

CITY OF MADISON
INTER-DEPARTMENTAL
CORRESPONDENCE

July 31, 2024

To: City of Madison Common Council Alders

From: Shon F. Barnes, Madison Police Department Chief of Police

Subject: Quarterly Report (2nd, 2024)

Mission Statement of the Madison Police Department

We, the members of the Madison Police Department, are committed to providing high quality police services that are accessible to all members of the community. We believe in the dignity of all people and respect individual and constitutional rights in fulfilling this mission.

Community Policing

At MPD we start with a simple proposition—the police cannot go it alone. We cannot begin to address the complex issues affecting our quality of life without assistance. Assistance in the form of the help and collaboration from many diverse groups who work in and for the community, as well as enlisting the support of all of our community members!

<https://www.cityofmadison.com/police/community/policing/>

This document provides an update on selected MPD topics for the second quarter (April, May, and June) of 2024.

Please consider the data included in this update as preliminary and subject to modification.

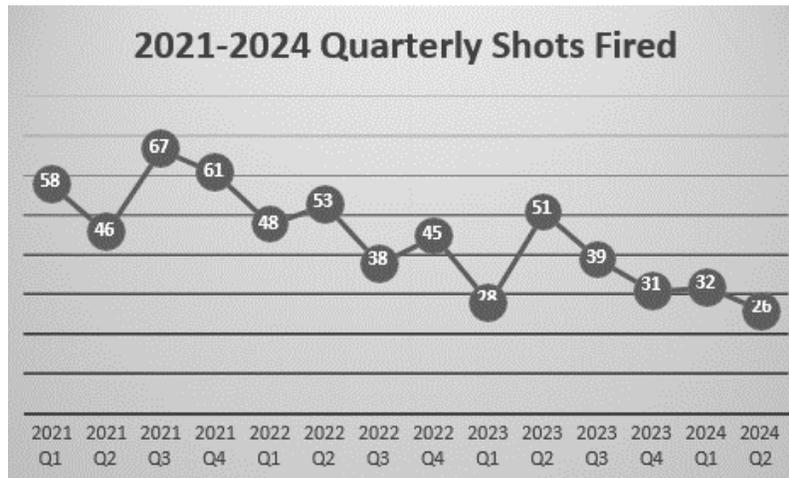
Emergency and Priority Calls

During the 2nd quarter, MPD patrol response was limited to emergency and priority calls about 11.8% of the time. Given the volume of 9-1-1 calls or the severity of calls requiring multiple resources, there were 98 instances where MPD's patrol response was limited. Note that some of these instances did not impact citywide response but were limited to a particular district or area of the city. The 98 instances occurred on 66 dates (some days required limited call response multiple times); this means that at some point on 72.5% of the days during the 2nd quarter MPD patrol response was limited. The 98 instances spanned about 258.3 total hours of limited call response, an average of 2.6 hours per instance.

Significant Incidents

SHOTS FIRED - FIREARM CRIMES ARE SERIOUS AND A THREAT TO LIFE. EVENTS INVOLVING FIREARMS ARE CONSIDERED A SIGNIFICANT INCIDENT WITHIN THE STRATIFIED POLICING CRIME REDUCTION FRAMEWORK. MPD INVESTIGATES ALL 9-1-1 CALLS INVOLVING A FIREARM AND SHOTS FIRED.

There were twenty-six (26) shots fired incidents in the City from April 1st through June 30th (2024). This represents an **18% decrease** from the 1st quarter of 2024.

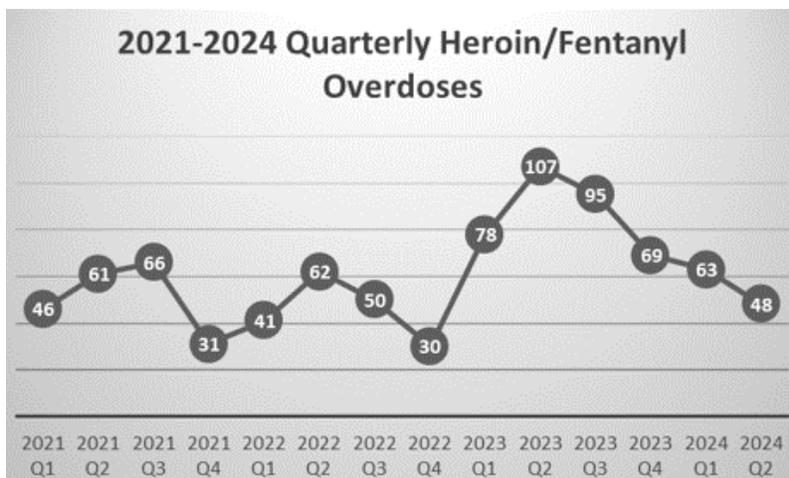


Shots fired are broken into the following categories and the count of casings recovered:

	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
Property Damage	9	14			23
Subjects Struck by Gunfire*	4	15			19
Accidental Discharge	1	1			2
Self-Inflicted (intentional)	5	2			7
Casings Recovered	44	152			196

*Excludes accidental discharge & self-inflicted

Heroin Overdoses – MPD responded to forty-eight (48) known heroin overdoses during the second quarter of 2024. This represents a **23% decrease** from the 1st quarter of 2024. [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 six (6) suspected overdose deaths during the second quarter of 2024. This is a **40% decrease** from the 1st quarter of 2024. [Note that these figures only include overdose deaths with police involvement and clear evidence of an overdose; the actual figure may be higher].

The Madison Police Department actively seeks opportunities to *divert* and *deflect* individuals from the justice system.

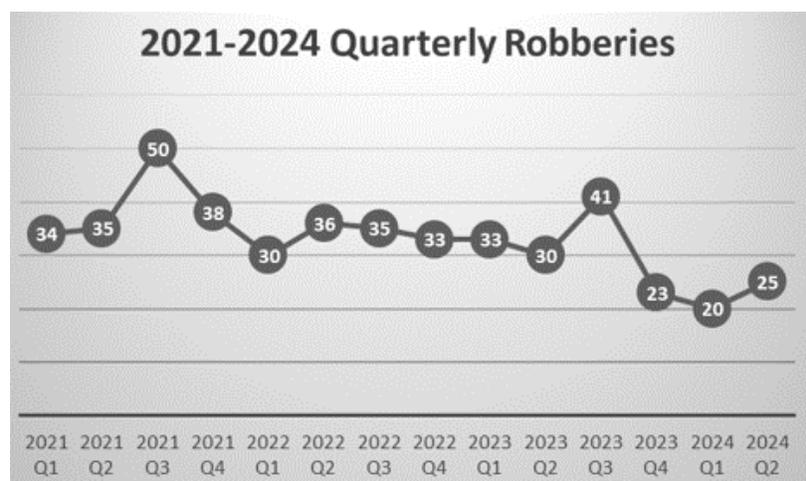
Diversion occurs when police refer individuals to a program or services in lieu of an arrest. Pre-arrest or pre-charge diversion seeks to connect individuals with community-based help, while avoiding a damaging arrest record.

Deflection is community based and entails no criminal justice system involvement beyond an individual’s interaction with a police officer in the field. Police deflection programs aim to reduce crime by connecting people living with mental health struggles or substance use disorder to treatment and recovery resources.

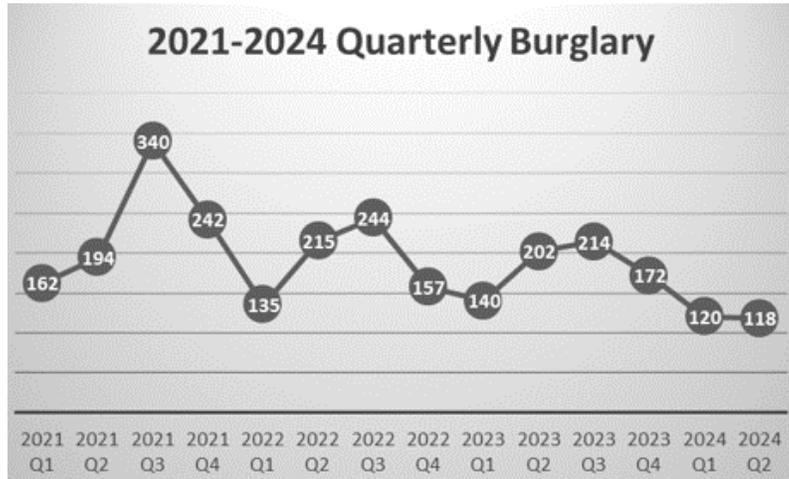
Madison Area Addiction Recovery Initiative (MAARI) is a program for individuals living with substance use disorders who have committed eligible, non-violent offenses stemming from their disease of addiction. The program offers six months of individualized treatment and coaching to participants. Participants must complete the program for non-prosecution of the charges they would have faced. Eligible charges include possession of drug paraphernalia, possession of a controlled substance, retail theft, prostitution, and theft/burglary if the victim of the theft/burglary agrees to the MAARI program being offered.

The **Addiction Resource Team** is multidisciplinary and utilizes a police officer and a Peer Specialist from Safe Communities. The teams follow up with people who have experienced a non-fatal overdose or other precipitating event that brought them into contact with Madison Police or Madison Fire personnel. The purpose is to connect individuals with recovery resources, meet people where they are, and provide harm reduction materials. The team distributes the opioid reversal agent Naloxone and fentanyl test strips on outreach visits.

Robberies – Twenty-five (25) robberies occurred in the City during the second quarter of 2024. This is a **25% increase** from the 1st quarter of 2024.



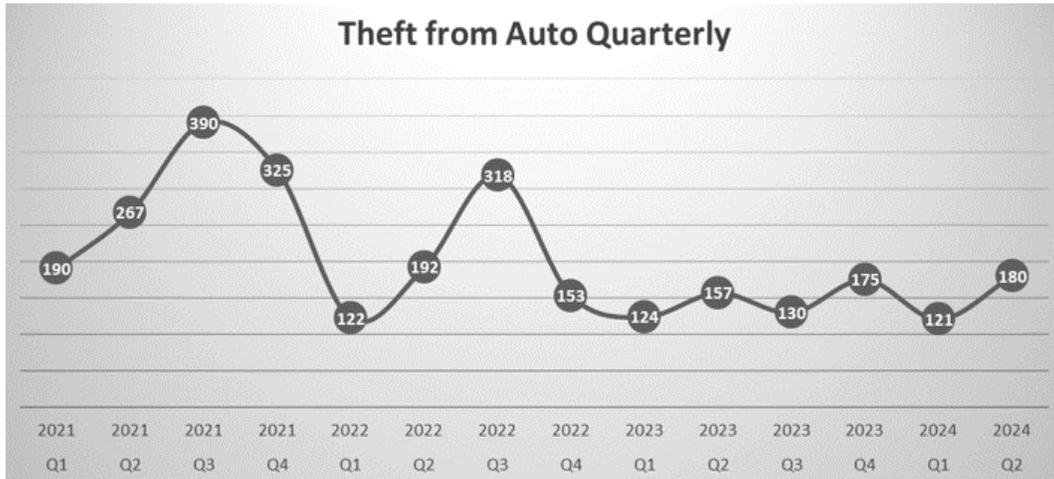
Burglaries – MPD responded to 118 burglaries during the second quarter of 2024. This represents a **1.6% decrease** from the burglaries reported in the 1st quarter of 2024.



Stolen Autos – MPD investigated forty-two (42) stolen autos during the second quarter of 2024. This is a **30% decrease** from the 1st quarter of 2024.



Thefts from Vehicles – MPD investigated 180 thefts from vehicles during the second quarter of 2024. From the 1st quarter of 2024, this is a **49% increase**.



MPD encourages everyone in our community to remove valuables from their vehicle, lock their vehicles, and when possible, park near lights.

Arrest Data

On-view arrests: Law enforcement physically took someone into custody and transported them to jail.

Citations: This is an administrative arrest. The individual is issued a ticket and promises to appear in court.

In the 2nd quarter of 2024, MPD responded to **38,202 calls for service**. Of this total, there were 1,438 on-view arrests and 751 citations issued (Group A and Group B offenses).

Second quarter **on-view arrest** data:

Sex	Q1	Q2	Q3	Q4	Total	%
Male	1,106	1,068			2,174	74.7%
Female	364	370			734	25.2%
Unknown	1	0			1	0%
Total	1,471	1,438			2,909	100%

Race	Q1	Q2	Q3	Q4	Total	%
Asian	23	23			46	1.6%
African American	679	685			1,364	46.9%
Native American	3	5			8	.3%
Other	34	34			68	2.3%
Caucasian	732	691			1,423	48.9%
Total	1,471	1,438			2,909	100%
Hispanic*	163	139			302	10.4%

“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.

Second quarter **citation** data:

Sex	Q1	Q2	Q3	Q4	Total	%
Male	472	435			907	58.6%
Female	324	316			640	41.3%
Unknown	1	0			1	0.1%
Total	797	751			1,548	100%
Race	Q1	Q2	Q3	Q4	Total	%
Asian	40	24			64	4.1%
African American	170	192			362	23.4%
Native American	4	4			8	.5%
Other	15	17			32	2.1%
Caucasian	568	514			1,082	69.9%
Total	797	751			1,548	100%
Hispanic*	53	41			94	6.1%

“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.

The National Incident Based Reporting System (NIBRS) is used by MPD and follows the standards set by the FBI and Wisconsin Department of Justice. MPD is required to submit incidents and arrests for two different categories. Group A Offenses are reported violations and arrests of state statutes and city ordinances that are grouped into persons crime, property crime, and societal crime categories. Group B Offenses are arrest-only data. Arrests include citations and physical. Group A offenses are more serious crimes such as Murder, Rape, Robbery, etc. Group B offenses tend to be minor in nature, such as Curfew/Loitering/Vagrancy Violations, Disorderly Conduct, Driving Under the Influence, etc. (2023 NIBRS User Manual).

Resources:

<https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/home>

<https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/ucr/nibrs>

Group A Offenses	Q1	Q2	Q3	Q4	Total	%
Animal Cruelty	1	7			8	.1%
Arson	1	2			3	0%
Assault Offenses	669	634			1,303	9.9%
Bribery	0	0			0	0%
Burglary	133	123			256	2%
Counterfeiting/Forgery	32	16			48	.4%
Damage to Property	307	330			637	4.9%
Drug/Narcotic Offenses	317	281			598	4.6%
Embezzlement	7	9			16	.1%
Extortion	9	17			26	.2%
Fraud Offenses	322	335			657	5%
Gambling Offenses	0	0			0	0%
Homicide Offenses	0	2			2	0%
Human Trafficking Offenses	0	0			0	0%
Kidnapping/Abduction	17	21			38	.3%
Larceny/Theft Offenses	1,139	1,161			2,300	17.6%
Motor Vehicle Theft	100	91			191	1.5%
Pornography/Obscene Material	6	9			15	.1%
Prostitution Offenses	0	0			0	0%
Robbery	20	25			45	.3%
Sex Offenses, Forcible	46	54			100	.8%
Sex Offenses, Non-Forcible	4	1			5	0%
Stolen Property Offenses	11	5			16	.1%
Weapon Law Violations	53	87			140	1.1%
Group B Offenses	Q1	Q2	Q3	Q4	Total	%
Bad Checks	5	2			7	.1%
Curfew/Loitering/Vagrancy Violations	0	0			0	0%
Disorderly Conduct	636	727			1,363	10.4%
Driving Under the Influence	213	227			440	3.4%
Drunkenness	0	0			0	0%
Family Offenses, Nonviolent	30	22			52	.4%
Liquor Law Violations	61	66			127	1%
Peeping Tom	0	0			0	0%
Runaway	0	0			0	0%
Trespass of Real Property	231	188			419	3.2%
All Other Offenses	2,161	2,130			4,291	32.7%
Total	6,531	6,572			13,103	100%

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

Use of Force Overview

During the second quarter of 2024, MPD officers responded to 38,202 calls for service. In that time, there were ninety-three (93) contacts in our community in which officers used recordable force during the encounter. This means that in the 2nd quarter, MPD officers used recordable force **0.24%** (approximately one quarter of 1%) of the time when engaging with members in our community. Each of these force incidents was reviewed for compliance with MPD standard operating procedures.

Description	Q1	Q2	Q3	Q4	Total/%
Calls for Service	38,144	38,202			73,290
Contacts Where Force Was Used	77	93			170
% of CFS Where Force Was Used	.23%	.24%			N/A
Force					
Decentralization/Takedown (e.g. officer pushing or pulling a subject to the ground)	71	80			151/73.3%
Active Counter Measures (e.g. officer striking a subject with hand, forearm, foot or knee)	9	7			16/7.8%
Taser Deployment	1	8			9/4.4%
Hobble Restraints (a belt system that restricts a subject’s ability to kick at officers, squad windows, etc.)	11	6			17/8.3%
OC (i.e. Pepper) Spray Deployment	2	2			4/1.9%
Baton Strike	0	2			2/1%
K9 Bite	3	1			4/1.9%
Firearm Discharged Toward Suspect	0	0			0
Impact Munition (firearm delivered projectile launched at a lower-than-normal velocity)	0	3			3/1.5%
Specialty (SWAT/SET)	0	0			0
Total	97	109			100%
Firearm Discharged to Put Down a Sick or Suffering Animal	16	23			39

*Please refer to the MPD SOP on use of force data collection for the definition of recordable force and distinction between reportable and recordable use of force: <http://www.cityofmadison.com/police/documents/sop/UseOfForceData.pdf>

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

District	Q1	Q2	Q3	Q4	Total	%
West	6	6			12	7.1%
Midtown	8	12			20	11.8%
South	4	7			11	6.5%
Central	25	37			62	36.5%
North	14	18			32	18.8%
East	19	12			31	18.2%
Out of County	0	0			0	0%
Within County - Assist	1	1			2	1.2%
Total	77	93			170	100%
Time of Day/Patrol Shift	Q1	Q2	Q3	Q4	Total	%
1 st Detail (7am – 3pm)	14	21			35	20.6%
3 rd Detail (3pm – 11pm)	40	39			79	46.5%
5 th Detail (11pm – 7am)	23	33			56	32.9%
Total	77	93			170	100%

Restorative Justice Data (2nd Quarter, 2024)

The Madison Police Department actively seeks opportunities to *divert* individuals from the justice system.

Diversion occurs when police refer individuals to a program or services in lieu of an arrest. Pre-arrest or pre-charge diversion seeks to connect individuals with community-based help, while avoiding a damaging arrest record.

Restorative Justice is an approach that focuses on the needs of the victims, respondents, and the affected community. Victims can actively participate in the process, while respondents acknowledge responsibility for their actions.

The goals of restorative justice are to repair harm, reduce the risk of re-offense and rebuild community.

Community Restorative Court (CRC) is a diversion program for 17–25-year-olds who are cited for disorderly conduct, simple battery, obstructing an officer, damage to property, or theft (including retail theft).

In lieu of any municipal citation, youth aged 12-16 are referred to our **Restorative Justice** program run by the **YWCA**. Any time an MPD police officer in the field investigates and has probable cause to write a municipal (forfeiture) ticket, that officer must instead issue a Restorative Justice Referral to the youth.

12–16-Year-Old Youth Data from YWCA	17–25-Year-Old Data from CRC																						
Total referrals issued: 53 Opted-in: 35 Opted out: 4 Neither: 4 (these referrals voided due to defendant’s age or per officer) Waiting for Opt-in/Opt-out: 10 Offenses: <ul style="list-style-type: none"> • Retail Theft: 4 • Theft: 1 • Trespass: 8 • Disorderly Conduct: 24 • Damage to Property: 3 • Battery: 5 • Underage Possess/Consume Off Lic premise: 1 • Resist Or Obstruct: 6 • Unlawful use of facsimile firearm: 1 2021 Updates (From what was resent to the Y on November 11, 2022) * No update 2022 Updates (Cases past their 6 Month Deadline – From what was sent to the Y on January 13, 2023) * No update	Referrals from April 1 st to June 30 th , 2024 Total MPD Referrals = 70 Total MPD Referrals by Offense Type = 98 <i>*Total is more than 70 due to Clients with more than one citation.</i> <ul style="list-style-type: none"> • <i>Direct Referrals = 2</i> Offenses: <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td>Municipal - Battery</td><td style="text-align: right;">3</td></tr> <tr><td>Municipal – Unlawful Trespass</td><td style="text-align: right;">45</td></tr> <tr><td>Municipal - Disorderly Conduct</td><td style="text-align: right;">7</td></tr> <tr><td>Municipal - Resisting/Obstructing</td><td style="text-align: right;">31</td></tr> <tr><td>Municipal – Criminal Damage to Property</td><td style="text-align: right;">3</td></tr> <tr><td>Municipal – Retail Theft (PTAC)</td><td style="text-align: right;">1</td></tr> <tr><td>Municipal - Retail Theft/Shoplifting</td><td style="text-align: right;">4</td></tr> <tr><td>Municipal – Retail Theft – Intentionally Take (<=\$500)</td><td style="text-align: right;">2</td></tr> <tr><td>Municipal – Theft</td><td style="text-align: right;">1</td></tr> <tr><td>Municipal – Theft – Movable Property</td><td style="text-align: right;">1</td></tr> <tr style="background-color: #d3d3d3;"><td style="text-align: right;">Total:</td><td style="text-align: right;">98</td></tr> </tbody> </table>	Municipal - Battery	3	Municipal – Unlawful Trespass	45	Municipal - Disorderly Conduct	7	Municipal - Resisting/Obstructing	31	Municipal – Criminal Damage to Property	3	Municipal – Retail Theft (PTAC)	1	Municipal - Retail Theft/Shoplifting	4	Municipal – Retail Theft – Intentionally Take (<=\$500)	2	Municipal – Theft	1	Municipal – Theft – Movable Property	1	Total:	98
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Total:	98																						

Traffic

Traffic Complaints –

Community members may submit a traffic complaint or concern to the Madison Police Department by utilizing [online submissions](#) or calling the Speeder’s Hotline (608-266-4822). In the 2nd quarter of 2024, MPD received 217 traffic complaints.

Serious/Fatal Crashes

In the 2nd Quarter of 2024, MPD investigated 797 crashes that resulted in 2 fatalities, 35 serious injuries and 146 minor injuries.

Traffic Grants

Traffic Grant Data (2 nd Quarter, 2024)	Number of Grants	Citations Issued	Warnings Issued
Alcohol	17	328	203
Speed	12	234	102
Seatbelt	8	203	81
Ped/Bike	15	287	105

*This number is the total number of citations and warnings issued. Citations and warnings issued in each grant can be for violations other than the violation for which the grant is intended.

Training

On May 28, 2024, MPD welcomed our 32 newest officers to the pre-service academy. These probationary police officers will be with us in the academy through late November before heading out into field training. Also in the second quarter, our commissioned personnel completed spring professional development. Topics this spring included crowd control, active shooter incident management and the state’s new high-risk vehicle contact model. Officers assigned to patrol joined us for an additional eight hours this spring focusing on ballistic shield use, wall stabilization techniques, integration exercises and an update from the Violent Crimes Unit. In addition to the academy and professional development, we wrapped up the promotional processes for the ranks of detective and investigator. Finally, we have officially kicked off the 24-25 hiring process to fill the 2025 pre-service academy.

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 second quarter of 2024.

2024 – Second Quarter Promotions

Police Officer Cruz Ramirez to Sergeant

Sergeant James Imoehl to Lieutenant

Police Officer Nicholas Hill to Sergeant

Lieutenant Eugene Woehrle to Acting Captain

Detective Sergeant Caleb Johnson to Acting Lieutenant

Detective Pedro Ortega-Mendoza to Acting Detective Sergeant

Police Officer Benjamin Hogan to Acting Detective

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

<https://www.cityofmadison.com/police/documents/psiaSummary2024AprJun.pdf>

<https://www.cityofmadison.com/police/documents/psiaRecognition2024AprJun.pdf>

Updated/New SOPs for MPD: April-June 2024

Reporting Procedure: 04/19/2024

ICAC Investigations (new): 06/14/2024

Restricted Duty: 06/18/2024

Court Overtime: 06/28/2024



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Reporting Procedure

Eff. Date 1/22/2024 4/19/2024

Purpose

To outline the guidelines for Madison Police Department (MPD) reporting requirements.

Procedure

The appropriate official police report format will be used to record information that is developed or received by any member of the MPD assigned a case number. A field report or dictated report shall be utilized as the primary report and where applicable the forms listed below are authorized to serve as a primary report:

1. Traffic Crash Forms DT4000 and MPD4000.
2. A Uniform Traffic Citation (UTC), municipal, e-citation (ELCI), or parking citation (NOT misdemeanor citations).
3. It is not necessary to complete a separate report on a "private property" parking complaint. However, a case number is required and at a minimum, the name of the complainant, address, phone number, and terminology of the "no parking" sign shall be included on the parking citation.
4. Protective Custody Conveyance Form.
5. Subpoena - (Case Number, Date, Time, and Officer on top right).
6. Summons - (Case Number, Date, Time, and Officer on top right).
7. Fire Station Violation Complaint - (Case Number and date on top right).
8. Boom Car Violation Complaint.

SUPPLEMENTAL REPORTS, ATTACHMENTS, AND OTHER FORMS

The following reports will be used as a supplement to a Primary Report:

1. Submitted after follow-up or for technical personnel to record actions taken subsequent to the submission of an original/primary report;
2. Explaining a DT4000 or citation where the space provided on the original form is insufficient; or
3. As otherwise required (i.e., juvenile alcohol-related offenses).

All attachments shall have the case number placed in the upper right hand corner of documents and the most obvious/legible place for non-documents. Store retail theft reports will have "state" or "municipal" added in the upper right hand corner if an arrest has been made. One set of attachments shall accompany the original report and another set/photocopies shall be left in district for the detective lieutenant.

Victim Rights Information (VRI), Municipal Rights Pamphlet, Juvenile Arrest Notification forms, and Vehicle Stop Information Cards shall be completed and issued or filed appropriately.

SELF-REPORTING

Self-reporting occurs by call in, walk in, or internet submission. If an officer is dispatched to a call, the officer may not refer the complainant to self-reporting unless approved by the Officer in Charge (OIC) or a supervisor or unless the city has gone to Priority Call Response dispatching.

REPORT COMPLETION TIMELINES

Reports will be completed based on the already established dictation priority code list of report types. These guidelines encompass all report types, dictated, field, citation, etc. Reports that indicate they must be completed prior to end of shift apply to all persons completing a report for that case, not just the original report

or report containing the probable cause. Regardless of the established completion timelines, all reports should be completed as soon as possible.

Reports that indicate they must be completed prior to end of shift must be done immediately after completion of the call. Staff may return to their district to complete the report, but must remain out of service until the report is finished unless there is an emergency call for service.

1. Custody Juvenile – Complete before end of shift
 - In custody at the Juvenile Reception Center (JRC) or other secure facility
2. Custody Adult – Complete before end of shift
 - In custody
 - New criminal arrests and are at the Dane County Jail (DCJ), Detox, or Hospital
 - Emergency detentions
3. Priority Report – Complete before end of shift
 - In custody arrest for Probation/Parole (P&P) holds, municipal arrests, warrants
 - Domestic abuse incidents with probable cause and suspect is at large
 - Restraining order or other court order investigations
 - Death Investigations
 - Physical child placements
 - Child abuse/neglect cases
 - Missing persons
 - Crimes with known suspects at large (may be held with approval of the OIC)
 - Sexual assault investigations
 - Cases involving officers disengaging from a hospital when Emergency Detention criteria is present (*see Mental Health Incidents/Crises SOP for more*)
 - Intentional overdose cases, incidents of attempted suicide, or incidents of bodily harm to self (*see Mental Health Incidents/Crises SOP for more*)
4. Felony Cases – OIC or Supervisor discretion
 - Felony crimes without known suspects
 - Stolen/recovered autos
 - Burglaries or attempted burglaries
 - Felony weapons offenses
 - Substantial batteries
 - Felony person crimes
5. Operating while intoxicated (OWI) – Can be held to the next day, including 12 hour holds. **Felony arrests must be completed before end of shift.**
6. Citation Arrests
 - Misdemeanor – complete within five days of citation issuance
 - Traffic – complete within 10 days prior to court date
 - City Ordinance – complete within 10 days prior to court date
7. Crashes – Complete within five days of crash
8. All Others – Complete promptly

REPORT CONTENT

Language should be Understandable, Accurate, and Concise

1. Foul/abusive language should only be quoted to describe another's actions or accurately document a statement taken by an officer.
2. Names and difficult word spellings should be checked for accuracy.
3. Standard abbreviations for street types and titles (e.g., PO, Dep, Sgt, Dr, LPO) or agencies (e.g., DCJ, DCHS) may be used. Abbreviations of commonly used terms (e.g., w/o, veh, approx) may not be used.
4. Reported information must be legible including members' signatures, where required.

5. Unreadable documents shall be returned to the responsible officer for correction.
6. A black ballpoint pen must be used for completing any non-electronic citations/required forms so that readable copies can be made.
7. All names, addresses, and phone numbers (private or businesses) must be complete, when possible.
8. Reports must accurately reflect situations investigated by the officer(s) on the scene.
9. Ten codes may not be used in report narratives.

REPORT REVIEW

Written reports must be useful to persons other than the writer, and should be a word picture about what occurred. Reports must be used to describe a wide variety of actions, and become an official statement of facts.

1. Detective Lieutenants or their designees shall review all district reports.
2. If the report does not adhere to the requirements of the Reporting Procedures and if the reporting officer is not available to make corrections, the reviewer should forward a copy of the report to the reporting officer's supervisor or commanding officer, indicating the errors or omissions.
3. If the report does not adhere to the requirements of the Reporting Procedures, requires urgent modification or attention, and if the reporting officer is not available to make corrections, the reviewer should contact the appropriate work unit indicating what next day follow-up is required. If immediate attention is necessary (i.e., directing that an arrested person be released), the reviewer will ensure that the appropriate action is taken.
4. All reports returned for corrections shall be re-submitted, in a timely fashion, as a supplemental report containing the requested changes.

REQUIRED REPORTS

Employees should complete reports on incidents when circumstances indicate a report is warranted, to include all criminal investigations and reports required by other MPD standard operating procedures (SOP). Employees who do not complete a report must advise the dispatcher that there will not be a report on the case number involved. Nothing in this procedure will prohibit a supervisor from requiring an employee to complete a report on any incident. Computer aided dispatch (CAD)/Mobile Data Computer (MDC) call notes may be used to supplement incident information in situations not requiring a report, but may not be used as a substitute for completing a report.

Employees are not required to complete reports on incidents identified below:

Calls Canceled

Calls canceled by the complainant except robberies, calls to liquor license establishments (bars and restaurants), calls which might have involved physical harm or threat of harm to anyone (e.g., family trouble, crimes against persons, etc.) where the person canceling the call may not be the victim.

Unfounded Calls

Unfounded calls where nothing is located and no new information is received (e.g., a traffic crash where responding officers are unable to locate vehicle or driver).

False Security Alarms

False security alarms from a governmental agency, unless a continuing problem exists. Any alarms that fall within the guidelines of Alarm Response in the Calls for Service (CFS) Dispatch Guidelines SOP. False fire alarms always require a report.

Assist Calls

Requiring no follow-up action such as:

1. Assist outside agencies
2. Assist citizens
3. Delivering messages
4. Assistance to other City departments or government agencies for traffic direction or similar safety precautions

Blood Runs

Blood runs for Red Cross or other emergency personnel.

On-Street Parking Violations

Unless vehicle is towed.

Private Parking

Private parking when vehicle(s) has been moved prior to arrival.

District Information

Documentation and the ability to retrieve information received from community members who wish to make the police aware of situations which may occur or have occurred in the past. This information may not require immediate action and is provided to officers to make them aware of community members' concerns. Officers may take enforcement action if appropriate (e.g., driving complaints, extra patrol, etc.).

Simple Conveyances

Unrelated to offense or intoxication.

Traffic Stops

All vehicle traffic stops must be documented in a report, through the Traffic and Criminal Software (TraCS), or with a Vehicle Stop Information Form. Investigative traffic stops related to criminal (non-traffic) violations must be documented in a report. Vehicle stops related to traffic violations must be documented by either a TraCS citation or TraCS warning. The Vehicle Stop Information Form will be used to document a traffic-related vehicle stop if TraCS is unavailable.

Completed Vehicle Stop Information Forms should be submitted to the Traffic section via inter-departmental mail or email (PD Traffic Stop Warnings email group).

Original SOP: 11/18/2015
(Reviewed Only: 02/22/2016, 12/26/2017)
(Revised: 01/19/2017, 05/31/2019, 07/19/2021, 1/22/2024, 4/19/2024)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



ICAC Investigations

Eff. Date 06/14/2024

Purpose

The Madison Police Department (MPD) is a member of Wisconsin’s Internet Crimes Against Children (ICAC) Task Force, a collaboration of state and local law enforcement agencies that works to combat technology-facilitated child sexual exploitation and internet crimes against children.

MPD ICAC Task Force members should adhere to the ICAC Task Force Program Operational and Investigation Standards set forth in the National ICAC Standards established by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the United States Department of Justice (DOJ).

This standard operating procedure (SOP) provides a standard of conduct by establishing guidelines and prohibitions for MPD-authorized ICAC undercover activity, such as online undercover activity and the use of online aliases, to specifically investigate Internet Crimes Against Children (ICAC) to combat child exploitation.

Definitions

Account Take Over: When an individual provides consent to the investigating officer to utilize their already established account to further investigative efforts.

National ICAC Standards: Standards established by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the United States Department of Justice (DOJ) to guide the administration and operation of the ICAC Program and its members when working on ICAC-related investigations and matters.

Online Alias: An online identity encompassing identifiers, such as name and date of birth, differing from the employee’s actual identifiers, which may include use of a nongovernmental Internet Protocol (IP) address. An online alias may be used to engage in authorized online undercover activity.

Online Undercover Activity: The utilization of an online alias to engage in interactions with a person via social media sites that may or may not be in the public domain. This includes sending personal messages to other users or posting content on the timeline of other profiles. The act of simply joining an online group or sending or accepting a friend request would not be considered undercover activity unless messaging content accompanies said actions.

Partner: A civilian or non-sworn organization that OJJDP has recognized as a legitimate source of assistance.

Sexually Explicit Activity: Real or simulated (1) sexual intercourse of any kind; (2) masturbation; (3) sadistic/masochistic conduct; and/or, (4) lascivious exhibition of the anus, breast, genitals, or pubic area of any person.

Vigilante: A non-partner activist or organization engaged in investigative tactics or other law enforcement-like activities

Procedure

Authorized MPD personnel may engage in undercover ICAC activity, which includes undercover online activity and the creation and use of online aliases, for the purpose of ICAC investigations, in a manner consistent with this SOP.

ICAC investigators should follow the procedure set forth in the ensuing paragraphs when conducting undercover ICAC investigations.

Investigations

ICAC undercover operations will only be conducted by authorized sworn members of the Madison Police Department (MPD) who have received specialized training from the Wisconsin Division of Criminal Investigation (DCI), the National Criminal Justice Training Center (NCJTC), and/or MPD's internal training on ICAC undercover operations, and who have received command approval for their active participation in investigations from MPD's ICAC Task Force Commander (currently the Lieutenant of the Special Victims Unit [SVU]). At the direction of a supervisor, additional personnel may assist with undercover ICAC investigations and operations.

MPD's ICAC Task Force Commander (currently the Lieutenant of the Special Victims Unit [SVU]) is responsible for determining Investigative priorities and selecting cases for investigation. Those determinations may include an assessment of factors such as jurisdiction, agency resources, victim risk, background knowledge, and the likelihood of securing the information necessary to pursue each investigation. MPD will prioritize investigations that have a pre-existing nexus to our local community.

ICAC investigations may stem from online advertisements, posting boards, forums, online chatting, applications, reports from the community, or other avenues of online communication. ICAC investigators should allow the investigative subject to set the tone, pace, and subject matter of the online investigation. However, this does not prohibit ICAC investigators from posting information to establish an online presence, placing or posting advertisements, posting on message boards or chat rooms, and/or sending direct messages as part of their online alias.

Due to the incidental nature of some online interactions, not all online conversations will be documented; however, ICAC investigators will preserve and document all communications and materials when a criminal investigation commences.

ICAC investigators shall not upload, transmit, or forward any contraband images to those outside their respective agency except to other sworn law enforcement officers or National Center for Missing and Exploited Children (NCMEC) employees for specific investigative purposes; such dissemination shall be done in a secure manner.

Undercover work shall only be performed on duty. Any approved undercover activity outside of an employee's regular duty hours shall be documented with an entry in Telestaff.

MPD personnel shall not collaborate with vigilantes. Furthermore, MPD personnel shall not approve, condone, encourage, or promote vigilante activities. This shall not preclude the use of information related to a crime that is provided and reported by victims or public community members who discover evidence (e.g., CyberTip reports, those who are mandated reporters, computer repair workers who report suspicious data, parental complaints, etc.).

Online Alias

An ICAC investigator seeking authorization to engage in online undercover activity will complete the MPD online undercover activity request form and submit it to the MPD ICAC Task Force Commander for approval. The MPD ICAC Task Force Commander will review the request and determine whether the online undercover activity serves a valid law enforcement purpose; see addendum.

During active investigations, investigators may use a visual depiction as a representation of an investigative persona/person/purported person under two circumstances, only:

First, when the following factors are met:

1. The visual depiction is of an actual person;
2. That person is an employee of a law enforcement agency;
3. The employee has provided written consent for the visual depiction to be used;
4. The employee was at least 18 years old when the consent was given regardless of whether or not the employee was a minor when the visual depiction was taken, and;
5. The image does not depict or convey the impression of sexually explicit activity.

Second, when the visual depiction is digitally altered to suit the needs of the investigation *and* does not depict or convey the impression of sexually explicit activity.

Any aliases relevant to criminal investigations where criminal charges have been filed, or an account taken over, shall be documented in a police report.

Deconfliction

All created aliases and completed account takeovers, for the purpose of undercover ICAC investigations, whether resulting in criminal charges or not, shall be entered into the National ICAC Data System's online portal for tracking and deconfliction purposes.

Account Take Over

The MPD Account Take Over Form shall be utilized to document activities related to account take overs; see addendum. Prior to conducting an account take over, the MPD ICAC Task Force Commander will be notified and provide written approval for the account take over and subsequent investigation. The MPD ICAC Task Force Commander will also be notified in writing on the Account Take-Over Consent Form when the account take over has concluded and the account take over form closed out. The conclusion of the account take over will also be documented in writing on the MPD Account Take Over consent form. The completed account take over consent form will be documented within the case file as an attachment to a report.

In situations involving any individual under 18 years old, the parents/guardians of the individual will be contacted and must also provide written consent for the account take over. Additionally, the MPD ICAC Task Force Commander as well as the Wisconsin ICAC Task Force Commander will be consulted and both ICAC commanders shall approve any such account take over prior to use of the individual's account. ICAC investigators and supervisors should never allow undue risks to the safety of those who originally operated the online account, community members, or law enforcement personnel.

Operations

ICAC investigations typically focus on child sex offenders who have committed serious state of federal crimes and due to the life-changing event, the impact on these offenders can result in a violent response to authorities.

Prior to arranging or conducting any in-person contact with the target of an online undercover operation, or if an undercover operation is anticipated, the ICAC investigator shall notify the MPD ICAC Task Force Commander and should consult relevant prosecutors about the operation.

All field operations resulting from undercover ICAC investigations require a written operations plan that is pre-approved and briefed to participating personnel prior to the field operation. All approved operation plans will be reviewed and signed by a commander within MPD's Investigative Services Bureau. No in-person contact will be made without prior command approvals.

Equipment

Investigations shall be conducted using approved equipment, as designated by the supervisor and/or commander of the Madison Police Department's ICAC Task Force. In cases where chatting is performed from outside of MPD operated facilities, a VPN (Virtual Private Network) or hot spot network from a department issued device may be utilized.

No personally owned equipment, accounts, or networks shall be used in ICAC investigations.



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



Eff. Date ~~06/01/2022~~ 06/18/2024

Purpose

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

Restricted duty is intended to provide a temporary assignment to an employee who is unable to perform their essential job tasks due to a temporary injury, illness, or other condition. Frequent reoccurrence of the same medical condition is not considered “temporary.” Assignments filled by restricted/light duty personnel are to be temporary, and will not become permanent positions.

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

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

Procedure

NOTIFICATION/DOCUMENTATION

All commissioned and professional civilian personnel, regardless of rank or position, are subject to this process. If restricted/light-duty status is either anticipated or requested, it must be approved by the Human Resources Coordinator before the employee returns to the workplace in a restricted duty capacity.

Duty Related Injury

All personnel are required to notify a supervisor, commander, civilian professional staff manager, or MPD’s Officer in Charge (OIC) immediately, and PD Medical, if injured while on duty. The employee must call the City’s external medical call-in line (Paradigm) to report the injury. In the case of significant emergencies (e.g. a critical incident), the employee’s supervisor will call this external line on the employee’s behalf.

- Contact Information for External Call-In Line (Paradigm): **844-847-8709**
- If the employee sought immediate treatment or scheduled a future appointment to treat injury, then a Medical Status Report form (<https://www.cityofmadison.com/employeeenet-finance/documents/WC-MedStat.pdf> <https://www.cityofmadison.com/employeeenet/finance/documents/WC-MedStat.pdf>) needs to be completed by the employee’s medical provider, to include the following:
 - The nature of any physical/medical restrictions (e.g., can’t bend, lift, push/pull, stand, or work full shifts, etc.).
 - The approximate length of time that the employee may require restricted/light-duty status.
 - Any upcoming appointments so PD Medical knows when to expect an update or the next MSR.
 - When appropriate, a date on which an employee may return to their regular, unrestricted duties.

A Medical Status Report form must be completed by a medical provider for every medical appointment that results from an on-duty injury.

Non-Duty Injury, Illness, or Medical Restriction

All commissioned employees must be in physical and mental condition to deploy for emergency field deployments and must be able to complete any and all assigned duties **at a moment's notice**. When an employee has an issue that precludes full participation in any assigned duties or operational readiness, the employee should notify the Human Resources Coordinator before returning to work. The employee is not required to identify the nature of a non-duty-related medical condition or illness.

~~Documentation must be submitted to PD Medical, which will include a medical note from your provider that indicates any physical/medical restrictions or limitations (e.g., can't bend, lift, push/pull, stand, or work full shifts, etc.).~~ Medical documentation is required for any change in the employee's work restrictions or status. To remain on restricted duty status, the employee's medical documentation must have dates that reflect the specific timeframes requested for restricted duty. Failure to have proper documentation may result in the employee's restricted duty status request being denied or revoked. Employees should provide the Department with as much advance notice as possible when they are undergoing a planned medical procedure. The Human Resources Coordinator will direct the restricted duty assignment and placement. Consistent with City APM 2-7, the Human Resources Coordinator shall exercise judgment and diligence in determining whether it is cost-effective and feasible to establish temporary transitional assignments for workers who are temporarily unable to perform their usual and customary assignments due to non-work-related medical restrictions. In making this determination, the Human Resources Coordinator shall consider such factors as availability of work at (or approximating) the level of the employee's current classification, the duration of the assignment, and the overall impact on the organization.

- When an employee is requesting to be placed on light duty due to a non-duty injury, they must submit medical documentation that includes the following:
 - The nature of any physical/medical restrictions (e.g., can't bend, lift, push/pull, stand, or work full shifts, etc.).
 - The approximate length of time that the employee may require restricted/light-duty status. This should include a start date and approximate end date or date of follow up appointment.
 - Any upcoming appointments so PD Medical knows when to expect an update.
 - When appropriate, a date on which an employee may return to their regular, unrestricted duties.

Transmittal of Medical Documentation

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

An employee will not be allowed to return to work in a restricted/light-duty status or allowed to return to work in a full duty or unrestricted status until appropriate medical documentation is received, reviewed, and approved by the Human Resources Coordinator **or their designee.** ~~or the Captain of Personnel and Training.~~

REVIEW AND APPROVAL PROCESS OF REQUEST FOR RESTRICTED DUTY

Once received, the Human Resources Coordinator will review the medical/physical restrictions identified in the medical provider documentation and will determine if the employee will be approved for restricted/light-duty status. The Human Resources Coordinator will then notify the affected employee by phone or e-mail as to the status of their restricted/light-duty request. The employee's supervisor, commander, or manager will also be notified **by the Human Resources Coordinator** that the employee will be in a restricted duty status.

Responsibility of the Employee

All employees shall adhere to the medical restrictions that are identified by their medical provider. Employees may be allowed to operate an unmarked City vehicle for work-related purposes only, provided their doctor has not restricted the employee's ability to drive. Employees are not allowed to come to work if using prescription narcotics that cause impairment or if using or medication that causes impairment. Commissioned employees will not be allowed to carry a firearm on duty while on restricted/light-duty status unless pre-approved by the Human Resources Coordinator or the Captain of Personnel and Training. Such approvals may be made when there are threats made to the officer or in circumstances where there is a heightened risk of threat to law enforcement. Exceptions cannot be approved when the officer has an injury that inhibits the safe use of a firearm. If approved, the officer cannot be identifiable as law enforcement personnel and firearms are to be concealed at all times.

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

ASSIGNMENT/SCHEDULE

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

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

Any changes in work hours must be pre-approved by a commander or civilian professional staff manager. If an employee has a medical appointment related to their on-duty injury, they are not allowed to adjust their work hours to include medical appointments during their regularly scheduled shift. However, if an appointment occurs during their regular workday, employees will be compensated for that time, by [Workers eCompensation \(WC\)](#). Employees are encouraged to schedule medical appointments outside their work hours. Furthermore, if an employee has a medical appointment related to an off-duty injury, the employee must use their own leave to cover the time they are out of the office.

Commissioned employees, while on restricted duty, may not take police action or otherwise engage in any action that places the employee at undue risk, wear military-style uniforms, display badges, carry firearms, or operate marked police vehicles without authorization by the Human Resources Coordinator or in his/her their absence, the [Captain of Personnel and Training](#), Assistant Chief of Support and Community Outreach.

RETURN TO FULL DUTY ASSIGNMENT

In order to return from restricted duty to a full unrestricted duty status, medical clearance paperwork needs to be reviewed. For work-related injuries the employee must submit the *Medical Status Report Form*. For non-work/duty-related injuries, the employee must submit a note from a qualified doctor/physician indicating that the employee can return to work and perform all required duties **without any restrictions**. The Human Resources Coordinator must review the medical documentation and approve the return to duty before the employee may return to a full duty status.

In the absence of the Human Resources Coordinator, the MPD Finance Manager, **or the Assistant Chief of Support and Community Outreach** ~~the Captain of Personnel and Training~~ serves as an alternate contact and resource for restricted/light-duty.

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

ADDITIONAL REQUIREMENTS

Employees who will likely request restricted/light duty status for more than two weeks, for non-duty related illnesses or injuries, may be required to submit FMLA paperwork. ~~In addition, e~~ **Employees that are or will be approved for non-duty related restricted/light duty status for two months or more**, will be required to have their medical provider update the status of their physical/medical restrictions when their restrictions change. **If the approved restricted/light duty exceeds two months, employees are required to submit a note every two months regardless of whether their medical status changes.** A new *Medical Status Report* medical note (with specific physical restrictions) is to be submitted to **PD Medical** ~~the Human Resources Coordinator~~.

~~In all circumstances, an updated Medical Status Report or Doctor's note must be submitted periodically (generally every two months) during which the employee remains in a temporary restricted duty assignment. Medical progress reports are not initially required for employees in a temporary restricted duty assignment due to pregnancy. A medical note requesting restricted duty from the pregnant employee's provider is required to process this request.~~

- **Temporary R** Restricted duty assignments are limited to eight (8) months (35 weeks total). On a case by case basis, the Chief may approve an extension of four (4) months (17 additional weeks), not to exceed twelve (12) total months (52 weeks). **This applies to personnel on light duty for a reason not related to a work injury.**
- ~~Temporary restricted duty assignments are only available if it appears the employee will be able to return to his/her original position (with an ability to perform the essential job tasks of the position). If the employee's medical provider determines that the employee is no longer making progress towards unrestricted or full-duty status, the temporary restricted duty assignment will be discontinued and the employee will be placed on appropriate leave status pursuant to City APM's and guidelines.~~
- ~~If the department does not receive the required updated Medical Status Reports in a reasonable timeframe, the temporary restricted duty assignment will be discontinued and the employee will be placed on appropriate leave status.~~
- The length of an employee's non-duty restricted duty status will be measured by allotment, to include the time period where any extensions to the initial allotment are granted. This means that once an employee is approved for restricted duty status, their allotment will commence, to include re-occurrences of the same illness/injury, or any additional injuries/illnesses that may occur within the same timeframe. This provision will not interfere with or supersede any

requirements mandated in APM 2-45. With the exception of FMLA, any leave taken during the period that the employee is in restricted duty status will not extend the employee's restricted duty allotment.

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

TELESTAFF

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

- It is important that the affected employee's Telestaff calendar reflects the actual shift worked by using either the appropriate "Light Duty:Non-Duty Related" or the "Light Duty:Workers Comp" work code; the entry must remain at 7.5, 8, 9.5, or 10 hours. Never add an Adjust Work Hours work code.
- Employees are required to also use Telestaff to document the work they perform. To accomplish this, employees will have to "edit" their Light Duty Work Codes while on restricted/light duty status. Employees are required to enter their assignment location in the Detail Code of the Light Duty Work Code. In the Note Field, ~~E~~ employees shall type ~~in the Note Field~~ a brief description of the work they did that day.
- When an employee attends a medical visit for a work-related injury, on work time, they shall make a WC entry in Telestaff. The entry should be made for the duration of time the employee was away from their work assignment, including travel time to and from medical appointment.

AUDIT/COMPLIANCE VERIFICATION

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

Original SOP: 04/17/2015

(Revised: 10/22/2015, 03/04/2016, 01/13/2017, 09/06/2017, 12/11/2017, 1/14/2019, 04/14/2020, 06/01/2022, 06/18/2024)



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Court Overtime

Eff. Date ~~01/31/2023~~ 06/28/2024

Purpose

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

Procedure

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

- Employees who are under subpoena and physically appear in court to provide testimony, including revocation hearings, will use the overtime work code **OT Court**.
- Effective January 2019, the Court Standby Memorandum of Understanding (MOU) with the Madison Professional Police Officers Association (MPPOA) codified that employees who are under subpoena and directed to provide testimony by telephone will be compensated pursuant to standard contract provisions as if they had reported for duty to testify.
- When employees are asked to meet in-person with the prosecutor to prepare in advance of subpoenaed testimony, the work code is OT General and the detail code is TRP (or PTRP).
- If officers are called to testify in either an emergency detention or emergency detention return hearing, the appearance will be compensated in the same manner as other court testimony regardless of the issuance of a subpoena.

Regular Day Off (RDO), Bereavement, or Vacation Day:

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

Regularly Scheduled Work Day (including leave usage other than Vacation and Bereavement Leave) or Compensatory Overtime Accrued (COA/Comp) Day

- For any shift beginning before 8:00 PM (1st, 2nd, or 3rd detail personnel), the appropriate detail code is either COU or PCOU.
- For any shift beginning 8:00 PM or later (4th or 5th detail personnel), the appropriate detail code is COU3 or PCOU3.
- If an employee is scheduled for court during regular work hours when leave time (other than vacation or bereavement leave) is used, no overtime is earned. Instead, the leave time will be reduced to accommodate court attendance during regularly scheduled work time.
- Examples of leave types other than vacation and bereavement leave include the following: sick, exigent, administrative, Family Medical Leave Act (FMLA), City-paid parental leave, military, earned time, worker's comp, and Field Training Officer (FTO), and wellness days (referring to MPD wellness days accompanied by an appointment with a provider, which is different from the Floating Wellness Days for MPPOA and AMPS members).

Floating Wellness Day (MPPOA Only):

- If on a floating wellness day approved outside of the vacation pick process and if court occurs during regular shift or ordered in for an emergency during regular shift, leave time would be adjusted accordingly (time worked becomes regular time and leave time would be reduced by the amount of time worked).
 - If the floating wellness time was scheduled during the annual vacation pick process as part of the 1st, 2nd, or 3rd pick vacation, court-related overtime is the only type of overtime which can overlap with floating wellness time.
- Phone calls are covered under Article VIII, E, 5 of the MPPOA contract that covers payment for off-duty phone calls regarding testimony. When contacted by phone by the prosecutor, for trial prep or

scheduling, the employee is eligible for overtime if the call is longer than 10 minutes. The employee enters the exact duration of the phone call as follows:

- The appropriate overtime code is OT Misc OT Pay; the detail code is TRP (or PTRP).
 - The employee is paid for the exact time of the phone call only - no minimum call back to duty times apply.
 - Trial prep which occurs virtually will be treated the same as if it had occurred over the phone, and thus should be entered as OT Misc OT Pay (TRP or PTRP). Trial prep which occurs in-person should be coded as OT General (TRP or PTRP).
- If an employee is under subpoena but placed on “stand-by” (not required to physically appear for the duration of the subpoena but must be available during certain periods), the correct overtime code is **OT Standby – Court**. The detail code is STB (or PSTB).
 - a) Officers will receive a minimum two (2) hours of pay or compensatory time at the rate of time-and-one-half their regular rate of pay for each calendar day that they are under subpoena and put on “stand-by” (“Stand-by” time periods may not directly reflect the time periods on the written subpoena).
 - b) If an officer is on “stand-by” for a period that extends beyond two (2) hours, the officer is entitled to an additional one-third (1/3) of an hour of compensation (rate of time-and-one-half their regular rate of pay) for each hour that they are under subpoena and on “stand-by”. If the officer is not contacted and released from their “stand-by” status, they are presumed to be released at 4:30pm, unless specifically directed otherwise.
 - c) If an officer is under subpoena and on “stand-by” and is then called to physically appear, standard contractual compensation provisions will apply. The officer will receive hourly compensation under (b) for time on “stand-by” prior to court appearance, but will not receive the two (2) hour minimum compensation mentioned above under (a).
 - d) If an officer is under subpoena and on “stand-by” during a time period immediately before or after their regular shift for a period of two (2) hours or less, they will not receive the minimum compensation under (a), but will receive compensation only for the actual time on “stand-by” (rate of time-and-one-half their regular rate of pay).
 - e) Employees receiving compensation for “stand-by” are not eligible for court cancellation compensation.
 - f) If an officer is under subpoena and is directed to provide testimony by telephone, they will be compensated pursuant to standard contract provisions as if they had reported for duty to testify. This only applies to testimony provided by telephone pursuant to a subpoena and does not apply to other telephone communication (trial preparation, scheduling, etc.).
 - g) An OT Standby – Court entry will need to be entered in TeleStaff by an officer for each calendar day directed to be on “stand-by”. The work code defaults to the hours 08:00 to 16:30, requires a detail code, a case number and name in the note field, and will need to be approved by a supervisor.
 - **Court for OT Extraordinary cases:**
 - When a case number is designated as OT Extraordinary, all overtime for this case number – including overtime earned at a later date for investigations, court, and debriefings – should be classified under the extraordinary case code. The one exception is court cancellation, which would always be OT Court/COL or PCOL.
 - For in-person trial prep, the work code should be OT Extraordinary with the same detail code as the original case (example: OT Extraordinary/HOM).
 - For virtual/phone trial prep, the work code should be OT Misc OT Pay with the same detail code as the original case (example: OT Misc OT Pay/HOM).

LESS THAN 24 HOUR NOTICE OF COURT CANCELLATION

- If an employee is subpoenaed to attend court and is later notified they will be testifying by phone, they can enter overtime for court cancellation if the notification was less than 24 hours notice. (Note:

an employee is only eligible for court cancellation overtime, if court was scheduled outside of normal working hours, on a regular day off, or on a vacation or bereavement leave day.)

- If an employee has a court cancellation and then testifies by phone, they can only enter one type of overtime. Either they are paid the minimum 2 hours for a court cancellation or they are paid the time of the phone testimony - the employee cannot request both.
- Court cancellations are as follows:
 - The work code is OT Court and the detail code is COL or PCOL.
 - An employee is eligible if they are notified that court has been canceled less than 24 hours before they are scheduled to testify. If the start time for court is moved, but the appearance remains on the same date originally scheduled, then the employee is not eligible for court cancellation overtime.
 - If court is scheduled to start during an employee's regular work shift, even if that is the end time for the work shift, then the employee is not eligible for court cancellation overtime. An employee's regular duty shift includes their normal work hours and any continuous work beyond their scheduled shift.
 - The overtime entry should be made with a start time that is the same date and time that appears on the subpoena or, when required, an earlier time as directed by the City Attorney, ~~or District, of United States~~ Attorney. The entry is always for 1 hour, unless the 1 hour overlaps the start of a work shift or any other overtime. In that situation, the end time is the start of the shift or overtime to avoid overlapping.

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

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