

**CITY OF MADISON
INTRA-DEPARTMENTAL
CORRESPONDENCE**

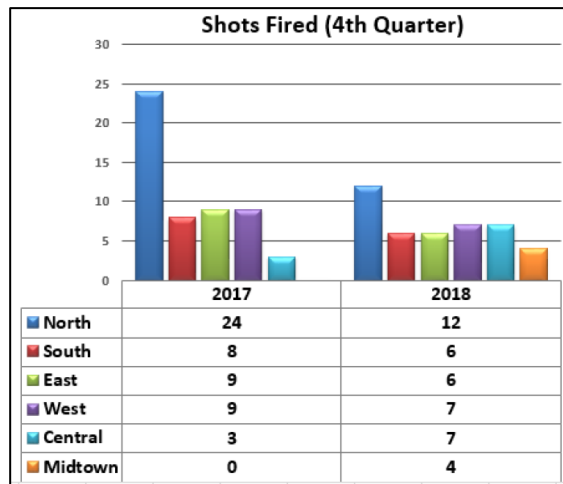
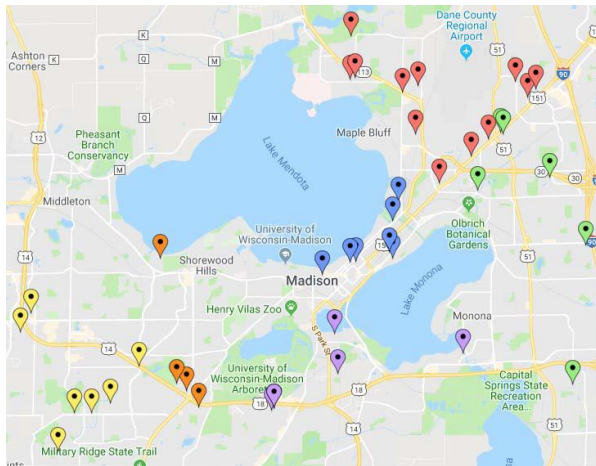
DATE: January 18, 2019

TO: All Alders
FROM: Michael Koval, Chief of Police
SUBJECT: Quarterly Update

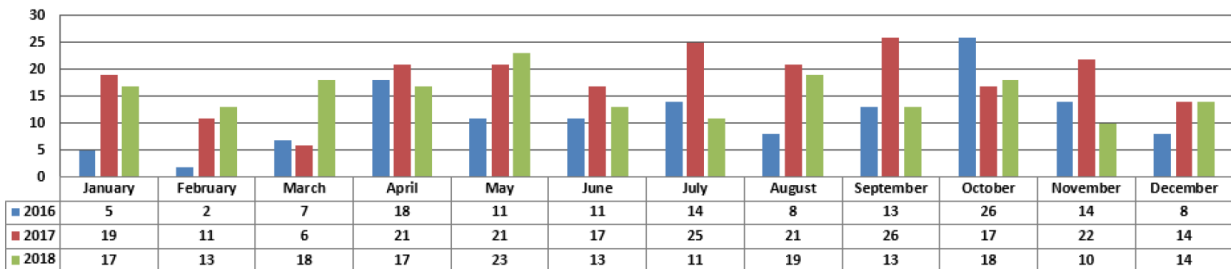
This document provides an update on selected MPD topics for the fourth quarter (October, November and December) of 2018. **Please consider the data included in this update as preliminary, subject to modification.**

Significant Incident Types

Shots Fired – there were forty-two (42) shots fired incidents in the City from October 1st through December 31st. This is a **21% decrease** from the fourth quarter of 2017. Nineteen (19) shots fired incidents were reported during the 4pm – midnight period; sixteen (16) were reported during the midnight – 8am time period; and seven (7) were reported during the 8am – 4pm time period.



Shots Fired by Month



	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
Property Damage	19	17	14	15	65
Subjects Struck by Gunfire*	5	6	9	13	31
Accidental Discharge	1	2	2	0	5
Self-Inflicted (intentional)	4	3	2	2	11
Casings Recovered	187	162	99	86	448

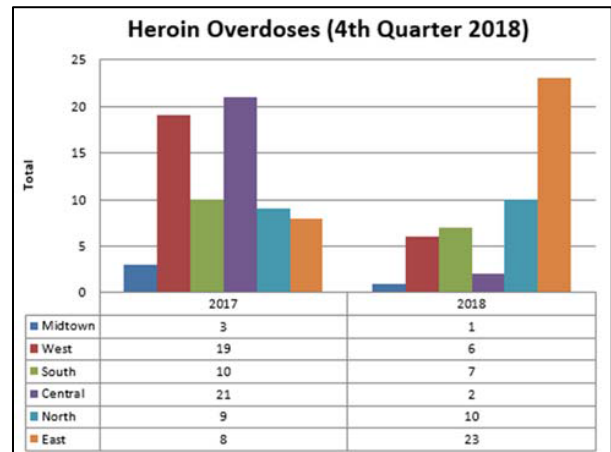
*Excludes accidental discharge & self-inflicted

There were 186 shots fired incidents during all of 2018. This reflects a 16% decrease from 2017.

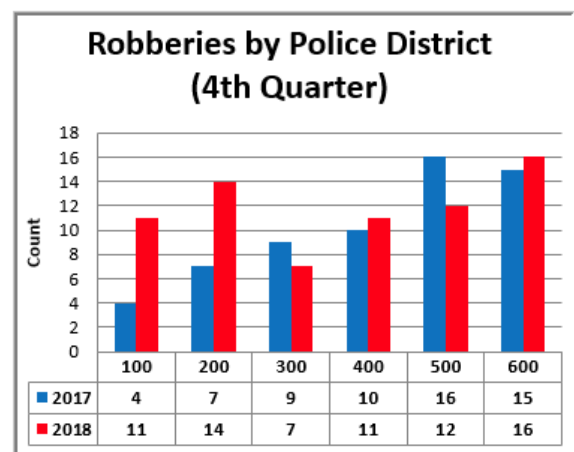
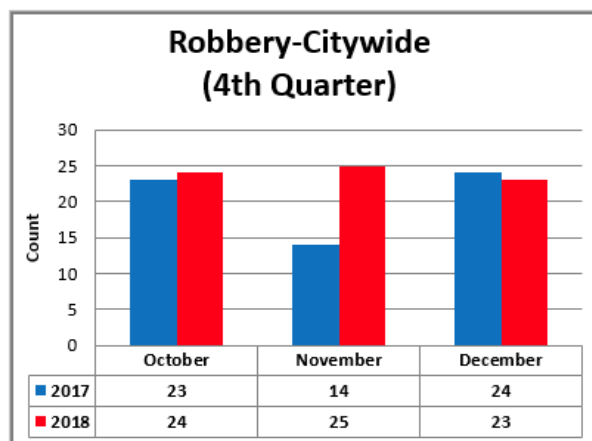
Heroin Overdoses – MPD responded to forty-nine (49) known heroin overdoses during the fourth quarter of 2018. This is a decrease of 47% from the fourth quarter in 2017. Note that these figures refer to known overdoses...it is likely that many overdoses are occurring without any report to MPD or MFD.

There were ten (10) overdose deaths during the fourth quarter of 2018. This is a 44% decrease from the fourth quarter in 2017 [note that these figures only include overdose deaths with police involvement and clear evidence of an overdose; the actual figure may be higher].

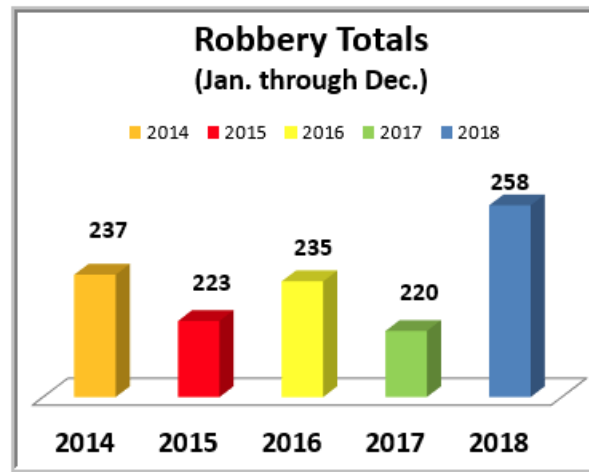
MPD responded to a total of 275 known heroin overdoses in 2018, a 6% increase from 2017. There were forty-two (42) overdose deaths in 2018, a 23% increase from 2017.



Robberies – seventy-two (72) robberies occurred in the City during the fourth quarter of 2018. This is an 18% increase from the fourth quarter of 2017.

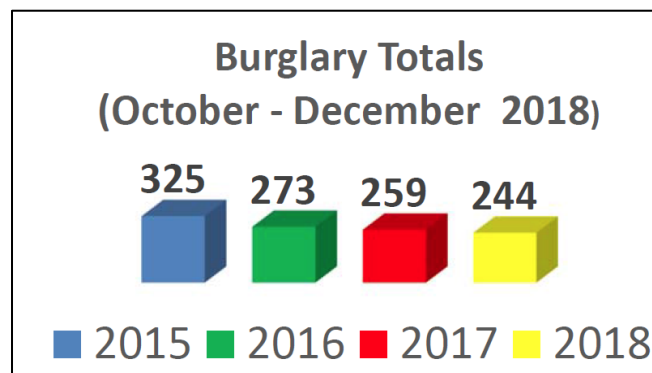
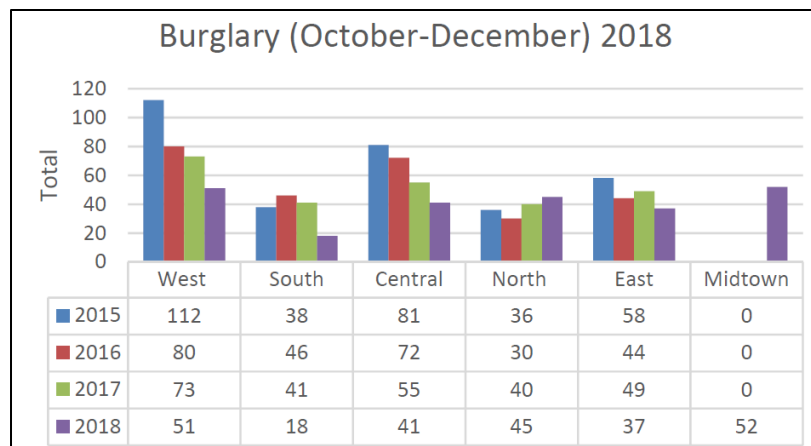


MPD responded to 258 robberies in 2018, a 17% increase from 2017 and a 10% increase over the five-year annual average.

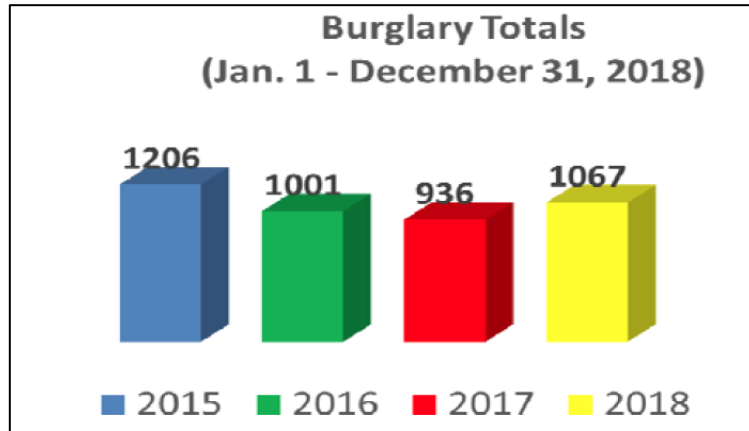


Burglaries – MPD responded to 244 burglaries during the fourth quarter of 2018. This is a 6% decrease from the fourth quarter in 2017, and a 35% decrease from the third quarter (2018).

Of the burglaries occurring during the fourth quarter, at least 104 burglaries occurred when a resident was at home and/or asleep, and at least 116 burglaries occurred with the help of an unlocked door or an open garage. Thirteen (13) firearms and eight (8) vehicles were taken during fourth quarter burglaries.



MPD responded to 1,067 burglaries during 2018, a 14% increase from 2017 and a 1% increase over the four-year average.



Arrest Data

Third quarter arrest data:

Sex	Q1	Q2	Q3	Q4	Total	%
Male	1232	1556	1550	1290	5657	70.7%
Female	550	678	643	477	2348	29.3%
Unknown	0	0	0	0	0	0.0%
Total	1782	2234	2222	1767	8005	100.0%

Race	Q1	Q2	Q3	Q4	Total	%
Asian	25	23	26	26	100	1.2%
African-American	840	1083	1108	840	3871	48.4%
Native American	11	13	11	14	49	0.6%
Other	30	29	42	29	130	1.6%
Caucasian	876	1086	1035	858	3855	48.2%
Total	1782	2234	2222	1767	8005	100.0%
Hispanic	104	150	135	106	495	6.2%

***"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	0	1	1	0.0%
Arson	2	1	2	3	8	0.1%
Assault Offenses	214	301	314	260	1089	9.1%
Bribery	0	0	0	0	0	0.0%
Burglary	32	19	43	24	118	1.0%
Counterfeiting/Forgery	7	13	7	7	34	0.3%

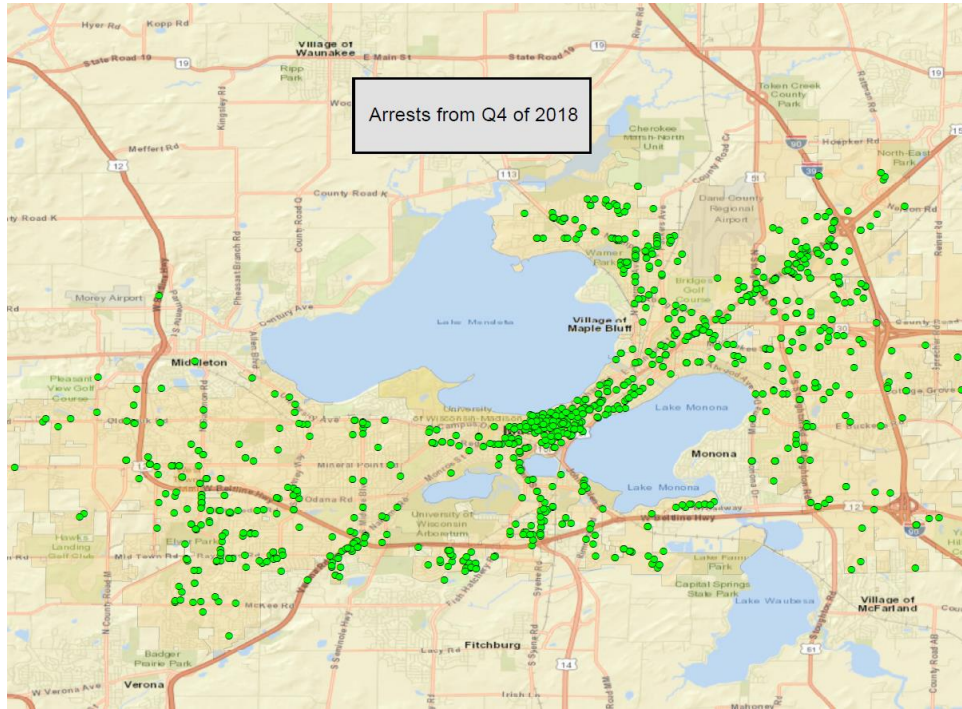
Damage to Property	104	102	137	106	449	3.7%
Drug/Narcotic Offenses	204	266	225	170	865	7.2%
Embezzlement	5	6	9	6	26	0.2%
Extortion	0	1	0	0	1	0.0%
Fraud Offenses	25	44	49	28	146	1.2%
Gambling Offenses	0	0	0	0	0	0.0%
Homicide Offenses	2	1	3	3	9	0.1%
Human Trafficking Offenses	0	0	0	0	0	0.0%
Kidnapping/Abduction	10	13	16	21	60	0.5%
Larceny/Theft Offenses	314	299	306	249	1168	9.7%
Motor Vehicle Theft	32	27	36	22	117	1.0%
Pornography/Obscene Material	6	6	1	2	15	0.1%
Prostitution Offenses	0	0	4	3	7	0.1%
Robbery	13	23	24	21	81	0.7%
Sex Offenses, Forcible	17	27	26	14	84	0.7%
Sex Offenses, Non-Forcible	2	2	0	0	4	0.0%
Stolen Property Offenses	7	3	6	11	27	0.2%
Weapon Law Violations**	34	37	28	25	124	1.0%
Group B Offenses	Q1	Q2	Q3	Q4	Total	%
Bad Checks	0	0	0	0	0	0.0%
Curfew/Loitering/Vagrancy Violations	6	6	6	5	23	0.2%
Disorderly Conduct	472	589	620	571	2252	18.8%
Driving Under the Influence	68	105	107	98	378	3.1%
Drunkenness	0	0	0	0	0	0.0%
Family Offenses, Nonviolent	10	17	15	16	58	0.5%
Liquor Law Violations	66	141	134	113	454	3.8%
Peeping Tom	0	0	0	0	0	0.0%
Runaway	0	0	0	0	0	0.0%
Trespass of Real Property	182	183	158	122	645	5.4%
All Other Offenses	816	1040	1027	881	3764	31.3%
Total	2650	3272	3303	2787	12007	100.0%

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

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

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

Fourth quarter arrests reflected geographically:



Comparison of 2017 to 2018 fourth quarter arrest data:

Sex	2017 (Q4)	2018 (Q4)
Male	1324	1290
Female	543	477
Unknown	0	0
Total	1867	1767

Race	2017 (Q4)	2018 (Q4)
Asian	47	26
African-American	833	840
Native American	16	14
Other	39	29
Caucasian	932	858
Total	1867	1767
Hispanic*	142	106

*"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 fourth quarter of 2018, MPD officers responded to 34,172 incidents. In that time, there were fifty-two (52) citizen contacts in which officers used recordable force during the encounter. Each of these force incidents documented by officers was reviewed for compliance with MPD standard operating procedures.

Description	Q1	Q2	Q3	Q4	Total
Calls for Service	32367	37214	39606	34172	143359
Citizen Contacts Where Force Was Used	54	60	51	52	217
% of CFS Where Force Was Used	0.17%	0.16%	0.13%	0.15%	0.15%
Force	Q1	Q2	Q3	Q4	Total
Decentralization/Takedown	37	55	41	42	175
Active Counter Measures	18	18	15	22	73
Taser Deployment	4	8	7	8	27
Hobble Restraints	8	8	11	9	36
OC (i.e. Pepper) Spray Deployment	5	1	1	2	9
Baton Strike	0	0	0	1	1
K9 Bite	0	0	0	0	0
Firearm Discharged Toward Suspect	0	0	1	0	1
Impact Munition	0	1	1	0	2
Total	72	91	77	84	324
Firearm Discharged to Put Down a Sick or Suffering Animal	7	10	3	18	38

*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>

Fourth quarter (2018) use of force by incident type:

Decentralized/Takedown		Active Counter Measures		Hobble Restraints	
Domestic Disturbance	8	Domestic Disturbance	6	Domestic Disturbance	3
Battery	5	Battery	3	OWI/Intoxicated Driver	1
Disturbance	9	Disturbance	4	Adult Arrest	1
Fight Call	1	Check Person	4	Disturbance	2
Unwanted Person	1	Attempted Suicide	1	Battery	1
ATL Person	1	Intoxicated Person	1	Disorderly Conduct	1
OWI/Intoxicated driver	3	Residential Burglary	1	TASER Deployment	
Check Person	5	Assist Police	1	Domestic Disturbance	3
Adult Arrest	5	Retail Theft	1	Disturbance	2
Drug Investigation	2			Mental Health Conveyance	2
Disorderly Conduct	1			Theft from Auto	1
Assist Police	1	OC Deployed			
		Disturbance	2	Baton	
				Fight Call	1

Please note that incident type generally reflects the manner in which a call for service is categorized at the time it is received. The actual call type may end up being different.

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

District*	Q1	Q2	Q3	Q4	Total	%
West	11	15	8	5	39	18.0%
Midtown	0	0	4	10	14	6.5%
South	10	9	5	8	32	14.7%
Central	15	13	11	19	58	26.7%
North	9	11	8	3	31	14.3%
East	7	9	13	6	35	16.1%
Out of County	0	0	1	0	1	0.5%
Within County - Assist Agency	2	3	1	1	7	3.2%
Total	54	60	51	52	217	100.0%

Time of Day/Patrol Shift	Q1	Q2	Q3	Q4	Total	%
1 st Detail (7am – 3pm)	10	11	9	7	37	17.1%
3 rd Detail (3pm – 11pm)	22	36	29	25	112	51.6%
5 th Detail (11pm – 7am)	22	13	13	20	68	31.3%
Total	54	60	51	52	217	100.0%

Comparison of fourth quarter 2018 with fourth quarter 2017 use of force data:

Force	2017 (Q4)	2018 (Q4)
Decentralization/Takedown	50	42
Active Counter Measures	30	22
Taser Deployment	10	8
Hobble Restraints	7	9
OC (i.e. Pepper) Spray Deployment	6	2
Baton Strike	0	1
K9 Bite	0	0
Firearm Discharged Toward Suspect	0	0
Impact Munition	2	0
Total	105	84

Mental Health Related Workload

During the fourth quarter MPD personnel spent more than **5,100** hours of work on cases/incidents involving the mentally ill. This is an average of more than **56** hours per day. The bulk of this workload was handled by patrol officers.

This work includes sixty-three (63) emergency detentions. It took an average of about **25** officer hours for each of these cases.

Training

The classroom portion of the MPD's pre-service academy finished in November. All probationary officers passed the state mandated exam and scenario testing, and have moved on to the field training process. Field training continues and the class will move to solo patrol in mid-February.

MPD completed the fall in-service curriculum, which included two State mandated training topics (handgun qualification and emergency vehicle operation).

MPD's training center hosted a number of trainings during the fourth quarter. These included a defense and arrest tactics (DAAT) instructor school and a tactical response and scenario instructor school. Both were attended by MPD and outside agency personnel.

The hiring process for the 2019 academy is well underway, with written exams and physical agility testing occurring during the fourth quarter.

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.

Additional Updates

Priority/emergency call response – The department has been working to find an improved way to capture times when patrol response is limited to emergency or priority calls. A revised mechanism to track this was instituted in 2018, and the process is providing additional detail and data on limited call response.

During the fourth quarter, there were seventy-six (76) 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 seventy-six instances occurred on fifty-eight dates (some days required limited call response multiple times); this means that at some point on 63% of the days during the fourth quarter MPD patrol response was limited. The seventy-six instances spanned just under 190 total hours of limited call response, an average of 2.5 hours per instance.

OIR Report – The department released a report updating the community on MPD's progress responding to the OIR Report:

<http://www.cityofmadison.com/police/documents/OIRresponseUpdate2018-11.pdf>

Promotions:

A number of promotional designations were made:

Officer Sara Bailey to Investigator
Officer Andrew Naylor to Detective
Officer Kristin Henderson to Detective
Officer Christopher Masterson to Detective
Captain Paige Valenta to Assistant Chief
Lieutenant Timothy Patton to Captain
Sergeant Scott Kleinfeldt to Lieutenant
Officer Blake Hoefs to Sergeant

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

<http://www.cityofmadison.com/police/documents/psiaSummary2018OctDec.pdf>

<http://www.cityofmadison.com/police/documents/psiaRecognition2018OctDec.pdf>

Updated/New SOPs for MPD: October-December 2018

Language Access Services: 10/25/2018

Police Vehicle Parking: 12/03/2018

Retail Theft: 11/05/2018

Searches: 12/03/2018

Search Warrant Service: 11/27/2018

Significant Exposure to Infectious Pathogens: 12/14/2018 (used to be named Significant Exposure to Bloodborne Pathogens)

Use of Force Data Collection and Review: 11/16/2018

Video and Audio Surveillance: 10/09/2018



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Language Access Services

Eff. Date ~~02/29/2016~~ 10/25/2018

Purpose

The Madison Police Department (MPD) is committed to providing equal opportunity and equal access to all police resources and services in order to ensure full compliance with all civil rights laws. These guidelines further the MPD's commitment to broadening access to its services for our increasingly diverse residents, including those for which English is not their first language.

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and effectively in difficult situations. Hampered communication with LEP victims, witnesses, alleged perpetrators, and community members can present the MPD with safety, evidentiary, and ethical challenges. Ensuring maximum communication ability between police officers and all segments of the community serves the interests of all.

Procedure

It is the standard operating procedure of the MPD that members will take reasonable steps to provide timely, meaningful access for persons with limited English Proficiency (LEP) to the services and benefits the MPD provides.

In implementing this Standard Operating Procedure, the MPD will inform members of the public that language assistance services are available free of charge as part of the MPD's community policing and enforcement efforts. All MPD personnel shall provide free language assistance services to LEP individuals whenever the individual requests language assistance services or if it is evident that the individual is unable to effectively read, write, or understand English.

When available, MPD will attempt to use commissioned officers for interpretation/translation services. In the event an officer is not available, civilian employees may be considered to assist in translating. The following guidelines should be used:

- Contact the Officer-in-Charge (OIC) to discuss the case and determine if commissioned personnel are available.
- In the event civilians are to be used, consideration shall be given to the following:
 - Any request to use a civilian employee must first be approved by their supervisor before initiating contact with the employee.
 - Nature of the request (criminal investigation, obtaining information).
 - How extensive will their involvement be, where, in time, follow-up, potential court testimony, etc.
 - Safety of employee (in-person/by phone), officer should stand by.
 - Any personal conflicts for the employee to become involved.

While the employee can request not to provide translation, due to exceptional circumstances, the OIC or an MPD commander will have the final authority in deciding their use based on the needs of the MPD.

If a qualified MPD employee is not available, a certified interpreter can be accessed 24/7 by the MPD via various services contracted by the City of Madison and the Dane County 911 Center including in-person assistance, telephonic interpretation and/or audio visual aids. The OIC will maintain contact information to provide to all employees when needed.

Using family, friends, bystanders or others to interpret creates the potential for a breach of confidentiality, conflict of interest or inadequate interpretation. MPD personnel should not request the assistance of family, friends or bystanders to serve as interpreters when communicating with an LEP individual who is the subject

of a criminal investigation unless exigent circumstances exist and no MPD or City resources are available to assist. If this occurs, the non-availability of MPD or City resources should be documented in the officer's report. When interacting with an LEP individual in an informal, non-confrontational context (when the LEP individual is not the subject of a criminal investigation), officers may use friends, family or bystanders to serve as interpreters if the LEP individual requests that the third party assist and the third party agrees to do so. Barring exigent circumstances or non-arrest situations, MPD personnel should avoid using minor children to provide interpretation assistance.

When considering requesting interpretation assistance from outside agency professionals (social workers, medical staff, etc.) MPD personnel should be cognizant of the potential for conflict of interest and breach of confidentiality. These requests should generally be avoided when communicating with an LEP individual who is the subject of a criminal investigation unless exigent circumstances exist and no MPD or City resources are available to assist. MPD personnel may request translation assistance from DCHS employees; the decision to assist is that of the individual.

~~In other than exigent circumstances, MPD personnel may use family, friends or bystanders for interpreting, but should only consider this practice in informal, non-confrontational contexts, and where other MPD resources are not available, with the approval of the LEP individual. Using family, friends, or bystanders to interpret in other situations could result in a breach of confidentiality, a conflict of interest, or inadequate interpretation. Barring exigent circumstances or non-arrest situations, MPD personnel should avoid using minor children to provide interpreter services.~~

Definitions

1. **Primary Language:** A primary language is an individual's native tongue or the language in which an individual most effectively communicates. The MPD should make every effort to ascertain an individual's primary language to ensure effective communication.
2. **Limited English Proficiency (LEP):** Limited English Proficiency designates individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. This includes individuals who are deaf and hard of hearing.
3. **Interpretation:** Interpretation is the act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
4. **Translation:** Translation is the replacement of written text from one language (source language) into an equivalent written text in another language (target language).
5. **Bilingual:** Bilingual refers to the ability to use two languages proficiently.
6. **MPD Qualified Bilingual Member:** An MPD qualified bilingual member is a bilingual employee, who has identified themselves during the hiring process as being able to speak, read and/or write a foreign language and who has the ability to communicate directly and accurately both in English and another language. Bilingual members may be fluent enough to communicate in a non-English language, but may not be sufficiently fluent to interpret or translate from one language into another.

~~This is being studied as a possible add depending on the operating cost of "testing" our officers and how often that test must be administered. It is possible this will be added for the 2017 rollout.~~

7. **MPD Authorized/Qualified List:** The qualified list is an accounting of the MPD personnel who are bilingual and are authorized to act as interpreters and bilingual communicators. This list will be updated and modified on a yearly basis.

Public Notification of MPD Services

1. At each MPD building public entry point and lobby, signage shall be posted in multiple languages stating that interpreters are available free of charge to LEP individuals.
2. MPD shall post notification of the availability of translated forms and documents in the public lobby of each district station to inform LEP person about which forms are translated.
3. Additionally, language identification cards will be posted to enable the LEP person to point to the language they speak so the employee can inform the chosen interpretation service of the language required for interpretation.

Translation of Written Material

1. This plan shall be translated into Spanish (and other languages if deemed appropriate) and will be available in Spanish in any locations where the plan is posted in English.
2. In addition, the MPD will translate written materials that are distributed to the public (pamphlets, fliers, notices, posters, etc) when reasonable.
3. Additional languages will be added or removed as deemed necessary through annual reviews conducted.

Website

The MPD will post various items on its website that are translated into Spanish such as forms, community-related announcements and other information.

Cellular Phones

The MPD will provide cell phones to patrol officers with the Language Line number programmed to provide access to language interpretation services to members in the field.

Complaints

The MPD will offer a variety of ways in which LEP individuals can file a complaint against an employee. Citizens can file a complaint online through our website, via telephone, in person, or by picking up a paper form at any of the district stations or public libraries.

Original SOP: 11/03/2015
(Revised: 02/29/2016, 10/25/2018)
(Reviewed Only: 12/22/2016, 12/26/2017)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Police Vehicle Parking

Eff. Date ~~02/08/2016~~ 12/03/2018

Purpose

The Madison Police Department (MPD) shares parking with a number of other City and County agencies in the City-County Building. Due to the demand for existing parking space, it is essential that we abide by the following regulations to provide for an orderly and systematic parking scheme within the confines of that building. See attached MAP.

Procedure

PARKING OF MPD VEHICLES AT THE FOLLOWING LOCATIONS

City-County Building Basement

1. Police Parking stalls **31-43** and **#51**, are signed for specific use. **These stalls are restricted to On Duty MPD vehicles only 24/7 for the designated use as described on the sign.** During the hours of 8:00 a.m. to 4:00 p.m., stalls **35-40** (police signed stall) are restricted to 1 hour. K9 Officers are exempt from this regulation. **Personnel assigned to other districts responding to the CCB for court should park in the Fairchild ramp and not in the CCB basement.**
2. Vehicles should not be parked in the aisles of the basement between the hours of 7:00 a.m. to 5:00 p.m. First Detail early units should park along the north wall or be taken to the Fairchild Ramp at the end of their shift.
3. Stalls marked **City, County OR Reserved** are assigned to other departments and **ARE NOT** to be used by MPD employees for police vehicle parking. The Dane County Facilities Manager may request that citations be issued to offending vehicles parked illegally in these stalls.
4. MPD Vehicles may park in the parking lane **behind** stalls 31-43, along the north wall, as long as the keys are left in the vehicle key lock box (if not fleet keyed).
5. All 4th and 5th detail patrol personnel working out of the Central District shall take their squads to the Fairchild Ramp at the end of their shift.
6. Afternoon Detective personnel assigned to the CCB shall take their vehicles to the Fairchild Ramp at the end of each tour.

South Carroll Street

Police vehicle parking along the 200 block of S. Carroll St parking is for on-duty working staff only. Overnight storage of squads should be in the Fairchild Ramp.

Personnel using parking space in this block must ensure that assigned vehicles are removed from the block during periods of snow emergency.

Fairchild Ramp

This facility is for police vehicle parking only. It is not to be used for the storage of impounded vehicles or for the parking of personal vehicles by employees. As per past practice, personnel are permitted to park personally owned motorcycles/scooters in the ramp as long as they are not parked or infringe upon a marked stall. Any deviation from this regulation requires the approval of the Chief of Police or designee.

Other Locations

Personnel may be reimbursed for the cost of parking fees associated with the parking of **police vehicles** during duty time. Contact the Captain of Investigative Support or his/her designee for reimbursement.

PARKING OF PERSONAL VEHICLES (POV) BY MPD EMPLOYEES AT CCB

1. On Duty MPD employees may park their Personal Vehicle (POV) in the CCB basement in the general **CITY STALLS** marked #45, #47-49, #52-63 and #69-73. #45-50, #52-64 and #69-73. **Highlighted green on map.** If these stalls are occupied, MPD employees shall find alternative parking on the street or ramps. **Subject to the time restrictions in #4 below.**
2. **ALL OTHER** stalls in basement are reserved for specific City or County staff.
3. Personal vehicles (POV) **SHALL NOT** be parked in the basement of the CCB on Tuesday or Thursday evenings.
4. Personal vehicles (POV) of police employees **MAY BE** parked in the basement, as described in #1 above, on other weekdays from 6:15 p.m. until 7:00 a.m. the following day. Personnel must ensure that their vehicles are removed from the basement **by 7:00 a.m. Monday through Friday. There are no exceptions.**
5. Personal vehicles **MAY BE** parked in the basement on weekends and holidays, as described in #1 above. Vehicles must be removed from the basement **by 7:00 a.m. following the weekend or holiday.**
6. Officers shall adhere to all parking regulations consistent with their permit approval. **VIOLATIONS OF PARKING REGULATIONS MAY LEAD TO THE ISSUANCE OF A CITATION AND/OR REVOCATION OF THE PARKING PERMIT.**

Original SOP: 02/08/2016

(Reviewed Only: 11/01/2016, 12/26/2017)

(Revised: 12/03/2018)

EXISTING GARAGE FLOOR PLAN
 CITY-COUNTY BUILDING





CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Retail Theft

Eff. Date ~~07/05/2018~~ 11/05/2018

Purpose

To outline the procedure for responding to and investigating Retail Thefts and their attempts.

Procedure

MUNICIPAL VIOLATIONS

1. Municipal citations for any theft under **\$200**, unless it involves any of the following:
 - a. Any other crime (e.g. DC, Battery, Resisting)
 - b. Advanced Techniques (e.g. professional thieves, multiple stores, lookouts, diversionary tactics, removing anti-theft devices)
 - c. Repeat offenses

MISDEMEANOR VIOLATIONS

1. Misdemeanor charges should be issued if the theft is over **\$200**, or involves any of the municipal exceptions above

FELONY VIOLATIONS

1. Felony charges shall be issued if the theft is over **\$500**

SELF-REPORT REFERRALS

Dispatch Guidelines

1. LPOs should self-report any incident where:
 - a. Loss is less than \$50.00, regardless if suspect is on scene
OR
 - b. Cold Scene Retail Theft of any amount with no readily identifiable information
 - c. Anytime the store is unsure about pursuit/prosecution policies
2. Exceptions:
 - a. Involves theft of firearm
 - b. LPO is injured
3. Dollar amount requirement may be negated if theft involved another citable offense
 - a. Trespass, Disorderly Conduct, Battery, Minor in Possession of Alcohol, etc
 - b. Still self-reported if no readily identifiable information

Store Officer Requirements for Self-Reported Retail Thefts

1. Complete a store report with stills to have on hand in case requested by officer
2. Save video if the incident is over \$100.00, in case requested by officer

COLD-SCENE RETAIL THEFT (SUSPECT NOT ON SCENE)

Dispatch Guidelines

1. Officer will be dispatched as soon as possible per Calls For Service (CFS) guidelines if all of the following exist:
 - a. Theft is over \$50.00
 - b. Store has suspect info that readily ID's the suspect
 - i. Name/Rewards Member Info/Employee recognition of suspect
 - ii. License plate
 - iii. ~~Identifiable surveillance showing quality photos of the suspect's face~~
 - c. Store must articulate a willingness to pursue charges prior to officer dispatch

- d. LPO has completed the store documentation and has two copies of video ready to turn over to officer
 - i. If not ready upon initial call, LPO should obtain the case number from Dispatch and call back when documentation is available
 - e. Exceptions:
 - i. The Retail Theft involves theft of a firearm
 - ii. LPO is injured
2. Dollar amount requirement may be negated if theft involved another citable offense
 - a. Trespass, Disorderly Conduct, Battery, Minor in Possession of Alcohol, etc.

Store Officer Requirements for Cold Scene Retail Thefts

1. Store report completed prior to officer dispatch
2. List of items taken (receipt or in store report) provided to officer
3. Stills of the suspect provided to officer (printed, emailed, or burned to disc)
4. Video surveillance (two copies) completed when requested by officer
5. Copy of the ban form attached to report, or ban information noted in narrative

Officer Report Requirements

1. Good faith follow-up attempts to ID the suspect
2. Report completed in timely manner per correct basket and priority levels
3. Store Report and Stills Attached to report
4. Video Surveillance obtained for Misdemeanors/Felonies, even if no suspect ID'd
 - a. Following Video Retrieval SOP
 - b. Originals tagged into property
 - c. Working copies submitted
5. Ban information documented
6. Any suspect vehicles documented

ACTIVE RETAIL THEFT

Dispatch Guidelines

1. Officer will be dispatched as soon as possible per CFS guidelines if:
 - a. Theft is over \$50.00 AND suspect is on-scene
 - i. In custody
 - ii. Still in the store
 - iii. Immediately in the area
 - iv. Actively being pursued
 - b. Store articulates a willingness to pursue charges
 - c. LPO is injured, regardless of dollar amount
2. Dollar amount requirement may be negated if theft involved another citable offense
 - a. Trespass, Disorderly Conduct, Battery, Minor in Possession of Alcohol, etc.
3. If suspect is actively fleeing but no officer is available:
 - a. Dispatch should provide LPO with case number
 - b. Dispatch will announce the information over the air in case any officers are nearby and want to break
 - c. LPOs will proceed with completing the store report (ala Cold Scene Retail Thefts)
 - d. LPOs will call back with the case number when documentation is ready
4. LPOs may pre-call if:
 - a. Suspect is utilizing an edged weapon to remove anti-theft devices
 - b. Suspect has fled in the past
 - c. Individual(s) concealing felony amount

5. In rare cases (i.e. priorities only) when an LPO has a cooperative, identifiable shoplifter in custody for a municipal violation, an officer may request via phone that the LPO release the subject, with the understanding that the officer will follow-up with that suspect for citations. Subject to LPO agreement.

Disposition Guidelines

1. * Felony Retail Theft violators should be taken to jail
2. Misdemeanor/Municipal violators may be cited-and-released or taken to jail at the officer's discretion and per MPD policy
 - a. If released, suspect must be positively identified
 - i. Verbal ID compared to DOT photo is generally not enough, as many suspects can provide their sibling's/friend's information to avoid jail
 - ii. In cases where suspect has no physical ID on them, officer must take good faith steps to attempt to positively identify that person and document that process, which can include but is not limited to:
 - Check Spillman for tattoos
 - Check online school profiles for juveniles' pictures
 - Have family member verify their ID
 - b. If **no positive ID** can be met through these good faith steps:
 - i. Any adult suspect should be taken to jail to post
 - ii. Any juvenile suspect should be released to guardian, regardless of age

Store Officer Requirements

1. Store report completed in timely manner and provided to officer
 - a. If suspect arrested, report should be done prior to LPO shift ending
 - b. If suspect cited and released, report should be done within three business days
2. List of items taken (receipt or in store report) provided to officer
3. Stills of the suspect provided to officer (printed out or emailed)
4. Video surveillance (two copies) completed when requested by officer
5. Copy of the ban form attached to report, or ban info noted in LPO narrative

Officer Report Requirements

1. Report completed in timely manner per correct basket and priority levels
2. Store Report and Stills Attached for all cases
3. Video required for any Felony or Misdemeanor incident
 - a. Following Video Retrieval SOP
 - b. Originals tagged into property
 - c. Working copies submitted
4. Ban information documented
5. Any suspect vehicles documented

* Jail disposition shall only be waived by supervisory approval in extraordinary circumstances. Examples may include but are not limited to: hospitalization of suspect, on-going major incident, or overwhelming calls for service, etc.

Original SOP: 07/05/2018
(Revised: 11/05/2018)



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Searches

Eff. Date ~~03/03/2017~~ 12/03/2018

Searches of Persons

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

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

Strip Searches

DEFINITION OF A STRIP SEARCH

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

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

STRIP SEARCHES AUTHORIZED

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

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

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

Strip Searches Must Be Conducted in the Following Manner

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

DEFINITION OF BODY CAVITY SEARCH

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

Body Cavity Searches Must Be Conducted in the Following Manner

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

SUPERVISORS PERMITTED TO AUTHORIZE

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

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

SEARCHING PHYSICALLY DISABLED PERSONS

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

CRIME VICTIMS/PERSONS CONSENTING

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

CURRENT FORMS

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

BLOOD DRAWS

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

Searches, Seizures and Inventories of Motor Vehicles

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

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

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

Searches of Vehicles Connected with Arrests

FULL-CUSTODY ARREST

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

STOP FOLLOWED BY CITATION

1. Street Citation

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

2. Stationhouse Citation

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

Searches of Vehicles Not Connected with an Arrest

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

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

SEARCH BASED ON PROBABLE CAUSE

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

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

Use of Search Warrant

A search warrant should be obtained when:

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

Entry Into Locked Vehicles or Areas

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

Consent Searches of Motor Vehicles

An officer may request consent to search from the person(s) in control of the vehicle whenever articulable reasons for the search exist. No consent search may be made unless the officer has received from the person a voluntary and unequivocal consent to search the vehicle. A “Consent to Search of Vehicle” form may be completed as evidence that the search was consensual. Whenever an officer requests consent to search, the officer shall document the required articulable reasons in a police report.

Seizures of Motor Vehicles

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

Seizures for Forfeiture: Vehicle Used Illegally

1. When Permitted

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

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

2. Exception for Federal Offenses

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

3. Necessity for Search Warrant

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

4. Inventory Procedure

A vehicle seized for forfeiture will be transported to a police facility for storage. An officer who seizes a vehicle for forfeiture shall completely inventory the contents immediately upon its arrival at a police facility. ~~The vehicle's contents will be documented in a report or by~~ using the MPD vehicle inventory form. Upon completion of the inventory, the officer shall obtain instructions from a supervisor relating to appropriate further processing of the vehicle. ~~If the vehicle's contents are documented by using the MPD vehicle inventory form, the form should be scanned into LERMS with the case documents. An itemized list of the vehicle's contents should be attached to each copy of any report completed.~~

Seizures as Evidence

1. When Permitted

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

2. Exception for Minor Traffic Offenses

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

3. Necessity for Search Warrant

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

4. Inventory and Release Procedures

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

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

5. Recovered Stolen Vehicles

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

Disposition of Arrested Person's Vehicle

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

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

Traffic or Parking Removals

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

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

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

Other Non-Criminal Impoundments

1. Definition

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

2. Procedure Upon Non-Criminal Impoundment

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

Procedure for Vehicle Contents Inventory

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

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

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

When Foregoing Guidelines May Be Disregarded

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

Consent Search of Residences

An officer may request consent to search a residence from any person who has apparent authority over and control of the premises, whenever articulable reasons for the search exist. No consent search may be conducted unless the officer has received voluntary consent to do so. A "Consent to Search of Residence" form may be completed as evidence that the search was consensual. Whenever an officer requests consent to search, the officer shall document the required articulable reasons in a police report.

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

ENTRY TO RESIDENCES TO MAKE AN ARREST

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

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

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

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

WARRANTLESS ENTRY TO RESIDENCES BASED ON EXIGENT CIRCUMSTANCES

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

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

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

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

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

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

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

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

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

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

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



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Search Warrant **Service Execution**

Eff. Date ~~04/19/2017~~ **11/27/2018**

Search warrants will only be sought where probable cause exists to believe that evidence or contraband is in the location named in the warrant. Command approval is required prior to seeking a search warrant for any building, dwelling or other occupied premises. Command approval is not required to apply for a search warrant for property or vehicles that are already in Madison Police Department (MPD) custody/control, or for premises that are already occupied and controlled by MPD personnel.

All search warrants requiring any type of tactical/forcible entry will be planned and executed by MPD SWAT personnel. The following process will be utilized:

1. The District/Team/Work Unit wanting to **serve execute** the search warrant obtains permission to proceed with the planning process from their command staff. The appropriate Assistant Chief will be notified.
2. District/unit commander or designee contacts an MPD SWAT commander or supervisor to request assistance with warrant planning and **service execution**. A SWAT supervisor will be designated to coordinate the planning process.
3. The district/unit commander or designee will assist SWAT in the planning process as needed (providing intelligence/information, assisting with threat assessment, etc.).
4. SWAT personnel will plan and **serve execute** the warrant. District/unit personnel may be requested to assist with the tactical plan (stop cars, etc.), and will be responsible for the post-entry investigative aspect of the warrant. District command staff will coordinate post-warrant communication with the neighborhood/community as appropriate (based on investigative needs, impact on the area, visibility of the tactical operation, etc.).

The threat assessment/planning process will dictate the number of personnel, equipment and tactics to be used during the warrant's **service execution**. All personnel directly involved in a search warrant operation will be in uniform or otherwise clearly identifiable as police. The operational plan and tactics utilized will be consistent with MPD SWAT training and procedures, and with best practices.

Knock & Announce Unknown Risk and No-Knock Warrants

SWAT warrant service takes on two forms, unknown risk (aka knock and announce) and no-knock (aka high-risk).

A component of the planning/threat assessment process for search warrants includes a determination of whether a no-knock search warrant should be sought. A no-knock warrant should generally be requested if reasonable suspicion exists that knocking and announcing prior to entry would be dangerous, futile or would inhibit the effective investigation of the crime (by allowing for the destruction of evidence, for example). Factors to be considered include:

- Presence of firearms at the location to be searched
- Presence of other weapons posing a risk to officers at the location to be searched
- History of firearm possession/use on the part of suspects or others who may be present at the location to be searched
- History of possession/use of other weapons on the part of suspects or others who may be present at the location to be searched
- History of violence on the part of suspects or others who may be present at the location to be searched (includes any history demonstrating a risk/threat to officers)

- History of resisting officers on the part of suspects or others who may be present at the location to be searched
- Presence of dangerous dogs at location to be searched
- Fortifications
- Look outs
- Other specific dwelling issues (size of dwelling, location, etc.)
- Video Surveillance

The reasonableness of a no-knock entry depends on the circumstances that exist at the time of entry. **So if if** specific factors that support a no-knock warrant are no longer present at the time of entry, knocking and announcing is required.

If the warrant to be served does not include a no-knock provision, officers must knock and announce prior to entering the dwelling. The team leader is responsible for performing the knock and announce function and notifying dispatch or the Command Post of such, or designating another officer to do so.

When knocking and announcing, officers must knock on the door to the dwelling and announce their purpose. The knock and announcement must be reasonably audible to persons inside the dwelling. It is only necessary to knock and announce once per dwelling.

After knocking and announcing, officers must wait a reasonable amount of time for the occupants to allow entry. If a reasonable time passes and officers are not allowed in, entry may be forced. What constitutes a reasonable time **will** is primarily dependent on the time of day the warrant is **served executed** and the size of the residence.

If occupants refuse to allow officers to enter, entry may be forced without waiting. If unanticipated circumstances arise that justify a no-knock entry (such as the examples listed above), entry may be forced without waiting.

Original SOP: 03/04/2015
(Reviewed Only: 02/17/2016, 11/08/2017)
(Revised: 01/19/2017, **11/27/2018**)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Significant Exposure to **Bloodborne Infectious** Pathogens

Eff. Date **11/16/2015** **12/14/2018**

Purpose

The procedure of the Madison Police Department (MPD) regarding significant exposure to Human Immunodeficiency Virus (HIV), Hepatitis B virus (HBV), Hepatitis C virus (HCV), and other **infectious Bloodborne** pathogens in the occupational setting is to offer testing, counseling, and follow-up for employees so exposed in the course of their work for the MPD. This procedure has been developed with consultation with the MPD Medical Director.

Definition

An exposure must be certified as significant by a physician. Significant exposure of an employee in the occupational setting is defined as the employee having sustained a contact which carries a potential for a transmission of HIV, HBV, HCV and other **infectious Bloodborne** pathogens by one or more of the following means:

1. Transmission of blood, semen, or other body fluid into a body orifice.
2. Exchange of blood during the accidental or intentional infliction of a penetrating wound, including a needle puncture.
3. Entry of blood or other body fluid into an eye, an open wound, an oozing lesion, or where a significant breakdown in the skin has occurred.
4. Other routes of exposure, defined as significant in rules promulgated by the MPD. The MPD, in promulgating the rules, shall consider all potential routes of transmission of HIV identified by the Centers for Disease Control of the Federal Public Health Service.

Rights and Responsibilities

EMPLOYER

- Offers testing, counseling and follow-up that may include **treatment vaccination** to the Employee through Worker Compensation.
- Initiates contact with the source individual. If the source individual has no medical provider or financial resources for testing, the MPD may offer and provide **appropriate HIV/Hepatitis B and HCV** testing.
- May not obtain test results of the Employee.
- May require that the Employee seek medical assessment but cannot require that the Employee be tested **or treated**.
- May request source be tested for HIV/HBV and HCV **or other infectious diseases**.
- If source refuses, a court order may be processed through the District Attorney's Office.

EMPLOYEE

- Uses universal precautions per MPD Procedures.
- Informs employer when a potentially significant exposure has occurred.
- May obtain testing, counseling, and follow-up with their medical provider **or MPD Medical Director**.
- May refuse testing, counseling, and follow-up services.
- May obtain **HIV/HBV/HCV** test results on the source in any of the following circumstances:
 - The source consents to be tested and consents to release the test results to the exposed employee.
 - Previous HIV/HBV/HCV tests were conducted on the source **and are available**.
 - **HIV test results through** ~~Through~~ a court order.
- Must keep all test result information from a source strictly confidential.

SOURCE

- Has the right to be informed that a potential significant exposure has occurred.
- May refuse to be tested unless court order has been obtained.

Legal Reference

- Wisconsin State Statutes 252.15(1)(em)
- OSHA Final Rule, CPL Part 1910.1030 "Occupational Exposure to Bloodborne Pathogens"

Procedure – Responsibility and Protocol

1. Employee should clean exposed area as soon as possible after incident. Employee notifies supervisor and is conveyed to medical facility emergency room. Officer in Charge should be notified. Employee and supervisor complete **Work Injury Incident Form/Workers Comp Form**. A separate case number needs to be obtained and titled Significant Exposure. This case number should be placed on all forms.
2. Supervisor notifies employee of option of completing the **Determination of Exposure to Blood/Body Fluids Form. Hospitals Will Have These Forms. Please obtain officer's Primary Care Physician name and the clinic where test results can be sent. The exposed officer should contact their PCP for results.**
 - a. If attending Physician determines a S.E. has not occurred, officer may seek second opinion from a personal physician and/or the MPD Medical Director.
 - b. If S.E. has occurred, then **Affidavit of Exposure** must be completed by MD prior to departure from hospital/clinic AND MUST be notarized. This is required for any subsequent court order.
3. Source is asked for compliance/consent for blood draw. If source consents, complete the **Consent for Laboratory Testing & for Consent to Release Test Results (Significant Exposure to Bloodborne Pathogens, and other Infectious Agents)***. **On bottom of this form, write in the officer's PCP, along with the name and address of clinic. Reports regarding these cases will be sent to our MPD Medical Director, Dr. Ashley G. Anderson Jr., MD, MS. Meriter will give results of blood tests to exposed officer. Officers should call Dr. Anderson once they have obtained their results, (608) 335-0760. Any conversation with Dr. Anderson regarding medical information will remain confidential.**

Regardless of compliance or court order, the potential source subject will need to be brought to Meriter ER. Call ahead: (608) 417-6206. Ask for charge nurse. The potential source subject will need to be checked in, just as you would for a medical clearance. The exposed officer should also be registered as a patient. This is required so there is a medical record of the incident. At the blood draw, a nurse or Phlebotomist should draw SST/Serum in plastic tubes, (3) with red or yellow top. The Nurse/Phlebotomist will need case number, a copy of the consent/release of results form, which should have the officers PCP name and address. If not consensual, a copy of the court order will need to be left with samples. The above paperwork needs to follow the samples to the processing which is done at Meriter Labs, 36 S. Brooks St. If there are questions or concerns, contact Client Services, (608) 417-6529. Operating hours are M-F 6a to 1p, Saturday 8a-11a.

Generally, the Dane County Jail will not be involved in the blood draws for outside agencies. Exceptions have been made for extremely combative suspects. Jim Matthews is the Medical Director for the DCJ and can be reached at (608) 284-6922. The required tubes can be obtained from Meriter Labs. Make sure the tubes are labeled with name of potential source subject by nurse that draws the blood. The tubes can then be taken directly to Meriter Labs.

Please make sure command staff from the district station is notified of what has been completed and the location of any forms/paper work that the Detective assigned to the case may require. In majority of these cases, the potential source will be in the DCJ. If they are not, please obtain current contact information.

* If source is checked into a different hospital, UW, St. Mary's, etc., you will need to work with their ER staff and Lab for blood draw.

4. If the subject will not comply and a court order is needed, **let officer know and indicate there could be up to a 20 day delay.** By statute, the individual for whom an HIV test is sought must be given notice at least 72 hours prior to the hearing. A Detective will then complete the following:
 - a. Complete the **Application for Order Compelling Hepatitis B Surface Antigen, HCV, HIV 1/HIV2 Testing and Disclosure of results** (DA/ADA signature required).
 - b. Complete the **Notice of Hearing on Application for Order Compelling Hepatitis B Surface Antigen, HCV, HIV 1/HIV 2 Testing and Disclosure of Results** (Order by Judge).
 - c. Serve the **Notice of Hearing to the Defendant/Respondent.** (This must be served on the person at least 72 hours before the hearing. If it is not served before the hearing date, the hearing date will have to be changed.) Show him/her the original notice. Give him/her a copy. Give him/her a copy of the Application for Order. Fill out the Affidavit of service before a Notary.
 - d. Complete the **Affidavit of Service.**
 - e. Show up at court along with the officer, who may have to testify. Have the **ORDER COMPELLING** ready and with the DA/ADA assigned so the Judge can sign it, if that is the decision.
 - f. The original documents should be available for hospital staff. After completion of your report, the court order can be attached and scanned into LERMS.

Responsibility

The Supervisor in charge of each significant exposure determination shall assure the following:

1. The significant exposure supervisor checklist is followed. (A to Z Forms)
2. All documents are complete and accurate.
3. Documents are properly used and are dispositioned.

Protocol

Significant Exposure Protocol for Obtaining Source Blood and Test Results

*Officer has the right to not participate in this Protocol

1. **Take officer to hospital**
 - a. Officer should clean exposed area as soon as possible after incident.
 - b. Meriter Hospital is the preferred hospital as they are most familiar with our process, however the other hospitals can also assist in this process.
 - c. Officer must be checked in as a patient. This creates a medical record that will house test results.
2. **Pull separate Case Number for Significant Exposure to document this process**
 - a. This case number should be placed on all forms.
 - b. Route report(s) to MPD Medical Director, Dr. Ashley Anderson.
 - c. Separate case number is needed because the medically protected information produced through this process should not be documented in the original incident during which the significant exposure occurred. On rare occasion, when the source knows they are infected and intentionally exposes the officer, it is necessary to document those criminal elements under the case number assigned to the original incident during which the exposure occurred for proper charging. Extreme caution shall be taken to balance the protection of the officer's medically protected information with the information necessary to accurately document the circumstances supporting the criminal activity. Charging consideration - Wisconsin Statute 941.375.
 - d. **Complete - Accident Report/Workers Comp Form**
 - i. **Supervisor** shall complete both pages of this form during this process.
 - ii. Officer must sign form.

- iii. This can be completed upon return to a station. Remember – it must be signed by the officer.
 - iv. Supervisor shall make Telestaff entry for injured officer. Telestaff Work Code – INJURED. Entry should be for 15 minutes and the start of that 15 minute entry needs to match the time of the injury written on the Workers Comp Form.
 - v. Disposition of Workers Comp Form – Supervisor shall scan and email to PDMedical for placement in the employee's MPD Medical File.
- e. Complete - City of Madison Medical Status Report Form**
- i. **Physician** completes this form with the Officer.
 - ii. This form must be completed while at the hospital, at the end of the appointment before discharge. Not completing this form at the time the officer is seeking medical treatment for the significant exposure will force the officer to re-contact the doctor at a later time to have it completed.
 - iii. This form must be completed even if officer does not miss any work.
 - iv. Disposition of Form – officer must scan and email to PDMedical for placement in the employee's MPD Medical File.

3. Doctor evaluates officer for Significant Exposure

a. Determination of Exposure to Blood/Bodily Fluids Form

- i. This form should be available at the hospital.
- ii. This form documents if the Physician determined if there was a Significant Exposure or not.
- iii. **Officer** completes sections I, II, and III. Officer signs in section III.
- iv. **Physician** will complete section IV. Make sure box 'IV' is completed by checking Yes or No. Document the Physician's finding in the Significant Exposure Report. If Physician selects, "No", they deem a Significant Exposure to have not occurred. Officer can seek a second opinion with their personal physician or MPD Medical Director.

b. If there are issues with the medical determination, contact Dr. Ashley Anderson.

4. Consent from Source for Blood Draw and Testing

THE FOLLOWING STEPS SHOW HOW TO OBTAIN THE BLOOD

Source is DECEASED

1. Contact the ME's Office immediately. M.E. at 608-284-6000
2. The ME can perform HIV Testing and disclose the results to the Officer as long as the evaluating doctor from #3 above has deemed the event a Significant Exposure on the - **Determination of Exposure to Blood/Bodily Fluids Form**. §252.15(5m)

Source provides CONSENT

1. Complete **Consent for Laboratory Testing and Consent to Release of Test Results Form**. Use significant exposure case number.
2. It is best practice to have someone who was not involved in the original event related to the significant exposure to work with the source. The exposed officer should not have contact with the source during this time.
3. The expiration date for this form is 6 months from the date of the blood draw.
4. The officer's primary care physician name and clinic address must be completed on the bottom of this form. This identifies to whom and where the blood test results are sent. If the officer does not have a primary care physician, the MPD Medical Director may be used.
5. Read the form to the source, preferably with a witness present.

6. A consenting source signs the form.
7. Form is signed and dated by person reading the form and any witnesses.
8. The hospital/physician will need a copy of this form to go with the drawn blood as this indicates where the results are to be sent (i.e., the exposed officer's personal physician).

Source REFUSES CONSENT OR is UNABLE TO CONSENT or is AT-LARGE

***IMPORTANT –**

- **Ask the officer if they routinely use universal precautions in the course of their duties.**
 - **Ask the officer if they used universal precautions in this instance.**
 - If the officer did not use universal precautions, then in order for the court order compelling the testing to proceed, it must be documented what emergency prevented the officer from using universal precautions. This emergency must rise to the level of endangering the life of the individual. See State Statute §252.15(5g)(b).
 - Document the answers to these questions in the report.
1. **Start of the court order process.** Let officer know this process will take at least three, and up to twenty days to complete.
 - a. Officer should consult with their personal physician or MPD Medical Director to determine whether treatment should commence while the court order process is underway.
 2. **Physician** will need to complete **Physician Affidavit.**
 - a. Supervisor shall have a notary public present to view the physician sign the form. Check with the hospital for a notary public. Alternatively, some MPD PRTs are notary publics. See list of MPD notaries in employeeenet, A to Z Forms, significant E=exposure.
 - b. Petitioner is the exposed officer. Respondent is the source.
 3. Try to get a detective for the following, if not already involved.
 4. Complete **Application for Order Compelling Testing and Disclosure of Results.**
 - a. As indicated on the form, the exposed officer must request this application be made.
 - b. This must be signed by the District Attorney or Assistant District Attorney.
 5. Complete **Notice of Hearing on Application for Order Compelling Testing and Disclosure of Results.**
 - a. This must be signed by a Judge. Work with the DA to get on a judge's calendar.
 - b. This form must then be served on the source at least 72 hours before the date of the hearing established by the Judge.
 6. Complete Legal Service to Source
 - a. Serve the source with the **Notice of Hearing** from #5 above no less than 72 hours before the scheduled court hearing. Show the source the original signed Notice. Provide the source with a copy of the Notice
 - b. Provide the Source with a copy of the **Application for Order** from #4 above.
 - c. If the legal service is not given to the source prior to 72 hours before the hearing, a new court date will be needed.
 7. Complete the **Affidavit of Service** after the source has been served.
 - a. Sign this only in front of a Notary Public.
 8. Attend the hearing on the date provided on the Notice of Hearing.
 - a. Show up to court with the exposed officer, who may have to testify.
 - b. Make sure to have the completed the **Order Compelling Testing and Disclosure of Results Form** and bring it with you so the Judge can sign it at this hearing.
 - c. If order compelling is not granted by the Judge, Contact MPD Medical Director - Dr. Ashley Anderson.
 9. If order compelling is granted by the Judge;
 - a. Arrange for the blood draw with the hospital. Call ahead.
 - b. Show up with the original documents ready to show to hospital staff.
 - c. If hospital draws blood, they will follow up with test results.

10. In either case, the original court documents and a copy of those same documents need to be taken to the Dane County Clerk of Courts. Both the original and the copy need to be stamped by the Clerk of Courts and the copy version is left with that office. The original copy (with the stamp) is then copied again. That copy is placed into LERMS, and the original documents are property tagged under the significant exposure case number.

5. Procedure for Obtaining Blood Draw from a Source inside the Dane County Jail

- o As of this time, the current procedure for obtaining a blood draw from a source person housed in the Dane County Jail is to arrange for that person to be removed from the jail and taken to Meriter Hospital for the draw.
- o As of this time, this is the procedure for both the voluntary and compelled blood draws.

Significant Exposure – Summary of Forms Involved

Source and Officer should not have contact.

Form	When Used	Persons Involved
Accident Report/Workers Comp Form – both sides	Always	Supervisor/Officer
City of Madison Medical Status Report	Always	Officer/Physician
Determination of Exposure to Blood/Bodily Fluids	Always	Officer/Physician (Available at Hospital)
Consent for Laboratory Testing and Release of Test Results	Compliant OR At-Large Source	Source/Officer
Physician Affidavit of Exposure	Non-Compliant Source OR Source Unable to Comply OR Source is At-Large	Physician/Notary Public
Application for Order Compelling Testing and Disclosure of Results	Non-Compliant Source	Detective/DA or ADA
Order Compelling Testing and Disclosure of Results	Non-Compliant Source	Detective/Judge
Notice of Hearing on Application for Order Compelling Testing and Disclosure of Results	Non-Compliant Source	Detective/Judge
Affidavit of Service	Non-Compliant Source	Detective/Notary Public

DISPOSITION OF SIGNIFICANT EXPOSURE FORMS	Scan and Email to PD Medical	Originals placed in Detective Lt. Mailbox of District where Exposure occurred	Property Tag Original	Copy for LERMS	Copy for Source	Copy for District Attorney	Copy for Clerk of Courts (To be REDACTED by Records Supervisor)
Accident Report/Workers Comp Form – both sides	X						
City of Madison Medical Status Report	X						
Determination of Exposure to Blood/Bodily Fluids	X	X					
Consent for laboratory Testing and Release of Test Results		X		X			
Physician Affidavit of Exposure		X		X			X
Application for Order Compelling Testing and Disclosure of Results			X	X		X	X
Order Compelling Testing and Disclosure of Results			X	X	X	X	X
Notice of Hearing on Application for Order Compelling Testing and Disclosure of Results			X	X	X	X	X
Affidavit of Service			X	X		X	X

*The original forms (top 2 above) can remain with the officer after emailing to PD Medical.

Original SOP: 11/16/2015

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

(Revised: 12/14/2018)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Use of Force Data Collection and Review

Eff. Date 02/03/2017-11/16/2018

Purpose

The Madison Police Department (MPD) has implemented procedures to ensure that use of force data is being collected by the agency in a usable format and that use of force incidents are reviewed for compliance with the department's Code of Conduct and Standard Operating Procedures, that is useful to drive intelligence-led and evidence-based decision-making. Properly managed data can be the backbone of an early warning system that identifies at-risk officers, dangerous activities, necessary training, and policy gaps that require immediate mitigation.

The definition of recordable force is only relevant to distinguish those applications of force that must be documented in MPD's use of force database. All use of force must be documented in a police report as outlined in MPD's Code of Conduct and SOP's on use of deadly and non-deadly force.

Definitions

RECORDABLE FORCE

For statistical purposes, recordable force includes takedowns, active countermeasures, OC spray, impact weapons, hobble restraints, less lethal projectiles, Taser deployments, K9 apprehensions and use of deadly force (including dispatching animals). **This Recordable Force excludes the following: Pain compliance techniques, escort holds, handcuffing, threats or displays of the above types of force, pointing of Firearms at Subject(s)/Suspect(s)**

EFFECTIVENESS

A tool/technique is effective if it allows the subject/suspect to be controlled without any further force escalation.

INJURY

For purposes of use of force recording, a tool/technique caused injury if a citizen complains of injury, an officer observes an injury, or medical treatment is sought. This includes treatment at an emergency room or on scene by paramedics. **This excludes basic OC decontamination (e.g. flushing the person's eyes and face with water) or ECD probe removal at the scene; absent any additional injury (e.g. resulting from a fall).**

Procedure

Officer(s) Using Recordable Force

Anytime a sworn employee uses recordable force during an incident, the force used must be documented in the MPD use of force database. The officer completing the original field report must indicate that recordable force was used in Mobile. (see definitions for recordable use of force as stated above.). Officers using recordable force are also responsible for contacting a field supervisor to notify them of the force use and review the incident, completing a use of force review with a field supervisor. This contact must take place as soon as possible, and no later than the end of the officer's shift. Any MPD supervisor can complete this task. The reviewing supervisor or OIC, if no other supervisors are available, shall be responsible for documenting the recordable use of force report through the Blue Team portal/website.

If the use of force involved a less lethal impact projectile deployment, K9 bite, impact weapon use or resulted in injury to the suspect/subject consistent with substantial bodily harm, the officer will request that a field supervisor respond to the scene immediately.

Field Supervisor

The field supervisor (or OIC, if no other supervisor is available) is responsible for reviewing the use of force incident with the involved officer(s), and for documenting the recordable force through the Blue Team portal/website. Any supervisor can perform these duties. This review and entry should be completed before the end of the shift when the incident occurred. ~~This entry should be completed before the end of the supervisor's shift.~~ Only One entry should be made for each subject/suspect against whom force was is used against and should include all officers using force on that subject. The supervisor completing the form will indicate each type of force used, whether the force application was effective and whether it caused injury.

When reviewing the incident, the field supervisor should also consider any potential areas for improvement (tactics, training, communications, etc.) and note them in the Blue Team entry.

Additional Field Supervisor Responsibilities

When a use of force incident results in any of the following, a field supervisor should respond immediately to the scene:

- Less lethal impact projectile deployment
- K9 bite
- Impact weapon use
- Injury to subject consistent with substantial bodily harm

The responding field supervisor should ensure that initial information is obtained and preserved to thoroughly document the incident. This should include the following:

- Interviewing the subject (supervisor responsibility) if appropriate
- Ensuring that photographs of subject and scene are taken
- Ensuring that civilian witnesses are identified and interviewed
- Ensuring that any video/photo evidence is identified and preserved

This initial information should be documented in a supplemental police report. Supervisors responding to an officer involved death or officer involved critical incident should adhere to MPD's Officer Involved Deaths and Other Critical Incidents SOP.

Use of Force Coordinator

The Use of Force Coordinator will review all recordable force entries. ~~The data submitted will be checked for accuracy by the MPD Use of Force Coordinator.~~ In the event of a data entry mistake, the Use of Force Coordinator will contact the officer's supervisor to arrange for the needed corrections to be made. Once the data has been approved, it will be submitted to the database, and shared with the officer's immediate supervisor.

The Use of Force Coordinator will review each recordable force incident. The review will assess:

- Whether the force used was reasonable and in compliance with MPD's Code of Conduct and Standard Operating Procedures
- The quality of officer reports
- Appropriateness of officer tactics and decision-making
- Equipment related issues (availability, effectiveness, function, etc.)
- Training needs or deficiencies
- Use of cover, concealment, distance and other de-escalation strategies

Any potential violations of MPD's Code of Conduct or Standard Operating Procedures will be forwarded to PS&IA for investigation. Suggestions for system improvements will be forwarded to the appropriate MPD commander. The Use of Force Coordinator will work with the involved officer's command staff to provide any needed coaching or training.

This procedure outlines reporting use of force for data collection purposes only. Any officer using force must document that use of force in a police report, in addition to the documentation required in this procedure. In cases involving an officer involved death or officer involved critical incident, ~~the event that deadly force is used,~~ the OICI commander will designate a supervisor or detective to submit the data regarding the use of force.

Original SOP: 08/11/2014
(Reviewed Only: 02/22/2016, 12/26/2017)
(Revised: 02/03/2017, 11/16/2018)



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



Video and Audio Surveillance

Eff. Date ~~11/30/2017~~ 10/09/2018

Purpose

The Madison Police Department (MPD) recognizes the use of video and audio surveillance technology can significantly aid MPD investigative efforts and promote greater public safety in our community. City of Madison APM 3-17, "Use of Surveillance Cameras" recognizes how many other City agencies beyond the MPD, also benefit from the use of video and audio surveillance technology. Yet the use of surveillance technology must also be balanced with the need to protect the privacy rights of the public and MPD employees when and where applicable.

MPD Authorized Use and Compliance with APM 3-17

City of Madison APM 3-17 directs agencies to adopt a written surveillance camera procedure on the use of surveillance cameras. Such written procedure must also be placed on file and available for public review in the City Clerk's Office per Common Council Resolution RES-08-00863. APM 3-17 states that agency policies must address specific considerations. The MPD's responses to these considerations are outlined below:

Agency Policies Must Address...	MPD Response:
<ul style="list-style-type: none"> <i>Circumstances which necessitate the use of surveillance cameras.</i> 	When necessary, the MPD deploys video and audio surveillance technology to: <ol style="list-style-type: none"> Assist with the investigation of criminal or otherwise unlawful activity. To protect and secure MPD facilities. To maintain order during planned and unplanned events (e.g., Freakfest, Mifflin Street, political demonstrations, or other similar large scale public assemblies).
<ul style="list-style-type: none"> <i>Whether the agency will utilize the City's standardized enterprise camera system and if not, specify business/technical reasons prohibiting such use.</i> 	The MPD routinely utilizes the City's standardized enterprise camera video surveillance system. The MPD will also, from time to time, deploy and utilize other, stand alone, covert video or audio surveillance technology often in conjunction with other law enforcement agencies. These deployments are often limited in duration and part of an on-going investigation of specific criminal activity for purposes of collecting evidence necessary for criminal prosecution.
<ul style="list-style-type: none"> <i>The personnel, by name or position that will have access to either the cameras or the data recorded by such cameras.</i> 	All commissioned members of MPD are authorized by the Chief of Police to access the City's public (or overt) enterprise camera system and the MPD Arbitrator Video system, consistent with the limitations outlined above. Access to covert video and audio surveillance deployed as part of specific criminal investigation will be limited to only those commissioned members as authorized by the MPD Captain/Lieutenant in charge of that investigation.
<ul style="list-style-type: none"> <i>The circumstances under which such personnel will have access to either the cameras and/or the recorded data.</i> 	Commissioned members of the MPD shall access the City's enterprise camera system and MPD Arbitrator Video system only in conjunction with their official duties as a City of Madison police officer.

Agency Policies Must Address...	MPD Response:
<ul style="list-style-type: none"> • <i>Whether the cameras will be recording video or both audio and video.</i> 	<p>The City's enterprise camera system only captures video surveillance; not audio. However, MPD may conduct both video and/or audio surveillance as part of an on-going criminal investigation. Such surveillance must be reviewed and approved by an MPD command officer to insure the deployment of video and audio surveillance is consistent with APM 3-17 and other applicable State and Federal laws.</p> <p>MPD does utilize both audio and video recording in MPD interview rooms. Use of these systems will be in accordance with MPD "Recording Suspect Interviews: standard operating procedure and Wis. Stat. 968.073.</p>
<ul style="list-style-type: none"> • <i>The physical location of cameras and a description of the areas to be observed.</i> 	<p>MPD does not deploy covert public video surveillance cameras. However, MPD command staff will continue to recommend and request City I.T. staff to deploy additional cameras to the City's enterprise camera system should we believe a public safety concern is present in that area. MPD will not reveal the deployment or location of covert surveillance technology used in conjunction with criminal investigations unless the harm to the integrity and successfulness of the investigation is outweighed by other public interests, i.e. the identification and apprehension of a fugitive. Such decisions will be made by the Captain/Lieutenant in charge of the investigation after appropriate consultation with legal counsel.</p> <p>Cameras on the City's enterprise system are deployed to public areas in MPD facilities.</p> <p>MPD utilizes in-car video recording, see "In-Car Video System" standard operating procedure.</p> <p>MPD utilizes body worn cameras in limited circumstances, see "SWAT Body Worn Cameras" standard operating procedure.</p> <p>MPD utilizes unmanned aircraft systems with camera capabilities, see "Unmanned Aircraft Systems" standard operating procedure.</p> <p>MPD's Special Events Team uses handheld video recording in limited circumstances, see "Demonstrations and Assemblies" standard operating procedure.</p> <p>MPD personnel may be provided with access to third-party video systems. Use of these systems must be approved by a commanding officer. MPD personnel will only utilize third-party systems for official police business.</p>

Agency Policies Must Address...	MPD Response:
<ul style="list-style-type: none"> The corresponding location and the verbiage of signage of alerting persons that their actions are subject to audio-visual recording. Such signage shall be conspicuous and shall clearly inform all persons that their actions are being both audibly and visually recorded. 	<p>MPD posts signage near the entrance to MPD facility parking lots, customer service areas and internal secure holding areas alerting the public to the use and deployment of video surveillance technology.</p>
<ul style="list-style-type: none"> Unless otherwise prohibited by law, the MPD will be provided with immediate access to all data or recordings that may constitute evidence of a crime. The MPD shall determine, in consultation with the Dane County District Attorney's Office, whether to obtain a warrant to take custody of such data or recording. 	<p>The MPD continues to work with and assist all City of Madison agencies as we strive to make Madison a safe community. When other City agencies, while using the City's enterprise camera system, believe they have witnessed criminal activity, we ask they contact any MPD employee for guidance as to which police district or work unit would be best to direct their information for further review and any additional follow up.</p>
<ul style="list-style-type: none"> The time period that recorded audio/video will be retained and available. No retention period of less than fourteen days may be approved under this procedure. Procedures for ensuring that records are not destroyed during the pendency of any public records request, investigation or civil/criminal litigation. 	<p>All video and audio data collected and recorded on the City's enterprise camera system is purged after 14 days, unless a recording is requested under the Wisconsin Public Records Laws or it contains evidence of a crime/ordinance violation or is determined to have other value in being preserved. If a record is created through preservation video from the City's enterprise system, that record is to be maintained in accordance with MPD's records retention schedule, or if the video contains evidence of a crime, it shall be maintained in accordance with MPD's digital evidence policies and procedures.</p> <p>Cameras on the City enterprise system deployed to sensitive areas within MPD facilities are retained for a one-year period.</p> <p>Video and audio data collected and recorded through MPD in-car video, body worn cameras or unmanned aircraft systems are purged after 180 days, unless a recording is requested under the Wisconsin Public Records laws, or if it contains evidence of a crime/ordinance violation or is otherwise determined to have value in being preserved (in which case it shall be maintained in accordance with MPD's digital evidence procedures.</p>
<ul style="list-style-type: none"> Each agency procedure shall address any laws unique to that agency. 	<p>Pursuant to the State's "Recording Custodial Interrogations" statutes (Wis. S.S. 938.195 and 968.073), the MPD has installed in all district stations video and audio recording equipment for purposes of recording all custodial interrogations for individuals under seventeen years of age, and for adults involved in felonious incidents. MPD also video and audio surveillance technology installed in marked and unmarked squad cars which may also be used to record custodial interrogations when necessary. All video and audio records associated with custodial interviews are maintained in accordance with applicable MPD departmental procedure.</p>

Agency Policies Must Address...	MPD Response:
<ul style="list-style-type: none"> <i>Every procedure shall address the implications of any applicable collective bargaining agreement. Compliance with this provision requires close consultation with the Labor Relations Unit of Human Resources.</i> 	Currently there are no applicable clauses related to video and audio surveillance in any collective bargaining agreements between the City of Madison and any MPD commissioned or non-commissioned employees.

Procedure for MPD Deployment and Use of Video and Audio Surveillance Technology

The procedures outlined below serve to clarify and establish guidelines for further deployment of video and audio surveillance technology by MPD (e.g. beyond the City's enterprise camera system). As noted earlier, MPD uses overt and covert surveillance strategies depending upon the situation. Overt surveillance for purposes of this SOP shall be defined as video or audio surveillance where the subject(s) being recorded are aware they are being recorded. Covert surveillance is defined as video or audio surveillance where the subject(s) is not aware they are being recorded.

Prior to the use and deployment of video and audio surveillance technology, MPD employees shall adhere to the following:

- All requests for the new use and deployment of video or audio surveillance will be directed to an MPD Command Officer. The Command Officer shall review the request and insure the request is compliant with City APM 3-17, and that the anticipated installation/use of the video or audio surveillance is compliant with all applicable legal requirements.
- The reviewing Command Officer will then review the request in light of the below matrix seeking higher level approval for the request if necessary:

Type of Surveillance	To be Authorized by
Overt video-audio surveillance of public spaces (e.g., State St. cameras, Special Events, etc.)	Chief of Police only with recommendation sent to City I.T.
Covert video (only) surveillance related to criminal investigations.	Command Officer approval (With notification to Chief of Police) Chief of Police with Commander recommendation
Covert audio (only) surveillance related to criminal investigations (e.g., suspect telephone recording, etc.).	Command Officer Approval Chief of Police with Commander recommendation
Covert video or audio surveillance related to any internal, PS&IA employee investigation.	Chief of Police Only

Original SOP: 11/11/2015

(Revised: 03/04/2016, 11/15/2016, 11/30/2017, 10/09/2018)