

CITY OF MADISON
INTER-DEPARTMENTAL
CORRESPONDENCE

DATE: November 13, 2023

TO: All Alders

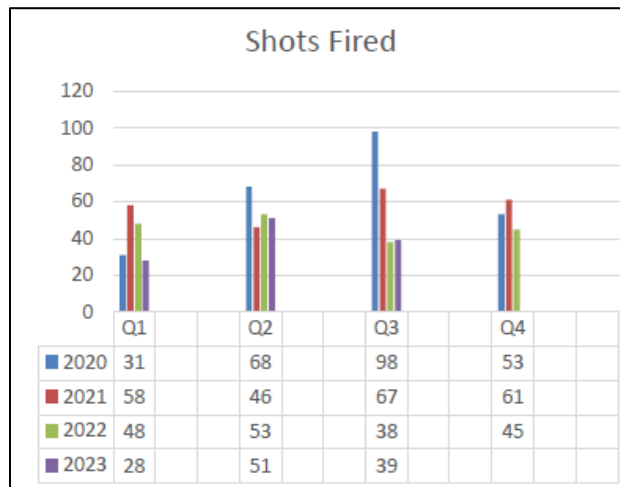
FROM: Shon F. Barnes, Chief of Police

SUBJECT: Quarterly Report

This document provides an update on selected MPD topics for the third quarter (July, August, and September) of 2023. **Please consider the data included in this update as preliminary and subject to modification.**

Significant Incident Types

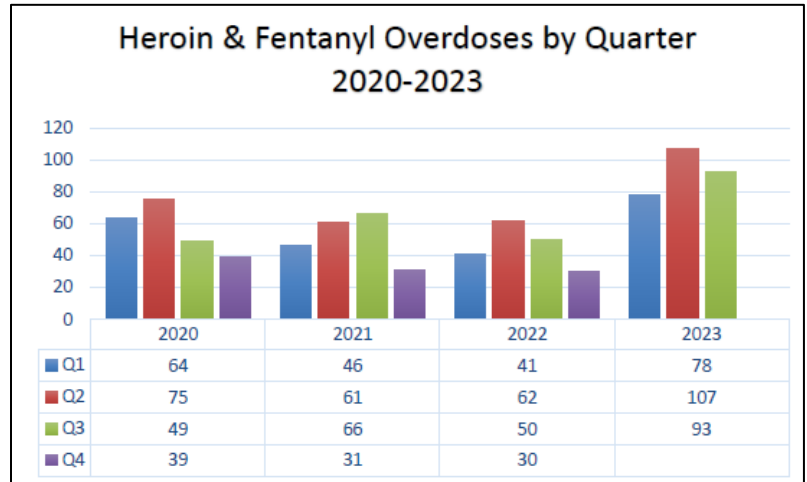
Shots Fired – there were thirty-nine (39) shots fired incidents in the City from July 1st through September 30th (2023). This is a **3% increase** from the third quarter of 2022 where there were thirty-eight (38) shots fired incidents. The 3-year average (3rd quarter) of shots fired incidents is sixty-eight (68). The thirty-nine (39) shots fired in Quarter 3 of this year is a **42% decrease** over the previous 3-year average.



	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
Property Damage	5	14	9		28
Subjects Struck by Gunfire*	4	6	9		19
Accidental Discharge	1	3	1		5
Self-Inflicted (intentional)	3	1	2		6
Casings Recovered	71	98	196		365

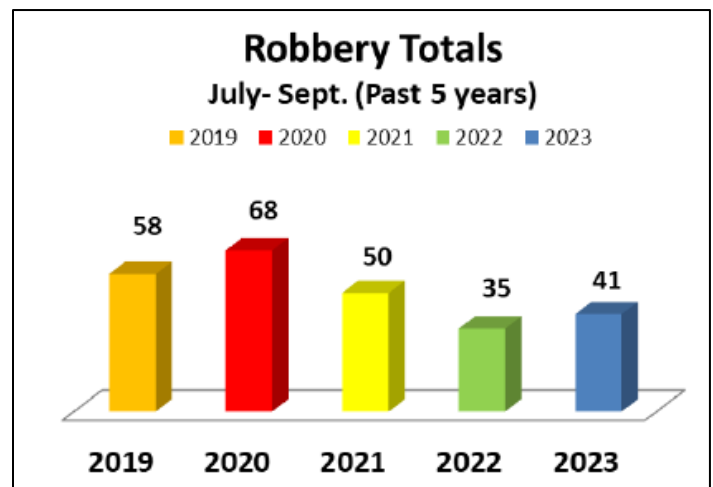
*Excludes accidental discharge & self-inflicted

Heroin Overdoses – MPD responded to ninety-three (93) known heroin overdoses during the third quarter of 2023. This is an **86% increase** from the third quarter of 2022 where we responded to fifty (50) known heroin overdoses. The 3-year average (3rd quarter) of known heroin overdoses is fifty-five (55). The ninety-three (93) known overdoses in Quarter 3 of this year is a **69% increase** over the previous 3-year average. Note that these figures refer to known overdoses...it is likely that many overdoses are occurring without any report to MPD or MFD.

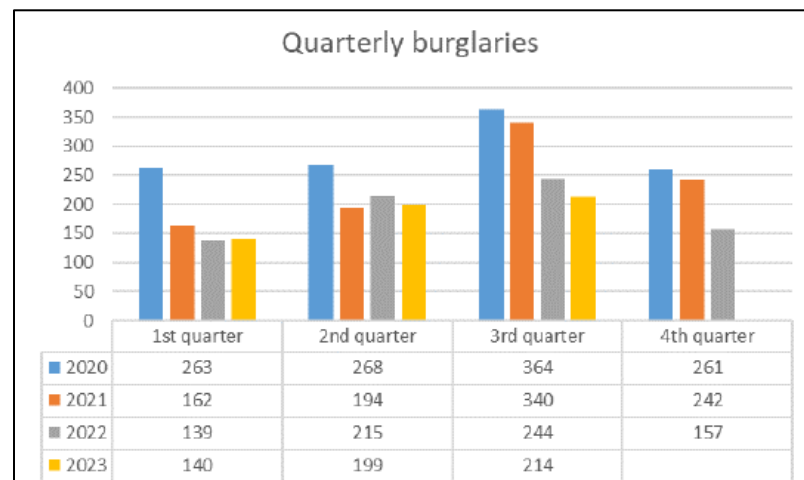


There were ten (10) suspected overdose deaths during the third quarter of 2023. This is a **29% decrease** from the third quarter of 2022 where there were fourteen (14) overdose deaths. The 3-year average (3rd quarter) of overdose deaths is ten (10). The ten (10) suspected overdose deaths in Quarter 3 of this year is a **3% decrease** the previous 3-year average. [note that these figures only include overdose deaths with police involvement and clear evidence of an overdose; the actual figure may be higher].

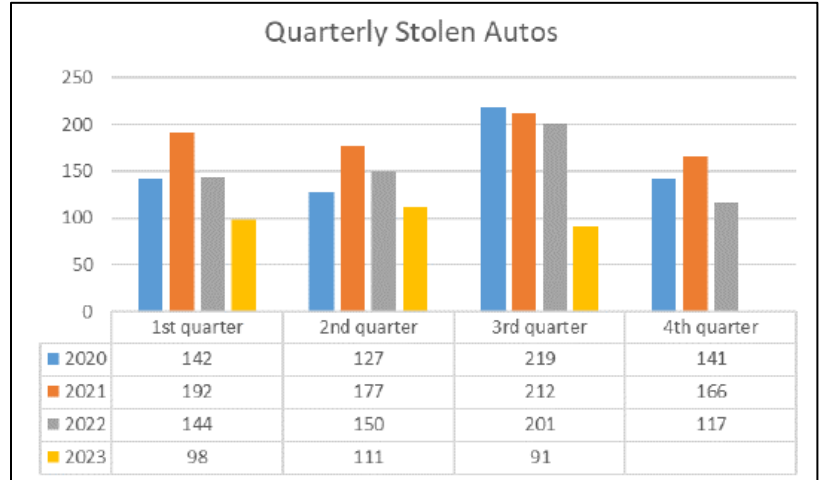
Robberies – Forty-one (41) robberies occurred in the City during the third quarter of 2023. This is a **17% increase** from the 3rd quarter of 2022 where there were thirty-five (35) robberies. The 3-year average (3rd quarter) of robberies is fifty-one (51). The forty-one (41) robberies in Quarter 3 of this year is a **20% decrease** from the previous 3-year average.



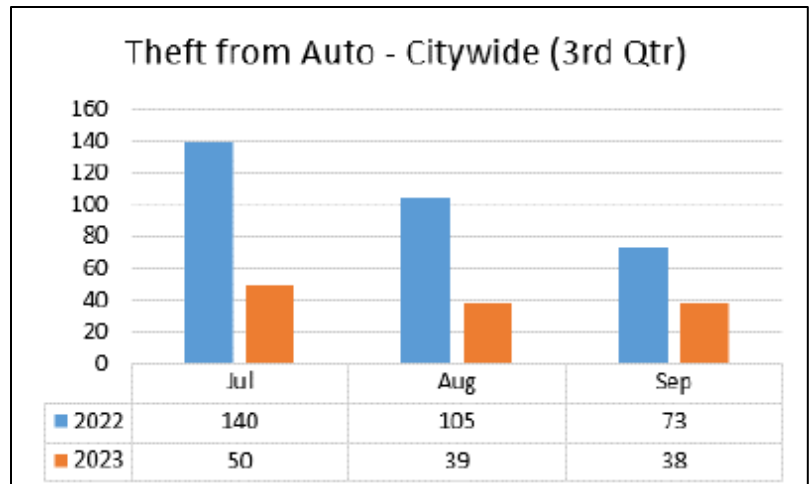
Burglaries – MPD responded to 214 burglaries during the third quarter of 2023. This is a **12% decrease** from the third quarter in 2022 where we responded to 244 burglaries. The 3-year average (3rd quarter) of burglaries is 316. The 214 burglaries in Quarter 3 of this year is a **32% decrease** over the previous 3-year average.



Stolen Autos – MPD investigated 91 stolen autos during the third quarter of 2023. This is a **55% decrease** from the third quarter in 2022 where we investigated 201 reports of stolen autos. The 3-year average (3rd quarter) of stolen autos is 210. The 91 stolen autos in Quarter 3 of this year is a **57% decrease** over the previous 3-year average.



Thefts from Vehicles – MPD investigated 127 thefts from vehicles during the third quarter of 2023. This is a **60% decrease** from the third quarter in 2022 where we received 318 reports of thefts from vehicles. The 3-year average (3rd quarter) of thefts from vehicles is 415. The 127 thefts from vehicles in Quarter 3 of this year is a **70% decrease** over the previous 3-year average.



Arrest Data

Third quarter arrest data:

Sex	Q1	Q2	Q3	Q4	Total	%
Male	1,525	1,720	1,634		4,879	71.5%
Female	507	744	690		1,941	28.5%
Unknown	0	0	1		1	0.0%
Total	2,032	2,464	2,325		6,821	100.0%
Race	Q1	Q2	Q3	Q4	Total	%
Asian	31	35	27		93	1.4%
African-American	990	1,006	1,071		3,067	45.0%
Native American	11	8	11		30	0.4%
Other	66	89	77		232	3.4%
Caucasian	934	1,326	1,139		3,399	49.8%
Total	2,032	2,464	2,325		6,821	100.0%
Hispanic*	177	197	214		588	8.6%

*"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	3	3	4		10	0.1%
Arson	0	1	2		3	0.0%
Assault Offenses	391	418	418		1,227	10.6%
Bribery	0	0	0		0	0.0%
Burglary	54	32	32		118	1.0%
Counterfeiting/Forgery	4	5	12		21	0.2%
Damage to Property	104	136	156		396	3.4%
Drug/Narcotic Offenses	192	216	233		641	5.5%
Embezzlement	5	4	7		16	0.1%
Extortion	2	0	0		2	0.0%
Fraud Offenses	37	26	22		85	0.7%
Gambling Offenses	0	0	0		0	0.0%
Homicide Offenses	3	3	8		14	0.1%
Human Trafficking Offenses	0	0	0		0	0.0%
Kidnapping/Abduction	28	27	22		77	0.7%
Larceny/Theft Offenses	186	231	192		609	5.3%
Motor Vehicle Theft	46	50	50		146	1.3%
Pornography/Obscene Material	5	7	11		23	0.2%
Prostitution Offenses	0	0	0		0	0.0%
Robbery	20	20	20		60	0.5%
Sex Offenses, Forcible	27	22	25		74	0.6%
Sex Offenses, Non-Forcible	2	0	0		2	0.0%
Stolen Property Offenses	3	16	13		32	0.3%
Weapon Law Violations	61	71	63		195	1.7%
Group B Offenses	Q1	Q2	Q3	Q4	Total	%
Bad Checks	0	0	3		3	0.0%
Curfew/Loitering/Vagrancy Violations	5	0	0		5	0.0%
Disorderly Conduct	643	744	823		2,210	19.1%
Driving Under the Influence	145	145	150		440	3.8%
Drunkenness	0	0	0		0	0.0%
Family Offenses, Nonviolent	22	36	19		77	0.7%
Liquor Law Violations	34	226	229		489	4.2%
Peeping Tom	0	1	0		1	0.0%
Runaway	0	0	0		0	0.0%
Trespass of Real Property	208	271	164		643	5.5%
All Other Offenses	1,255	1,381	1,336		3,972	34.3%
Total	3,485	4,092	4,014		11,591	100.0%

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

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

Comparison of 2022 to 2023 third quarter arrest data:

Sex	2022 (Q3)	2023 (Q3)
Male	1,641	1,634
Female	619	690
Unknown	1	1
Total	2,261	2,325

Race	2022 (Q3)	2023 (Q3)
Asian	43	27
African-American	1,046	1,071
Native American	13	11
Other	50	77
Caucasian	1,109	1,139
Total	2,261	2,325

Hispanic*	181	214
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*"Hispanic" is not a racial designator used for UCR/IBR crime reporting purposes. However, it is an ethnicity collected and tracked in MPD's records management system, in addition to race. These arrest figures are based on that data. Each arrested person with a Hispanic ethnicity will also have a race indicated (from the above options) and reflected in MPD's crime reporting.

Use of Force Overview

During the third quarter of 2023, MPD officers responded to 39,531 calls for service. In that time, there were ninety-four (94) contacts in our community in which officers used recordable force during the encounter. This means that in the 3rd quarter, MPD officers used recordable force 0.24% of the time when engaging with members in our community. Each of these force incidents was reviewed for compliance with MPD standard operating procedures.

Description	Q1	Q2	Q3	Q4	Total
Calls for Service	33,173	39,943	39,531		112,647
Contacts Where Force Was Used	74	94	111		279
% of CFS Where Force Was Used	0.22%	0.24%	0.28%		0.25%
Force					
Decentralization/Takedown (e.g. officer pushing or pulling a subject to the ground)	51	77	79		207
Active Counter Measures (e.g. officer striking a subject with hand, forearm, foot or knee)	22	19	19		60
Taser Deployment	9	10	14		33
Hobble Restraints (a belt system that restricts a subject's ability to kick at officers, squad windows, etc.)	9	9	8		26
OC (i.e. Pepper) Spray Deployment	3	7	20		30
Baton Strike	0	0	0		0
K9 Bite	0	3	4		7
Firearm Discharged Toward Suspect	1	0	0		1
Impact Munition (firearm delivered projectile launched at a lower than normal velocity)	1	0	2		3
Specialty (SWAT/SET)	0	0	0		0

Total	96	125	146		367
Firearm Discharged to Put Down a Sick or Suffering Animal	9	21	20		50

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

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

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

District*	Q1	Q2	Q3	Q4	Total	%
West	8	6	10		24	8.6%
Midtown	17	12	13		42	15.1%
South	7	10	7		24	8.6%
Central	19	30	39		88	31.5%
North	6	14	21		41	14.7%
East	16	20	20		56	20.1%
Out of County	0	0	0		0	0.0%
Within County - Assist	1	2	1		4	1.4%
Total	74	94	111		279	100%

Time of Day/Patrol Shift	Q1	Q2	Q3	Q4	Total	%
1st Detail (7am – 3pm)	16	15	18		49	17.6%
3rd Detail (3pm – 11pm)	31	36	37		104	37.3%
5th Detail (11pm – 7am)	27	43	56		126	45.2%
Total	74	94	111		279	100.0%

Comparison of third quarter 2022 with third quarter 2023 use of force data:

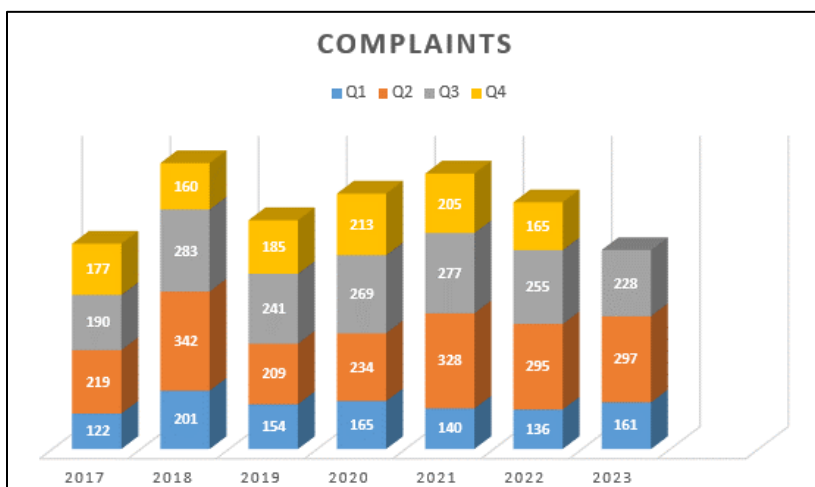
Force	2022 (Q3)	2023 (Q3)
Decentralization/Takedown	51	79
Active Counter Measures	21	19
Taser Deployment	7	14
Hobble Restraints	11	8
OC (i.e. Pepper) Spray Deployment	17	20
Baton Strike	0	0
K9 Bite	1	4
Firearm Discharged Toward Suspect	0	0
Impact Munition	4	2
Specialty (SWAT/SET)	0	0
Total	112	146

Restorative Justice Data (3rd Quarter, 2023)

12-16 Year Old Youth Data from YWCA	17-25 Year Old Data from CRC																		
Total referrals issued: 50 Opted-in: 25 Opted out: 6 Neither: 6 (these referrals voided due to defendant's age or per officer) Waiting for Opt-in/Opt-out: 13 Offenses: • Retail Theft: 3 • Theft: 5 • Trespass: 5 • Disorderly Conduct: 12 • Damage to Property: 2 • Battery: 1 • Resist Or Obstruct: 10 • Underage Possess/Consume off Licensed Premise: 5 • Casual Possession of THC in Public Place: 1 2021 Updates (From what was resent to the Y on November 11, 2022) * No update 2022 Updates (Cases past their 6 Month Deadline – From what was sent to the Y on January 13, 2023) * No update	Referrals from July 1st to September 30th, 2023 Total MPD Referrals = 40 Total MPD Referrals by Offense Type = 44 <i>*Total is more than 40 due to Clients with more than one citation.</i> • Direct Referrals = 1 Offenses: <table> <tr> <td>Municipal - Battery</td><td>1</td></tr> <tr> <td>Municipal - Damage to Property</td><td>1</td></tr> <tr> <td>Municipal - Disorderly Conduct</td><td>28</td></tr> <tr> <td>Municipal - Resisting/Obstructing</td><td>3</td></tr> <tr> <td>Municipal - Retail Theft/Shoptlifting</td><td>6</td></tr> <tr> <td>Municipal – Theft</td><td>3</td></tr> <tr> <td>Municipal - Retail Theft – (PTAC)</td><td>1</td></tr> <tr> <td>Municipal – Theft – by virtue of employment (direct referral)</td><td>1</td></tr> <tr> <td>Total:</td><td>44</td></tr> </table>	Municipal - Battery	1	Municipal - Damage to Property	1	Municipal - Disorderly Conduct	28	Municipal - Resisting/Obstructing	3	Municipal - Retail Theft/Shoptlifting	6	Municipal – Theft	3	Municipal - Retail Theft – (PTAC)	1	Municipal – Theft – by virtue of employment (direct referral)	1	Total:	44
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Total:	44																		

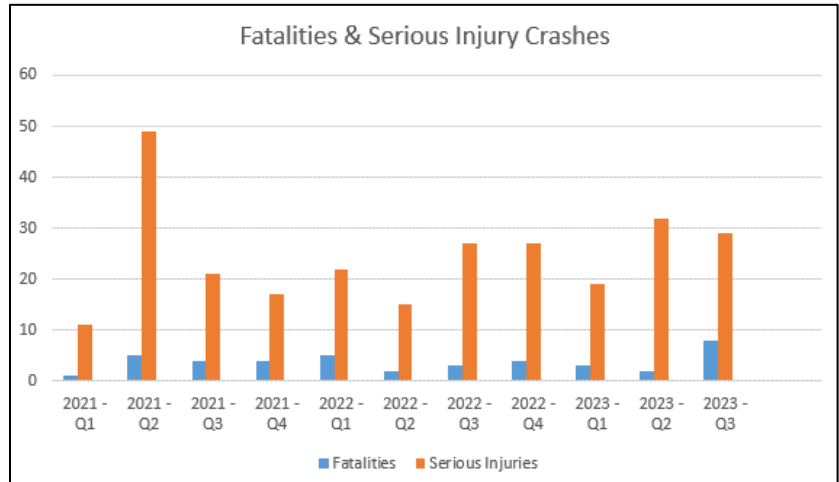
Traffic**Traffic Complaints –**

Community members may submit a traffic complaint or concern to the Madison Police Department by utilizing [online submissions](#) or calling the Speeder's Hotline (608-266-4822. In the 3rd quarter of 2023, MPD received 228 traffic complaints.



Serious/Fatal Crashes

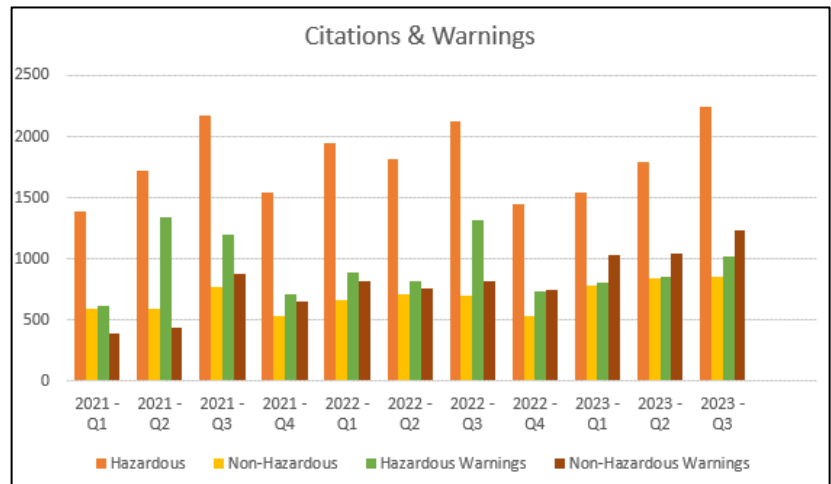
In the 3rd Quarter of 2023, MPD investigated 746 crashes that resulted in 8 fatalities, 29 serious injuries and 175 minor injuries.



Enforcement

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

1. Focus on the High Injury Network (HIN): East Washington Avenue, the Beltline, and Mineral Point Road
2. Focus on Hazardous Moving Violations
3. De-emphasize Non-Hazardous Violations and Support Alternative Outcomes (i.e., Warnings)
4. Support School Zone Safety
5. Respond to Community Member Complaints



Training

In the third quarter of 2023, MPD is nearly complete with our Fall Professional Development for all commissioned personnel. This training evolution consisted of handgun, rifle and 40mm launcher qualifications, scenario-based instruction, constitutional law update and a health and wellness session on the topic of officer suicide. Our pre-service academy recruits are nearing the end of phase three and will graduate from the academy on November 16, 2023. They will then enter three months of field training before joining a district as probationary police officer in February. We are making final preparations for an accelerated academy of lateral candidates to begin on November 29th. Our updated 2024 promotional process is now underway for the ranks of Sergeant, Detective and Investigator and we will soon announce the promotional process for the rank of Lieutenant.

SOP Updates

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

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

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

MPD did not acquire any property through DLA/LESO during the third quarter of 2023.

Priority/emergency call response

During the third quarter, there were 144 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 144 instances occurred on 81 (eighty-one) dates (some days required limited call response multiple times); this means that at some point on about 88% of the days during the third quarter MPD patrol response was limited. The 144 instances spanned about 358.6 total hours of limited call response, an average of 2.5 hours per instance. In terms of total hours during the third quarter, MPD patrol response was limited to emergency and priority calls about 16.2% of the time.

2023 – Third Quarter Promotions

Police Officer Kyle Toberman to Detective
Police Officer Mario Gonzalez to Sergeant
Police Officer Lauren Meverden to Detective

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

<https://www.cityofmadison.com/police/documents/psiaSummary2023JulSep.pdf>

<https://www.cityofmadison.com/police/documents/psiaRecognition2023JulSep.pdf>

Updated/New SOPs for MPD: July-September, 2023

Arrest, Incarceration and Bail – Adults: 08/04/2023

Precautionary Measures and Significant Exposure to Infectious Pathogens: 08/07/2023

Notification of Commanding Officers: 08/18/2023

Handling of Evidence, Contraband, Found or Lost Property: 08/21/2023

K9 Use: 09/18/2023



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Arrest, Incarceration, and Bail - Adults

Eff. Date ~~02/07/2023~~ 08/04/2023

Arrest Authority

The basic authority for police officers to make arrests derives from Wisconsin State Statute 62.09(13), which makes it a duty for a peace officer to arrest with or without a warrant and with reasonable diligence to take before the court every person found¹ in the city engaged in any disturbance of the peace or violating any law of the state or ordinance of such city.

This authority to arrest is further broadened by Wisconsin State Statute 968.07, which states:

1. A law enforcement officer may arrest a person when the officer:
 - a. has a warrant commanding that such person be arrested; or
 - b. believes, on reasonable grounds,² that a warrant for the person's arrest has been issued in this state; or
 - c. believes, on reasonable grounds, that a felony warrant for the person's arrest has been issued in another state; or
 - d. has reasonable grounds to believe that the person is committing or has committed a crime.³

1m Notwithstanding sub. (1), a law enforcement officer shall arrest a person when required to do so under s. [813.12 \(7\)](#), [813.122 \(10\)](#), [813.125 \(6\)](#), [813.128 \(3g\) \(b\)](#), or [968.075 \(2\) \(a\)](#) or [\(5\) \(e\)](#).
2. A law enforcement officer making a lawful arrest may command the aid of any person, and such person shall have the same power as that of the law enforcement officer.
3. If the alleged violator under s. [948.55 \(2\)](#) or [948.60 \(2\) \(c\)](#) is or was the parent or guardian of a child who is injured or dies as a result of an accidental shooting, no law enforcement officer may arrest the alleged violator until at least 7 days after the date of the shooting.

Enforcement Action Outside of Jurisdiction

Wisconsin State Statute 175.40 empowers a law enforcement officer to take enforcement actions outside of the officer's territorial jurisdiction, within the state of Wisconsin, under certain circumstances. This standard operating procedure (SOP) outlines the circumstances under which Madison Police Department (MPD) officers may intervene while outside of the territorial jurisdiction of the City of Madison and the actions that may be taken.

This SOP applies only to those MPD officers who are on duty at the time of the incident. This SOP does not apply to officers who are off-duty or acting under a mutual aid request.

1. MPD officers may take intervention or enforcement action when:
 - a. The officer is on duty and on official business outside of the City of Madison, but within the State of Wisconsin; and
 - b. The officer would be authorized to take action if the incident occurred in the City of Madison; and

¹ "Found" or "in the officer's presence" means when officers receive knowledge of the commission of an offense in their presence through any of their senses, or by inferences properly drawn from the testimony of the senses. Usually the officer sees or hears, or both. Following learning that an offense is being committed, the officer must still make good use of the sense of sight in order to identify the specific person committing the offense, arrest the guilty person, and identify same at a later date in court.

² "Reasonable grounds" and "probable cause" are used interchangeably and justify an arrest without a warrant when: an officer in good faith believes that a crime has been committed; that the person in question committed it; and when the officer's belief is based on grounds which would induce an ordinarily prudent and cautious person, under the circumstances, to believe likewise. Mere "suspicion" alone is never sufficient to authorize an arrest without a warrant.

³ "Crime" is conduct that is prohibited by State law and punishable by fine or imprisonment or both. Conduct punishable only by forfeiture is not a crime.

- c. The officer is acting in response to:
 - i. An emergency situation that poses a significant threat to life or of bodily harm; or
 - ii. An act the officer reasonably believes is a felony.
- 2. MPD officers may take enforcement action including making arrests and issuing citations:
 - a. On the entire width of boundary highways and on the entire area of boundary intersections for any violation of either the state criminal code or any City of Madison ordinance.
 - b. When in fresh pursuit of a person suspected of having committed a violation of either the state criminal code or any City of Madison ordinance in the City of Madison.
- 3. Determining appropriate enforcement action includes the following considerations:
 - a. This SOP authorizes MPD officers to act as if they were within the territorial jurisdiction of the City of Madison.
 - b. When acting under this policy, the officer shall comply with all MPD regulations, policies, and procedures.
 - c. The officer shall consider a number of factors when determining the nature and extent of intervention action to be taken. These factors include, but are not limited to, the following:
 - i. The nature and particular circumstances of the situation
 - ii. The level of threat presented
 - iii. Availability of appropriate equipment and personnel
 - iv. Officer-Subject factors based on a tactical evaluation
 - v. The officer's assignment and whether taking action will significantly compromise that assignment
 - vi. Other tactical considerations
- 4. Range of appropriate action(s) includes the following:
 - a. In the case of an emergency situation that poses a significant threat to life or of bodily harm, an officer shall take immediate intervention action to prevent such harm or stabilize the situation, or both. The action may include the following:
 - i. Any combination of stopping, detaining, or arresting a suspect;
 - ii. The use of force sufficient to control the situation and in compliance with MPD SOPs
 - iii. Rendering aid and assistance to victims;
 - iv. Identifying and interviewing victims, witnesses, and suspects;
 - v. Assisting local law enforcement agency as requested; or
 - vi. Taking other action that would be authorized under the same circumstances if the events had occurred in the City of Madison.
 - b. When encountering a situation that the officer reasonably believes constitutes a felony, the officer may:
 - i. Take immediate intervention action as outlined above; or
 - ii. Notify a local law enforcement agency for appropriate intervention.
 - (1) In determining the appropriate response, the officer shall consider the immediacy and level of threat presented by the crime.
 - c. Under this guideline, an officer may elect to report the incident to local authorities and serve as a witness in a property crime, or the officer may elect to intervene with appropriate force and make an arrest in the case of a personal crime that poses a significant threat to life or of bodily harm.
 - d. An officer is not required to take intervention action, even in the case of violent felonies, when doing so will either compromise the officer's current assignment or when circumstances present an unreasonable risk of escape of prisoners in the officer's custody. In such cases, the officer shall, at a minimum, immediately notify local authorities and take whatever action possible while maintaining the security of any prisoners.
 - e. When an officer takes action in a circumstance that poses a significant threat to life or of bodily harm, the officer shall:
 - i. Notify the local law enforcement authority as soon as practical;
 - ii. Assist and cooperate with local law enforcement agencies;
 - iii. Notify the officer's supervisor, or the Officer in Charge (OIC) as soon as practical; and

- iv. Upon return to the City of Madison, complete a detailed report of the incident and action taken.
- f. When in fresh pursuit outside of the City of Madison for an offense committed in the City, an officer may take action as if the officer were in the City. In doing so, the officer shall:
 - i. Comply with MPD regulations, policies, and procedures;
 - ii. Notify the local law enforcement agency and assist that agency in the investigation of any offenses that occur in that jurisdiction;
 - iii. Notify the officer's supervisor or the OIC; and
 - iv. Complete reports of the incident as required by MPD policy.
- g. When acting on boundary highways or in boundary intersections, an officer is not required to make any notification or take action other than that which is required if the incident occurred entirely within the City. This does not prevent the officer from informing the adjoining jurisdiction as a matter of professional courtesy.

Arrest Screening/Bail

It is the policy of the MPD to have the Officer in Charge (OIC) or a designee screen each custodial arrest before the person is incarcerated.

In view of the fact that the purpose of an arrest is to bring the arrested person before the court to answer to a violation, detention in jail until the next session of court is a lawful act by a police officer. However, as a matter of normal practice, certain procedures have been established that in some cases permit the release of the arrested person before the next session of court.

Bail can be set only by a judge or court commissioner and may be set by a judge or court commissioner endorsing the amount of bail on a warrant at the time of issuance, at the arraignment in court, or by endorsing and issuing a bail schedule in advance.

Felonies

All persons arrested and incarcerated on felony charges will, with reasonable diligence, be taken before the court where only a judge or court commissioner may establish bail.

State Statute Misdemeanor Citations

An officer arresting a person for a misdemeanor charge may elect to incarcerate the arrested person in the Dane County Jail, or may issue a misdemeanor citation without transporting the person to the Dane County Jail or to the City County Building (CCB). The arresting officer shall issue a misdemeanor citation only if all of the following criteria apply:

1. The arrested person is positively identified.
2. The arrested person currently resides in Wisconsin.
3. It appears the arrested person will not continue the behavior forming the basis for the charge.
4. The arrested person poses no apparent threat to persons or property.
5. The arrested person does not have a history of failing to appear at court dates for previous offenses.
6. The offense does not fall under the definition of domestic abuse, as defined by Wisconsin State Statute 968.075(1)(a).
7. The offense does not fall under the following statutes: 813.12(7), 813.122(10), 813.125(6), 813.128(3g)(b), or 968.075(2)(a) or (5)(e).

If the above criteria apply, the arresting officer may also convey the arrested person to the Dane County Jail to be booked and released. If the above criteria do not apply, the arrested person will be incarcerated in the Dane County Jail. Any deviations from this policy must be approved by a supervisor.

If the arrested person refuses to sign the citation, the officer shall inform the person of the court date and time and that court appearance is mandatory. The officer shall document these facts in a police report.

City Ordinance Violations (Non-Traffic)

CITATION

Most City Ordinance violations are processed by the issuance of a municipal citation. Officers shall obtain a case number for each incident resulting in the issuance of a citation. The deposit amounts to be used for City Ordinance violations have been established by the City of Madison Common Council and are indicated by ordinance number in the bail schedule pages.

In instances where a citation is appropriate, officers should, in most cases, release the person after the citation has been issued. Officers shall not email the citation to the person(s). An incident report must be completed when the citation resulted from a citizen's complaint or when there is not enough room on the citation to describe the circumstances of the violation.

PHYSICAL ARREST

A custodial arrest of a person found in violation of a City Ordinance is appropriate when a citation has been issued, but:

1. The person involved refuses to cease behavior which is in violation of ordinance; or
2. The officer cannot positively identify the violator; or
3. The violator has no permanent address; or
4. The violator is an out-of-state resident.
5. When approved by the OIC.

Alternatives to Arrest or Citation Issuance

The Madison Police Department can send referrals to Community Restorative Court (CRC), a criminal diversion program for adults aged 17-25 who have committed an eligible offense. Eligible offenses are

- disorderly conduct
- battery
- damage to property
- obstructing
- theft, including retail theft

Commissioned personnel can refer individuals to Community Restorative Court by issuing a municipal citation for any one or a combination of eligible offenses; personnel in the Community Outreach and Resource Education (CORE) unit cross-check all cited persons for CRC eligibility weekly.

Commissioned personnel can also make a direct referral, in which no citation is generated or custodial arrest occurs and the person is referred from the field to Community Restorative Court. All of the following must occur for a direct referral to take place:

- a. The officer verifies the individual is not on probation or parole
- b. The officer verifies the individual has no open criminal cases in CCAP
- c. The officer verifies that the individual has no violent criminal convictions in the past 3 years
- d. The officer determines that the charge(s) are eligible; both municipal and misdemeanor iterations of the five eligible charges can be direct referred
- e. The officer asks the individual about willingness to participate in a diversion program in lieu of being cited or arrested
- f. The officer collects the individual's full identifying information and contact information, and emails the Community Outreach Sergeant about the direct referral by end of shift
- g. The officer completes a basket 4 (priority report)

Traffic Violations (City Ordinance or State Statute)

If a person is arrested without a warrant for the violation of a traffic regulation, the arresting officer shall issue a uniform traffic citation. In most cases, the arrested person should then be released.

A custodial arrest for a traffic violation is appropriate when a citation has been issued, but:

1. The officer cannot positively identify the violator; or
2. The violator has no permanent address; or
3. The violator is an out-of-state resident; or
4. The offense is Operating a Motor Vehicle While Intoxicated (OMVWI) related.

Any person physically arrested for a traffic violation, pursuant to this SOP, may be conveyed to the CCB or to the Dane County Jail. There are times when the arrested person may be taken to a medical facility (for a blood draw) and then released to a responsible party from the hospital.

The arrested person shall be released if the person:

1. Makes a deposit under Wisconsin State Statute 345.26 (driver posts on the citation); or
2. Complies with Wisconsin State Statute 345.24 (Officer completes the Release to a Responsible Party form).

A traffic violator who presents a guaranteed bond certificate (as provided for in Wisconsin State Statute 345.61) shall be released from the scene of the stop, provided that the card is not expired, the bail is covered by the guaranteed amount, and the charge is not listed as an exception on the card.

Traffic Warrant Service Guidelines

Persons served warrants who are unable to post bail or who are served bench warrants will be processed in accordance with MPD guidelines, including the officers completing required reports and forms.

1. When a possible traffic or ordinance warrant contact is made, officers will always check with the Public Safety Communications Center Data Terminal Operator to ascertain if the warrant is active.
2. When Court Services personnel are unavailable, the opportunity to post required bail will be afforded. A receipt will be issued for all bail collected. If subject is unable to post, jail booking is required.
3. If bail is posted on a warrant and defendant wishes a court date, the officer will contact the court officer for the next available court date within two working days. Receipt should state that defendant wishes to appear in court.
4. Advise the Public Safety Communications Center Data Terminal Operator of identity of person served with the warrant to ensure removal from the MAPD Wanted Person File.

WHEN SERVING A WARRANT PROCEDURE

1. Read warrant to defendant.
2. If paying, place money, receipt, warrant, and jacket in CCB ticket slot.
3. If defendant is taken to the Public Safety Building, place warrant and jacket in warrant tray.

PROCESSING PHYSICALLY ARRESTED ADULTS

1. Appropriate Booking Forms must be completed prior to processing an arrested person into jail.
2. Prior to transporting an arrested adult to jail, officers shall search the person as a routine security measure to ensure that weapons/contraband are not introduced into the jail environment.
3. When processing an arrested adult or 17 year old:
 - a. Conveyance should be made directly to the Dane County Jail UNLESS the arrest is one which requires additional processing, e.g., an intoximeter, an interrogation, a strip

- search, to obtain a City of Madison arrest warrant, an extended consultation with OIC reviewing charges.
- b. Arresting officer should contact the OIC via the telephone to approve charges and establish bail.
 - c. The OIC will confirm that the arrested person has been asked medical condition questions and, where appropriate, direct officers to convey the arrested to a medical facility for attention and medical release.
 - d. If a charge or charges are approved, the arresting officer will ensure completion of booking forms to include the specific charge(s) and established bail and will present this to the jail booking deputy along with the completed Probable Cause (PC) Affidavit.
 - e. When an arrested person must be medically treated prior to incarceration, officers must obtain the medical clearance form(s) provided by medical staff. After leaving a medical facility, officers will convey the arrested person to the Dane County Jail where the medical clearance forms will be turned over to the jail booking deputy.
 - f. When an arrested person is taken to a detoxification facility prior to being taken to jail, a police report shall be completed prior to the end of the officer's shift. The Booking Forms and PC Affidavit will be placed in the locked file cabinet at Detox. Officers shall complete the release notification form and leave that form with the nurse at Detox.
 - g. Copies of the Booking Forms received at the jail are to be returned to the CCB for transfer to Data Control.
 - h. Seventeen-year-olds arrested only for ordinance violations shall not be incarcerated in the Dane County Jail.
 - i. Arresting officers will ensure the appropriate entries are made into the SharePoint Arrest log.
 - j. In the event that SharePoint is unavailable, the arresting officer will obtain a paper form from the OIC and will complete this paper form. The OIC will then forward that paper form to Records.
4. All reports dealing with an arrested person must be completed prior to the officer ending their shift unless permission is granted by the OIC, designee, or supervisor.

Original SOP: 12/14/2015

(Reviewed Only: 12/26/2017, 01/30/2019)

(Revised: 04/02/2018, 01/15/2020, 12/21/2020, 01/14/2022, 02/07/2023, 08/04/2023)



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Precautionary Measures & Significant Exposure to Infectious Pathogens

Eff. Date ~~04/26/2019~~ 08/07/2023

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 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.

Precautionary Measures

Employees performing job tasks where they could reasonably anticipate exposure to blood or other potentially infectious materials are expected to utilize appropriate precautionary measures and keep disposable gloves (nitrile or impermeable) readily available. Gloves should be worn when handling any person, clothing or equipment contaminated with blood or other potentially infectious material, or when the employee anticipates becoming involved in any activity during which they might be exposed to blood or other potentially infectious materials (providing emergency medical treatment, searches of persons or property, etc.). Other precautionary work measures include:

- When employees wear gloves for situations that may expose them to blood or other potentially infectious materials, they should wash their hands with soap and water after removal of the gloves. Antibacterial hand gel may be used if soap and water are not readily available, but washing with soap and water should take place as soon as possible.
- Employees should cover any open breaks in the skin with either clothing or an appropriate bandage. Areas likely to be contaminated should be covered with waterproof dressings.
- If an employee comes into contact with blood or other potentially infectious materials, the area should be washed with soap and water as soon as possible or flushed with water if soap is not available or appropriate. Antibacterial hand gels may be used in addition to this but are not a substitute.
- Needles should not be re-capped; they should be placed in an appropriate container for disposal or property tagging.
- Possibly contaminated sharp objects should not be handled with bare hands.
- Employees should wear an N95 or N100 mask in situations where they reasonably believe an infectious airborne disease could be present. Other protective equipment should be utilized in a manner consistent with the employee's duties and training.
- When anticipating possible exposure to liquid infectious agents, employees should wear protective eyewear (prescription eyewear, goggles, protective eyewear, etc.).
- Clothing or equipment that has been contaminated with blood or other potentially infectious materials should be removed as soon as is feasible after contamination.

Employees are not required to utilize protective equipment in situations where doing so would prevent the delivery of emergency medical care or other urgent action that would endanger individual or public safety. In these instances, the employee should utilize appropriate protective equipment as soon as possible.

Supervisors should routinely monitor staff to ensure that appropriate precautionary measures are being followed routinely. All employees holding positions with potential exposure to blood or other potentially infectious materials will be provided training in use of precautionary measures.

Significant Exposure

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 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 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 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 and/or the MPD Medical Director.
- May refuse testing, counseling, and follow-up services.
- May obtain 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 have been conducted on the source within an acceptable time interval and are available.
 - HIV test results 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)
- Occupational Safety and Health Administration (OSHA) Final Rule, CPL Part 1910.1030 "Occupational Exposure to Bloodborne Pathogens"

Procedure – Responsibility and Protocol

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/Employee Injury Reporting Process**
 - 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.~~
 - i. When reporting a significant exposure while on duty, personnel are required to notify a supervisor, commander, civilian manager, or MPD's Officer in Charge immediately, and PD Medical. The employee must call the City's external medical call-in line (Paradigm) to report the injury. In the case of significant emergencies (e.g. a critical incident), the employee's supervisor will call this external line on the employee's behalf.
 1. **Contact Information for External Call-In Line: 844-847-8709**
 - ii. Supervisor shall make Telestaff entry for injured officer. Telestaff Work Code – INJURED and a detail code of EXPOSURE. Entry should be for 15 minutes and the start of that 15 minute entry should be listed as the start time the significant exposure occurred. ~~needs to match the time of the injury written on the Workers Comp Form.~~
 - iii. After the employee contacts Paradigm, PD Medical will receive a report that summarizes the significant exposure. This report will be emailed to the employee

and their supervisor as noted on the report. This report is then placed in their medical file.

iv. ~~Disposition of Workers Comp Form – Supervisor shall scan and email to PD Medical 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 PD Medical 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.
- v. **Completed forms should be scanned and emailed to PD Medical.**

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 **six (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 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. When there is a significant risk of transmission of HIV, post-exposure prophylaxis should begin as early as possible (and no later than 48 hours after exposure).
 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 **Police Report Typists (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, **Call** 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 **Law Enforcement Records Management System (LERMS)**, and the original documents are property tagged under the significant exposure case number.

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

- 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.
- 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 EIR completed through Workers Comp call in line**	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

<u>DISPOSITION OF SIGNIFICANT EXPOSURE FORMS</u>	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)
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Accident Report/Workers Comp Form — both sides Employee Injury Reporting via the call in-line X**	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.

**Effective June 1, 2022 all employees will need to report injuries by calling 1-844-847-8709

Original SOP: 11/16/2015

(Reviewed Only: 02/22/2016, 01/09/2017, 02/04/2022)

(Revised: 12/14/2018, 04/26/2019, 08/07/2023)



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Notification of Commanding Officers

Eff. Date ~~01/31/2023~~ 08/18/2023

Purpose

To clarify the situations requiring the notification of District or Work Unit Command Staff.

Required Notification of Commanding Officers

The following situations always require the notification of the District/Work Unit Command staff **and** the Assistant Chief of Field Operations as soon as possible **regardless of when the incident occurs**. Voice/Text messages should be left, but it is important to have direct contact with the command staff and an assistant chief. The Officer in Charge (OIC) is responsible to ensure these notifications are made.

1. A homicide or attempted homicide where death appears probable or where the victim sustains a significant injury. This includes weapons offenses where a victim is shot, stabbed (non-superficial), or sustains other injuries requiring hospitalization.
2. Weapons offenses of shots fired into an **occupied** residence or into an **occupied** vehicle.
3. When the suspect or person of interest of a high profile case has been arrested (i.e. homicide, attempted homicide, or any other high profile case that has received media attention).
4. A situation requiring an SWAT call-up. **NOTE: SWAT** Commander will be called **first** in this instance.
5. A situation requiring a SET call-up. **NOTE: SET** Commander will be called **first** in this instance.
6. A fatal traffic crash.
7. A significant incident involving an employee, on or off duty, e.g., serious injury or death of an employee, officer-involved shooting or use of deadly force, serious disciplinary measures, allegations of or arrest for criminal violations, or an employee or an employee's family member(s) being the victim of a serious violent crime. This includes on duty injuries in which an officer is unable to complete their shift. These examples are illustrative and not meant to be inclusive. **NOTE: The Chief of Police wants to be notified in the event of ANY employee—sworn/civilian—injury, whether on or off-duty.**
8. Madison Police Department (MPD) arrest of any law enforcement officer.
9. A fire that results in a fatality.
10. A significant community issue or incident that requires police attention or involves notable persons.
11. Unusually extensive criminal damage to property/graffiti.
12. When a case is generating significant media interest and the scene supervisor is requesting Public Information Officer (PIO) assistance.
13. MPD pursuit that terminates in a crash causing injury to any party.
14. Any incident or attempted incident involving a serious crime where the victim and offender are not known to one another (stranger sexual assault, stranger carjacking, stranger armed street robbery).

If there is any doubt as to whether a call should be made, make the call. When unable to contact the appropriate Commanding Officer, contact should be attempted as follows:

1. Assistant Chief of Field Operations
2. Assistant Chief of Investigative and Specialized Services
3. Assistant Chief of Support and Community Outreach
4. Executive Section/Operations Captain
5. Any other District Commander

CONSULTATION WITH DISTRICT, WORK UNIT, OR ON-CALL DETECTIVE LIEUTENANT

Many cases warrant the immediate involvement of detectives and additional investigative resources. During normal work hours, the appropriate Detective Lieutenant, Investigative Lieutenant, or Detective Sergeant may be contacted directly. After 4 pm on weekdays, during normal Detective on-duty hours, the OIC can contact Detective Sergeants or Detectives directly with pre-approval from District, Work Unit, or On-Call Lieutenants.

The following table lists the incident types which **require** contact with the appropriate Lieutenant. In some cases, contact is only required in the event that a Patrol Supervisor or the OIC determine that additional investigative resources are needed. In cases where contact is required or additional resources are being requested, the OIC should contact the appropriate person from the following table:

INCIDENT TYPE	Contact required	Mon - Fri	After Hours, weekend or holiday
Homicide / Attempted Homicide where death appears probable	Yes	Violent Crime Unit (VCU) Detective Sergeant	Investigative Services Lieutenant of VCU <i>Back-Up: Either of the VCU Detective-Sergeants</i>
Kidnapping	Yes		
Weapons offense with occupied building or vehicle struck	Yes		
Victim with a gunshot wound	Yes		
Self-inflicted gunshot wound	If additional resources are needed	District Detective Lieutenant	On-Call Detective Lieutenant
Infant/Child death investigation or significant head or brain trauma	Yes	Special Victims Unit (SVU) Detective Sergeant	Investigative Services Lieutenant of SVU <i>Back-Up: SVU Detective Sergeant</i>
Child abduction or attempted abduction (not intended for child custody dispute)	Yes		
Sexual assault of a child ** An after-hours delayed report with no evidence readily available to collect, victim is safe and suspect is known, can be written up and routed to the Investigative Services Lieutenant of SVU	If additional resources are needed		
Physical abuse of a child	If additional resources are needed		
Child Neglect	If additional resources are needed		
Serious or fatal auto crash	Yes	Lieutenant of Traffic and Specialized Services	Lieutenant of Traffic and Specialized Services <i>Back-Up: Captain of Traffic and Specialized Services or Sergeant of Forensic Services</i>
First or second-degree sexual assault ** An after-hours delayed report with no evidence readily available to collect, victim is safe, and suspect is known, can be written up and routed to the District Detective Lieutenant	If additional resources are needed	District Detective Lieutenant	On-Call Detective Lieutenant
First degree reckless endangering safety	Yes		
Arson to occupied building	Yes		
Home invasion without shots fired	If additional resources are needed		
An investigation that requires additional resources or expertise not available on an on-duty status	If additional resources are needed		
Imminent threat, targeted, or mass casualty violence	Yes		

MPD pursuit (if terminates with crash causing injury follow Command notification protocols)	Yes	Email involved officer's District/work unit Lieutenant with date and case #	Email involved officer's District/work unit Lieutenant with date and case #
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NOTE: There may be circumstances involving crimes other than those already specified which, because of the complexity, on-going crime pattern, etc. (examples: counterfeit rings, business burglaries, armed robberies) warrant the immediate involvement of detectives. A call to the On-Call Detective Lieutenant is appropriate in these instances. **When in doubt**, a call to consult with the On-Call Detective Lieutenant should be made. The on-call contact number is 608-243-0544.

CONTACTING THE FORENSIC SERVICES UNIT SERGEANT

The Forensic Services Unit (FSU) Sergeant should be contacted whenever additional investigator resources are needed for an investigation, or for consultation on investigative steps/resources. The following situations **require** notification of the FSU Sergeant:

1. A homicide or attempted homicide where death appears probable.
2. A serious or fatal auto crash.
3. A death investigation resulting the Medical Examiner's staff requesting an Investigator attend the autopsy.
4. A request by an outside agency for assistance by FSU personnel.
5. An investigation requiring additional FSU resources.

NOTE: Notification can be made by on-duty Investigators if time permits. This may help facilitate passing of pertinent information between on-duty investigators and the FSU Sergeant.

CALL-IN PROCEDURE FOR DETECTIVES, SWAT, SET

When the On-Call Detective Lieutenant has determined that detectives are to be called in, the On-Call Detective Lieutenant will provide a list of detectives to the OIC. It is the responsibility of the OIC to then contact the detectives from this list utilizing the Telestaff call-in process.

It is recognized that there may be circumstances that prompt the OIC to request assistance from the On-Call Detective Lieutenant in making calls to the detectives, and these situations may be negotiated on a case-by-case basis. However, any further assistance provided by the On-Call Detective Lieutenant is optional and not required.

When the SWAT or SET Commander has determined a unit call-up is warranted, it is the responsibility of the OIC to coordinate the SWAT/SET member notification process utilizing the Telestaff call-in process.

NOTIFICATION OF MPPOA/AMPS PRESIDENT

The President(s) of the Madison Professional Police Officers Association (MPPOA) and/or the Association of Madison Police Supervisors (AMPS) should be notified whenever a significant incident involving an employee, on or off duty, occurs, e.g., serious injury or death of an employee, officer-involved shooting or use of deadly force, or an employee or an employee's family member(s) being the victim of a serious violent crime. These examples are illustrative and not meant to be inclusive.

INFORMATION CONSIDERATIONS PRIOR TO CALLING ON-CALL DETECTIVE LIEUTENANT

1. Nature of incident (i.e. stabbing, sexual assault, home invasion, etc.); was weapon/force/threat of violence used

2. Scene(s) – located and secured (i.e. vehicle, residence, outdoors, etc.); Supervisor, Detective, or Investigator currently involved in on-duty status; presence of evidence; weather conditions that may impact evidence collection; evidence collection coordination
3. Time lapse from incident to reporting — if there was a delay, why
4. Victim(s) information – name; age; current location (hospital, scene, unknown, etc.); injuries; MPD in contact
5. Suspect(s) information – name(s), if known; in unknown, do we have a description or other pertinent information; relation to victim(s); location/custody status, if known;
6. Witness(s) information – are there any; if so, how many; location; MPD in contact
7. Other considerations – language/culture barrier; handicap for any involved parties (physical, mental illness, cognitive delays, etc.); juvenile (Safe Harbor situation, contact Dane County Human Services (DCHS), protection issues, etc.); crowd or media concerns

The above information will assist the On-Call Detective Lieutenant in making a decision on the best way to proceed with the investigation, and who, if anyone, will be called in to assist.

Original SOP: 02/25/2015

(Revised: 02/24/2016, 02/03/2017, 06/15/2017, 02/19/2018, 05/02/2018, 01/17/2019, 05/01/2019, 12/30/2019, 01/15/2021, 01/31/2023, 08/18/2023)

(Reviewed Only: 02/04/2022)



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Handling of Evidence, Contraband, Found, or Lost Property

Eff. Date ~~04/10/2023~~ 08/21/2023

Purpose

This standard operating procedure (SOP) establishes procedures for processing, maintaining, and disposing of evidence in a manner that ensures the evidentiary value of the property, as well as the integrity of the Madison Police Department (MPD) and its employees.

Responsibility

Between the hours of 7:00 a.m. - 4:00 p.m. Monday through Friday during which the Property Room is staffed, Property Clerks will be responsible for the control of all property. In their absence, the Officer in Charge (OIC) will be responsible for coordinating the handling of secured property.

Police Property Clerks will follow the processes outlined in the Property Room Procedures Manual. This manual will be reviewed annually for updates and clarifications.

Property Intake Rooms

Property Intake Rooms have been provided for storage of evidence, found property, and recovered stolen property. Evidence packaging supplies and storage lockers are provided within the Property Intake Rooms that have been keyed to allow officers access with department-issued keys. Employees are responsible for following established policies and procedures for packaging of items placed into storage lockers as outlined in this SOP and in the MPD Packaging Guide.

LOCKERS

1. After packaging item(s), officers should place the item(s) and the quick entry receipt in an empty storage locker and lock the door with its attached padlock.
2. Various sized lockers are provided and employees are expected to use the appropriately sized locker for the items to be temporarily stored. One specific locker is designated in each district's intake room for small items such as ID cards, driver licenses, etc.
3. If an item is too large to fit into a locker, the item may be left on the floor of the Property Intake Room. If the item is evidentiary, it must be taken to the Vehicle Impound Facility.

Tagging and Packaging Property

1. All items will be entered into the Law Enforcement Records Management System (LERMS) using the Quick Entry system. There is a guide for this system in each intake room.
2. All property should be processed in accordance with the MPD Packaging Guide. Each package will be assigned its own barcode/tag number. Only one barcode/tag number will be assigned per package.
3. Some types of property require special intake procedures or special storage. Employees having questions should consult with the MPD Packaging Guide, the Property staff, the Forensic Services Unit, or if they are unavailable, the Officer in Charge for guidance.

Temporary Evidence Storage

Temporary Evidence Lockers/Locks are the responsibility of each district station. In most instances, all evidence/property must be secured, tagged, and entered into LERMS prior to the end of the employee's shift. However, some evidence may need further processing, or due to call volume and time constraints, may need to be temporarily secured until final processing can be completed. Under these circumstances, temporary evidence storage may be utilized as follows:

1. The item(s) may be secured in a designated temporary evidence locker. Evidence may not be stored in any other location (desk, personal locker, etc.) unless unusual circumstances exist (large size, hazardous materials, etc.) and with a commander's approval.
2. A temporary storage logbook will be placed in each property room and employees using temporary evidence storage will document the property in the log and in their report. Employees will also designate their use of a temporary locker by placing their name or business card on the locker. By January 15th of each year, the filled log pages will be sent to the MPD Records Section.
3. Items may not be stored in a temporary evidence locker for more than 72 hours without the approval of a commander. Items should be removed from temporary storage and entered into the property control system as soon as possible.
4. Non-evidentiary property may be removed from temporary evidence storage and released without being entered into the property system only under these circumstances:
 - a. The property is non-evidentiary and not sensitive (i.e., not controlled substances, firearms, currency, etc.).
 - b. The employee responsible for the property arranges to return it to the owner or party responsible for it.
 - c. The property is released within 72 hours of seizure.
 - d. The release is approved by a supervisor.
 - e. The seizure and release are documented in a report.
5. All sensitive evidence taken into custody (firearms, drugs, currency) must be processed and property tagged prior to the end of the employee's shift, unless unusual circumstances exist and with a commander's approval.
6. Items that are tagged and entered into Quick Entry in LERMS must be submitted to Property and not stored in temporary evidence lockers.

Safe Handling of Drugs

When testing or packaging any drugs or paraphernalia as listed below, the best practice is to be paired up with at least one other officer. The second 'safety officer' will not be directly involved in the testing, handling, or packaging of the drug, but can perform other supportive functions such as computer entries. Considering the risk factor of some of the opioids, it will be permissible to divert from the standard packaging procedures of separating the drugs and packaging as listed in the MPD Packaging Guide. All people present in the property intake area when the drugs listed in this policy are packaged or tested should wear N95/N100 masks and protective eyewear (supplied in each property intake room) to protect against accidental inhalation of or exposure to fine particle drugs. Anyone in direct contact with the drug should wear protective, disposable gloves, N95/N100 masks, protective eyewear, and gowns. In addition to sworn personnel, any civilian employees handling the drugs listed below for the purposes of destruction should take the same precautions. This practice does not apply to the simple movement of a sealed package. Likewise, officers should not request anyone to come into direct contact with the following drugs on the officer's behalf without proper training and protective gear, to include community members, suspects, witnesses, or other non-law enforcement contacts:

- Any known or suspected opioid regardless of form (pill, capsule, powder, liquid, patch, etc.).
- Any unknown powdered drug regardless of color or the substance it is suspected to be.
- Any other drug, such as marijuana, when there is any question about safety or opioid contamination.
- Any drug packaging or paraphernalia that has what is commonly referred to as "drug residue" within, when that residue is potentially a powdered substance.

Firearms

1. A Seized Property Receipt shall be provided to all owners of confiscated firearms.
2. **No loaded firearms** of any type should be property tagged and stored in the Property Room. Proper unloading procedures are described in the Wisconsin State Crime Lab (WSCL) Handbook and an Investigator will assist with the unloading of any weapon which is to be checked for deoxyribonucleic acid (DNA) and/or fingerprints.

3. **All ammunition must be packaged separately from firearms.**
4. All firearms, including facsimile, should be placed in a gun box with the case number, tag number, date, employee name/IBM number, weapon description, and serial number printed on the outside.

RECEIVING RECOVERED STOLEN FIREARMS FROM OUTSIDE AGENCIES

1. When MPD is notified that another agency has recovered a stolen firearm, the theft of which originated from MPD's jurisdiction, MPD personnel will make arrangements to receive the firearm.
2. The assigned Detective--or in the event that the case was never assigned, the responsible district's Detective Lieutenant--will contact the outside agency to provide MPD case number and shipping information (account number for postage/shipping costs and address): Madison Police Property Room, Attn: Property Supervisor, 211 S. Carroll St. GR-4, Madison, WI 53703 (608) 266-4955. The cost of this shipping will be covered by the Investigative Funds and the Shipping Account information will be provided to the assigned Detective or Detective Lieutenant.
3. Once the firearm is received by the Property Room, Property Staff will check in the firearm per the MPD Packaging Guide.
4. The assigned Detective or Detective Lieutenant will determine the firearm disposition and the appropriate Property Disposition paperwork will be completed.
5. MPD Property/Records Staff will complete the background process prior to releasing the firearm.
6. Once the background paperwork for the firearm return is completed and authorized by the Commander of Property, the Property Staff will contact the authorized owner via certified letter and the firearm will be released per the Property Firearm Return Guidelines outlined in the Property Room Procedure Manual.

BACKGROUND OF FIREARMS FOR RELEASE

1. The background shall include:
 - a. Firearm Check for Stolen with Data
 - b. Bureau of Alcohol, Tobacco, and Firearms (ATF) Weapon Trace
 - c. Owner III & Crime Information Bureau (CIB) Checks
 - d. Owner Adjudicated or Committed – Mental Defective
 - e. Report Review (to include Other Police Agencies)
 - f. Prosecution Release Authority

Med Drop

The purpose of this initiative is to prevent unwanted medicines from harming members of the community or the environment by disposing of them in a safe manner. The Department of Justice coordinates the Drug Take Back Program and the Police Property Supervisor is responsible for registering the department for the program each spring and fall for the deposit dates.

1. Med Drop Bins are located in the East and West District Police lobbies and are available for public medication deposits Monday through Friday, 8am-4pm. Under no circumstances should an officer drop any medications/drugs reference a case in the med drop bins. If an officer takes possession of any medicines from a citizen who is unable/unwilling to respond to a local pharmacy or East/West District Med Drop Bins to deposit the medications for destruction themselves, the officer shall tag and package the medications per the MPD Packaging Guide for destruction and complete a report.
2. The keys for the locked Med Drop receptacles will be kept within the control of the district captains or their designees.
3. Instructions and baggies will be provided for the public at the Med Drop receptacles.
4. A case number shall be generated at the beginning of each calendar year for each Med Drop receptacle location (one for East PD and one for West PD) and all reports reference Med Drop collection will be documented under the respective case number to each district.
5. Packaging materials are provided by the Department of Justice and the Police Property Supervisor will coordinate the ordering of these materials. On a weekly basis or as needed, two commissioned personnel of the MPD (wearing appropriate PPE to include goggles, mask, gown and gloves) will inspect the

bucket/box contained within the Med Drop receptacle for capacity. If the bucket/box is not full, the Med Drop receptacle shall be closed and secured and the key returned to the respective commander from which it was obtained. If the bucket/box is full, the two commissioned MPD personnel shall safely tie the box liner bag, seal, and weigh the prescription medications within the box in accordance with the procedures outlined in the MPD Packaging Guide. The Med Drop collection box will be replaced with a new box and the receptacle shall be secured. The receptacle key shall be returned to the respective commander from which it was obtained.

6. A report will be completed documenting the box weight, date collected, and that the property tagging process was completed.
7. Property Room Personnel will remove packaged Med Drop boxes on a weekly basis while conducting their standard district property collection. The boxes will be stored within the property control system until they are turned over to the appropriate authorities/location designated by the Department of Justice.

Liquid Evidence

1. **Non-Volatile Liquids** should be processed in accordance with the MPD Packaging Guide.
2. **Volatile Liquids** should be processed in accordance with the MPD Packaging Guide.

Collection of Standard Blood Sample in Criminal Investigations

Blood samples in criminal cases are drawn to determine blood types of victim and suspect, and/or to determine the presence of foreign chemicals (e.g., controlled substances, poisons).

BLOOD DRAW

1. Blood is to be drawn only by a physician or a person acting under his or her direction. An officer should witness the blood being drawn, shall properly seal, number, and mark each tube drawn, and shall report the chain of evidence, including:
 - a. Subject's name.
 - b. Offense.
 - c. Date and time of collection.
 - d. Name of person drawing the sample.
 - e. Identification of each tube collected.
 - f. Location of each tube.The blood kit itself must be sealed in accordance with the MPD Packaging Guide.
2. If a suspect objects to having blood samples taken and if there is any doubt about drawing blood without a search warrant, the OIC may need to contact the on-duty District Attorney for advice.
3. Screening for Controlled Substances - Use the WI Implied Consent Blood Kit when screening for controlled substances. The kit has all the equipment and forms necessary to obtain the blood sample. Follow instructions provided in blood kit.
4. Screening for Blood Type - Use the blood kit provided by the State Hygiene Laboratory. In sexual assault cases, the blood kit and instructions are found in the Wisconsin State Crime Lab Forensic Nurse Examiner Kits.
5. Deceased Person - The Medical Examiner takes the blood.
6. Sexual Assaults - Refer to MPD Sexual Assault Checklist for type of samples needed. All Madison hospitals have a supply of Wisconsin State Crime Lab Evidence Collection Kits with Instructions. Officers should utilize both documents when investigating sexual assaults.

PROCEDURAL GUIDELINES

1. **Packaging Blood Samples:** Within two hours, if possible, after each blood sample tube has been properly sealed and marked with all required information (case number, date, name of subject from whom the sample was drawn, employee's name witnessing drawing, and sample tube number), the individual tubes should be packaged in such a way that the glass tube is are protected from breaking.

- The blood kit box should also be properly sealed and marked on the outside with the date, case number, tag number, employee name, suspect name, and offense.
2. **Refrigeration of Samples (never freeze liquid blood before testing):** For proper analysis of blood samples, it is best practice that the samples be refrigerated as soon as possible after the samples are drawn. It is important to keep the samples away from extreme temperatures. The sample(s) should be properly tagged and be placed in the refrigerator located in the City County Building (CCB) Property Intake Room. If the refrigerator is locked, the key for the refrigerator can be obtained from the OIC or designee.
 3. **Disposition of Evidence in Sexual Assault Cases Where no Suspect is Known:** In cases where there is no suspect identified, all blood samples (victim, suspect, or other) shall be turned over to the State Crime Lab for analysis as soon as possible, or until the sample is no longer of evidentiary value. The Crime Lab will analyze the blood samples even though specific suspect is not identified. The follow-up officer shall periodically monitor the value of maintaining other biological evidence in the property room.
 4. **Reporting Evidence Chain:** Transportation or disposition of any evidence shall be documented in reports by any officer involved in the evidence chain.

COLLECTION OF WHOLE BLOOD IN TRAFFIC-RELATED CASES

1. WI Implied Consent Blood Kits, supplied by the State Hygiene Laboratory, shall be utilized for traffic-related cases. The kit supply is maintained by the local hospitals and by MPD. The kits are stored in the CCB Intake Room and in area hospital emergency rooms. The kit has all the equipment and forms necessary to obtain the blood sample.
2. Blood is to be drawn only by a physician or registered nurse, medical technologist, physician assistant, phlebotomist, or other medical professional who is authorized to draw blood, or person acting under the direction of a physician. The arresting officer should witness the blood being drawn and maintain custody of the evidence once sealed by the medical personnel.
3. It shall be the responsibility of the Police Property Supervisor to coordinate the transport of all blood samples in a timely fashion to the UW Hygiene Laboratory or to the State Crime Laboratory when appropriate.

Deceased Animals

In the event that a deceased animal needs to be collected for evidence/necropsy purposes, it is recommended that you contact the **Wisconsin Veterinary Diagnostic Laboratory (WVDL) at 608-262-5432 (Monday-Friday 7:45am-4:30pm)**. The WVDL is located at 445 Easterday Lane, Madison, WI. The WVDL does not recommend freezing the animal prior to necropsy. Therefore, if an animal is collected for necropsy and it is after the WVDL normal business hours, you can contact the **University of Wisconsin (UW) Veterinary Hospital at 608-263-7600** for refrigerated storage options. The UW Veterinary Hospital can then turn the deceased animal over to the WVDL during normal business hours.

The Property Room **WILL NOT** store a deceased animal in the Evidence Refrigerator; it will only be stored in the Evidence Freezer. In the unusual event that a deceased animal is collected and not going to have a necropsy, it will be stored in the Property Room Freezer. If the animal is collected and packaged during the hours of 7:00am-4:00pm, please contact the Property Room for assistance. If it is after hours and the animal is small enough to fit into the Evidence Refrigerator Freezer in the CCB Intake room, it can be stored there. If it is after hours and the animal cannot fit into the Evidence Refrigerator Freezer in the CCB Intake Room, contact the OIC to call in a Property Room Staff Member to allow access to the larger evidence freezer.

Latent Evidence

Items of evidence bearing or suspected of bearing latent evidence (e.g., fingerprints, palm prints, foot or shoe prints) which are to be processed must be entered into LERMS Quick Entry, marked and sealed, and secured in a Property Intake Room. If there is danger of destroying possible evidence by marking the item, it must be protected and the package containing the item must be marked.

Vehicles

VEHICLE STORAGE

The MPD's Vehicle Impound Facility (VIF) is for the processing and storage of vehicles of evidentiary value. All other vehicles MUST be towed to the contracted tow company's storage facility.

A vehicle should be towed to the VIF when a vehicle has been determined to be evidence of a crime and needs to be processed. An electronic MPD vehicle tow card must be completed for all vehicles towed to the VIF. The tow card must be completely filled out. The tow card shall be emailed to PD Tow prior to the end of shift. Property Staff will email a copy to the contracted tow company.

Vehicle keys will be placed in a clear plastic Ziploc envelope provided in the VIF Intake room. The case number will be written clearly on the envelope and the keys placed in the tray with the tow card.

Officers are required to make any entries into LERMS.

Two Options are Available to Release a Vehicle from the VIF

1. Utilizing MPD's Contracted Tow Company:

When a vehicle has been processed and retains no evidentiary value, the authorizing official will send an email to PD Tow authorizing its release.

This email should include the following information:

Please release vehicle:

- Case#
- Tag#
- Make
- Model
- VIN
- License information (state and number)
- Owner Information

The Property Room Staff will arrange release of the vehicle by contacting the contracted tow company and completely filling out the electronic MPD vehicle tow card. The appropriate tow code for releasing a vehicle is "6". The name of the releasing officer will be annotated in the tow card. When the tow company arrives, the driver must sign in utilizing the VIF log if releasing vehicle from the inside storage area. The vehicle will then be removed and the driver will sign out. The tow card shall be emailed to PD Tow prior to the end of shift. Property Staff will email a copy to the contracted tow company.

After the vehicle release has been completed, the Property Room Staff will notify the authorizing official and send an email message to the PD Tow email group that the release transaction is complete. Property Staff will make the appropriate computer entries and the authorizing official will notify the owner of the release.

2. Release of a Vehicle to Owner/Victim without Utilizing Contracted Tow Company.

Under no circumstances should a vehicle be released to an owner/victim at the VIF.

In the event that a person authorizing the release deems it appropriate to release a vehicle directly to an owner, the person authorizing the release must first check with Court Services to verify there are no Owners Fees associated with the vehicle to be released. If there are no fees, the person authorizing the release must send an email message to the PD Tow.

This email should include the following information:

Please release vehicle:

- Case#
- Tag#
- Make
- Model
- VIN
- License information (state and number)
- Owner Information
- Date and time of release

A supplemental report must be submitted by the releasing officer. Property will make the appropriate computer entries documenting the release.

No unauthorized personnel or personal vehicles will be allowed inside the VIF.

Air-Drying

1. Items requiring air-drying should be placed in the special air-dry lockers available at the Central District Air Dry Room. If these lockers are not available, standard lockers in the Central District Air Dry Room may be used. **Do not air dry any items in standard lockers at other districts' property intake rooms.**
2. Within four days of placing any item into an air-dry locker and provided the items have fully dried, officers must complete the packaging of the item(s). If absent from duty for more than four days, arrangements should be made with a commissioned co-worker to complete packaging of the items (if the items are dry).

Chain of Custody

Written documentation for the removal or disposition of any item in evidence will be submitted to a Property Clerk. Any officer involved in the evidence chain shall document in a police report the transportation or disposition of any evidence.

Refusal of Property

Property that does not meet the packaging and labeling standards outlined in the MPD Packaging Guide will be placed back into the storage locker with the associated lock. The locker will be secured and sealed with a red evidence zip tie. The zip tie will be labeled with the name and IBM of the Police Property Clerk refusing the property. In addition, the case number, tag number, and officer responsible for the item will be annotated. The Property Clerk will notify via email the employee and the Police Property Supervisor of the deficiency and the steps needed to correct the problem.

The responsible employee will verify the information on the red evidence zip tie and then cut the red evidence zip tie to remove the affected property.

The employee will correct the deficiencies outlined in accordance with the MPD Packaging Guide and will return the correctly packaged property to the storage locker. The red zip tie should also be placed (unpacked) in the storage locker to allow the Police Property Clerk to identify the property and the deficiencies that were to be corrected.

The employee will notify Property via email that the deficiencies have been corrected and the item is ready for pickup. The employee will submit a supplemental report outlining the deficiency, the circumstances surrounding the opening of the locker, the correction, and the re-securing of the evidence. When picking up the packaged property, the Property Clerk will verify that the cut red evidence zip tie is indeed theirs and that the property has been corrected in accordance with MPD SOP. In the event the indicated deficiency is not

corrected within a reasonable amount of time of refusal, the Property Clerk will send a second email notification to the employee. The Police Property Supervisor will take the necessary steps to facilitate correction of the indicated deficiencies.

Release of Sensitive Evidence/Property

Certain types of evidence and property create a higher liability by their very nature and shall be subject to special restrictions for temporary or permanent release.

DESIGNATED EVIDENCE/PROPERTY

The following categories of property or evidence fall within these sensitive evidence/property guidelines:

1. All controlled substances/drugs.
2. Any functional firearms.
3. U.S. Currency amounts in excess of \$100.
4. Individual items with an estimated value in excess of \$1,000 (excluding vehicles).

AUTHORIZATION

Temporary or permanent release of any of the property/evidence listed above must have documented authorization by a Lieutenant (to include OICs), Captain, or Chief. The FSU sergeant may authorize the release of firearms for NIBIN testing.

The temporary release of any controlled substances/drugs that have been designated to be destroyed may only be authorized by the Assistant Chief of Investigative and Specialized Services.

DOCUMENTATION

The temporary or permanent release of any of the designated sensitive evidence/property shall be documented on a "Property Release/Receipt Form" signed by the authorizing Commander.

In addition to this form, any officer to whom designated sensitive evidence/property is released shall complete an official police report documenting the handling and disposition of this evidence/property.

Disposition of Property Requirements

UNCLAIMED PROPERTY

Wisconsin State Statutes 66.0139 and 170.07-170.11 and Madison General Ordinance 8.44 regulate the manner in which property coming into the possession of the MPD is handled.

ITEMS NOT TO BE SOLD AT AUCTION

It is required that items such as firearms, beer, liquor, fireworks, and flammables be destroyed after it is determined it is no longer necessary to retain the item.

BICYCLES FOR DONATION

Section 12.761(4) of the Madison General Ordinances allows for donation of bicycles to charitable non-profit organizations. When abandoned bicycles are not returned to the owner or sold, the City of Madison Police Department will donate abandoned bicycles to qualified organizations.

1. Bicycles shall be held by the Madison Police Department Property Section for 45 days before being considered for donation.

2. All requests for bicycle donations must be made with the "Bicycle Donation Form" (found at <https://www.cityofmadison.com/police/support/bicycleDonation.cfm>) which is to be reviewed by the Police Property Supervisor and the Captain of Traffic & Specialized Services. The Police Property Supervisor will notify all requesters of the approval/denial of their requests. If approved, the Police Bicycle Recovery Specialist will be in contact with the requester to schedule a pick-up date and time for the requested bicycles.
3. Requests should be made at least 30 days in advance of when the organization would like to receive the bicycles.
4. Donations shall be limited to charitable non-profit organizations. Such organizations must provide proof of their non-profit government status (subsequent applications may reference these materials as "on file" with the Police Property Room) and assurances that the bicycles will be used as part of a charitable program sponsored by the organization.
5. Bicycles shall only be for the use of clients of requesting organizations and not for the employees or directors of such organizations. Bicycles may not be sold to raise revenue for any purpose. By accepting a bicycle under this program, the applicant grants permission to the City of Madison Police Department to audit its use of said bicycles in accordance with these guidelines.
6. Organizations wishing to request an ongoing supply of bicycles are required to submit a separate request on each occasion when a donation is desired. Bicycle donations are subject to availability, as determined by the Madison Police Department. Organizations may receive no more than 20 bicycles at one time. Once all requests have been filled, an organization may receive additional bicycles.
7. Organizations receiving donated bicycles must sign a liability waiver and provide for the removal of the bicycles.
8. The Madison Police Department Property Supervisor will maintain the following related to each bicycle donation: copy of the approved request form, date the donation form was filled, and number of bicycles received by the organization.

EXPLOSIVES

Items capable of exploding such as dynamite, nitroglycerin, pipe bombs, or any Class A explosive, including M-80s and other powerful fireworks, will be handled by the Dane County Sheriff's Office Hazardous Devices Unit (HDU) and will not be placed in the Police Property Room.

FIREARMS AND AMMUNITION

Firearms and ammunition must be turned over to the Wisconsin State Crime Laboratory when it is no longer necessary to retain them for any reason.

SEIZED ITEMS

Items seized during the service of a search warrant or incident to an arrest that are not later used as evidence in a court case, must be returned to the owner or disposed of in accordance with Wisconsin State Statute.

OTHER PROPERTY RELEASED TO OWNER

Other property will be released to the owner according to procedural guidelines set up by the Commander in charge of the Property Room.

Property Room Controls

An audit of all, or of a specified portion, of the property/evidence storage areas is a critical internal control and will be conducted quarterly. Comprehensive inventories will be conducted when deemed necessary. The audit will review policies, procedures, and processes of the property and evidence functions to ensure compliance. Any variances or irregularities identified as a result of an audit or inventory of the property system will be documented by the Police Property Supervisor and/or Commander designated to monitor those processes.

This documentation shall be forwarded to the Assistant Chiefs and to the Chief of Police for review.

Original SOP: 02/25/2015

(Revised: 01/20/2017, 02/07/2017, 06/15/2017, 10/09/2017, 01/25/2018, 11/15/2019, 04/06/2020, 12/28/2020, 12/28/2021, 01/31/2023, 04/10/2023, 08/21/2023)

(Reviewed Only: 01/30/2019)



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



K9 Use

Eff. Date 09/18/2023

Purpose

The purpose of this standard operating procedure (SOP) is to outline the duties, responsibilities, and parameters for utilization and deployment of the Madison Police Department (MPD) K9 team. Subject to the provision of this SOP, MPD K9s trained in patrol applications may be utilized for area searches, building searches, tracking, evidence searches, narcotics detection, bomb detection, subject apprehensions, K9 handler protection, and community presentations.

The K9 handler is, at all times, responsible for the control of their dog. If there is a dispute in the field on the manner in which a K9 team is to be used and this SOP does not provide guidance, the immediate decision will be made by the K9 handler. The Chief of Police, or their designee, ultimately determines how and when all K9 teams will be utilized.

The function of MPD's K9 unit is to provide K9 support and service to MPD and, at times, to other jurisdictions. MPD K9s are trained in narcotics detention, explosive detection, and patrol functions, including apprehensions, building searches, tracking, area searches, and article searches.

Definitions

K9:	A trained police service dog used for law enforcement purposes
K9 handler:	An MPD officer assigned to use a K9 in the course of their duties
K9 team:	A K9 handler and their K9
Patrol K9:	A K9 trained in patrol functions, including tracking, building/area searches, apprehensions, K9 handler protection, and article searches
Single purpose K9:	A K9 trained for detection purposes, to include explosives and narcotics. May be trained in location tracking/trailing purposes
Dual purpose K9:	A K9 trained to perform both patrol and detection functions
Deployment:	Any directed use of the K9 to perform a trained function
Capital K9:	The City of Madison Police K9 and Equine Partners, Inc. (Capital K9s) is a non-profit 501(c)3, volunteer-run organization which exists to support the expansion and maintenance of the City of Madison Police Department K9 Unit and to educate the community about the value and effectiveness of using dogs in police work.

Duties and Responsibilities

The Executive Captain of Operations:

- 1) Has overall supervisory responsibility for the K9 unit
- 2) Reviews all instances when a K9 is involved in causing injury and ensures proper written documentation of the incident
- 3) Works with the K9 sergeant to develop unit goals
- 4) Annually audits the K9 unit narcotic training aids storage closet

The K9 Sergeant:

- 1) Reports directly to the Executive Captain of Operations
- 2) Functions as the liaison on all matters pertaining to the K9 unit
- 3) Serves as the direct supervisor to all K9 handlers
- 4) Participates in the selection process for new K9 handlers
- 5) Provides guidance and professional development to K9 handlers
- 6) Coordinates K9 unit training for K9 teams and other department members
- 7) Maintains records on K9 use, training, certification(s), and any on-duty or off-duty injuries caused by K9
- 8) Maintains and oversees the care and maintenance of training equipment
- 9) Maintains narcotic training aids for the K9 unit use and conducts regular audits of the training aids in conjunction with the Executive Captain of Operations
- 10) Completes and disseminates a quarterly and yearly statistical report to the Executive Captain and Assistant Chief of Operations
- 11) Ensures all K9 handlers are completing the proper documentation regarding K9 use
- 12) Functions as the liaison between MPD and Capital K9s
- 13) Annually reviews and updates the K9 handler manual
- 14) While on-duty, responds as the supervisor to complete the responsibilities of the Field Supervisor as outlined in the SOP "Use of Force Data Collection and Review"

K9 Use of Force Considerations

Utilization of a K9 as a use of force -while not considered deadly force- constitutes a high level of force that should be reserved for situations justifying the response. Both the intentional deployment of a K9 for apprehension and an off-lead search are considered K9 use of force. The primary goal of a K9 deployment as a use of force is to impede a subject.

When deciding whether or not to utilize a K9, K9 handlers will consider the following factors:

- 1) **The existence of alternative means of control** – how effective are the other use of force tools or techniques to gain control of the subject? A primary consideration is the need to deploy force from a safe distance, particularly against a subject against whom other use of force tools/techniques cannot be deployed (i.e., subject behind cover, in a dwelling, etc.). The appropriateness of other use of force tools/techniques is also a consideration (i.e., reactionary gap, etc.).
- 2) **The severity of the offense** – K9s should not be deployed against subject who have committed minor offenses. K9 deployment against a subject who has committed a misdemeanor offense may be warranted under some circumstances (ex: where the subject poses a significant risk to officers or to the public). In general, K9 apprehension deployments will be reserved for utilization against felony suspects. K9s should not be deployed to apprehend non-criminal subjects (ex: suicidal subjects) unless the K9 handler reasonably believes that the deployment is necessary to prevent the subject from causing death or great bodily harm to themselves, or to prevent the subject from causing harm to officers or the public.
- 3) **Whether the subject poses a significant threat to the safety of officers or the public** – K9s should not be deployed unless the subject poses a significant threat to the safety of officers or the public. Circumstances to be considered as part of this evaluation include the size, strength, and weaponry (if any) of the subject, as well as the environment in which the incident is occurring (ex: are members of the public exposed to danger?).
- 4) **Whether the subject is actively resisting arrest or attempting to evade arrest by flight** – K9s will not be deployed against subjects displaying only passive resistance, nor will they be deployed against subjects who are handcuffed. K9s are intended to provide a means to apprehend violent/assaultive/possibly armed subjects when no other reasonable means exist to attain immediate control of the subject.
- 5) **Potential risk of a K9 deployment to uninvolved individuals or officers** – K9s will not be deployed if doing so would create an unreasonable risk to uninvolved individuals or officers. This applies in the context of an open area deployment and to off-lead searches. Prior to

utilization of a K9 for a building search, K9 handlers should take reasonable steps to verify that no uninvolved parties are present in the building.

K9 Deployment

K9s may be used as an application of force under the following circumstances:

- 1) To assist in the arrest of or prevent the escape of subjects who pose a **significant threat to the safety of officers or the public**;
- 2) To conduct building or area searches for subjects who are reasonably believed to be a significant **threat to the safety of officers or the public**;
- 3) To overcome violent or assaultive behavior or its threat, if the officer reasonably believes that the subject poses an articulable significant threat of harm to officers or others and that a lesser degree of force would be insufficient or impractical;
- 4) To control a subject to prevent them from harming themselves or others, if a lesser degree of force would be insufficient or impractical;
- 5) To apprehend subjects who are concealed and who officer(s) can **reasonably articulate pose a significant threat to the safety of officers or the public**.

K9s shall not be utilized or deployed:

- 1) Primarily as a method of pain compliance;
- 2) To determine a subject's life status; or
- 3) For the purpose of crowd control or crowd management.

K9 Verbal Announcements

- 1) When feasible while deploying a K9 to apprehend a subject, the K9 handler will make a verbal warning to the subject.
- 2) When feasible, if there is a reasonable belief that a subject speaks a language other than English, an officer or other individual fluent in that language should be requested to issue verbal warnings.
- 3) When feasible and before commencing a search of a building, the K9 handler or other appropriate personnel will make three loud verbal announcements. The announcement shall include information that there are police officers on the premise and that a trained police K9 will be released and may bite if the subject does not surrender.
- 4) When feasible, a reasonable amount of time shall be allowed for the subject to respond. The warning shall be repeated whenever a K9 team approaches an area where the prior announcements may not have reached.
- 5) When apprehending subjects, the K9 shall be directed to disengage as soon as the subject is subdued and under control.

Assisting Outside Agencies

All outside agency requests for on-duty MPD K9 teams to assist must be approved by the MPD Officer in Charge (OIC) or an MPD supervisor subject to these guidelines:

- 1) The nature of the service requested
- 2) MPD staffing levels and workload at the time of the request
- 3) Any possible adverse effect an honored request would have on MPD's ability to provide services to the residents of Madison
- 4) K9 handlers may respond to assist other agencies without prior approval if it would be impractical to obtain prior approval
- 5) Approval for pre-planned enforcement activity outside of the City of Madison must be granted by the K9 Sergeant or by the Executive Captain of Operations.

MPD K9 teams shall, at all times, act in accordance with MPD policy and procedure. Upon arrival at the scene, the K9 handler has the ultimate decision as to whether or not the K9 is to be used for a specific assignment.

K9 teams should not be called out while off duty to assist outside agencies unless authorized by the OIC, K9 Sergeant, or Executive Captain of Operations.

K9 Use

- 1) K9s will not be used to sniff people
- 2) Any place or object may be sniffed by a K9 pursuant to a search warrant or with the valid consent of someone with sufficient authority (over the place or object) to grant consent; officers will not ask for consent to search in the immediate presence of a K9
- 3) Except in exigent circumstances, MPD officers will not conduct interviews of subjects or individuals in the immediate presence of a K9
- 4) A positive alert by a K9 constitutes probable cause and may be used to justify a search (if appropriate) or to seek a search warrant
- 5) When a K9 team has been requested to sniff a package, vehicle, door, locker, or other item, the item suspected of containing narcotics should remain unknown to the K9 handler prior to the sniff when possible
- 6) When requesting a K9 team to sniff a moveable item such as a package, the item suspected of containing narcotics should not be placed with other similar items prior to the sniff when possible

K9 Squad Use and Care

Each K9 handler will be assigned a permanent K9 squad primarily designed for K9 duty. The K9 handlers are authorized to maintain their assigned squads at their respective residences while off duty.

- 1) Routine maintenance shall be arranged by the K9 handlers upon request from City of Madison Fleet Services.
- 2) Assigned K9 squads are for official use only and may not be used for personal use.
- 3) Any K9 handler leaving an unattended squad running must ensure that the squad doors are locked.
- 4) No personal or permanent modifications are to be made to any K9 squad without the authorization of the Executive Captain of Operations.
- 5) The provisions of APM 2-13 apply to K9 vehicles.
- 6) Arrestees shall not be transported in the same vehicle with a K9 unless immediate transport is essential for safety or security reasons.

K9 Use and Care

- 1) MPD K9s shall not be used for breeding, participation in shows, exhibitions, or other on or off-duty employment unless authorized by the Executive Captain of Operations.
- 2) K9 handlers shall maintain their K9 both on and off duty in a safe and controlled manner.
- 3) The K9 program shall provide K9 handlers with proper exterior housing for their K9 if needed, and the K9 handler should conduct periodic inspections to ensure that the housing is properly maintained.
- 4) K9 handlers are personally responsible for the daily care, housing, and feeding of their K9 to include:
 - a. Maintenance and cleaning of the K9's kennel and yard area;
 - b. Providing adequate food and water;
 - c. Grooming as needed;
 - d. Providing adequate and appropriate exercise; and
 - e. Providing medical attention as needed

- 5) Where the K9 handler is unable to perform these duties due to injury, illness, or leave:
 - a. Another K9 handler may be assigned to temporarily care for the K9,
 - b. The K9 may be housed in a department approved kennel, or
 - c. The K9 Sergeant or their designee may temporarily care for the K9.
- 6) K9 handlers shall not permit anyone to pet, hug, or otherwise physically engage their K9 without their prior permission and only under the K9 handler's immediate supervision. Should an individual express a desire to do so, the K9 handler should inform the individual that police K9s are serious working dogs and that they can be dangerous if improperly approached.
- 7) A K9 may not be deployed off duty for any law enforcement purpose, unless exigent circumstances exist.
- 8) The K9 handler shall ensure that no individual taunts or teases the K9.
- 9) No MPD personnel shall attempt to handle or in any way give the K9 orders, unless given direct permission or instruction to do by the K9 handler.
- 10) Veterinary care of the K9 includes, but is not limited to, the following:
 - a. The K9 handler is responsible for ensuring routine veterinary care is provided to their respective K9.
 - b. In the event that a K9 is injured, the injury will immediately be reported to a K9 supervisor.
 - c. Prior approval shall be received from the K9 supervisor to obtain veterinary care for the injury when possible.
 - d. Depending on the severity of the injury, the K9 shall either be treated by their designated veterinarian or transported to an emergency medical facility for treatment. If the K9 team is out of the area of the City of Madison, the K9 handler may use the nearest available veterinarian.
- 11) A K9 handler may apply to take possession of their K9 when:
 - a. The K9 is retired from duty or relieved from duty due to injury, or
 - b. The K9 handler is transferred, promoted, or retires, and the decision is made not to retain the K9 for another K9 handler.

Injury Caused by a K9 – On-Duty

Whenever a K9 has bitten, scratched, or otherwise injured a subject while on-duty, whether intentional or unintentional, the K9 handler shall:

- 1) Assess and evaluate the subject or individual for injury and facilitate medical care from a qualified medical professional;
- 2) Immediately notify the OIC and K9 Sergeant;
- 3) Request the K9 Sergeant to respond to the scene; if the K9 Sergeant is unavailable, request an on-duty field supervisor to respond;
- 4) Obtain a signed authorization for release of medical information from the injured person, if possible;
- 5) Document the incident in a written report as soon as possible;
- 6) Document the incident in PackTrack to be reviewed by the K9 Sergeant and Executive Captain of Operations; and
- 7) Follow all other procedures as outlined in the "Use of Force Data Collection" SOP.

Injury Caused by a K9 – Off-Duty

Whenever a K9 has bitten, scratched, or otherwise injured an individual while off-duty, whether intentional or unintentional, the K9 handler shall:

- 1) Immediately notify the OIC and K9 sergeant; if immediate contact with the OIC and K9 Sergeant does not occur, the K9 handler will continue to attempt contact with chain of command until a supervisor is reached.
- 2) Complete written documentation of the incident to be reviewed by the K9 Sergeant.

K9 Team Qualifications and Training

New K9 handlers must complete a prescribed K9 training course and successfully meet all course requirements. All K9s must certify annually through a national certification organization as approved by the K9 Sergeant. Failure to participate in or qualify in initial or annual training certification will result in de-certification from the team. Noncertified K9 teams will not be deployed.

All certified K9 teams will participate in regular trainings to maintain proficiency in basic skills and ensure continued effective performance. The K9 Sergeant is responsible for ensuring that each K9 team receives adequate training and maintains appropriate certifications.

Record Keeping

- 1) The K9 handler will complete a police report each time their K9 is deployed.
- 2) The K9 handler will maintain an up-to-date training log and record all training activities, to include narrative evaluations. All pertinent documentation shall be logged in PackTrack.
- 3) The K9 Sergeant will review the training logs on a regular basis.
- 4) The K9 handler will maintain an updated resume for the K9 team to include training, awards, certifications, and yearly statistics.
- 5) The K9 Sergeant will compile the K9 unit statistics on a semi-annual basis.
- 6) The K9 handler will ensure records are kept of all veterinary expenses and procedures.

K9 Unit Narcotic Training Aids

The K9 unit may maintain possession of various types and quantities of narcotics for use as training aids. Some of these training aids are obtained from the Drug Enforcement Administration (DEA); the K9 Sergeant will maintain a registration number with the DEA to facilitate the acquisition of these aids.

The Executive Captain of Operations ultimately oversees the K9 unit narcotic training aids. The K9 Sergeant is responsible for determining the unit's need for narcotic training aids and for rotating the training aids to maintain freshness and purity of the aids. Training aids obtained from the DEA that are no longer needed will be disposed of as follows:

- 1) The K9 Sergeant will complete form DEA-41, listing the substance, quantity, and number of containers.
- 2) The narcotic training aids will be entered into the MPD property system- with a new MPD case number and property tag. The K9 Sergeant will complete an MPD report documenting this process.
- 3) The Police Property Supervisor and a witness will sign the DEA-41 form once destruction occurs and return the form to the K9 Sergeant.
- 4) The K9 Sergeant will return a copy of the DEA-41 form to the DEA and will submit one to MPD Records (associated with the MPD case number obtained for property tagging).

The K9 unit will store narcotic training aids in secure storage. Access to these safes will be limited to the K9 Sergeant, Executive Captain of Operations, and any MPD personnel who can operate as the Officer in Charge. Temporary access may be provided to the K9 handler if needed, as granted by the K9 Sergeant or Executive Captain of Operations.

Narcotic training aids will be checked out by the K9 handler and observed by the individual who granted access to the secure storage. K9 handlers are responsible for logging the checking in and out of the training aids and a witness must sign the log.

The K9 Sergeant will conduct a quarterly inventory of the K9 unit's narcotic training aids. The inventory will be forwarded to the Executive Captain of Operations and Professional Standards and Internal Affairs.

Request for Public Demonstrations

All public requests for a MPD K9 team demonstration must be approved by the K9 Sergeant. K9 handlers will not perform apprehension demonstrations to the public unless authorized to do so by the K9 Sergeant or Executive Captain of Operations.

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