty-eight arrests were made during the three nights of unrest. MPD has been working to identify those involved in violence and looting, and additional arrests have been made as a result.

In early June, I asked the Quattrone Center for Impartial Justice (affiliated with the University of Pennsylvania Law School) for assistance on reviewing these events. One aspect of the work that the Quattrone Center does is the "sentinel event review," where an undesirable outcome is subject to a thorough review process. The process is intended to identify factors that led to the undesirable outcome

(like policy, training, culture) and make recommendations to improve them. MPD has been communicating regularly with the Quattrone Center to get this review process started.

## **Gun Violence**

As indicated above, shots fired incidents increased significantly over the course of the second quarter. The monthly total for shots fired incidents in June (29) reflected the highest monthly total since the department has been tracking shots fired incidents. Other metrics (casings recovered, persons struck by gunfire, etc.) are also trending much higher. Response to this level of gun violence is very resource-intensive; both the initial response (primarily patrol personnel) and follow-up investigative efforts (Violent Crime Unit and district detectives). MPD also works to prevent future violence/retaliation using department resources and external partners.

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

The COVID-19 pandemic continues to have a significant impact on MPD. As the COVID-19 situation was developing, MPD created an internal task force to focus exclusively on COVID-19 issues. The work group has done a tremendous amount of work in response to the COVID-19 challenge, ensuring that MPD continues to deliver core services to the community. A number of MPD employees have tested positive for COVID-19, and the pandemic has impacted a number of projects/processes.

## **Mental Health Related Workload**

During the second quarter MPD personnel spent more than **4,300** hours of work on cases/incidents involving the mentally ill. This is an average of about **47** hours per day. The bulk of this workload was handled by patrol officers.

This work includes fifty-six (**56**) emergency detentions. It took an average of about **twenty-seven (27)** officer hours for each of these cases. MPD personnel also handled an additional **thirteen (13)** mental health commitment returns; these also averaged about **twenty-one (21)** officer hours each.

## **Training**

MPD's pre-service academy started in late May, with 50 new officers joining the department. The Training Staff implemented a number of measures to minimize the chance for a COVID-19 outbreak in the academy (masks, social distancing, testing, plexiglass barriers, etc.). Unfortunately, a number of recruit officers tested positive for COVID-19 in late June. The academy schedule was adjusted to allow for isolation and has since resumed (with all recruit officers and training staff testing negative).

## **SOP Updates**

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



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

### **Additional Updates**

*Priority/emergency call response* – During the second quarter, there were **78** instances where MPD's patrol response was limited to emergency and priority calls. Note that some of these instances did not impact citywide response but were limited to a particular district or area of the City.

The 78 instances occurred on fifty-two (52) dates (some days required limited call response multiple times); this means that at some point on **55%** of the days during the second quarter MPD patrol response was limited. The 78 instances spanned about 390 total hours of limited call response, an average of 5 hours per instance. In terms of total hours during the second quarter, MPD patrol response was limited to emergency and priority calls about **14%** of the time.

The restricted call response was required much more often in June. Most days in June (23 out of 30) saw MPD with at least one instance of restricted call response.

### *Promotions*

#### 2020 – Second Quarter Promotions

Police Officer Richard Wipperfurth to Sergeant  
Police Officer John Christian to Detective  
Police Officer Michael Davenport to Detective

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

<https://www.cityofmadison.com/police/documents/psiaSummary2020AprJun.pdf>

<https://www.cityofmadison.com/police/documents/psiaRecognition2020AprJun.pdf>

## Updated/New SOPs for MPD: April-June, 2020

Court Overtime: 04/17/2020

Handling of Evidence, Contraband, Found or Lost Property: 04/06/2020

Police Weaponry: 06/08/2020

Restricted Duty: 04/14/2020

Records Inspection and Release: 04/29/2020

Stolen Vehicle Reporting Guidelines: 06/15/2020



# CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



## Court Overtime

Eff. Date ~~06/10/2014~~ 04/17/2020

### Purpose

To clarify the contractual compensation and payroll entries associated with court testimony in person and via telephone as well as court cancellation provisions.

### Procedure

#### WHEN AN EMPLOYEE IS SUBPOENAED FOR COURT DURING NON-DUTY TIME

- Employees who are under subpoena and physically appear in court to provide testimony will use the overtime code **OT Court**.
- Effective January 2019, the Court Standby MOU with the MPPOA codified that employees who are under subpoena and directed to provide testimony by telephone will be compensated pursuant to standard contract provisions as if they had reported for duty to testify.
- Per the MPPOA contract, you must physically come in to attend court to be considered a call back. If you attend court, the correct overtime code is **OT Court**.

#### **RDO, Bereavement, or Vacation Day:**

- If court attendance is on an RDO, bereavement leave day, or vacation day, the correct detail code is CRDO or PCRDO.

#### **Regularly Scheduled Work Day (including leave usage other than Vacation and Bereavement Leave) or COA Day**

- For any shift beginning before 8:00 PM (1st, 2<sup>nd</sup>, or 3rd detail assigned personnel), the appropriate detail code is either COU or PCOU.
- For any shift beginning 8:00 PM or later (4th or 5th detail assigned personnel), the appropriate detail code is COU3 or PCOU3.
- If an employee is scheduled for court during regular work hours when leave time (other than vacation or bereavement leave) is used, on a COA or sick day, no overtime is earned. Instead, the leave time will be reduced to accommodate court attendance during regularly scheduled work time.
- Examples of leave types other than vacation and bereavement leave include the following: sick, exigent, administrative, FMLA, City-paid parental leave, military, earned time, worker's comp, and FTO.

#### **RDO or Vacation Day**

- If court attendance is on an RDO or vacation day, the correct detail code is CRDO or PCRDO.
- Phone calls are testimony is covered under Article VIII, E, 5 of the MPPOA contract that covers payment for off-duty phone calls regarding testimony. When contacted by phone from the prosecutor DA, whether it's for court testimony or for trial prep or scheduling, the employee is eligible for overtime if the call is longer than 10 minutes. The employee enters the exact duration hours of the phone call as follows:
  - The appropriate overtime code is OT Misc OT Pay. The detail code is either COU (or PCOU), COU3 (or PCOU3), or CRDO (or PCRDO) depending on work shift and/or whether the phone call occurred on its a regular day off. (Refer to information above).
  - The employee is paid for the exact time of the phone call only. No minimum call back to duty times apply.

- If an employee is under subpoena but placed on “stand-by” (not required to physically appear for the duration of the subpoena but must be available during certain periods), the correct overtime code is **OT Standby – Court**. The detail code is STB (or PSTB).
  - a) Officers will receive a minimum two (2) hours of pay or compensatory time at the rate of time-and-one-half their regular rate of pay for each calendar day that they are under subpoena and put on “stand-by”. (“Stand-by” time periods may not directly reflect the time periods on the written subpoena).
  - b) If an officer is on “stand-by” for a period that extends beyond two (2) hours, the officer is entitled to an additional one-third (1/3) of an hour of compensation (rate of time-and-one-half their regular rate of pay) for each hour that they are under subpoena and on “stand-by”. If the officer is not contacted and released from their “stand-by” status, they are presumed to be released at 4:30pm - unless specifically directed otherwise.
  - c) If an officer is under subpoena and on “stand-by” and is then called to physically appear, standard contractual compensation provisions will apply. The officer will receive hourly compensation under (b) for time on “stand-by” prior to court appearance, but will not receive the two (2) hour minimum compensation mentioned above under (a).
  - d) If an officer is under subpoena and on “stand-by” during a time period immediately before or after their regular shift for a period of two (2) hours or less, they will not receive the minimum compensation under (a), but will receive compensation only for the actual time on “stand-by” (rate of time-and-one-half their regular rate of pay).
  - e) Employees receiving compensation for “stand-by” are not eligible for court cancellation compensation.
  - f) If an officer is under subpoena and is directed to provide testimony by telephone, they will be compensated pursuant to standard contract provisions as if they had reported for duty to testify. This only applies to testimony provided by telephone pursuant to a subpoena and does not apply to other telephone communication (trial preparation, scheduling, etc.).
  - g) An OT Standby – Court entry will need to be entered in TeleStaff by an officer for each calendar day directed to be on “stand-by”. The work code defaults to the hours 08:00 to 16:30, requires a detail code, a case number and name in the note field, and will need to be approved by a supervisor.

### LESS THAN 24 HOUR NOTICE OF COURT CANCELLATION

- If an employee is subpoenaed to attend court and is later notified they will be testifying by phone, they can enter overtime for court cancellation if the notification was less than 24 hours notice. (Note: an employee is only eligible for court cancellation overtime, if court was scheduled outside of normal working hours, or on a regular day off, or on a vacation or bereavement leave day.)
- If an employee has a court cancellation and then testifies by phone, they can only enter one type of overtime. Either they are paid the minimum 2 hours for a court cancellation or they are paid the time of the phone testimony. If the employee cannot request both.
- Court cancellations are as follows:
  - h) ~~Employees are only eligible for court cancellation overtime if court is scheduled outside of their normal work hours, or on a regular day off, or on a vacation day.~~
    - The work code is OT Court and the detail code is COL or PCOL.
    - An employee is eligible if they are notified that court has been canceled less than 24 hours before they are scheduled to testify. If the start time for court is moved, but the appearance remains on the same date originally scheduled, then the employee is not eligible for court cancellation overtime.
    - If court is scheduled to start during an employee’s regular work shift, even if that is the end time for the work shift, then the employee is not eligible for court cancellation overtime.
    - The overtime entry should be made with a start time that is the same date and time that appears on the subpoena or, when required, 30 minutes prior for a meeting with the City Attorney. The entry is always for 1 hour, unless the 1 hour overlaps the start of a work shift. In that situation, the end time is the start of the shift to avoid overlapping.

MPPOA Earned Time Off cannot be used during the time an employee is subpoenaed for court.

Original SOP: 06/10/2014

(Reviewed Only: 02/22/2016, 01/09/2017, 12/26/2017)

(Revised: 04/17/2020)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



## Handling of Evidence, Contraband, Found or Lost Property

Eff. Date ~~11/15/2019~~ 04/06/2020

### Purpose

This SOP establishes procedures for processing, maintaining, and disposing of evidence in a manner that ensures 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. - 4:00 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 log 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. Considering the risk factor of some of the opioids, it will be permissible to divert from the standard packaging procedures of separating the drugs and packaging as listed in the Packaging Guide. All people present in the property intake area when the drugs listed in this policy are packaged or tested should wear N95/N100 masks and protective eyewear (supplied in each property intake room) to protect against accidental inhalation of or exposure to fine particle drugs. Anyone in direct contact with the drug should wear protective, disposable gloves, N95/N100 masks, protective eyewear, and gowns. 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. Likewise, officers should not request anyone to come into direct contact with the following drugs on the officer's behalf without proper training and protective gear, to include community members, suspects, witnesses, or other non-law enforcement contacts:

- 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 covered 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 the firearm 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 obtained. 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 obtained.

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 **best practice important** that the samples be refrigerated **within two hours or** as soon as possible after it is drawn. **It is important to keep the samples away from extreme temperatures.** The

sample(s) should be property tagged and be placed in the refrigerator located in the Property Intake Room. If the refrigerator is locked, 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 victims 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 kit supply is maintained by the local hospitals and 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.
3. It shall be the responsibility of the Police Property Supervisor to coordinate the transport of all blood samples in a timely fashion to the UW Hygiene Laboratory or the State Crime Laboratory when appropriate.

### 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-4:00pm, 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 information (state and number)
- 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 information (state and number)
- 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 and 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 <https://www.cityofmadison.com/police/support/bicycleDonation.cfm>) 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, 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 of 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 to the Chief of Police for review.

Original SOP: 02/25/2015

(Revised: 01/20/2017, 02/07/2017, 06/15/2017, 10/09/2017, 01/25/2018, 11/15/2019, 04/06/2020)

(Reviewed Only: 01/30/2019)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Police Weaponry

Eff. Date ~~09/24/2018~~ 06/08/2020

**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 complete the MPD weapon mounted light course of fire, with 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 and may authorize firearms, accessories, and modifications contrary to those enumerated below, for testing and evaluation purposes.

**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), 45 (9mm), 22 (.40 cal.), 23 (.40 cal.), 27 (.40), 21 (.45 cal.), and 30 (.45 cal.), and Heckler & Koch VP9 series, and Sig Sauer P320 (9mm). Primary Duty handguns shall be black in color and shall be equipped with non-adjustable iron sights. Sub-Compact models such as the Glock 43, 43x, and 48, and the Sig Sauer P365 are only approved as primary duty handguns for personnel not assigned to field services, or for those who are temporarily filling a non-field assignment (attending training, administrative duties, etc.). See "Qualifications" and "Holsters" sections below for additional requirements.
  - a. Glock duty handguns shall be equipped with the factory Glock trigger components which, per Glock Inc., requires 5.5 pounds 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 pounds 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.
  - c. Sig Sauer duty handguns shall be equipped with the factory Sig Sauer trigger components which, per Sig Sauer, requires 5.5 pounds of force to fire. If an officer chooses, they can

utilize a configuration that makes the trigger pull heavier as long as Sig Sauer factory parts are utilized and they are installed by a certified armorer.

2. Any weapon used as a primary duty weapon must have a round capacity of at least ten. 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. Pistols chambered in .380ACP are not approved primary duty weapons, even with a magazine extender, unless approved by a commanding officer supervisor for a special assignment. Department members who intend to carry a subcompact firearm as a primary weapon must qualify with that weapon on the full DOJ qualification course of fire.

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 without approval from the Captain of Personnel and Training.

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

**Detectives and Plainclothes Personnel:** When detectives or plainclothes 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

1. All secondary weapons must meet the following specifications:
  - a. Smith & Wesson, Sig Sauer, Glock, Beretta, Ruger, Walther, or H&K brand.
  - b. Double action or striker fire 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 those carried on duty in addition to the primary weapon and 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

1. Officers wishing to carry a handgun while off duty, based on their authority as a Madison Police Officer, must comply with these following 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.
  - c. Officers carrying concealed while off duty under the provisions of this SOP shall comply with MPD regulations with regards to approved brands, models, and accessories, and will complete required training and/or qualification.
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.

### Qualifications

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Department members will qualify with any handguns carried on duty or off duty, if carrying under LEOSA or authority as an MPD officer. The nature and timing of qualifications will be determined by the Captain of Personnel and Training, but all sworn department members shall qualify on at least a yearly basis.

Department members may qualify with no more than 3 firearms, at least one of which must be designated as a primary duty handgun. Qualification is individualized to the particular firearm, not brand/model.

- a. Primary duty handguns will be qualified with in accordance with Department and State DOJ standards and must conform to "Specifications for Primary Duty Firearms" outlined above. This applies to any firearms carried as a primary or sole firearm while on-duty (e.g., OIC, In-service, etc.).
- b. 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.
- c. Department members intending to carry a firearm as both an on-duty backup and occasional primary firearm will be required to demonstrate their ability to draw and holster from the concealed backup location, but will qualify (to the primary firearm standard) with a holster configuration more appropriate to the primary carry role.
- d. Time will be afforded during regular qualification or training (as possible) for officers to qualify with 2 firearms; however, the Primary Duty firearms will be qualified first. If additional attempts or remediation are needed, the officer may not be afforded additional time on that date to qualify with a second firearm. The Department will provide duty and qualification ammunition for these initial attempts.
- e. Officers who wish to qualify with a third firearm, or a second firearm after a retest, will be required to coordinate with the In-Service Sergeant or a Training Team member to arrange a time to do so. The officer may be expected to provide training or qualification ammunition for this attempt; the Department will still provide appropriate duty ammunition.
- f. Any qualification standard (primary duty or secondary) shall meet the Department's requirement for qualification to carry that firearm off-duty.

### 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 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 primary duty weapons, though may be permitted for secondary, off-duty, or backup weapons. ~~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 un-snapped or not the strap or hood are engaged. Officers using a pistol-mounted optic shall carry a holster that adheres to all specifications set forth above; in addition, the holster will have a feature that covers/protects the optic from all sides while holstered. 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, and shall make use of at least one form of active retention whether snapped or un-snapped. 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. When 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 they 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 no fewer than 18 rounds. Magazines designed to hold 30 rounds shall be loaded with no fewer than 28-30 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, Bravo Company Manufacturing, or Sig Sauer. ~~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 the manufacturer ~~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. An enlarged or "winter" trigger guard.
3. ~~MPD-owned rifles may only be equipped with MPD-owned optical sights.~~ With prior approval and inspection by a member of the Training Team, an officer may mount a personally owned optic on an MPD rifle.
4. Individually owned rifles may be equipped with optical sights which include red dots, magnifiers, and riflescopes.
5. Guidelines for red dots, magnifiers, and riflescopes:
  - a. Only MPD approved red dots, magnifiers, and riflescopes can be used on duty. The Captain of Training or his/her designee will be the approving authority ~~maintain a list of the approved red dots, magnifiers, and riflescopes.~~
  - b. If equipped with optics, the optics must allow for simultaneous utilization of the iron sights.
    - i) If equipped with a rifle scope, back-up sights must be accessible through a quick release mount or offset 45 degree sights.
  - ~~c. Red dots and rifle scopes MUST be professionally mounted (verified by receipt) or inspected by Training (Firearms) Staff.~~
  - d. Officers utilizing an optical sighting system must have the system inspected by training staff and qualify with a MPD Firearms Instructor with that sighting system prior to using the rifle on duty.
  - e. 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.
  - f. Riflescopes must be able to return to 1x (1power)
  - g. 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 be inspected by an MPD armorer prior to duty use.

### Rifle Safety Procedures

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. Ensure 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 ensure 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. When 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 (e.g., special events, FT&E, SWAT).
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/retractable 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 South 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 South Hamilton Street and will submit to weapons screening. If armed, they will be required to secure their firearm in a manner approved by the DCC Staff, 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, 09/24/2018, 06/08/2020)

(Reviewed Only: 12/22/2016)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Records Inspection and Release

Eff. Date ~~12/20/2019~~ 04/29/2020

## 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 that 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~~ to [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 to the Chief's Office and will be handled by the designated Records Custodian.

A copy of all data releases to the public by any MPD employee will be routed through PD Records.

Requests for MPD records from other law enforcement agencies should be routed to [pdrecords@cityofmadison.com](mailto:pdrecords@cityofmadison.com) unless a release is necessary for urgent public safety. Sharing records deemed urgent between the MPD and fellow law enforcement agencies is permissible for "law enforcement investigative purposes", as long as the Public Records Unit is notified via email at [pdrecords@cityofmadison.com](mailto:pdrecords@cityofmadison.com) with the necessary information for the log. Detectives and Detective Lieutenants may share reports with other law enforcement for investigations purposes and shall copy [pdrecords@cityofmadison.com](mailto:pdrecords@cityofmadison.com) when they are released. 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~~ them.
- 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 requestor of his or her right to court review of the denial under mandamus action or upon application to the Wisconsin Attorney General or to the Dane County District Attorney. The Public Records Unit is not required by law to give an explanation for redactions to the requestor if the request was made verbally. Written responses for the denial of access to a record 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 The requestor 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 by the Finance Director.

## PUBLIC RECORDS OR DOCUMENTS WHERE RELEASE MAY BE DENIED

Certain records and documents are confidential under Wisconsin law or common law and precluded from public inspection. In the following instances, inspection may be limited or denied 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 and 938.396).

Wisconsin Statutes §938 and 48.396 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 Service Agency with legal authority
- Schools as allowed under Wisconsin Statute §118.127
- The identity of the 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; or the release would subject an individual to threats of harm or intimidation. The identity of a reporter of child abuse shall not be released, various provisions of sec. 48.981(7). Wis. Stats., prohibit the disclosure of a reporter's identity, including the extraordinary prohibition that such disclosure shall not even be made to a subject's attorney.

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, 02/14/2019, 12/20/2019, 04/29/2020)



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



Eff. Date 01/14/2019 04/14/2020

## 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. If restricted/light-duty status is either anticipated or requested it must be approved by the Human Resources Coordinator Lieutenant of Personnel before the employee returns to the workplace in a restricted duty capacity.

### 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 Human Resources Coordinator 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 it 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)
- Employee side: Page 1  
<https://www.cityofmadison.com/finance/documents/WC-EIRpage1.pdf>
- Supervisor side: Page 2  
<https://www.cityofmadison.com/finance/documents/WC-EIRpage2.pdf>

Proper documentation which will include all of the following must be submitted to PD Medical which will include all of the following:

- Worker’s Compensation Accident Report form
- If the employee sought immediate treatment or scheduled a future appointment to treat injury, then a Medical Status Report form (<http://www.cityofmadison.com/finance/documents/WC-MedStat.pdf>) needs to be completed by the employee’s medical provider, to include the following:

- 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 medical appointment that results from an on-duty injury.

### **Non-Duty Injury, Illness, or Medical Restriction**

All commissioned employees must be in physical and mental condition to deploy for emergency field deployments, and must 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 Human Resources Coordinator, Lieutenant of Personnel, before returning to work. The employee is not required to identify the nature of a non-duty non-duty-related medical condition or illness.

Documentation must be submitted to PD Medical, which will include a medical note from your provider that indicates any physical/medical restrictions or limitations (e.g., can't bend, lift, push/pull, stand, or work full shifts, etc.).

Medical documentation is required for any change in the employee's work restrictions or status. To remain on restricted duty status, the employee's medical documentation must have dates that reflect the specific timeframes requested for restricted duty. Failure to have proper documentation may result in the employee's restricted duty status request being denied or revoked. Employees should provide the Department with as much advance notice as possible when they are undergoing a planned medical procedure. The Human Resources Coordinator, Personnel Lieutenant will direct the restricted duty assignment and placement. Consistent with City APM 2-7, the Human Resources Coordinator, Personnel Lieutenant shall exercise judgment and diligence in determining whether it is cost-effective and feasible to establish temporary transitional assignments for workers who are temporarily unable to perform their usual and customary assignments due to non-work-related medical restrictions. In making this determination, they the Human Resources Coordinator shall consider such factors as availability of work at (or approximating) the level of the employee's current classification, the duration of the assignment, and the overall impact on the organization.

### **Transmittal of Medical Documentation**

Both work-related and non-work 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.

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 Human Resources Coordinator, Lieutenant of Personnel or the Captain of Personnel and Training.

## **REVIEW AND APPROVAL PROCESS OF REQUEST FOR RESTRICTED DUTY**

Once received, the Human Resources Coordinator, 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 Human Resources Coordinator, 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 that the employee will be in a restricted duty status.

### **Responsibility of the Employee**

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 Human Resources Coordinator Lieutenant of Personnel or the Captain of Personnel and Training. 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. Exceptions cannot be approved when the officer has an injury that inhibits the safe use of a firearm. If approved, the officer cannot be identifiable as law enforcement personnel and firearms are to be concealed at all times.

Employees who receive a subpoena requiring them to appear in court during their restricted duty status shall contact the Victim Witness Unit at 608-266-9003, [DaneVWNotifications@da.wi.gov](mailto:DaneVWNotifications@da.wi.gov), or [https://da.countyofdane.com/victim\\_witness.aspx](https://da.countyofdane.com/victim_witness.aspx). Upon receipt of said subpoena, the employee should notify the Victim Witness Specialist of their restricted duty status and that they will be appearing in court unarmed and in civilian clothes. Employees shall advise the Victim Witness Specialist assigned to their case whether their restricted duty status is for a personal medical reason or some other reason.

## ASSIGNMENT/SCHEDULE

The Human Resources Coordinator 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 Human Resources Coordinator 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 Human Resources Coordinator Lieutenant of Personnel to assure ensure 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. If an employee has a medical appointment related to their on-duty injury, they are not allowed to adjust their work hours to include medical appointments during their regularly scheduled shift. However, if an appointment occurs during their regular workday, employees will be compensated for that time, by workers compensation. Employees are encouraged to schedule medical appointments outside their work hours. Furthermore, if an employee has a medical appointment related to an off-duty injury, the employee must use their own leave to cover the time they are out of the office.

Commissioned employees, while on restricted duty, 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 Human Resources Coordinator Lieutenant of Personnel or in his/her absence, the Captain of Personnel and Training.

## RETURN TO FULL DUTY ASSIGNMENT

In order to return from restricted duty to a full unrestricted duty status, medical clearance paperwork needs to be reviewed. For work work-related injuries the employee must submit the *Medical Status Report Form*. For non-work/duty duty-related injuries, the employee must submit a note from a qualified doctor/physician indicating that the employee can return to work and perform all required duties. The Human Resources Coordinator Lieutenant of Personnel must review the medical documentation and approve the return to duty before the employee may return to a full duty status.

In the absence of the Human Resources Coordinator Lieutenant of Personnel, the Captain of Personnel and Training serves as an alternate contact and resource for restricted/light-duty.

If a commissioned employee, while on light duty, missed a firearms qualification or any mandatory training, the employee is required to contact the Training Team Sergeant for post-academy training in order to review training needs, and to schedule a training officer to address the deficiencies in training. All training requirements are to be fulfilled before a return to full duty. Exceptions can be considered by the Captain of Personnel and 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 to the Human Resources Coordinator Lieutenant of Personnel.

In all circumstances, an updated Medical Status Report or Doctor's note must be submitted periodically (generally every two months) that during which 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 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 shift time worked by using either the appropriate "Light Duty: Non-Duty Related" or the "Light Duty: Workers Comp"

work code-; the entry must remain at 7.5, 8, or 10 hours. 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 enter their assignment location in the Detail Code of the Light Duty Work Code. In the Note Field, eEmployees are to type shall type in the Note Field in a brief reference to description of 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 Human Resources Coordinator 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 to ensure compliance with this SOP and convey the 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 APMs 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 ensure 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 Human Resources Coordinator Lieutenant of Personnel is to be contacted. The Human Resources Coordinator 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, 1/14/2019, 04/14/2020)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Stolen Vehicle Reporting Guidelines

Eff. Date ~~02/20/2017~~ 06/15/2020

## Purpose

The purpose of this SOP is to provide guidelines to officers related to the reporting of missing/overdue or stolen vehicles and recovery of stolen vehicles by outside agencies.

## Procedure for Stolen Vehicles

In many situations vehicles are being reported as stolen that are, in fact, only missing or overdue. Circumstances may involve the loaning of a vehicle to a friend or relative, while others are “loaned out” or **informal** “rental type” agreements between the owner and another person for cash, drugs or a service, and the vehicle was not returned in a timely manner.

When officers locate an occupied and/or mobile stolen vehicle, the potential danger to law enforcement and the community is very high, particularly when the case involves suspects who are associated with drug activity. The likelihood that weapons will be present or a high-speed pursuit will result is significant.

### WHEN INVESTIGATING THESE INCIDENTS, OFFICERS SHALL ENSURE THE FOLLOWING INFORMATION IS OBTAINED

- Positive identification of vehicle owner.
- Proof of vehicle ownership. (Positive identification of registered vehicle owner through DOT records will suffice.)
- Take vehicle owner statement related to incident.
- Verify/corroborate vehicle owner’s statement to the extent possible.
- **Copy of rental agreement from rental agency**

### MISSING/OVERDUE STATUS

When the details of an investigation include **any of the following the below listed** criteria, a vehicle’s status should be titled as “Missing/Overdue:”

- Owner indicates drug-related or other illegal activity was involved and vehicle is missing/overdue less than 72 hours.
- Investigation reveals a strong inference that drug or other illegal activity was involved and vehicle is missing/overdue less than 72 hours.
- Owner indicates the vehicle was “loaned out” or **informally** “rented” to an individual, but is missing/overdue for less than ten days. **(Same standard as rented vehicle)**
- No threats or weapons involved in incident.

The investigating officer should complete a report on the incident, and broadcast an attempt to locate for the vehicle. The vehicle should not be entered as stolen through DATA/NCIC. **The victim/owner should be advised to contact the MPD Self Reporting unit (245-3662) if the vehicle has not been returned after 72 hours (10 days for vehicle rentals).**

**The SRU employee who speaks with the victim should complete a supplemental report to the original case number, and change the title of the incident to a stolen vehicle. The vehicle should be entered as stolen with DATA/NCIC.**



## STOLEN STATUS

When the initial investigation demonstrates any of the below listed criteria, a vehicle's status should be titled as "Stolen."

- Owner has no idea who took vehicle.
- An individual who is not a regular driver is suspected of taking vehicle without consent and **no formal rental agreement** ~~(formal or informal)~~ existed.
- Owner indicates drug-related or other illegal activity was involved and **after** 72 hours the vehicle has not returned.
- Investigation reveals a strong inference that drug or other illegal activity was involved and **after** 72 hours the vehicle has not been returned.
- Owner indicates the vehicle **was** "loaned out" or **informally** "rented" to an individual and **after** ten days has not been returned.
- Use/threat of force or weapons involved in the incident.
- **A rental vehicle, with a written lease or written rental agreement, is not returned upon expiration of the rental agreement.**

## RENTAL VEHICLES

**Per state statute 943.20 (1)(e), a person who intentionally fails to return a vehicle after a written lease or rental agreement has expired is guilty of a Class E felony.**

## Procedure for Recovered Stolen Vehicles

The following guidelines were agreed upon by the Dane County Chiefs Association and will be applied to other jurisdictions, as well as our department. These guidelines should help make our response and those of other jurisdictions more consistent and efficient. Please contact your commanding officer if you have any questions.

## Occupied Vehicles

If a law enforcement agency locates/observes an occupied vehicle that has been entered as stolen by another Dane County law enforcement agency, the locating agency should take appropriate action to recover the vehicle and apprehend the operators. The locating agency is responsible for the arrest and booking of any suspects located as well as searching the recovered vehicle and collecting any relevant physical evidence.

The locating agency should then contact the entering agency to advise them of the recovery and determine whether the entering agency wishes to interview the arrested persons or take any other investigative steps (i.e. process the vehicle, conduct additional follow up, etc.). If the entering agency determines there is no need for them to respond, the locating agency **may** process the vehicle on their own.

The locating agency should contact the entering agency and advise them of the recovery so that the vehicle can be removed from NCIC/CIB as stolen. The locating agency should obtain the vehicle owner's information from the entering agency and contact the owner to advise him/her of the vehicle's recovery. The locating agency should arrange for the owner to retrieve the vehicle, or arrange for the vehicle to be towed to a secure location. ~~The locating agency and~~ entering agency **are is** responsible for recording the recovered stolen vehicle as required by Wisconsin State Statute and the F.B.I.'s Uniformed Crime Reporting program.

~~The locating agency's officer should route copies of any reports generated from the vehicle recovery to the entering agency.~~

## Unoccupied Vehicles

Upon locating an unoccupied stolen vehicle, the locating agency should secure the vehicle, and contact

the entering agency and advise them of the recovery so that the vehicle can be removed from NCIC/CIB as stolen. The locating agency should then determine whether the entering agency wishes to process the vehicle or conduct any other investigative follow up. If the entering agency determines there is no need for them to respond, the locating agency **may** process the vehicle on their own. The locating agency should obtain the vehicle owner's information from the entering agency and contact the owner to advise him/her of the vehicle's recovery. The locating agency should arrange for the owner to retrieve the vehicle, or arrange for the vehicle to be towed to a secure location. The ~~locating agency and~~ entering agencies **are is** responsible for recording the recovered stolen vehicle as required by Wisconsin State Statute and the F.B.I.'s Uniformed Crime Reporting program.

The locating agency's officer should route copies of any reports generated from the vehicle recovery to the entering agency.

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(Revised: 01/19/2017, 02/20/2017, 06/15/2020)  
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