

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

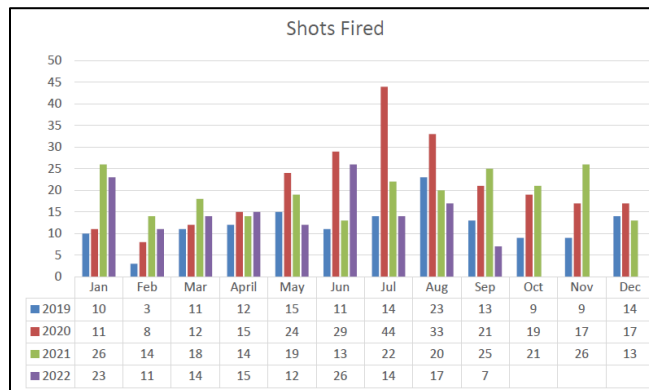
**DATE:** November 14, 2022

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

This document provides an update on selected MPD topics for the third quarter (July, August, and September) of 2022. **Please consider the data included in this update as preliminary and subject to modification.**

**Significant Incident Types**

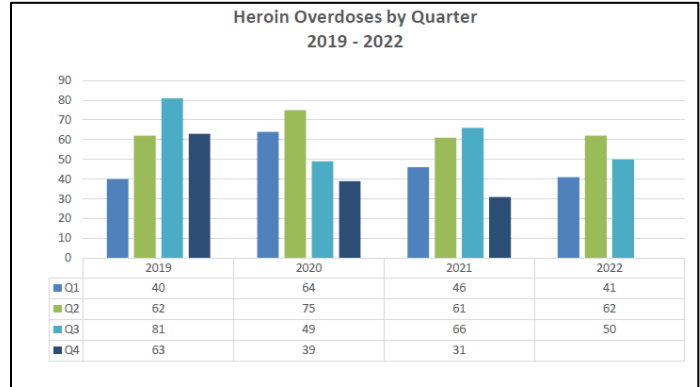
*Shots Fired* – there were thirty-eight (38) shots fired incidents in the City from July 1<sup>st</sup> through September 30<sup>th</sup> (2022). This is a 43% decrease from the third quarter of 2021 where there were sixty-seven (67) shots fired incidents. The 3-year average (3<sup>rd</sup> quarter) of shots fired incidents is seventy-one (71). The thirty-eight (38) shots fired in Quarter 3 of this year is a 47% decrease over the previous 3-year average.



	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>	16	13	11		
<b>Subjects Struck by Gunfire*</b>	9	6	9		
<b>Accidental Discharge</b>	0	0	0		
<b>Self-Inflicted (intentional)</b>	4	6	1		
<b>Casings Recovered</b>	179	133	196		

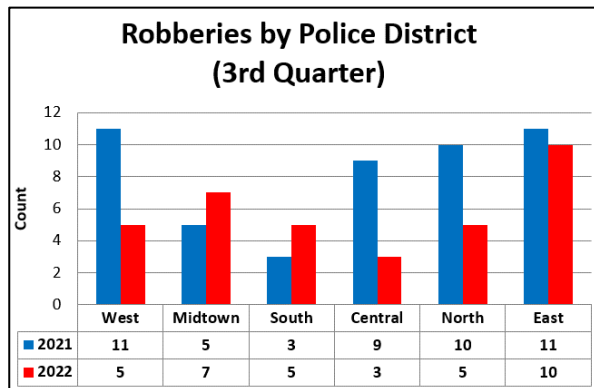
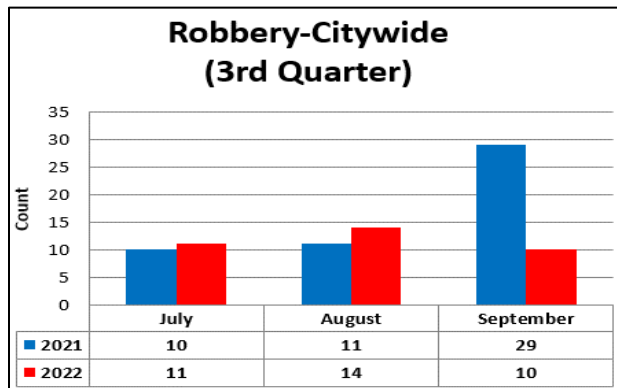
\*Excludes accidental discharge & self-inflicted

**Heroin Overdoses** – MPD responded to fifty (50) known heroin overdoses during the third quarter of 2022. This is a 24% decrease from the third quarter of 2021 where we responded to sixty-six (66) known heroin overdoses. The 3-year average (3<sup>rd</sup> quarter) of known heroin overdoses is sixty-five (65). The fifty (50) known overdoses in Quarter 3 of this year is a 23% decrease over the previous 3-year average. Note that these figures refer to known overdoses...it is likely that many overdoses are occurring without any report to MPD or MFD.

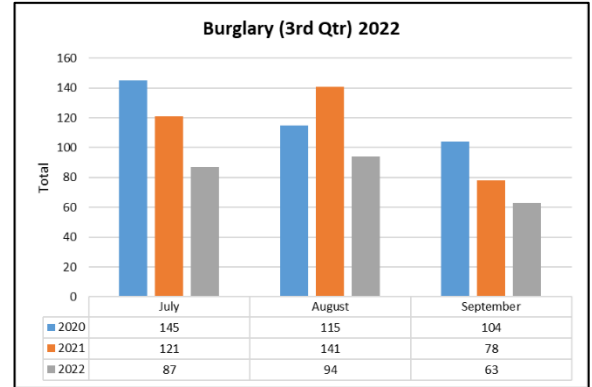


There were fourteen (14) overdose deaths during the third quarter of 2022. This is a 75% increase from the third quarter of 2021 where there were eight (8) overdose deaths. The 3-year average (3<sup>rd</sup> quarter) of overdose deaths is eight (8). The fourteen (14) known overdose deaths in Quarter 3 of this year is an 81% increase over the previous 3-year average. [note that these figures only include overdose deaths with police involvement and clear evidence of an overdose; the actual figure may be higher].

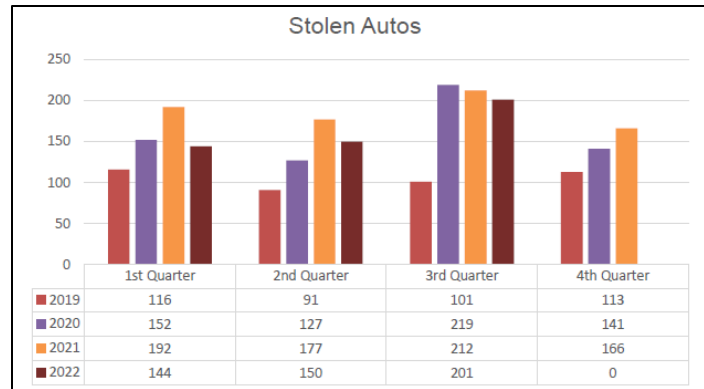
**Robberies** – Thirty-five (35) robberies occurred in the City during the third quarter of 2022. This is a 30% decrease from the 3<sup>rd</sup> quarter of 2021 where there were fifty (50) robberies. The 3-year average (3<sup>rd</sup> quarter) of robberies is sixty-one (61). The thirty-five (35) robberies in Quarter 3 of this year is a 43% decrease from the previous 3-year average.



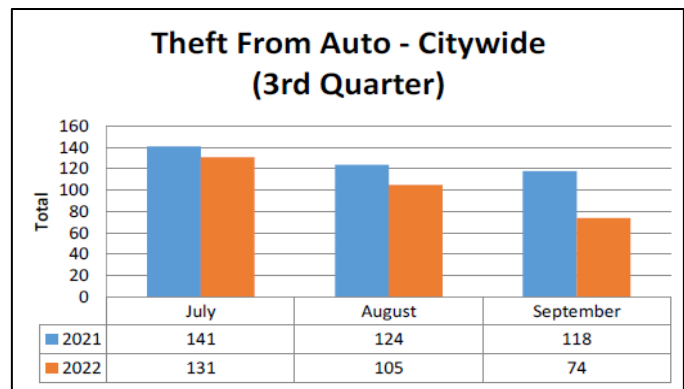
**Burglaries** – MPD responded to 244 burglaries during the third quarter of 2022. This is a 28% decrease from the third quarter in 2021 where we responded to 340 burglaries. The 3-year average (3<sup>rd</sup> quarter) of burglaries is 316. The 244 burglaries in Quarter 3 of this year is a 23% decrease over the previous 3-year average.



**Stolen Autos** – MPD investigated 201 stolen autos during the third quarter of 2022. This is a 5% decrease from the third quarter in 2021. The 3-year average (3<sup>rd</sup> quarter) of stolen autos is 177. The 201 stolen autos in Quarter 3 of this year is a 14% increase over the previous 3-year average.



**Thefts from Vehicles** – MPD investigated 310 thefts from vehicles during the third quarter of 2022. This is a 19% decrease from the third quarter in 2021. The 3-year average (3<sup>rd</sup> quarter) of thefts from vehicles is 434. The 310 thefts from vehicles in Quarter 3 of this year is a 29% decrease over the previous 3-year average.



**Arrest Data**

Third quarter arrest data:

Sex	Q1	Q2	Q3	Q4	Total	%
Male	1,125	1,381	1,641			
Female	403	543	619			
Unknown	1	0	1			
<b>Total</b>	<b>1,529</b>	<b>1,924</b>	<b>2,261</b>			
Race	Q1	Q2	Q3	Q4	Total	%
Asian	17	28	43			
African-American	725	887	1,046			
Native American	13	10	13			
Other	30	61	50			
Caucasian	744	938	1,109			
<b>Total</b>	<b>1,529</b>	<b>1,924</b>	<b>2,261</b>			
Hispanic*	104	148	181			

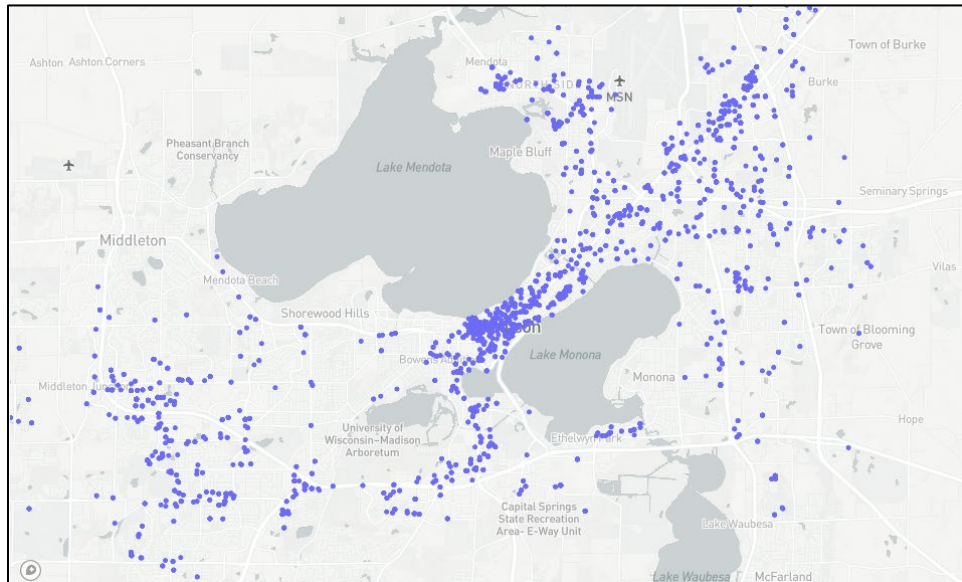
\*"Hispanic" is not a racial designator used for UCR/IBR crime reporting purposes. However, it is an ethnicity collected and tracked in MPD's records management system, in addition to race. These arrest figures are based on that data. Each arrested person with a Hispanic ethnicity will also have a race 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	0	0	1			
Arson	1	2	4			
Assault Offenses	345	393	373			
Bribery	0	0	0			
Burglary	29	25	51			
Counterfeiting/Forgery	10	7	4			
Damage to Property	95	112	146			
Drug/Narcotic Offenses	139	179	210			
Embezzlement	6	9	3			
Extortion	0	0	3			
Fraud Offenses	24	14	23			
Gambling Offenses	0	0	0			
Homicide Offenses	3	8	6			
Human Trafficking Offenses	0	0	0			
Kidnapping/Abduction	20	20	12			
Larceny/Theft Offenses	117	171	261			
Motor Vehicle Theft	50	41	54			
Pornography/Obscene Material	6	7	2			
Prostitution Offenses	2	0	0			
Robbery	17	21	14			
Sex Offenses, Forcible	18	19	24			
Sex Offenses, Non-Forcible	0	2	0			
Stolen Property Offenses	8	8	13			
Weapon Law Violations	49	66	67			
Group B Offenses	Q1	Q2	Q3	Q4	Total	%
Bad Checks	2	0	0			
Curfew/Loitering/Vagrancy Violations	0	0	0			
Disorderly Conduct	509	645	649			
Driving Under the Influence	93	83	76			
Drunkenness	0	0	0			
Family Offenses, Nonviolent	9	18	30			
Liquor Law Violations	74	178	270			
Peeping Tom	0	0	0			
Runaway	0	0	0			
Trespass of Real Property	80	113	135			
All Other Offenses	940	1,052	1,265			
<b>Total</b>	<b>2,646</b>	<b>3,193</b>	<b>3,696</b>			

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

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

Third quarter arrests reflected geographically:



Comparison of 2021 to 2022 third quarter arrest data:

Sex	2021 (Q3)	2022 (Q3)
Male	1,332	1,641
Female	440	619
Unknown	0	1
<b>Total</b>	<b>1,772</b>	<b>2,261</b>

Race	2021 (Q3)	2022 (Q3)
Asian	16	43
African-American	844	1,046
Native American	8	13
Other	34	50
Caucasian	870	1,109
<b>Total</b>	<b>1,772</b>	<b>2,261</b>

Hispanic*	141	181
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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 third quarter of 2022, MPD officers responded to 36,241 calls for service. In that time, there were eighty-four (84) citizen contacts in which officers used recordable force during the encounter. Each of these force incidents was reviewed for compliance with MPD standard operating procedures.

Description	Q1	Q2	Q3	Q4	Total
Calls for Service	29,785	35,958	36,241		
Citizen Contacts Where Force Was Used	64	77	84		
% of CFS Where Force Was Used	0.21%	0.21%	0.23%		
<b>Force</b>					
Decentralization/Takedown	57	64	51		
Active Counter Measures	11	16	21		
Taser Deployment	11	7	7		
Hobble Restraints	6	11	11		
OC (i.e. Pepper) Spray Deployment	3	8	17		
Baton Strike	0	0	0		
K9 Bite	0	2	1		
Firearm Discharged Toward Suspect	1	0	0		
Impact Munition	1	2	4		
Specialty	0	0	0		
<b>Total</b>	<b>90</b>	<b>110</b>	<b>112</b>		
Firearm Discharged to Put Down a Sick or Suffering Animal	7	16	9		

\*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>

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

District*	Q1	Q2	Q3	Q4	Total	%
West	6	7	4			
Midtown	9	15	15			
South	7	8	5			
Central	15	17	38			
North	10	15	10			
East	16	15	10			
Out of County	0	0	0			
Within County - Assist	1	0	2			
<b>Total</b>	<b>64</b>	<b>77</b>	<b>84</b>			

Time of Day/Patrol Shift	Q1	Q2	Q3	Q4	Total	%
<b>1<sup>st</sup> Detail (7am – 3pm)</b>	14	11	17			
<b>3<sup>rd</sup> Detail (3pm – 11pm)</b>	30	36	39			
<b>5<sup>th</sup> Detail (11pm – 7am)</b>	20	30	28			
<b>Total</b>	<b>64</b>	<b>77</b>	<b>84</b>			

Comparison of third quarter 2021 with third quarter 2022 use of force data:

Force	2021 (Q3)	2022 (Q3)
Decentralization/Takedown	56	51
Active Counter Measures	8	21
Taser Deployment	2	7
Hobble Restraints	7	11
OC (i.e. Pepper) Spray Deployment	16	17
Baton Strike	0	0
K9 Bite	1	1
Firearm Discharged Toward Suspect	0	0
Impact Munition	1	4
Specialty (SWAT/SET)	0	0
<b>Total</b>	<b>91</b>	<b>112</b>

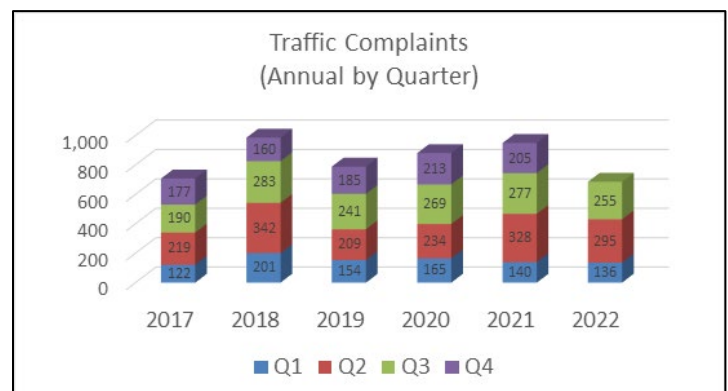
**Restorative Justice Data (3<sup>rd</sup> Quarter, 2022)**

12-16 Year Old Youth Data from YWCA	17-25 Year Old Data from CRC
<p><b>Total referrals: 33</b>                      Opted-in: 27                      Opted out: 4                      Neither: 2 (these referrals voided due to defendant’s age or officer error)</p> <p><b>Offenses:</b>                      Battery: 7                      Damage to Property: 3                      Disorderly Conduct: 13                      Depositing Human Waste Products: 1                      Expectorating in Public: 1                      Resist/Obstruct: 3                      Theft (2 Retail, 1 Regular): 3                      Trespass: 1                      Unlawful Use of Emergency #: 1</p>	<p><b>Total referrals: 47</b></p> <p><b>Offenses:</b>                      Battery: 2                      Disorderly Conduct: 34                      Damage to Property: 5                      Obstructing: 4                      Retail Theft: 8                      Theft: 1</p> <p>*Total is more than 47 due to multiple citations for some respondents.</p>

**Traffic**

**Traffic Complaints –**

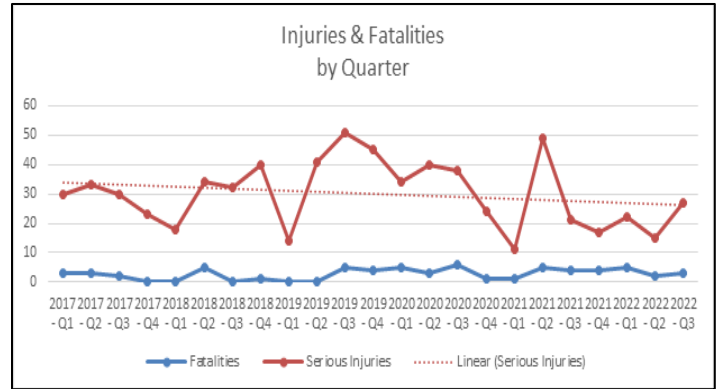
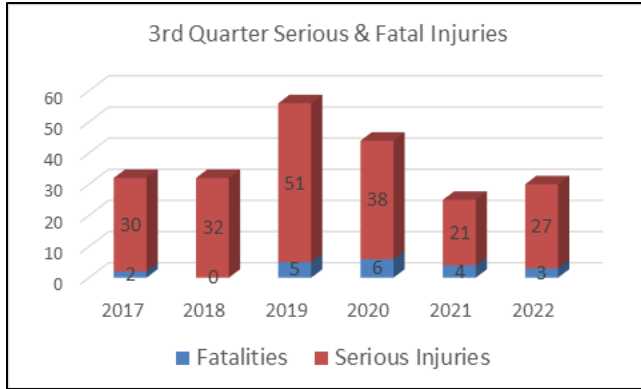
Community members may submit a traffic complaint or concern to the Madison Police Department by utilizing [online submissions](#) or calling the speeders hotline (608-266-4624). Since 2017, there are an average of 841 traffic complaints submitted to MPD annually, and 252 complaints on average in the 3<sup>rd</sup> quarter. In the 3<sup>rd</sup> quarter of 2022, MPD received 255 traffic complaints, a 1% increase from our average.





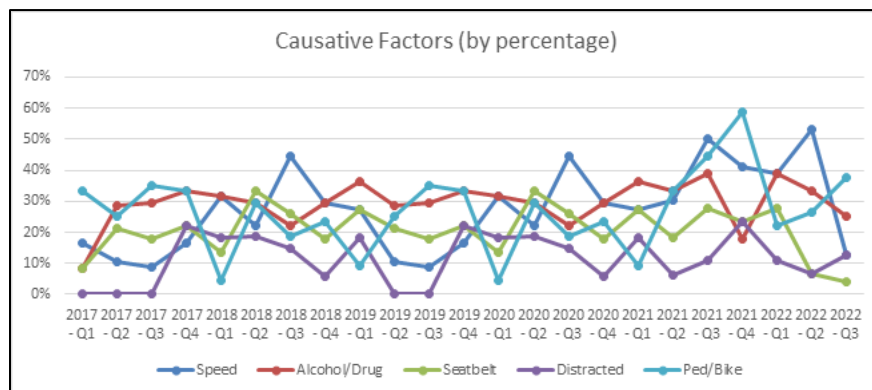
### Serious/Fatal Crashes

The Madison Police Department investigates traffic crashes that result in approximately 131 serious injuries and 10 fatalities each year. In the 3<sup>rd</sup> Quarter of 2022, MPD investigated crashes resulting in 3 fatalities (3.4 average/year in Q3) and 27 serious injuries (34.4 average/year in Q3)



Factors involved in most serious or fatal crashes remain relatively consistent each year. Pedestrian or bicyclist involvement in the crash results in the highest percentage of crashes with serious or fatal injuries. Driver factors that lead to serious or fatal crashes include impaired driving through the use of drugs and/or alcohol, speeding, and failure to use restraint devices.

	Historical Averages	2022 Quarter 3
Speed	24%	13%
Alcohol/Drug	26%	25%
Seatbelt	23%	4%
Distracted	10%	13%
Pedestrian/Bike	32%	38%



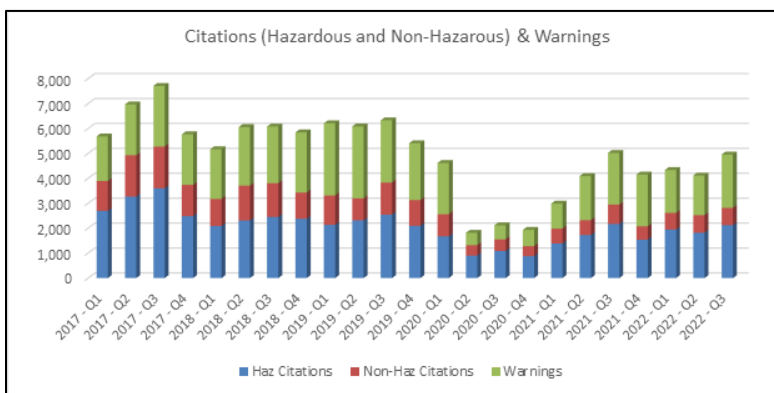
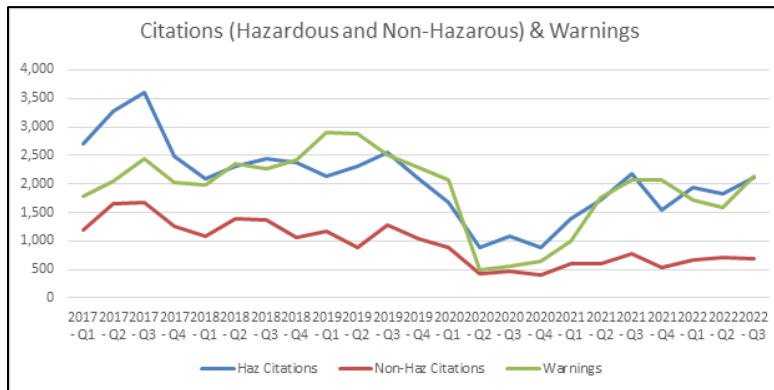
## Enforcement

Overall traffic citations include those issued by MPD personnel pursuant to traffic stops and crash investigations, those issued by Traffic Enforcement Safety Team (TEST) personnel, and those issued during traffic grant overtime deployments. MPD has four primary goals in traffic enforcement:

1. Focus on Hazardous Moving Violations
  - a. De-emphasize non-hazardous violations and support alternative outcomes (i.e. warnings)
2. Focus on High Injury Network
3. Supporting school zone safety
4. Responsive to citizen complaints

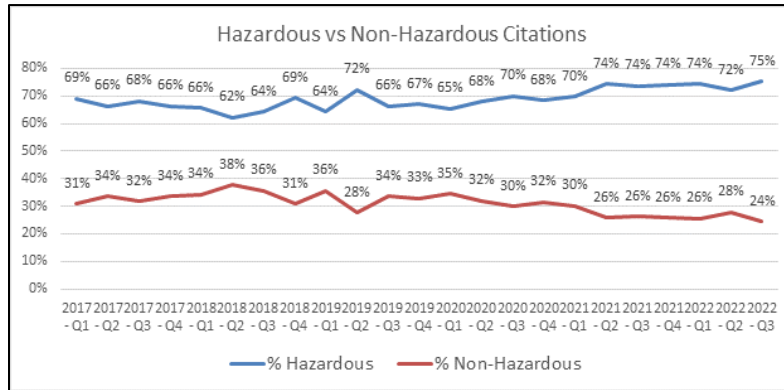
Annually, MPD issues, on average, approximately 20,015 citations and warnings.

	1 <sup>st</sup> + 2 <sup>nd</sup> + 3 <sup>rd</sup> Quarter Average 2017-21	1 <sup>st</sup> + 2 <sup>nd</sup> + 3 <sup>rd</sup> Quarter 2022
Hazardous Citations	6,470	5,892
Non-Hazardous Citations	3,096	2,069
Warnings	5,826	5,444



MPD’s #1 traffic goal is to focus on hazardous moving violations and to de-emphasize (supporting warnings or other non-citation outcomes) for non-hazardous violations. This goal was added at the beginning of 2021 after considerable research into the racial and economic disparate outcomes of non-hazardous violations such as registration, vehicle equipment, and driver’s license status citations. Prior to 2021, MPD averaged an approximate 2:1 ratio of hazardous to non-hazardous citations. In 2021, MPD

has increased that ratio to almost 3:1 and has reduced the percentage of non-hazardous citations (as compared to hazardous citations) approximately 6%. MPD continues to maintain an approximate 3:1 ratio.



### Training

The 2022 academy class will graduate on November 17<sup>th</sup> and move into field training. Approximately fifty field training officers will share the responsibility of mentoring, teaching and evaluating this group of recruits as they transition from the academy to the field. Earlier this fall, all field training officers completed training focused on documentation and best practices in mentoring, coaching and learning through student-centered feedback. The entire field training process is led by a cadre of FTO Sergeants and supervised by Lieutenants Mike Richardson and Erik Fuhremann. Field training will wrap up in early February as we approach MPD’s annual shift-change.

Recruiting, testing and screening for our May 2023 Pre-Service Academy continues with our application deadline of November 14<sup>th</sup> just weeks away. Application numbers are still behind the same time last year and we continue to explore strategies to attract new candidates and experienced officers to Madison and MPD.

The Training Team is busy planning to support our districts as they plan for their annual district in-services that will all incorporate rapid deployment. Sgt. Imoehl, the in-service sergeant, is overseeing the development of a five year in-service training plan. Spring in-service in 2023 will include emergency driving and stratified policing in addition to a number of other topics.

### 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 posts drafts of new/revised SOPs on our website before final implementation, to allow for public review and comment.

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

MPD did not acquire any property through DLA/LESO during the third quarter of 2022.

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

During the third quarter, there were 104 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 104 instances occurred on sixty-four (64) dates (some days required limited call response multiple times); this means that at some point on about 70% of the days during the third quarter MPD patrol response was limited. The 104 instances spanned about 267.9 total hours of limited call response, an average of 2.6 hours per instance. In terms of total hours during the third quarter, MPD patrol response was limited to emergency and priority calls about 12% of the time.

### *Promotions*

#### **2022 – Third Quarter Promotions**

Sergeant Kimberly Alan to Lieutenant  
Police Officer Rayvell Gillard to Sergeant  
Police Officer Nicholas Pine to Sergeant  
Police Officer Nicholas Cleary to Detective  
Police Officer Stephen Zighelboim to Detective  
Police Officer Casey Amoroso to Detective  
Police Officer Nicholas Meredith to Detective

#### **Discipline/compliments (links to quarterly PS&IA summaries)**

<https://www.cityofmadison.com/police/documents/psiaSummary2022JulSep.pdf>

<https://www.cityofmadison.com/police/documents/psiaRecognition2022JulSep.pdf>

## Updated/New SOPs for MPD: July-September, 2022

Demonstrations and Assemblies: 09/20/2022

Domestic Abuse: 09/20/2022

Special Events Team Specialty Teams: 09/20/2022

TIME System Use and Dissemination of Records: 07/12/2022

Workplace Telestaff Requirements: 07/12/2022



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Demonstrations and Assemblies

Eff. Date ~~04/25/2022~~ 09/20/2022

## PURPOSE

The purpose of this standard operating procedure (SOP) is to establish guidelines for managing crowds, protecting individual rights, and preserving the peace during crowd events.

## POLICY

It is the policy of the Madison Police Department (MPD) to protect individual constitutional rights related to assembly and free speech; to effectively manage crowds to prevent loss of life, injury, or property damage; and to minimize disruption to persons who are not directly involved in any particular assembly or demonstration.

## DEFINITIONS

**Freedom of Speech and Assembly:** For the purposes of this SOP, as articulated in the United States Constitution and the Constitution of the State of Wisconsin, the collective rights of the people to peaceably assemble, to consult for the common good, and to petition the government, or any department thereof.

**Demonstration (or Protest):** An assembly of persons organized primarily to engage in free speech activity. These may be permitted and scheduled events that allow for law enforcement planning. They include, but are not limited to, marches, protests, and other assemblies intended to attract attention.

**Community Dialogue Representative (CDR):** Community members and leaders who serve as communication conduits between demonstrators and law enforcement and who possess credibility with the community to defuse tense situations without law enforcement intervention.

**Demonstration/Event Liaison:** Member(s) of MPD who attempt(s) to engage in dialogue with known event or demonstration organizers to assist MPD in its planning and to develop a shared understanding of the organizers' needs and objectives.

**Civil Disobedience:** A non-violent form of protest or resistance to obeying certain laws, demands, or commands of a government.

**Civil Disturbance or Unlawful Assembly:** Per Wisconsin State Statute Sec. 947.06, three or more people who cause such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed. An unlawful assembly may also be known as a civil disturbance or a riot.

**Crowd Management:** Techniques used to facilitate lawful assemblies before, during, and after the event for the purpose of maintaining lawful status through event planning, pre-event contact with event organizers, issuance of permits when applicable, information gathering, personnel training, and other means.

**Crowd Control:** Law enforcement response to crowds that have become an unlawful assembly / civil disturbance that may require dispersal and / or arrests.

**Protective Equipment:** Additional clothing items and equipment that law enforcement personnel may don to help protect them from physical injury. Protective equipment includes, but is not limited to, helmets; gas masks; chest, arm, and leg protectors; and gloves.

## PROCEDURE

### MANAGEMENT AND ORGANIZATION PRINCIPLES

It is the responsibility of MPD personnel to protect the rights of people to peaceably assemble, to consult for the common good, and to petition the government or any department thereof.

When working with crowds, the overall police philosophy must be one of moderation and flexibility. To the degree that it can be done safely, it is preferred that crowd participants self-regulate and manage their own events.

Communication between police and event organizers before and during events can create mutual understanding, generate cooperation and compliance, and prevent disorder.

Crowds are dynamic in nature. The totality of the circumstances must inform the decision to introduce police action to maintain public safety. The preferred police response is one of crowd management rather than crowd control.

MPD personnel have an obligation to protect community members' rights while maintaining order, protecting property, and ensuring safety, peace, and order. Freedom of speech, association, and assembly, and the right to petition the government are subject to reasonable restrictions on the time, place, and manner of expression.

When deciding whether to use certain police tactics within a crowd, MPD personnel must always balance the benefits of such action(s) to maintain public safety and order along with the impact on the demonstration participants' freedom of speech and assembly, and the impact on people and property. MPD personnel prioritize life, safety, protection of property, and constitutional rights, with an emphasis on life safety.

When safe and feasible and without compromising public safety, MPD personnel should seek opportunities to reduce the likelihood of the need to use force. Mass arrests should be avoided unless necessary.

Officers will utilize seven principles, known as the "Madison Method," when working with crowds:

1. We protect community members' constitutional rights to assemble, to petition the government, and to engage in free speech.
2. We are impartial and remain neutral regardless of the issue.
3. We maintain open dialogue with community members and the news media before, during, and after demonstrations.
4. We monitor demonstrations and marches to protect individual rights and ensure public safety.
5. We balance the rights of demonstrators with the rights of the community at large.
6. We use restraint in the use of force; we protect people first and property second.
7. We, as peace officers, pursue continuous improvement of our method.

### ORGANIZATIONAL RESPONSIBILITIES

A Federal Emergency Management Agency (FEMA) Emergency Management Institute Incident Command System (ICS) will be used by MPD personnel to plan for, to staff, and to manage crowd events. FEMA defines ICS as follows:

"A standardized approach to the command, control, and coordination of on-scene incident management, providing a common hierarchy within which personnel from multiple organizations can be effective. ICS is the combination of procedures, personnel, facilities,

equipment, and communications operating within a common organizational structure, designed to aid in the management of on-scene resources during incidents. It is used for all kinds of incidents and is applicable to small, as well as large and complex, incidents, including planned events.”

Organization of responsibilities for managing demonstrations and assemblies shall be as follows:

- 1) The Incident Commander (IC) is the individual responsible for on-scene incident activities and has overall authority and responsibility for conducting incident operations. The IC shall:
  - a) Oversee the development, dissemination, and implementation of written operational plans, also known as the Incident Action Plan (IAP), for planned crowds and events. Documentation of and about a spontaneous event may occur as the spontaneous event develops and shall be formally preserved as soon as practicable after the spontaneous event;
  - b) Determine the mission and objectives and consider what deployment options and tactics are objectively reasonable under the totality of the circumstances;
  - c) When deciding whether to use certain police tactics within a crowd, the IC shall balance the benefits of such action(s) to maintain public safety, peace, and order along with the impact on the demonstration or event participants' First Amendment rights and other constitutional rights;
- 2) The Operations Section Chief is the individual responsible for implementing tactical incident operations described in the IAP, or other available written event documentation. The Operations Section Chief shall:
  - a) Assist the IC in determining staffing levels, probable missions, and possible tactical strategies during the planning for the event; and
  - b) Assign units to specific missions during the event to meet the objectives established by the IC.
- 3) The Special Events Team (SET) Incident Command Post (ICP) Commander is the SET representative assigned to the incident/event command post and is responsible for the overall deployment and management of SET resources. The SET ICP Commander shall:
  - a) When feasible, facilitate pre-event informational briefing prior to planned events;
  - b) Effectuate tactics designed to accomplish mission objectives;
  - c) When feasible, and through the use of the Demonstration/Event Liaison, attempt to establish and maintain communication, with the Person-In-Charge / Event Point of Contact, or designee, during demonstrations;
  - d) Communicate updates and information from the Incident Command Post (ICP) to the SET Field Commander(s) and from SET Field Commander(s) to the ICP;
  - e) Ensure that grenadier munition deployments reported over the radio are recorded in the ICP event log;
  - f) Record SET activity on an ICS-214 form.
- 4) The SET Field Commander(s) / supervisor(s) is/are the highest-ranking supervisory SET member(s) assigned to the event in the field. SET Field Commander(s) shall:
  - a) Assess the behavior of the crowd and regularly provide updates to the IC;
  - b) Serve as or designate an alternate Demonstration/Event Liaison;
  - c) Direct SET members to attempt to positively interact with the crowd when safe and appropriate.
- 5) SET Sergeants are the direct supervisors of squads of SET Officers. SET Sergeants:
  - a) Shall verify that SET officers have the proper equipment;



- b) Shall ensure that all SET officers are briefed prior to the start of the event;
  - c) Should maintain close contact with their assigned officers during deployments to ensure compliance with directives, monitor behavior and disposition, and ensure that they are aware of any changes in crowd behavior or intent;
  - d) Shall ensure the completion of required documentation for any use(s) of force and/or injury.
- 6) The SET Lead Grenadier is the SET Grenadier Team member designated to serve as the team leader for a given event deployment. The SET Lead Grenadier shall:
- a) Ensure SET grenadiers are equipped with a proper grenadier equipment prior to deployment;
  - b) Ensure that additional equipment is loaded in an event accessible vehicle for deployment;
  - c) Confirm additional munitions and a system for dissemination are available in case of deployment and need for resupply;
  - d) Track the distribution of chemical and impact munitions to SET grenadiers and audit the use or return of such munitions after they are deployed into the field.
- 7) SET Grenadiers have specialized training, equipment, and skills in the use of chemical (CS) and oleoresin capsicum (OC or Pepper Spray) munitions, sprays, and aerosols, and in the deployment of impact munitions. SET Grenadiers:
- a) Shall be issued a standard array of SET munitions and equipment and at a minimum, individual grenadiers will inspect and inventory their assigned load out at a minimum frequency of twice per year;
  - b) Should inspect and inventory their assigned grenadier equipment and supplies at the beginning of each activation;
  - c) When authorized, shall deploy to the field with the standardized complement of grenadier equipment and shall only deploy with authorized equipment for which they have received proper training;
  - d) Should not carry Grenadier equipment outside of SET deployments or during the course of their regular duties unless authorized by a SET commander or designee. In exigent circumstances, grenadiers may deploy specialized grenadier equipment with the permission of a supervisor, but shall inform a SET commander as soon as practicable;
  - e) Shall, as soon as practicable, relay information over the police radio about any munition deployed so that an audio record of the deployment exists; information relayed should include the type, quantity, and location of any munition deployed.
- 8) SET Field Extrication Team (FXT) members have specialized training and skills to extricate persons from protest devices. When demonstrators' actions and/or practices unreasonably impede traffic, restrict the public's freedom of movement, and/or jeopardize public safety, SET FXT members will be activated to respond. SET FXT members:
- a) Shall ensure the safety of demonstrators, the public at large, and themselves when responding to a protest device;
  - b) Shall utilize techniques based on training, the MPD Code of Conduct, and other MPD SOPs to assess, plan, and when necessary, extricate a person from a protest device;
  - c) Shall demonstrate the safe and proper use of all FXT tools and equipment;
  - d) Shall inspect and maintain an inventory of all equipment and the equipment shall be stored in the designated department-issued vehicle;
  - e) Should not carry FXT equipment outside of SET deployments or during the course of their regular duties unless authorized by a SET commander or designee.

- 9) SET Medics have specialized training and skills to provide immediate emergency casualty care to officers and to citizens within an austere environment. SET Medics:
- a) Should be incorporated into as many platoon or squads as staffing assigned to the event allows;
  - b) Shall be issued a standard array of SET medics supplies and equipment and shall carry this equipment with them during events;
  - c) Are authorized to keep their SET-issued specialized medical equipment with their regular work equipment to allow them to respond to any incident involving mass casualties or a clear need for emergency casualty care response;
  - d) Shall follow appropriate protocol for emergency medical treatment established by the following authorities:
    - i) The State of Wisconsin Department of Justice Law Enforcement Standards Board for Tactical Emergency Casualty Care
    - ii) The directions, trainings, and protocol as ordered by the Medical Director of MPD.
- 10) SET Bike Team members have specialized training and skills to use police bikes to perform crowd engagement and management duties. SET Bike Teams:
- a) Should be deployed in teams of a least two riders/team;
  - b) Shall wear approved bike uniform or a high-visibility vest over a standard MPD uniform when riding;
  - c) Shall wear helmet at all times when the bicycle is in operation;
  - d) Should follow rules of the road when riding, to include the display of proper front and rear lighting, except under the following conditions (Wisconsin State Statute 346.03(3)):
    - i) In response to an emergency call;
    - ii) While engaged in rescue operations;
    - iii) In the immediate pursuit of an actual or suspected violator of the law.
- 11) SET Officers:
- a) Uniformed personnel shall wear identification (nameplates, IBM/badge number) in a visible location on their person at all times;
  - b) Should focus on conveying the message that law enforcement is present at the event to protect crowd participants and their right to demonstrate peacefully;
  - c) Shall report and document any use of force according to the Use of Force Data Collection and Review SOP.

## COMMUNICATION

MPD's goals during demonstration and assembly events are to facilitate participants' lawful objectives and protect their rights to freedom of speech and to assemble. Furthermore, where event participants comply with statutes and ordinances, MPD personnel should encourage and support participants' efforts to monitor themselves in an attempt to limit police involvement.

When a police response is requested or deemed necessary, the IC shall designate at least one Demonstration/Event Liaison who shall:

- a. Make reasonable efforts to contact and engage in dialogue with known event or demonstration organizers to assist MPD personnel in their planning and to develop a shared understanding of the organizers' needs and objectives. Similarly, the Demonstration/Event Liaison(s) should communicate law enforcement's expectations and inform participants on permissible and restricted actions during the

- event or demonstration and should be prepared to explain specific safety concerns and how MPD may intervene if safety becomes an issue
- b. Attempt to maintain communication with known event or demonstration organizers or the Person(s)-In-Charge before and during the event. The Demonstration/Event Liaison(s) shall maintain communications with the IC to keep them apprised of the situation. Consideration should be given to multilingual communication needs.

MPD, through the Public Information Officer (PIO) or another designee and in coordination with the IC, may communicate through the use of social media and other conventional outlets to keep the public, including the crowd, informed throughout the event.

During crowd events, MPD personnel may make announcements to the crowd designed to convey general information, to communicate targeted information to specific individuals, and to serve as a de-escalation tool by directing and informing the crowd in an attempt to prevent the need for police action. MPD may request the presence of Community Dialogue Representatives (CDR) who can facilitate productive public safety interactions and communications at demonstrations when the presence of these community representatives may assist in achieving public safety.

### **PLANNED CROWDS AND EVENTS**

Planning for events or demonstrations will be the responsibility of the affected district command staff where the event is scheduled to occur, or of the MPD Special Events Coordinator, or of the designee of the Chief. The designated IC shall determine the level of police response, if any, is warranted.

The IC, or designee, shall make reasonable efforts in advance to contact event organizers and attempt to gather as much of the following necessary information about the event from the event organizers and other available information sources (Criminal Intelligence Section, social media, past event experience, etc.) to ensure accurate assignment of personnel and resources:

- a. What type of event is involved?
- b. When is it planned to occur?
- c. Will the event coincide with other routine, large-scale events (e.g., sporting events)?
- d. Is opposition to the event expected?
- e. How many participants are expected to attend the event?
- f. What are the assembly areas and movement routes in and around the event location?
- g. What actions, activities, or tactics are anticipated, to include use of demonstrator devices designed to thwart arrest?
- h. What critical infrastructures are in the proximity of the event?
- i. Have permits been issued?
- j. Have other agencies, such as the Madison Fire Department (MFD), Madison Metro, and/or Traffic and Engineering been notified?
- k. Is there a need to request mutual aid?
- l. Will off-duty personnel be required?
- m. What is the history of conduct at prior such events?
- n. Are event organizers cooperative with police communication and coordination attempts?
- o. Who are the potential counter-protest groups?
- p. Is there a history of violence between the group demonstrating and potential counter-protest groups?

The IC or designee shall prepare a written plan subject to the approval of the chief executive officer or designee. The plan should address the following and should be distributed to all participating agencies and special response teams:

- a. Command assignments and responsibilities
- b. Personnel, unit structure, and deployment considerations to include the need for special response teams (i.e., SET, MFD, Special Weapons and Tactics (SWAT), Unmanned Aircraft System (UAS), etc.)
- c. Information obtained through liaison(s) with event planners
- d. Communication plan, to include release of information to the media
- e. Pre-event intelligence analysis
- f. Weather and terrain at the event location
- g. Transportation, support, and relief of personnel
- h. Staging points for additional resources and equipment
- i. Traffic management plan
- j. First aid stations established in coordination with emergency medical service providers
- k. Demonstrator devices, extrication teams, and equipment
- l. Transportation of arrestees
- m. Arrestee processing areas, to include required considerations for youth arrests
- n. Any laws, ordinances, or administrative rules specific to the event

## SET ACTIVATION

SET may be activated for a special event, demonstration, dignitary protection, or any unlawful assembly / civil disturbance. SET personnel may deploy on foot, on bicycles, and/or in vehicles for any planned or spontaneous event to which the team is assigned to work.

Initial requests for SET activation should be made to the Lead SET Commander. If that person cannot be contacted immediately, a deputy SET commander shall be contacted. A full-team SET activation should generally be approved by the lead SET Commander and designated Assistant Chief; however, SET use may be approved by any MPD supervisor if no SET commander/supervisor can be contacted, or in case of extraordinary emergency where command approval would be impractical. A SET commander will be notified as soon as possible of any SET usage that did not have prior authorization.

SET personnel, under the direction of a SET commander or designee, will have primary responsibility for on scene management and control of all crowd events in which any significant portion of the team is activated. SET personnel shall avoid leaving MPD vehicles unattended at any point during a deployment. SET personnel shall stow their protective equipment at the stand-down location(s) for the team or in their assigned vehicle during a mobile event responses.

Whenever two or more SET platoons are activated, or when determined at the discretion of a SET commander, an incident command post (ICP) will be designated and staffed. When possible, the ICP will be staffed by a SET commander, an affected district commander, a camera operator, and a recorder. The camera operator is responsible for accessing available camera footage of the event area in the ICP and requesting the preservation as evidence of any such footage. The recorder is responsible for maintaining an event log and other necessary documentation while the ICP is active.

## SET DEMOBILIZATION

At the conclusion of any SET deployment:

- a. SET supervisors shall account for all personnel engaged in the incident and shall assess and document any personal injuries.

- b. Equipment used during the deployment should be inventoried and inspected for damage and replaced when necessary.
- c. Any arrests shall be reported to the incident commander.
- d. All SET field personnel shall report any and all uses of force to a supervisor before the conclusion of their assignment. SET supervisors shall complete the MPD SET demobilization checklist whenever uses of force or injury occurred during a deployment.
- e. All SET field personnel shall complete a police report on any uses of force before the conclusion of their assignment.

After a crowd control incident, SET personnel should debrief and conduct an after-action review of the incident when practicable.

### **SPONTANEOUS CROWDS**

A spontaneous crowd is not necessarily unlawful, nor does it automatically require a significant police response. If the crowd is at an MPD station or facility, refer to the District Station and Facility section of this SOP.

A sergeant shall respond to the location of a spontaneous crowd and determine if a police response is warranted. If a police response is warranted, the sergeant shall coordinate the response and notify the Officer in Charge (OIC).

When safe and feasible, the on-scene sergeant or designee may attempt to engage the spontaneous crowd organizer in an effort to determine an appropriate police response.

If crowd behavior escalates beyond civil disobedience to a level that may pose a threat to public safety during a spontaneous crowd event that is being managed by a sergeant, the OIC shall contact a commander in the affected district to assess the needs for additional resources.

### **SPONTANEOUS CIVIL DISTURBANCE**

The first officer(s) to arrive on the scene of a spontaneous civil disturbance should:

- a. Observe the situation from a safe distance to determine if property damage or acts of violence are occurring;
- b. Advise on the police radio of the nature and seriousness of the disturbance, particularly the following:
  - i) the location and estimated number of participants,
  - ii) the presence of weapons,
  - iii) current activities (e.g., blocking traffic, violence, looting),
  - iv) direction of movement of participants,
  - v) routes of ingress and egress for emergency vehicles;
- c. Request the assistance of a supervisor and necessary backup officers; and
- d. Attempt to pinpoint crowd leaders and agitators engaged in criminal acts;

A supervisor at the scene of a spontaneous civil disturbance should:

- a. Deploy officers at vantage points to report on crowd actions;
- b. Depending on intelligence and observations, consider attempting to establish contact with the demonstrators;
- c. Move and reroute pedestrian and vehicular traffic around the event location;

- d. Ensure, to the degree possible, that uninvolved individuals are evacuated from the immediate area of the event location;
- e. Designate a secure staging area for emergency responders and equipment;
- f. Provide ongoing situational assessments over the police radio and request a dedicated, encrypted police radio channel;
- g. Establish a temporary command post;
- h. Form Strike Teams: Responding officers should be formed into strike teams of generally three (3) to four (4) officers (minimum) and a sergeant. For officer safety, officers should always work in teams in crowd environments. Sergeants should rely on the experience of on duty SET members to help organize teams and tactics.
- i. Announcements: At the first available opportunity, make audible requests that the crowd voluntarily disperse. This can be done from a safer distance by using the squad public address (PA) device. When possible, make repeated announcements and allow enough time for voluntary compliance. When feasible, note announcement times with dispatch over the police radio.
- j. Ensure that adequate security is provided to MFD and Emergency Medical Services (EMS) personnel in the performance of emergency tasks.
- k. Isolate and arrest: Only when sufficient resources are on hand, strike teams should identify and attempt to arrest individuals who are engaging in criminal conduct. Officers should communicate with each other to identify individuals involved in criminal conduct and then work as a team to safely take those individuals into custody using contact / cover principles.

Other considerations:

- a. Cameras: Valuable intelligence and situational awareness can be gained by utilizing city cameras. While strike teams are responding, and if resources allow, consider assigning an officer to access the city camera network to communicate with on-scene officers.
- b. When possible, an event log can be helpful to document activities and actions taken during the course of the incident; if resources allow, consider assigning an officer to maintain an event log.
- c. Video evidence should be preserved as needed.

When civil disturbances cannot be controlled with available field personnel within a reasonable period of time, the OIC shall contact the lead SET Commander.

## PROTECTIVE EQUIPMENT

Absent exigent circumstances, protective equipment may only be donned at the direction of a commanding officer. The decision to don protective equipment shall be based on several factors, including, but not limited to, the following:

- a. the safety of officers
- b. individual and / or group physical resistance
- c. the presence of items that can be used as weapons
- d. criminal actions or their threat
- e. violent behavior or its threat
- f. the potential impact or perceived effect that appearing in protective equipment may have on the crowd.

When practicable, the officers wearing protective equipment should be positioned in locations that minimize visibility until deployment is necessary. Officers may elect to don helmets separately from the rest of their protective equipment if they can articulate that the additional protection is necessary.

Mounted Patrol (MP) officers and their horses shall have their protective gear readily available at the MP stand-down location during any event deployment; this gear may be donned at the direction of a commanding officer.

### **MPD VEHICLES AND EQUIPMENT**

When civil disobedience or civil disturbance can be reasonably anticipated to occur in a particular area, officers should avoid leaving any MPD vehicles unattended in those areas.

If rifles are brought in squad cars to an area where civil disobedience or civil disturbance can be reasonably anticipated to occur, the rifles must be locked in a rifle rack or in a secured cabinet in the squad car, unless the rifles are being actively handled by an officer. Any rifle that cannot be secured in the locked rack or cabinet in the vehicle should be stored at a secure MPD location.

All MPD personnel shall abide by any parking directives set in place for any planned or spontaneous events.

### **UNLAWFUL ASSEMBLY**

Pursuant to Wisconsin State statute 947.06, an "unlawful assembly" is an assembly which:

1. Consists of three (3) or more persons, and
2. Causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed.
3. An unlawful assembly includes:
  - a. an assembly of persons who assemble for the purpose of blocking or obstructing the lawful use by any other person or persons of any:
    - i) private or public thoroughfares, or
    - ii) property of or any positions of access or exit to or from any private or public building; or
    - iii) dwelling place, or any portion thereof
  - b. and which assembly which assembly *does in fact so block or obstruct* the lawful use by any other person, or persons of any such:
    - i) private or public thoroughfares, or
    - ii) property of or any positions of access or exit to or from any private or public building; or
    - iii) dwelling place, or any portion thereof

### **DISPERSAL**

If it is reasonable to believe that a significant number individuals will cause injury or property damage if not immediately dispersed, the IC may declare an unlawful assembly. The IC shall strive to accomplish the following primary objectives at an unlawful assembly:

- a. Protect people,
- b. Disperse disorderly or threatening crowds in order to mitigate the immediate risks of continued escalation and further violence;

- c. Arrest law violators, including those responsible for property damage, and remove or isolate persons inciting violent behavior.

Prior to giving the order to disperse the crowd, the IC must consider the following:

- a. The severity and degree of the threat to people or property
- b. The number and nature of unlawful acts within the crowd
- c. The number and nature of violent acts within the crowd
- d. Whether separate crowds have merged and now the group has internal conflict between participants
- e. Whether sufficient police resources are available on scene to manage the incident effectively
- f. If there are reasonable alternatives to dispersal, including
  - i) Communicating with event organizers or persons-in-charge in order to restore order through collective agreement of action
  - ii) Targeting for arrest specific individuals who are engaged in unlawful action that are driving crowd behavior
- g. Whether dispersal unduly endangers the public, the police, or participants in the crowd
- h. The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly
- i. The sole fact that some of the demonstrators or organizing groups have previously engaged in violent or unlawful acts is not grounds for declaring an assembly unlawful.

Prior to forcibly dispersing the crowd and when tactically feasible and time reasonably permits, officers will issue repeated audible warnings for the crowd to voluntarily disperse and allow for reasonable time for the crowd to comply.

- a. Designate an officer to issue loud verbal directives, using, when feasible, voice amplification (squad PA or SET megaphone). Notify dispatch of the issuance of each audible warning to disperse over the police radio.
- b. The audible warning to disperse should contain the following information:
  - i) That the gathering has been determined to be an Unlawful Assembly
  - ii) That participants are ordered to disperse
  - iii) Designated dispersal routes
  - iv) Descriptions of the prohibited behaviors
  - v) That those failing to disperse will be subject to arrest
  - vi) That the use of chemical munitions may be used to disperse the crowd.
    - 1) Example announcement:  
This gathering has been determined to be an unlawful assembly. Property has been damaged and projectiles are being thrown. All participants must leave the immediate area or be subject to arrest. Exit the area using Main Street. The use of chemical munitions may be used to disperse the crowd.
- c. Officers making audible warnings to disperse shall document the warnings in an appropriate police report, to include date, time(s), message(s), location(s), etc. Officers who hear the audible warnings should document their location in a police report.



- d. When possible, the warnings should be audio or video recorded and the time and the names of the issuing officers recorded in the IC's event log.
- e. Whenever feasible, prior to issuing dispersal warnings, the IC should place EMS/MFD personnel on standby.
- f. During extended crowd dispersal events, audible warnings to disperse should be repeated periodically, and repeated any time a crowd is being dispersed from a separate geographic location from that of the earlier announcement(s).
- g. Immediate action may be taken to address an imminent safety risk without audible dispersal warnings being issued. Audible dispersal warnings will be provided as soon as practical consistent with the guidelines above.

## **MASS ARREST**

If necessary, the IC may authorize the arrests of numerous individuals over a relatively short period of time. For this process to be handled efficiently, safely, and legally, the following should be observed:

- a. Mass arrests should be conducted by designated teams.
- b. An adequate secure area should be designated for holding arrestees after processing and while awaiting transportation to a detention/arrest processing center; separate areas should be used for adult and youth arrestees.
- c. Arrest teams should be advised of the basic offenses to be charged in all arrests and all arrestees shall be advised of these charges.
- d. Arrestees who are sitting or lying down but who agree to walk shall be escorted to the transportation vehicle for processing.
- e. Arrestees shall be searched incident to arrest for weapons, evidence of the crime of arrest, and contraband.
- f. When practical, photographs should be taken of the arrestee and any arrestee property, and an arrest information form shall be completed.
- g. Transporting officers should not accept arrestees without a properly prepared field arrest form, or functionally equivalent written documentation, and photographs, when possible; transporting officers shall also ensure that all property is properly processed.
- h. Anyone who is injured shall be provided medical attention. Photographs should be taken of all known and reported injuries.

## **PROTESTS AT DISTRICT STATIONS AND FACILITIES**

Planning and Preparation:

Annually, the captain in charge of each MPD district station or facility will review and update the appropriate protest plans for their MPD district station and facilities. The plans should be electronically stored on the MPD Intranet.

The information contained within the plans will be shared annually with staff assigned to the district or facility.

## **SPONTANEOUS DEMONSTRATIONS AT AN MPD DISTRICT STATION OR FACILITY**

Officers shall report a spontaneous demonstration at a district station or at an MPD facility to a supervisor.

A supervisor shall travel to the location of the spontaneous demonstration and shall formulate an initial response including, but not limited to, the following:

- a. If practical, conduct a walk-through of the building and confirm that the building is secure and that all personnel are accounted for.
- b. Consider relocating people, vehicles, and sensitive equipment from the involved station or facility.
- c. If necessary, implement a communications plan to notify dispatch, the OIC, and any incoming district or facility officers of an alternate reporting location and important updates about the demonstration.
- d. Ensure responding officers have appropriate protective equipment available.
- e. Consider maintaining a visible presence in the area outside of the demonstration and provide enhanced monitoring with a readiness to intervene, if necessary.
- f. Depending on intelligence and observations, consider attempting to establish contact with the demonstrators.
- g. If necessary, establish a command post in an adjacent district station or alternate facility away from the affected district or facility. This ICP should include (if possible) an Incident Commander (IC), camera operator, and a Criminal Intelligence Section officer or recorder.
- h. The IC should evaluate the needs for additional personnel and resources and work with the OIC to fulfill needs, such as activating on-duty SET personnel.
- i. Command staff of the affected district / facility should initiate an Alder/Mayoral notification if the demonstration disrupts access to the station.

Original SOP: 02/25/2015

(Revised: 04/25/2022, 09/20/2022)

(Reviewed Only: 01/27/2016, 12/22/2016, 12/26/2017, 01/30/2019, 01/31/2020)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Domestic Abuse

Eff. Date ~~12/28/2021~~  
09/20/2022

**Purpose**

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

**Procedure**

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

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

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

\*Probable Cause can be used interchangeably with "reasonable grounds" and justify an arrest without a warrant when an officer in good faith believes that a crime has been committed and that the person in question committed it; and when the officer's belief is based on grounds which would induce an ordinarily prudent and cautious person, under the circumstances, to believe likewise. Mere "suspicion" alone is never sufficient to authorize an arrest without a warrant

***In circumstances meeting the mandatory arrest requirements, the suspect SHALL be taken to the Dane County Jail (DCJ) for booking if the suspect is placed under arrest. Citations shall NOT be issued in these cases. If officers have a question about whether an arrest is mandatory, they shall contact a supervisor.***

**AT LARGE SUSPECTS**

1. Officers should attempt to locate and take domestic abuse suspects into custody.
2. When probable cause exists to arrest a domestic abuse suspect who is at large, and could not be located, the reporting officer will:
  - a. Enter suspect information and charges into SharePoint.
  - b. Complete a probable cause affidavit and if practical, a sergeant or commander review the probable cause affidavit. Contact the OIC to review the charging decision. The OIC will post the incident in the OIC Notes if the suspect remains at large.

- c. Complete the 72 Hour No-Contact paperwork. The date and time of arrest should be left blank on the 72-Hour No Contact Provision if the suspect is not in custody.
  - d. Complete a Dane County Booking form.
  - e. Complete the required LEAP Referral Form and Danger Assessment Form in instances of Intimate Partner Violence (IPV) (See below).
  - f. Forward the Booking form, 72 Hour No Contact paperwork, and Probable Cause Affidavit to the OIC.
3. When the suspect is taken into custody, the arresting officer will read the probable cause affidavit and attempt to interview the suspect regarding the incident. If probable cause still exists after this interview, the suspect shall be taken to the Dane County Jail (DCJ) and booked into jail.
4. Once the suspect is taken into custody, the date and time of arrest should be completed on the 72-Hour No Contact Provision. The victim should be notified of the date and time of arrest and this notification should be documented on the 72-Hour No Contact Provision. If unable to contact victim to make this notification, then the officer shall document the attempt to contact the victim in the officer's police report.
5. If the suspect cannot be located, then the officer shall complete a probable cause affidavit, booking sheet, and 72-Hour No Contact Provision. The date and time of arrest should be left blank on the 72-Hour No Contact Provision if the suspect is not in custody.
6. The PC affidavit, booking sheet, and 72-Hour No Contact Provision shall be forwarded to the OIC's office.
7. When the suspect is taken into custody, the arresting officer will read the probable cause affidavit and attempt to interview the suspect regarding the incident. If probable cause still exists after this interview, the suspect shall be taken to the Dane County Jail (DCJ) and booked into jail.
8. Once the suspect is taken into custody, the date and time of arrest should be completed on the 72-Hour No Contact Provision. The victim should be notified of the date and time of arrest and this notification should be documented on the 72-Hour No Contact Provision. If unable to contact victim to make this notification, then the officer shall document the attempt to contact the victim in the officer's police report.

## ARREST FACTORS

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

## DISCRETIONARY ARREST (INTIMATE PARTNER VIOLENCE)

1. Madison Police Department (MPD) officers are encouraged to take a pro-arrest approach when officers are investigating Intimate Partner Violence between adults, but have not met the State of Wisconsin's statutory mandatory arrest requirements, as outlined above.
2. The following factors should be considered when making this decision:
  - a. Probable Cause exists that a crime of violence has occurred,
  - b. Physical injury exists, or
  - c. The officer reasonably believes there is a likelihood of continued abuse.
3. In cases of Intimate Partner Violence (IPV) when a physical arrest is made, officers shall also complete the Danger Assessment form and Law Enforcement Advocate Program (LEAP) Referral form.
4. In all cases of IPV, officers shall check the "Domestic – Intimate Partner Viol" checkbox of the Case Data (Modus Operandi) field of the Detail tab of the Field Report.

## REPORT REQUIRED WHERE NO ARREST

1. Officers shall complete a report on all domestic abuse calls for service. The report shall be completed prior to the end of their shift unless a supervisor approves for the report to be held. Calls for service

- dispatched as a domestic abuse incident shall not be changed to a call type that requires no report without the authorization of a supervisor.
2. The domestic abuse arrest law requires a law enforcement officer who does not make an arrest in a domestic abuse incident, but has probable cause to make an arrest, to prepare a written report prior to the end of his or her tour of duty stating why the person was not able to be taken into custody.
  3. The District Detective Lieutenant will review the case and, if necessary, request that CIU send the officer's report will be sent to the Dane County District Attorney's Office for review to determine whether the person involved in the incident should be charged with the commission of a crime.
  4. Please refer to the "AT LARGE SUSPECTS" portion for procedure.
  5. While Wisconsin State Statute 968.075 (Domestic Abuse Incidents) compels reasonable efforts to locate and arrest suspects who have committed acts of domestic abuse, there will be limited instances when this is not possible (hence, the need to forward a copy of the officer's incident report to the Dane County District Attorney's Office). Examples where an arrest may not be immediately plausible include the following:
    - a. Reasonable efforts to locate and arrest the suspect are unsuccessful.
    - b. The suspect is located, but due to incapacitation from alcohol and/or drug use, the suspect is placed under protective custody and is conveyed to Detox.
    - c. The suspect has been committed under the standard for an emergency detention.
    - d. The suspect has received injuries necessitating an overnight admission to a hospital. Consult with the Officer-in-Charge (OIC) to determine whether a guard should be posted.
  5. Please refer to the "AT LARGE SUSPECTS" portion for procedure.
  6. When probable cause exists to arrest a domestic abuse suspect who is at large, the reporting officer will:
    - a. Enter suspect information and charges into SharePoint.
    - b. Complete a probable cause affidavit and if practical, a sergeant or commander review the probable cause affidavit. Contact the OIC to review the charging decision. The OIC will post the incident in the OIC Notes if the suspect remains at large.
    - c. Complete the 72 Hour No Contact paperwork.
    - d. Complete a Dane County Booking form.
    - e. Complete the required LEAP Referral Form and Danger Assessment Form in instances of Intimate Partner Violence (IPV) (See below).
    - f. Forward the Booking form and Probable Cause Affidavit to the OIC.

## MUTUAL DOMESTIC ABUSE

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

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

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

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

## PAPERWORK

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

### 72-HOUR NO CONTACT PROVISION

1. Unless there is a waiver by the domestic abuse victim, during the 72 hours immediately following an arrest for a domestic abuse incident, the arrested person is required to:
  - a. Avoid the residence of the domestic abuse victim of the domestic abuse incident and, if applicable, any premises temporarily occupied by the domestic abuse victim; and
  - b. Avoid contacting or causing any person, other than law enforcement officers and either party's attorney to contact the domestic abuse victim.
2. At any time during the 72-hour period specified above, the domestic abuse victim may sign a written waiver of the 72-hour No Contact Provision. The Madison Police Department (MPD) will have Change of Status forms available for this purpose. Copies of the 72-hour No Contact Provision and the Change of Status forms shall be provided to the suspect, Dane County Communication Center, Dane County Jail, and MPD Records.
3. The officer responsible for the arrest of a person for a domestic abuse incident will ensure that the domestic abuse victim is notified of the No Contact Provision.
4. A 72-hour No Contact Provision form should be completed even if the domestic abuse crime occurred outside of the 28-day mandatory arrest timeframe.

### VIOLATION OF 72-HOUR NO CONTACT PROVISION

1. Violation of the 72-Hour No Contact Provision is a new crime. If an officer has probable cause to believe the 72-Hour No Contact Provision has been violated (968.075(5)(a) ~~2~~ **1**), the offender shall be arrested and taken to the Dane County Jail.
2. A new case number is required for the new violation.
3. **Do not complete a new 72-Hour No Contact Provision if the no contact provision is the only violation (i.e. no new additional domestic abuse crimes). ~~should be completed by the investigating officer.~~**
4. If the Danger Assessment and LEAP were completed following the initial arrest, those forms do not need to be completed again.
5. If there is a new domestic abuse crime (see definition above on page 1) within the 72 hours, that new crime has a felony enhancer of 939.621. Furthermore, **a new domestic abuse crime requires a NEW 72-hour No Contact Provision form should be completed.** This felony enhancer applies even if there is a *different* domestic abuse victim of the new domestic abuse crime and not just for new domestic abuse crimes against the original victim.

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

### NOTIFICATION TO VICTIMS-VICTIM RIGHTS' INFORMATION FORM

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

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

1. The availability of all shelters and services dealing with domestic violence and sexual assault issues in the victim's community.
2. Providing the victim with a statement that reads substantially as follows: "If you are the victim of domestic abuse, you may contact a domestic violence victim service provider to plan for your safety and to take steps to protect yourself, including filing a petition under 813.12 of the Wisconsin Statutes (domestic abuse or harassment injunction)."

3. Provide victims with written notice of their Chapter 950 rights within 24 hours of contact.
4. Chapter 950 of the Wisconsin State Statutes also allows law enforcement to share information with victim service organizations.

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

## LEAP REFERRAL

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

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

## DANGER ASSESSMENT

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

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

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

## INCREASED PENALTY FOR CERTAIN DOMESTIC ABUSE OFFENSES 939.621

If a person commits an act of domestic abuse as defined in Wisconsin State Statute 968.075 (1)(a) and the act constitutes the commission of a crime, the maximum term of imprisonment for that crime may be increased by not more than two years if the crime was committed during the 72 hours immediately following an arrest for a domestic abuse incident as set forth in Wisconsin State Statute 968.075 (5)(c). As stated previously, the victim of the domestic abuse crime does not have to be the same as the victim of the domestic abuse incident that resulted in the arrested person's original arrest. The penalty increase under this section changes the status from a misdemeanor to a felony (Wisconsin State Statute 939.621).

## CHILDREN PRESENT DURING DOMESTIC ABUSE CRIMES

If children are present during domestic abuse crimes, officers shall:

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

## WEAPONS SEIZURE

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

## FEDERAL GUN VIOLATIONS

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

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

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

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

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

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



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

### **LAW ENFORCEMENT INVOLVED DOMESTIC VIOLENCE**

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

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

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

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

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

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

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

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

1. Verify that the TRO/injunction exists, either through the Dane County Public Safety Communications (PSC) Data Operator or DCJ records.
2. Determine whether the TRO/injunction has been served. This information can be obtained through the PSC Data Operator or Spillman jail records.
3. Determine the specific restriction(s) granted in the TRO/injunction.
4. Serve the TRO/injunction to the suspect if it has not been served, noting date, time of service, and officer name on the back of the TRO copy. Additionally, notify dispatch of the date and time of service. Attach a copy of this form to your report. The victim's copy of the TRO/Injunction can be used to serve notice to the suspect.
5. **CONSTRUCTIVE KNOWLEDGE:** In cases where the suspect was served with the TRO and failed to show for the injunction hearing, the injunction is automatically granted. If the suspect had been served with the TRO, then the suspect has constructive knowledge that an injunction was granted. Therefore, the suspect should be considered on notice of the injunction and shall be arrested for any violations.
6. The officer will make an arrest for a violation of the order when there is an order in existence, when the order has been served, and when there is probable cause to believe that it was knowingly violated.
7. **A Violation of a TRO or injunction may or may not constitute a new domestic abuse crime under Wisconsin State Statute 968.075. If the nature of the contact is benign, then it might result in only a**

- charge for the violation of the injunction or TRO. If the nature of the contact involves additional crimes, then the Mandatory Arrest procedures shall be followed.
- a. Knowingly Violate Domestic Abuse Injunction, 813.12(8)(a).
  - b. Officers may also review 813.12(7)(am) regarding mandatory arrests specifically for Domestic Abuse Injunction violations.
8. If the officer is arresting a suspect for the violation of a Domestic Abuse Injunction, AND additional domestic abuse crimes have occurred, ~~this constitutes a new domestic abuse crime under Wisconsin State Statute 968.075, so a 72-Hour No Contact Provision shall be completed.~~
  9. If an officer has probable cause to believe the injunction has been violated more than once, then a charge of stalking should be considered. The officer should obtain a new case number and offer the Danger Assessment and LEAP forms.
  10. ~~A Violation of a TRO or injunction may or may not constitute a new crime under Wisconsin State Statute 968.075. If the nature of the contact is benign, then it might result in only a violation of the injunction or TRO. If the nature of the contact involves additional crimes, then the Mandatory Arrest procedure shall be followed.~~

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

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

### STALKING WARNING LETTER

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

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

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

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

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

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

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

#### Procedure

1. Victims of strangulation should be encouraged to respond to Meriter Hospital Emergency Room (ER) for medical assistance and for a Forensic Nurse Exam (FNE). Strangulation injuries are often not visible, so medical care is important for the victim's well-being. The forensic exam is important for prosecution of offenders. Officers shall assist transporting victims to Meriter **Hospital** ER if needed.
2. Visible injuries should be documented and photographed. Ligatures, or any other type of physical evidence used in the commission of a Strangulation or Suffocation, should be collected.
3. Documentation of all signs and symptoms of strangulation is critical due to the lack of visible injuries in the majority of strangulation cases. A list of signs and symptoms of strangulation can be found on

the back of the Danger Assessment **Form**. This guide can be used to facilitate a detailed interview of the victim.

4. If the suspect is present on scene and willing, a buccal standard should be obtained from the suspect when it is known that the victim will be responding to Meriter **Hospital** ER for an FNE.
5. Officers sent to Meriter **Hospital** to collect a strangulation FNE kit shall place the kit into MPD property according to the MPD property room guidelines.

## **MANDATORY DOMESTIC ARREST AND EMERGENCY DETENTION**

### ***Responsibilities of the Investigating officer/detective:***

When officers are investigating crimes of domestic abuse and mental health appears to be a contributing factor to the crimes alleged, officers should:

1. Determine if the probable cause exists for a crime of domestic abuse as outlined above.
2. Evaluate/Assess the potential for an Emergency Detention (see Mental Health Incidents/Crises SOP).
3. If probable cause exists for an otherwise mandatory arrest for a crime of domestic abuse and Journey Mental Health supports an Emergency Detention for the suspect/patient, officers shall:
  - a. Process the Emergency Detention and transport the suspect/patient to the appropriate medical facility.
  - b. If the underlying offense for which probable cause exists is a mandatory arrest under Wis. Stat. 968.075, the disposition of the subject must be an emergency detention, protective custody, or arrest (voluntary admissions are not an option).
  - c. Complete the required domestic paper work to include the Probable Cause affidavit, the 72-hour No Contact Provision (**time enforced begins at the time of detention for the ED**), the Domestic Violence Danger Assessment Form, and the LEAP referral.
  - d. Complete the necessary paperwork and police report before the end of the officer's tour of duty, unless an MPD commander approves the reports being held.
  - e. Request that the destination facility where the subject is conveyed contact MPD when the subject is released to facilitate conveyance/booking.

### ***Responsibilities of the Criminal Intake Unit:***

When officers or detectives working within the Madison Police Department Criminal Intake Unit (CIU) are made aware of a mandatory arrest under Wis. Stat. 968.075 which resulted in an Emergency Detention, the following shall occur:

1. Complete the electronic criminal intake referral and note that the suspect is located at a secured mental health medical detention facility.
2. Monitor/Review the Dane County District Attorney's criminal intake return for a charging decision.
3. Communicate with the Office of the Dane County District Attorney **and MPD Mental Health Unit. The Mental Health Unit will work with and** the "hospital discharge planner" for Journey Mental Health, regarding the criminal intake referral and the potential transport of the suspect/patient to the Dane County Jail for a booking.
4. If the Office of the Dane County District Attorney issues criminal charges for crimes of Domestic Abuse as outlined under Wis. Stat. 968.075 and requests a booking into the Dane County Jail, then arrangements shall be made for transport of the suspect to the Dane County Jail by the Madison Police Department.
5. If the Office of the Dane County District Attorney issues criminal charges and chooses to summons the offender/patient to Court, then transport to the Dane County Jail is not required.
6. If the Office of the Dane County District Attorney declines criminal charges, then the Madison Police Department should remove the Probable Cause Affidavit from the OIC's office **and notify the secure medical facility in question that MPD will not be transporting the offender/patient to the Dane County Jail.**

***Responsibilities of the Officer-In-Charge:***

When notified by the MPD Criminal Intake Unit, Journey Mental Health, or any secure mental health facility such as Winnebago Mental Health Institute (WMHI) that a patient is to be released and outstanding criminal charges exist that necessitate transport to the Dane County Jail, the Officer-in-Charge shall assist in coordinating MPD's transportation response plan.

When notified by an investigating officer that probable cause exists for a crime of domestic abuse and the suspect/patient is being medically admitted to a hospital, the Officer-in-Charge shall determine if MPD will continue to guard the suspect/patient until the suspect's/patient's release from the hospital (see Guard Duty SOP).

Original SOP: 07/01/2015

(Revised: 02/24/2016, 03/31/2016, 01/15/2019, 02/28/2020, 01/15/2021, 06/14/2021, 12/28/2021, 09/20/2022)

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



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Special Events Team Specialty Teams

Eff. Date: 09/20/2022

**PURPOSE**

The purpose of this standard operating procedure (SOP) is to establish guidelines for the Madison Police Department (MPD) Special Events Team (SET) Specialty Teams' functions and responsibilities outside of crowd event activations. SET Specialty Team crowd event activation details are available in the MPD Demonstrations and Assemblies SOP. The SET Specialty Teams include the following specialty teams: Bike Team, Field Extrication Team (FXT), Grenadiers, Logistics, and Medics.

**DEFINITIONS**

**SET Bike Team:** The SET Bike Team, under the direct command of the MPD SET, provides a more nimble transportation and response option for SET personnel beyond the range and capabilities of on-foot SET personnel. SET Bike Team members have specialized training and skills to use police bikes to perform crowd engagement and management duties.

**SET Field Extrication Team (FXT):** The SET Field Extrication Team (FXT), under the direct command of the MPD SET, exists to better respond to protest events with an internal resource. SET FXT members have specialized training and skills to extricate persons from protest devices when demonstrators' actions and/or practices unreasonably impede traffic, restrict the public's freedom of movement, and/or jeopardize public safety.

**SET Grenadiers:** The SET Grenadier position, under the direct command of the MPD SET, exists to enhance the capabilities of SET. The SET Grenadier team members have specialized training, equipment, and skills in the use of chemical (CS) and oleoresin capsicum (OC or Pepper Spray) munitions, sprays, or aerosols, and in the deployment of impact munitions.

**SET Logistics:** The SET Logistics Team, under the direct command of the MPD SET, is responsible for the organization, standard guidelines, and maintenance of SET's physical assets. SET Logistics Team members ensure that needed SET assets are deployed and available for any given SET activation, and that the assets are properly stored at the conclusion of any activation.

**SET Medics:** The SET Medic position, under the direct command of the MPD SET, exists to better respond to protest and crowd events with an internal resource. The SET Medics have specialized training and skills to provide immediate emergency medical care to officers and to community members within an austere environment.

**SET SPECIALTY TEAM PERSONNEL**

SET Commanders will designate a primary SET command structure (sergeant(s), lieutenant, and captain) to supervise the overall operation of each SET Specialty Team.

When any SET Specialty Team needs to add new members, that team's primary commanders will select new members from eligible SET members through a process determined by SET commanders. The SET Medics and SET Grenadiers should maintain a number of team members sufficient to staff each SET platoon with at least two (2) SET Medics and two (2) SET Grenadiers. SET members can serve on more than one SET Specialty Team; however, given the equipment needs of SET Medics and SET Grenadiers, SET members will not be allowed to maintain simultaneous assignment to the SET Medics team and to the SET Grenadiers team.

## TRAINING/STANDARDS

All members of any SET Specialty Team shall attend all full-team and specialty team trainings scheduled throughout the year unless excused by a SET commander or designee. Membership on any SET Specialty Team is a privilege and specialty team members shall remain dedicated to serving in their specialty role(s), shall remain committed to maintaining the core competencies of their specialty team assignment(s), and shall be physically able to perform the necessary tasks associated with their specialty team assignment(s). SET Specialty Team members shall also demonstrate the proper use and handling of all equipment and must be able to use their team's assigned equipment safely. Records of all trainings and activities shall be maintained in the participating officers' personnel file and SET commanders shall designate a SET supervisor or senior member of each SET Specialty Team to forward to MPD Training the records related to any training. Each SET Specialty Team further employs the following training and standards guidelines for each team:

- **SET BIKE TEAM:** The SET Bike Team trains biannually. SET Bike Team members must also take an International Police Mountain Bike Association (IPMBA) certification training, MPD Bike Training, or equivalent as soon as practicable after selection to the SET Bike Team if not already certified before selection.
- **SET FXT:** The SET FXT trains quarterly. New SET FXT members will be sent to Field Force Extrication Tactics training as soon as practicable after selection to the SET FXT.
- **SET GRENADIERS:** The SET Grenadiers train biannually.
- **SET LOGISTICS:** The SET Logistics team convenes as a group when needed to coordinate details related to any new equipment acquisitions, storage location adjustments, or other logistical considerations.
- **SET MEDICS:** The SET Medics train quarterly. SET Medics shall maintain any required certifications or licenses as determined by the SET commander(s). SET Medics shall follow appropriate protocol for treatment as established by the following authorities: the State of Wisconsin Department of Justice Law Enforcement Standards Board for Tactical Emergency Casualty Care and the directions, trainings, and protocol as ordered by the Medical Director of the Madison Police Department.

## SET SPECIALTY TEAM DEPLOYMENT

SET Specialty Team(s) will be deployed to crowd events pursuant to the provisions of the MPD Demonstrations and Assemblies SOP.

MPD members shall use the following guidance when evaluating any request to employ the use of the following SET Specialty Teams within the City of Madison jurisdiction:

- **SET Bike Team:** At the request and/or with approval of a supervisor, SET Bike Team members may utilize MPD police bikes to respond to calls for service and as a mode of transportation during their work shift. Officers should have a City of Madison Police vehicle equipped with a bike rack accessible (i.e., available at a district station, parked near a deployment) when utilizing bikes as an alternate mode of transportation during their shift. SET Bike Team members should deploy in numbers no fewer than at least two (2) Bike Team members for any deployment on bikes.
- **SET FXT:** SET FXT members should not carry FXT equipment outside of SET deployments or during the course of their regular duties unless authorized by a SET commander or designee. In the event that patrol personnel respond to an incident where a protest device is being used, officers on scene should notify a street supervisor and/or the Officer in Charge (OIC) that a protest device is being used. The OIC should then notify a SET commander to determine if the SET FXT should be activated. The SET FXT may be utilized for situations outside of a SET

deployment under specific requests with the approval of a SET commander or designee and with the authorization of the Chief of Police or the Chief's designee.

- **SET Grenadiers:** SET Grenadiers should not carry Grenadier equipment outside of SET deployments or during the course of their regular duties unless authorized by a SET commander or designee. In exigent circumstances, SET Grenadiers may deploy specialized grenadier equipment without the permission of a supervisor, but shall inform a SET commander as soon as practicable. Upon deployment of chemical, OC, or impact munitions by SET Grenadiers, available SET members should assist with decontamination and medical treatment of those affected, unless circumstances specifically prohibit rendering such assistance.
- **SET Logistics:** SET Logistics Team members may deploy SET vehicle assets (minivans, Utility Terrain Vehicles (UTVs)) outside of a SET deployment under specific requests with the approval of a SET commander.
- **SET Medics:** At the request of a supervisor, or at their own discretion, SET Medics may deploy to a call for service involving mass casualties or to a clear need for emergency medical care coverage. SET Medics may also respond to an emergent tactical call where there is a potential for injury to officers or others, but to which Madison Fire Department Tactical Emergency Medical Services (MFD TEMS) personnel have not yet arrived. In the event of such a deployment, the SET Medic shall notify SET command and/or the Officer in Charge (OIC) as soon as practicable. SET Medics may keep their SET-issued specialized medical equipment with their regular work equipment for this purpose.
  - Deployment of SET Medics on SET Bike Team:
    - SET Medics who deploy with the SET Bike Team for any assignment shall carry their medical gear with them on bike.
  - Deployment of SET Medics to SET Field Extrication Team extrications:
    - At least one SET Medic should be present during any extrication. A SET Medic, the FXT supervisor, or designee shall request a Madison Fire Department ambulance to be on standby in a reasonable staging location to the extrication.

## MUTUAL AID

SET Specialty Teams may be deployed pursuant to a mutual aid request from another agency for the particular team's specialty with the approval of a SET commander and with the authorization of the Chief of Police or Chief's designee. In any mutual aid deployment, SET Specialty Team members shall always abide by the MPD Code of Conduct, MPD SOPs generally, and the SET Specialty Team's training and standards.

## EQUIPMENT

Each SET Specialty Team shall maintain an inventory of all equipment and supplies assigned to that team and each team's equipment and supplies shall be used for official use only. Any equipment not functioning properly, damaged, or dysfunctional shall be taken out of service and shall not be used until repaired or replaced. Any SET Specialty Team munitions or supplies with identifiable expiration dates shall be used only in a training environment beyond the expiration date.

The Lieutenant of each SET Specialty Team shall submit an annual report documenting any use, maintenance, warranties, and repairs of the equipment assigned to that lieutenant's specialty team. These annual reports shall be submitted to the SET Lead Commander or designee.

SET Bike Team members shall conduct an inspection of their assigned bicycles and equipment prior to use to ensure proper working order of equipment. SET Bike Team members are responsible for the routine care and maintenance (i.e., tire pressure, chain lubrication, overall cleaning) of their assigned bike. If a needed repair is beyond the ability of the SET Bike Team member, an email should be sent to the PD SET Bike email group

and the email should include a description of the issue and the location of the bicycle in need of repair. Each department-owned police bicycle will have an annual maintenance tune-up performed by members of the SET Bike Team/MPD Bike Mechanics. Police bicycles requiring maintenance and/or repairs beyond the capabilities of the SET Bike Team members may be taken to a private bicycle repair shop with authorization from the SET Lead Commander.

SET FXT members shall perform a function check of all FXT equipment on a regular basis and the department shall provide Personal Protective Equipment (PPE) for SET FXT members. SET FXT shall wear all appropriate PPE during deployments and trainings. During any extrication, SET FXT members shall provide any necessary PPE and take any reasonable precautions to ensure the safety of the arrested person, the public, and other officers.

(Special Events Team Field Extrication Team SOP, Special Events Team Grenadiers SOP and Special Events Team Medic Platoon SOP combined into this one SOP 09/20/2022)





CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



**TIME System Use and Dissemination of Records**

Eff. Date ~~03/04/2022~~ 07/12/2022

**Purpose**

The Madison Police Department (MPD) uses the Transaction Information for the Management of Enforcement (TIME) System/eTIME (online version of TIME). TIME/eTIME grants access to the following data service agencies:

- Wisconsin Department of Justice Crime Information Bureau (CIB)
- Federal Bureau of Investigations (FBI) Criminal Justice Information Services (CJIS) Division
- FBI National Crime Information Center (NCIC)
- National Law Enforcement Telecommunication System (NLETS)
- Canadian Police Information Centre (CPIC)
- Wisconsin Department of Transportation (DOT)
- Wisconsin Department of Natural Resources (DNR)
- Wisconsin Department of Corrections (DOC)

**Procedure**

**SYSTEM USAGE**

ONLY authorized users shall access the TIME system for valid law enforcement/criminal justice purposes. At no time will any user use the TIME system to run the user's personal information (and respective license plates), a family member's information, or information for anyone with whom the user is closely associated. Should a situation arise wherein the subject who needs to be run through the TIME system is closely affiliated with the user, the user will request another officer, staff member, or a supervisor to run the subject. If a test record needs to be run, only approved test transactions should be used.

**PENALTY FOR MISUSE**

The Department of Justice Crime Information Bureau, as well as the MPD, may investigate any alleged misuse of the TIME System. Potential misuse of the TIME system includes running family members or other subjects with whom the user is closely associated for criminal justice purposes during the normal course of work, running information for personal use, and running information that is in direct conflict with the regulations set forth by the FBI and CIB for the use of the TIME system. Individuals determined to have misused the TIME system may be subject to internal discipline and/or criminal and/or civil penalties under state and federal law. TIME logs are routinely audited for compliance with these policies.

**SECURITY**

**TIME Agency Coordinator**

The MPD shall designate an individual to serve as a TIME Agency Coordinator (TAC). The TAC may designate authorized contacts to fulfill various roles and responsibilities in the administration of the TIME system. Responsibilities of the TAC include ensuring that authorized users are trained and in compliance with CJIS, FBI, and MPD policies and regulations. The TAC also serves as the administrator of TIME interfaces to departmental applications/systems, terminal designations, and applicable communications/connectivity. Additionally, the TAC is responsible for the completion of audits performed by CIB and the FBI. In order to maintain our agency's access to the TIME system, it is essential that all staff comply with all requests from the TAC or designee(s). Additionally, the TAC will disseminate TIME System Newsletters to departmental staff.

## General Security

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Access to TIME terminals shall be limited so that only authorized users will be able to view and access information from the system. In order to qualify for authorization, a TIME user must pass an initial background check, complete initial certification within six months of hire, and maintain applicable TIME certifications bi-annually. User access to the TIME system shall be reviewed at least once per year. Users granted access to the TIME system, shall be provided with the minimum level of permissions to meet respective job duties. Upon termination of employment, a user's account shall be disabled, access removed, and CIB contacted to update departmental records. Staff with agencies holding a current Management Control Agreement with MPD will be required to complete and maintain TIME System Security Awareness training. Vendors remotely accessing CJIS related applications/systems shall be virtually escorted by certified and authorized MPD Technology staff. In the event of a security incident, the occurrence shall be documented and reported to CIB in accordance to applicable policies and procedures.

## CRIMINAL HISTORY RECORD INFORMATION (CHRI/III)

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Information from Criminal History Record Information (CHRI) and the FBI Interstate Identification Index (III) shall only be obtained for designated purposes outlined below. This information is not to be disseminated to non-criminal justice agencies or persons. Dissemination to another criminal justice agency requires a secondary dissemination log that will be maintained for one year. The original authorized user must ensure that the recipient is properly authorized, and for valid purposes, to receive the information. CHRI/III records received cannot be disseminated via radio broadcast or cellular phones unless there is a situation affecting officer safety or the general public.

## Authorized Purpose Codes

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- **Code C:** Code C is used for Criminal Justice/Law Enforcement purposes and is accepted by CIB and by the FBI. Adult and juvenile records will be supplied. This code is used for official duties in conjunction with the administration of justice (such as detection, apprehension, detention, prosecution, etc.).
- **Code J:** Code J is used for Criminal Justice/Law Enforcement employment applicants and is accepted by CIB and by the FBI. Adult and juvenile records will be supplied.
- **Code D:** Code D is used Domestic Violence/Stalking and is accepted by CIB (only adult records will be returned) and by the FBI (only returns information not sealed by state). This code is used by agencies providing a record to a court hearing for Domestic Violence and is for court use only. Actual Domestic Violence incidents will use Code C.
- **Code H:** Code H is used for checking suitability of Public Housing Applicants and is accepted by CIB (for adult records only) and by the FBI (for identification only).
- **Code F:** Code F is used for the return of Firearms to Lawful Owner and is accepted by CIB and by the FBI. Both adult and juvenile records are supplied. This code is used for the return of firearms to owners after theft, improper seizure, etc.
- **Code E:** Code E covers other Authorized Employment Purposes and is accepted by CIB ONLY (which ONLY supplies adult records). The FBI will not accept this code. This code is used for when criminal history is required by state statute, local ordinance, or federal regulation.

## Storage and Disposal of CHRI Information

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CHRI/III records shall not unnecessarily be maintained in case files to avoid disclosure of out-of-date/inaccurate records under Wisconsin open records law. Cases that are e-Referred may contain CHRI/III information; however, this information is not considered part of the case documentation and is not subject to open records. When no longer needed, data from the TIME System shall be disposed of by the user in a secure manner via shredding.

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**Probable Cause/Hit Confirmation**

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A hit on TIME is not sufficient for probable cause and only comprises part of the probable cause analysis and must be viewed in conjunction with other available information. As the time period increases since the receipt of the hit, the significance of the hit decreases. When a hit confirmation request is received via dispatch or directly to the Officer in Charge (OIC), the 911 data operator, on behalf of MPD, will provide timely confirmation back to the requesting agency.

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**CHR/III INFORMATION**

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On the CHR/III request screens, the attention field shall contain the user's IBM number/badge number and the additional information field shall contain the case number. If no case number exists, a brief explanation of why the request was run is required.

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**TIME and NCIC Management of Records**

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Only staff with Advanced TIME Certifications shall be allowed to enter, modify, and remove records from TIME/NCIC. Once a record has been entered or modified, a secondary check will be completed by a staff member who did not enter or modify the original record. Validation of all entries into TIME/NCIC shall be completed as designated by CIB.

Original SOP: 02/25/2015  
(Reviewed Only: 02/04/2016)  
(Revised: 01/06/2017, 12/11/2017, 11/18/2019, 11/29/2021, 03/04/2022, 07/12/2022)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Workforce Telestaff Requirements

Eff. Date ~~01/15/2020~~ 07/12/2022

## Purpose

All members of the Madison Police Department (MPD) have the responsibility of ensuring that Workforce Telestaff accurately reflects their work time.

## Procedure

The various work codes have been established in Telestaff to account for how each employee is assigned and the hours that are worked, and it is important that each employee utilizes the correct codes for the work that is performed.

When an employee takes leave time, it is the employee's responsibility to make certain that an entry is made in Telestaff prior to the close of payroll on each payroll Monday at 10 am. When an employee works overtime, the Telestaff entry should be made prior to leaving that day. The note field of the entry should include a case number, where applicable, followed by the name of the approving supervisor. If there is no case number, XX-000000 should be entered where "XX" is the last two digits of the current year, followed by the name of the approving supervisor, and then the reason for the overtime.

If an entry cannot be made at the end of the work period, the entry must be completed in Telestaff during the employee's next work shift by the next work day, or in extenuating circumstances, prior to close of payroll. Employees are responsible to verify that overtime, leave time, and work hour adjustment entries on their Telestaff calendar are entered on a timely basis and accurately reflect the hours worked.

Members of the MPD are further required to update their current address and telephone listings in the Telestaff system within 24 hours of returning to work after any change. This information is located in the My Info area of Telestaff. Members of the MPD are also required to notify the Chief of Police of these changes.

## Exigent Leave Telestaff Procedure

The following information outlines the procedure for the use of Exigent Leave Time:

- The employee will notify the shift scheduler, shift Officer in Charge (OIC), or MPD Master Scheduler of his/her the employee's request for an exigent personal leave day with at least forty-eight (48) hours of notice. The notification will include the type of leave (vacation, comp, etc.) to be used.
- The shift scheduler, shift OIC, or MPD Master Scheduler will enter the appropriate Exigent Leave Work Code in the employee's Telestaff calendar.
- Within 72 hours of the shift, or prior to the close of payroll (whichever comes first), if no overtime is needed on the shift, the employee will notify the shift scheduler, shift OIC, or MPD Master Scheduler of his/her the employee's request to be charged only eight (8) hours of exigent leave.
- The shift scheduler, shift OIC, or MPD Master Scheduler will verify contract conditions have been met, will reduce the exigent leave hours used from twelve (12) hours to eight (8) hours if appropriate, and will send an email to mail PD Payroll of the change along with the date the employee notified them of the request for reduced hours. At no time will the work code be changed from Exigent Leave to a different type of leave.
- After an exigent personal leave request has been submitted, but prior to the shift in question, the employee may request to cancel the exigent personal leave request. The employee may submit

another type of leave request (vacation, comp, etc.) which will be considered in the appropriate sequence with any other leave requests.

Original SOP: 02/25/2015

(Revised: 02/12/2016, 11/04/2016, 12/11/2017, 01/15/2020)

## Sick Leave Usage

For commissioned personnel, all sick leave usage should be in accordance with Article X, B of the MPPOA contract, or Article IX, A of the AMPS contract. For non-commissioned personnel, all sick leave usage should be in accordance with the appropriate employee handbook. Sick leave beyond three consecutive days should be utilized in conjunction with a doctor's note. Consecutive leave includes leave that encompasses regular days off.

Any employee who has submitted their intention to resign or retire from the department shall not be awarded the use of sick leave without a respective doctor's note.

Original SOP: 02/25/2015

(Revised: 02/12/2016, 11/04/2016, 12/11/2017, 01/15/2020, 07/12/2022)