**CITY OF MADISON**

# *INTRA-DEPARTMENTAL*

**CORRESPONDENCE**

**DATE:** July 19, 2018

**TO:** All Alders

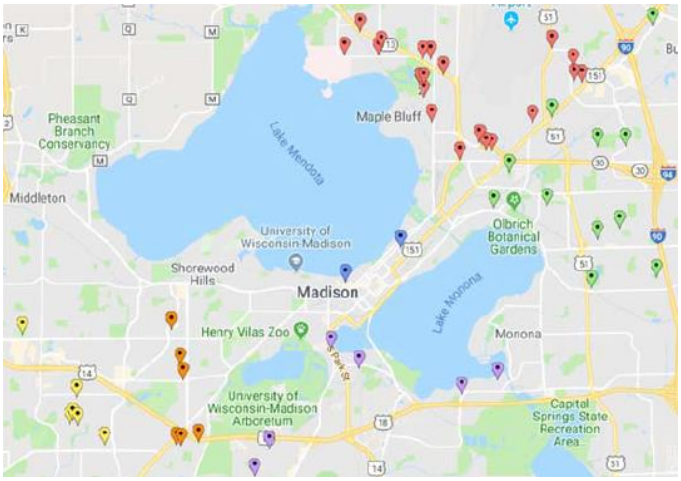
**FROM:** Michael Koval, Chief of Police

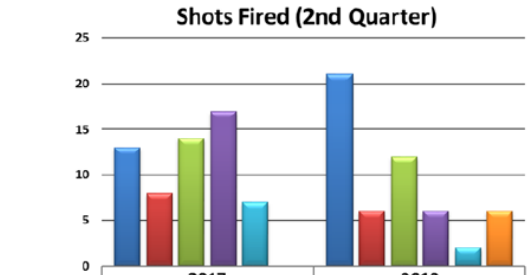
**SUBJECT:** Quarterly Update

This document provides an update on selected MPD topics for the second quarter (April, May and June) of 2018. Please consider the data included in this update as preliminary, subject to modification.

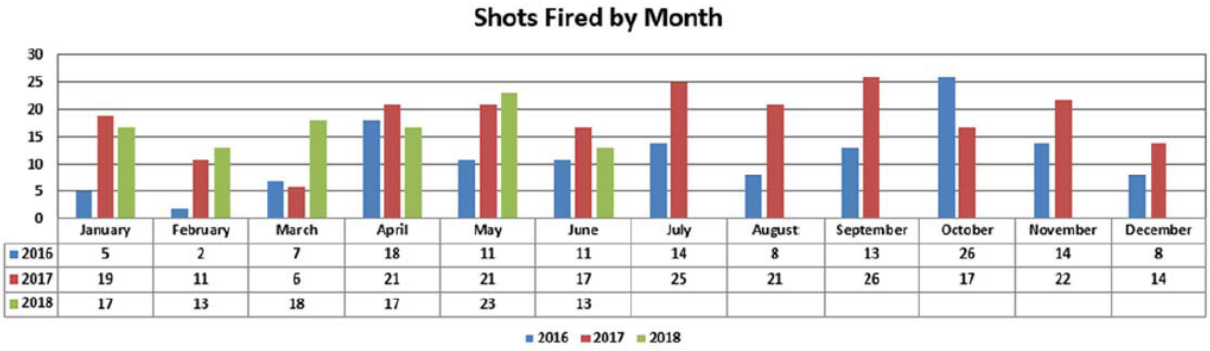
## Significant Incident Types

*Shots Fired* – there were fifty-three (53) shots fired incidents in the City from April 1st through June 30th. This is a **10%** decrease over the second quarter of 2017. Thirty (30) shots fired incidents were reported during the 4pm – midnight period; twenty (20) were reported during the midnight – 8am time period; and three (3) were reported during the 8am – 4pm time period.




| | 2017 | 2018 |
|---|---|---|
| North | 13 | 21 |
| South | 8 | 6 |
| East | 14 | 12 |
| West | 17 | 6 |
| Central | 7 | 2 |
| Midtown | 0 | 6 |



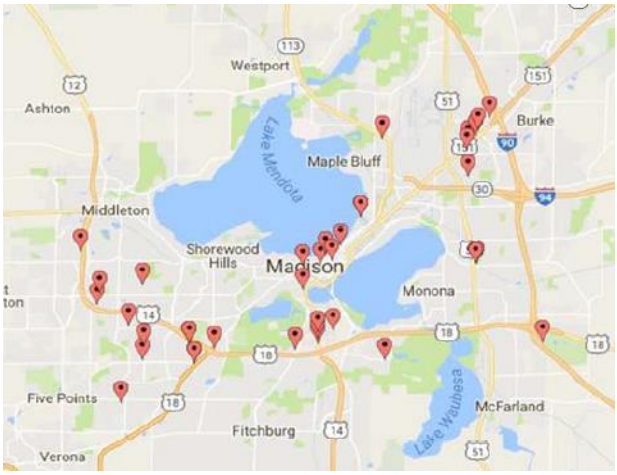

| | January | February | March | April | May | June | July | August | September | October | November | December |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 2016 | 5 | 2 | 7 | 18 | 11 | 11 | 14 | 8 | 13 | 26 | 14 | 8 |
| 2017 | 19 | 11 | 6 | 21 | 21 | 17 | 25 | 21 | 26 | 17 | 22 | 14 |
| 2018 | 17 | 13 | 18 | 17 | 23 | 13 | | | | | | |

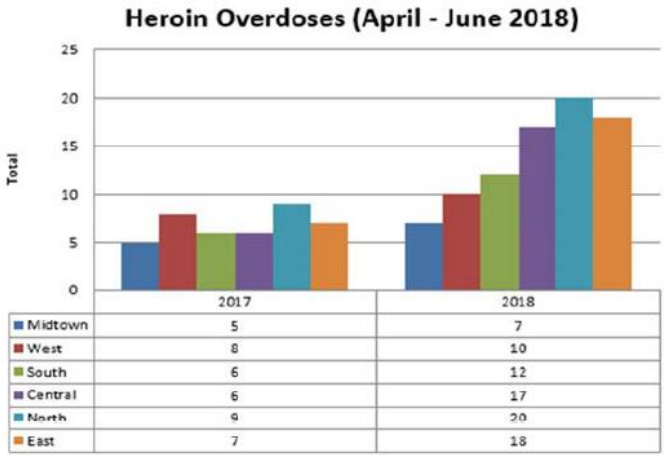
| | 1st Quarter | 2nd Quarter | 3rd Quarter | 4th Quarter | Total |
|---|---|---|---|---|---|
| **Property Damage** | 19 | 17 | | | 36 |
| **Subjects Struck by Gunfire*** | 5 | 6 | | | 11 |
| **Accidental Discharge** | 1 | 2 | | | 3 |
| **Self-Inflicted (intentional)** | 4 | 3 | | | 7 |
| **Casings Recovered** | 187 | 162 | | | 349 |

*Excludes accidental discharge & self-inflicted

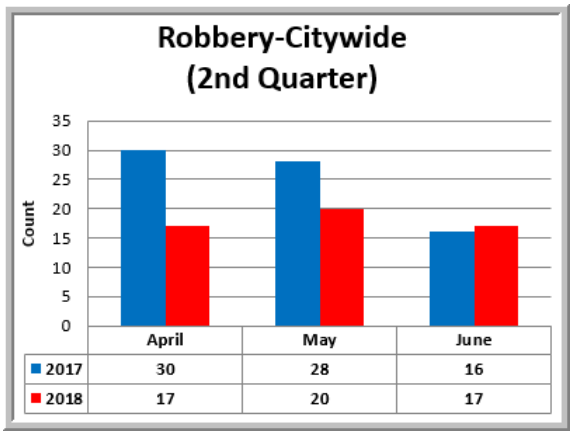
*Heroin Overdose*s – MPD responded to eighty-three (83) known heroin overdoses during the second quarter of 2018. This is an increase of **102%** from the second quarter in 2017. Note that these figures refer to known overdoses…it is likely that many overdoses are occurring without any report to MPD or MFD.

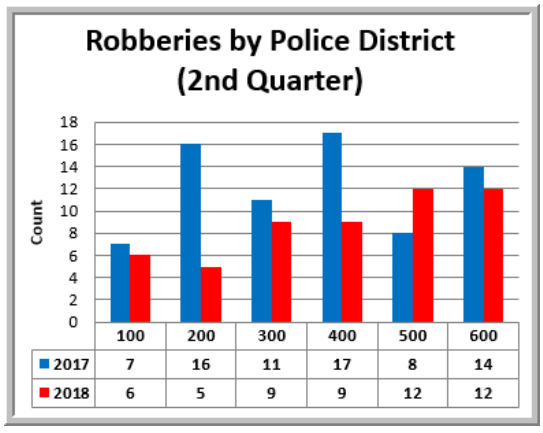
There were seventeen (17) overdose deaths during the second quarter of 2018. This is a 467% increase over the second quarter in 2017 [note that these figures only include overdose deaths with police involvement and clear evidence of an overdose; the actual figure may be higher]. The increased purity of heroin and the combination of Fentanyl and heroin are contributing factors to this increase.

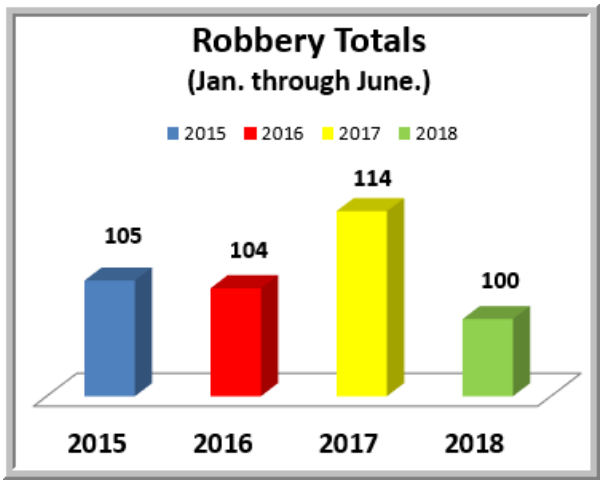



*Robberies* – fifty-four (54) robberies occurred in the City during the second quarter of 2018. This is a 27% decrease from the second quarter of 2017.

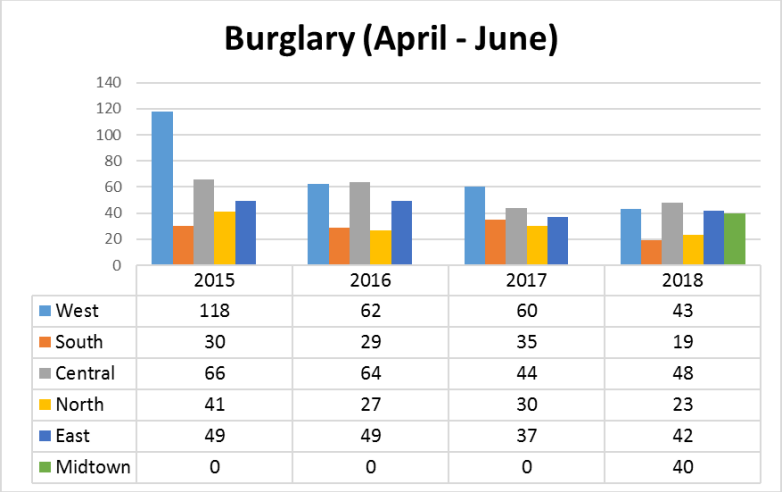





*Burglaries* – MPD responded to 215 burglaries during the second quarter of 2018. This is a 4% increase from the second quarter in 2017.

Of the burglaries occurring during the second quarter, at least ninety-two (92) burglaries occurred when a resident was at home and/or asleep, and at least 103 burglaries occurred with the help of an unlocked door or an open garage. Eleven (11) firearms and ten (10) vehicles were taken during second quarter burglaries.




| | 2015 | 2016 | 2017 | 2018 |
|---|---|---|---|---|
| West | 118 | 62 | 60 | 43 |
| South | 30 | 29 | 35 | 19 |
| Central | 66 | 64 | 44 | 48 |
| North | 41 | 27 | 30 | 23 |
| East | 49 | 49 | 37 | 42 |
| Midtown | 0 | 0 | 0 | 40 |

**Arrest Data**

Second quarter arrest data:

| Sex | Q1 | Q2 | Q3 | Q4 | Total | % |
|---|---|---|---|---|---|---|
| Male | 1232 | 1556 | | | 2788 | 69.4% |
| Female | 550 | 678 | | | 1228 | 30.6% |
| Unknown | 0 | 0 | | | 0 | 0.0% |
| **Total** | **1782** | **2234** | **0** | **0** | **4016** | **100.0%** |

| Race | Q1 | Q2 | Q3 | Q4 | Total | % |
|---|---|---|---|---|---|---|
| Asian | 25 | 23 | | | 48 | 1.2% |
| African-American | 840 | 1083 | | | 1923 | 47.9% |
| Native American | 11 | 13 | | | 24 | 0.6% |
| Other | 30 | 29 | | | 59 | 1.5% |
| Caucasian | 876 | 1086 | | | 1962 | 48.9% |
| **Total** | **1782** | **2234** | **0** | **0** | **4016** | **100.0%** |
| **Hispanic** | **104** | **150** | | | **254** | 6.3% |

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

| IBR Arrest Charges | | | | | | |
|---|---|---|---|---|---|---|
| **Group A Offenses** | **Q1** | **Q2** | **Q3** | **Q4** | **Total** | **%** |
| Animal Cruelty | 0 | 0 | | | 0 | 0.0% |
| Arson | 2 | 1 | | | 3 | 0.1% |
| Assault Offenses | 214 | 301 | | | 515 | 8.7% |
| Bribery | 0 | 0 | | | 0 | 0.0% |
| Burglary | 32 | 19 | | | 51 | 0.9% |
| Counterfeiting/Forgery | 7 | 13 | | | 20 | 0.3% |
| Damage to Property | 104 | 102 | | | 206 | 3.5% |
| Drug/Narcotic Offenses | 204 | 266 | | | 470 | 7.9% |
| Embezzlement | 5 | 6 | | | 11 | 0.2% |
| Extortion | 0 | 1 | | | 1 | 0.0% |
| Fraud Offenses | 25 | 44 | | | 69 | 1.2% |
| Gambling Offenses | 0 | 0 | | | 0 | 0.0% |
| Homicide Offenses | 2 | 2 | | | 4 | 0.1% |
| Human Trafficking Offenses | 0 | 0 | | | 0 | 0.0% |
| Kidnapping/Abduction | 10 | 13 | | | 23 | 0.4% |
| Larceny/Theft Offenses | 314 | 299 | | | 613 | 10.3% |
| Motor Vehicle Theft | 32 | 27 | | | 59 | 1.0% |
| Pornography/Obscene Material | 6 | 6 | | | 12 | 0.2% |
| Prostitution Offenses | 0 | 0 | | | 0 | 0.0% |
| Robbery | 13 | 23 | | | 36 | 0.6% |
| Sex Offenses, Forcible | 17 | 27 | | | 44 | 0.7% |
| Sex Offenses, Non-Forcible | 2 | 2 | | | 4 | 0.1% |
| Stolen Property Offenses | 7 | 3 | | | 10 | 0.2% |
| Weapon Law Violations | 34 | 37 | | | 71 | 1.2% |
| Group B Offenses | Q1 | Q2 | Q3 | Q4 | Total | % |
| Bad Checks | 0 | 0 | | | 0 | 0.0% |
| Curfew/Loitering/Vagrancy Violations | 6 | 6 | | | 12 | 0.2% |
| Disorderly Conduct | 472 | 589 | | | 1061 | 17.9% |
| Driving Under the Influence | 68 | 105 | | | 173 | 2.9% |
| Drunkenness | 0 | 0 | | | 0 | 0.0% |
| Family Offenses, Nonviolent | 10 | 17 | | | 27 | 0.5% |
| Liquor Law Violations | 66 | 141 | | | 207 | 3.5% |

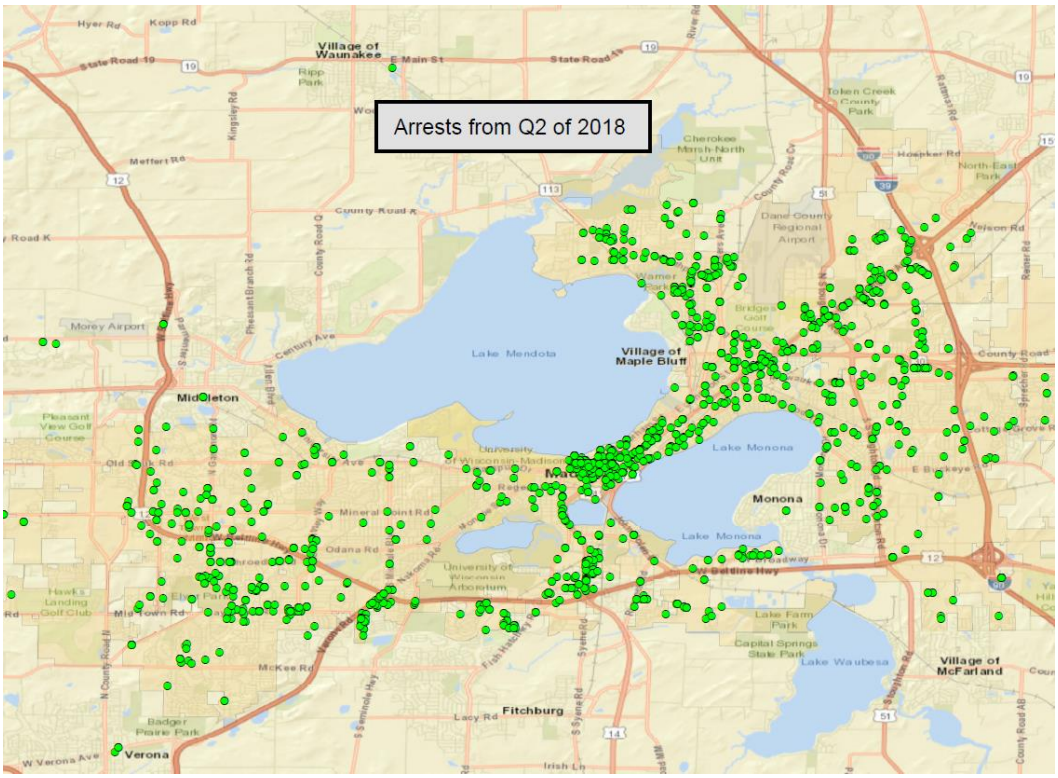
| | | | | | | |
|---|---|---|---|---|---|---|
| Peeping Tom | 0 | 0 | | | 0 | 0.0% |
| Runaway | 0 | 0 | | | 0 | 0.0% |
| Trespass of Real Property | 182 | 183 | | | 365 | 6.2% |
| All Other Offenses | 816 | 1040 | | | 1856 | 31.3% |
| **Total** | **2650** | **3273** | **0** | **0** | **5923** | **100.0%** |

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

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

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

Second quarter arrests reflected geographically:




Comparison of 2017 to 2018 second quarter arrest data:

| Sex | 2017 (Q2) | 2018 (Q2) |
|---|---|---|
| Male | 1585 | 1556 |
| Female | 655 | 678 |
| Unknown | 0 | 0 |
| | | |
| **Total** | **2240** | **2234** |

| Race | 2017 (Q2) | 2018 (Q2) |
|---|---|---|
| Asian | 43 | 23 |
| African-American | 945 | 1083 |
| Native American | 9 | 13 |
| Other | 43 | 29 |
| Caucasian | 1200 | 1086 |
| | | |
| **Total** | **2240** | **2234** |
| | | |
| Hispanic* | **151** | **150** |

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

**Use of Force Overview**

During the second quarter of 2018, MPD officers responded to 37,214 incidents. In that time, there were sixty (60) citizen contacts in which officers used recordable force during the encounter. Each of these force incidents documented by officers was reviewed for compliance with MPD standard operating procedures.

| Description | Q1 | Q2 | Q3 | Q4 | Total |
|---|---|---|---|---|---|
| Calls for Service | 32367 | 37214 | | | 69581 |
| Citizen Contacts Where Force Was Used | 54 | 60 | | | 114 |
| % of CFS Where Force Was Used | 0.17% | 0.16% | | | 0.16% |
| **Force** | **Q1** | **Q2** | **Q3** | **Q4** | **Total** |
| Decentralization/Takedown | 37 | 55 | | | 37 |
| Active Counter Measures | 18 | 18 | | | 18 |
| Taser Deployment | 4 | 8 | | | 4 |
| Hobble Restraints | 8 | 8 | | | 8 |
| OC (i.e. Pepper) Spray Deployment | 5 | 1 | | | 5 |
| Baton Strike | 0 | 0 | | | 0 |
| K9 Bite | 0 | 0 | | | 0 |
| Firearm Discharged Toward Suspect | 0 | 0 | | | 0 |
| Impact Munition | 0 | 1 | | | 0 |
| **Total** | **72** | **91** | | | **72** |
| Firearm Discharged to Put Down a Sick or Suffering Animal | 7 | 10 | | | 7 |

*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

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

| Force | 2017 (Q2) | 2018 (Q2) |
|---|---|---|
| Decentralization/Takedown | 52 | 55 |
| Active Counter Measures | 14 | 18 |
| Taser Deployment | 5 | 8 |
| Hobble Restraints | 10 | 8 |
| OC (i.e. Pepper) Spray Deployment | 2 | 1 |
| Baton Strike | 0 | 0 |
| K9 Bite | 0 | 0 |
| Firearm Discharged Toward Suspect | 0 | 0 |
| Impact Munition | 0 | 0 |
| **Total** | **83** | **91** |

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

| **Decentralized/Takedown** | | **Active Counter Measures** | | **OC Deployed** | |
|---|---|---|---|---|---|
| Fight Call | 3 | Domestic Disturbance | 6 | Fight Call | 1 |
| Disturbance | 6 | Check Person | 3 | | |
| Domestic Disturbance | 4 | Disturbance | 3 | | |
| Burglary Residential | 1 | Intoxicated Person | 2 | | |
| Weapons Offense | 3 | Adult Arrest/Resisting | 2 | | |
| Check Person | 6 | Battery | 2 | | |
| Hit & Run accident | 1 | | | **Impact Munition** | |
| Adult Arrest/Resisting | 10 | | | Disturbance | 1 |
| Damage to Property | 1 | | | | |
| OMVWI Arrest | 1 | | | | |
| Adult Arrest | 4 | **Hobble Restraints** | | | |
| Assist EMS/Fire | 2 | Domestic Disturbance | 1 | **TASER Deployment** | |
| Intoxicated Person | 1 | Adult Arrest/Resisting | 1 | Weapons Offense | 1 |
| Juvenile Arrest | 4 | Unwanted Person | 1 | Adult Arrest/Resisting | 1 |
| Battery | 2 | Weapons Offense | 1 | Assist EMS/Fire | 2 |
| Drug Investigation | 1 | Accident with Injuries | 1 | Disturbance | 2 |
| Suspicious Vehicle | 1 | Check Person | 1 | Death Investigation | 1 |
| Emergency Detention | 1 | Juvenile Arrest | 1 | Check person | 1 |
| Runaway Juvenile | 1 | Disturbance | 1 | | |
| Conveyance-Alcohol | 1 | | | | |
| Theft from Auto | 1 | | | | |

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

**Mental Health Related Workload**

There was a request for MPD to provide an estimate of time/resources exerted in dealing with the mentally ill. This is a challenging request to fulfill, but MPD has implemented some modified data collection practices in an attempt to provide an estimate. During the second quarter MPD personnel

spent more than **5,400** hours of work on cases/incidents involving the mentally ill. This is an average of more than **59** hours per day. The bulk of this workload was handled by patrol officers.

This work includes thirty-eight (38) emergency detentions. It took an average of about **20** officer hours for each of these cases.

**Training**

All MPD sworn officers completed spring in-service training during the second quarter. The curriculum consisted of a Cardio-Pulmonary Resuscitation (CPR) recertification, Electronic Control Device use, Human Trafficking, an introductory session related to issues and concerns of our transgender community, and resiliency training with Resiliency Advantage.

In June, the probationary officers in the 60th class concluded their Field Training Experience and moved to solo patrol in the Districts. They officially graduated June 15, 2018.

The 61st Academy Class for MPD started on May 29, 2018. The total class size is forty-one, the largest in MPD history. Thirty-seven of the probationary officers will complete the standard MPD pre-service academy, which includes the mandated State of Wisconsin 720 Hour Academy, along with additional MPD material and content. Four of the probationary officers are certified Wisconsin law enforcement officers with prior police experience. These individuals have completed a customized training experience, to gain skills specific to MPD SOP, values and practice. This training consisted of both training and testing, before advancing the officers to their Field Training Experience.

**SOP Updates**

A number of MPD SOPs were updated during the first 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.

*Promotions:*

- Officer Cornelius Smith to Detective
- Officer Michael Goodchild to Sergeant
- Detective Sergeant Daniel Nale to Lieutenant

*Commissioned Staff Who Retired/Resigned:*

- Police Officer Henry Wilson – Retired 04/02/2018 (33 years of service)
- Investigator Daniel Roman – Retired 04/03/2018 (33 years of service)
- Probationary Police Officer Elizabeth Roth – Resigned 04/12/2018 (started in Sept. 2017)
- Probationary Police Officer Dennis Fuller – Resigned 04/24/2018 (started in Sept. 2017)
- Police Officer Samuel Ward – Retired 05/05/2018 (12 years of service)
- Police Officer Kelly Hoeft – Resigned 05/19/2018 (18 years of service)
- Detective Grant Humerickhouse – Resigned 06/02/2018 (12 years of service)
- Sergeant Rosemarie Mansavage – Resigned 06/06/2018 (13 years of service)

- Probationary Police Officer Noah Lane – Resigned 06/07/2018 (started in Sept. 2017)
- Probationary Police Officer Adam Bush-Emmart – Resigned 06/13/2018 (Started in Sept. 2017)
- Probationary Police Officer Stephanie Precourt – Resigned 06/16/2018 (Started in Sept. 2017)
- Police Officer Alexander Vogelzang – Resigned 06/21/2018 (3 years of service)

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

http://www.cityofmadison.com/police/documents/psiaSummary2018AprJun.pdf

http://www.cityofmadison.com/police/documents/psiaRecognition2018AprJun.pdf

# Updated/New SOPs for MPD: April-June 2018

Alder Notification: 04/02/2018

Arrest, Incarceration, and Bail – Adults: 04/02/2018

Arrest, Incarceration, and Bail – Juveniles: 04/02/2018

Arson Investigations (New SOP): 05/09/2018

Civilian Hiring Process: 06/08/2018

Detox, JRC, Jail and Probation & Parole Responses & Conveyances: 04/16/2018

Emergency Vehicle Operation Guidelines: 06/08/2018

Investigation of Incidents Involving Shots Fired: 05/02/2018

Mental Health Incidents/Crises: 06/08/2018

News Media Relations: 05/02/2018

Notification of Commanding Officers: 05/02/2018

Officer Involved Deaths and Other Critical Incidents: 06/08/2018

Professional Standards and Internal Affairs Complaint Investigation: 06/18/2018

Professional Standards and Internal Affairs Discipline Matrix: 06/08/2018

Sexual Assault Investigations: 05/02/2018

Social Media – Investigative Use: 05/02/2018

System Audits: 04/02/2018

Uniform Standards: 04/16/2018

# Alder Notification

Eff. Date ~~09/15/2015~~ 04/02/2018

## Purpose

Outline the expectations for notifying Alders of significant incidents.

## Procedure

In an effort to effectively communicate with Alders on significant issues related to their assigned Aldermanic District, below you will find a list of general criteria in which a Commander or department member should notify their District Alder when significant incidents occur. Please keep in mind that this list is not meant to be inclusive, yet it is designed to be a starting point to further discussions with Alders on appropriate notifications that meet everyone's needs. Each District Captain should communicate this list with their Alders and further clarify the notification process.

~~A call~~ Notification to the Alder of the impacted district will be made as soon as practical. ~~A follow-up email notification may be made in addition to the telephone contact.~~ It is important to note that there can, at times, be a delay in making notifications to Alders for a variety of reasons. We have issued the notification memo to all Officers-In-Charge and Sergeants reminding them of our process for notifying Commanders of significant events. Hopefully, this will minimize the delay in getting information to our Commanders, but certainly will not entirely eliminate potential delays associated with weekends, holidays, vacations, delays in reports, inability to contact Commanders, etc. For these reasons, Alders can and should contact Commanders directly, during or after an incident, if they have questions about a particular incident.

General criteria for Alder notification:

- Homicides
- Fatal ~~accidents~~ crashes
- Special Weapons & Tactics (SWAT) team call-outs
- Special Events Team (SET) activations
- High profile stabbings/shootings (serious injury)
- Unusually extensive criminal damage to property/graffiti
- ~~Crime patterns and trends~~
- Other issues that create significant concern to the community

Original SOP: 09/15/2015
(Reviewed Only: 02/22/2016, 01/09/2017, 12/26/2017)
(Revised: 04/02/2018)

# Arrest, Incarceration, and Bail - Adults

Eff. Date ~~12/14/2015~~ 04/02/2018

## Arrest Authority

The basic authority for police officers to make arrests derives from the Wisconsin 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 found[1] 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 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]
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.

## Enforcement Action Outside of Jurisdiction

Wis. Statute 175.40 empowers a law enforcement officer to take enforcement actions outside of his or her territorial jurisdiction, within the state of Wisconsin, under certain circumstances. This policy outlines the circumstances under which Madison Police officers may intervene while outside of the territorial jurisdiction of the City of Madison and the actions that may be taken.

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

1. Madison Police officers shall 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
   c. The officer is acting in response to:
      i. An emergency situation that ~~posses~~ poses a significant threat to life or of bodily harm; or
      ii. An act the officer reasonably believes is a felony.
2. Madison Police 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.

[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 which is prohibited by State law and punishable by fine or imprisonment or both. Conduct punishable only by forfeiture is not a crime.

3. Determining appropriate enforcement action.
   a. This policy authorizes Madison Police Department (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:
      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.
   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:
      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 policies;
      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 ~~which~~ that the officer reasonably believes constitutes a felony, he or she 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, he or she shall:
      i. Notify the local law enforcement authority as soon as practical;
      ii. Assist and cooperate with local law enforcement agencies;
      iii. Notify his or her supervisor, or the 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 his or her 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 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 prisoner before the next session of court.

Bail can be set only by a judge and may be set by a judge 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 on felony charges will be incarcerated and with reasonable diligence be taken before the court where only a judge 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 Patrol. The arresting officer shall issue a misdemeanor citation only if 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 Sec. 968.075(1)(a) Wis. Stats.

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 their 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 have been established by the Common Council and are indicated by ordinance number in the bail schedule pages for City Ordinance violations.

In instances where a citation is appropriate, officers should, in most cases, release the person after the citation has been issued. 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.

## 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 OMVWI related.

Any person physically arrested for a traffic violation, pursuant to this policy, may be conveyed to Patrol or to the Dane County Jail. There are times when the arrested person is 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 they:

1. Make a deposit under Sec. 345.26 (driver posts on the citation); or
2. Comply with Sec. 345.24 (Officer completes the Release to a Responsible Party form).

A traffic violator who presents a guaranteed bond certificate (as provided for in Sec. 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 required reports and forms.

1. When a possible traffic or ordinance warrant contact is made, always check with the 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 Data Terminal Operator of identity of person served with the warrant to ~~insure~~ ensure removal from the MAPS Wanted Person File.

**WHEN SERVING A WARRANT PROCEDURE**

1. Read warrant to defendant.
2. If paying, place money, receipt, warrant, and jacket in Patrol ticket slot.
3. If defendant is taken to the Public Safety Building~~.~~, ~~P~~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 or Juvenile Reception Center (JRC).
2. Prior to transporting an arrested person to jail or JRC, 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 ~~intoxilyzer~~ 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 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 prisoner to a medical facility for attention and medical release.
   d. The arresting officer will ensure completion of booking forms to include specific charges and established bail if approved and will present this to jailers along with the completed Probable Cause ~~Form~~ Affidavit.
   e. When an arrested person must be medically treated prior to incarceration, officers must complete a Dane County Jail medical clearance form and attach the same to their report. After returning from a medical facility, the arrested person is conveyed to the Dane County Jail.
   f. When an arrested person is taken to a detoxification facility prior to being taken to jail, the report shall be completed prior to the end of 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 with the nurse at Detox.
   g. Copies of the Booking Forms received at the jail are to be returned to the Patrol Counter 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.~~in the arrested persons log maintained in Patrol~~.
   k. In the event that SharePoint is unavailable~~not working~~, the arresting officer will obtain a paper form from the OIC and will complete this paper form~~entry~~. The OIC will then forward that paper form to Records.
4. All reports dealing with an arrested person must be done prior to going back into service. (Exception: OIC approval). ~~7-100 Arrest, Incarceration and Bail - Adults.~~

Original SOP: 12/14/2015
(Reviewed Only: 12/26/2017)
(Revised: 04/02/2018)

# Arrest, Incarceration, and Bail - Juveniles

Eff. Date ~~02/10/2016~~ 04/02/2018

## Purpose

The purpose of this standard operating procedure is to provide guidelines for the proper processing of juveniles by Madison Police Department (MPD) staff at MPD facilities.

## Procedure

In dealing with juveniles, more than anywhere else in police work, officers are given wide latitude to make judgments about what is in the "best interest" of the child. The following are general principles set forth to establish the philosophical parameters for decision-making and to satisfy the need for consistency and uniformity.

1. MPD recognizes that the primary responsibility for child rearing is vested in the family structure and that when a serious lapse in meeting this obligation occurs, police intervention may occur.
2. When children are taken into custody or are the subject of a significant investigation an official action, their parents or guardians shall be notified as soon as possible. Their cooperation in handling the situation should be actively sought.
3. All investigative, enforcement, and security procedures, including interviewing, gathering evidence, and apprehension shall be carried out as with any adult, except as otherwise provided in this procedure. MPD personnel will ~~insure~~ ensure that juveniles receive the same constitutional safeguards available to adults.
4. Every effort should be made to work cooperatively with other community agencies, schools, the juvenile court, and interested citizens, in a community-centered approach.

### DEFINITIONS

#### Child/Juvenile

A person who is less than 18 years old. "Juvenile" does not include a person who has attained 17 years of age for purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law, any civil or a municipal ordinance (Wis. Stat. 48.02(2)). Juveniles in the military are processed the same way as all other juveniles.

#### Adult

A person who is 18 years old or older. "Adult" also means a person who has attained 17 years of age for purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law, any civil law, or a municipal ordinance (Wis. Stat. 48.02(1d)).

#### Parent

Either a biological parent, a husband who has consented to the artificial insemination of his wife under Wis. Stat. 891.40, or a parent by adoption. If the child is a ~~non-martial~~ nonmarital child who is not adopted or whose parents do not subsequently ~~inter-marry~~ intermarry under Wis. Stat. 767.60, "parent" includes a person acknowledged under Wis. Stat. ~~767.62. (1)~~ 767.805 or a substantially similar law of another state or adjudicated to be the biological father. Parent does not include any person whose parental rights have been terminated (Wis. Stat. 48.02 (13)) (Wis. Stat. 938.02(13)).

### Taking Into Custody

Is not an arrest except for the purpose of determining whether the taking into custody or the obtaining of any evidence is lawful. (Wis. Stat. 48.19(3)) (Wis. Stat. 938.19(3)).

### Physical Custody

The actual custody of the person in the absence of a court order granting legal custody to the physical custodian. (Wis. Stat. 938.02(14)).

### Legal Custody

A legal status created by an order of a court that confers the right and duty to protect, train, discipline a juvenile, and to provide food, shelter, legal services, education, and ordinary medical and dental care, subject to the rights, duties, and responsibilities of the guardian of the juvenile and subject to any residual parental rights and responsibilities and provisions of any court order (Wis. Stat. 938.02(12)).

### Secure Custody Status - Confinement

The status of a juvenile in a lockup facility that begins when the juvenile is placed in a cell, or handcuffed to a cuffing rail or other stationary object within a lockup, until the juvenile is released from custody or is removed from the secure portion of a police station (Department of Corrections Wis. Stat. 439.03(14m)).

### Secure Detention Facility

A locked facility approved by the Department of Corrections under Wis. Stat. 301.36 for the secure, temporary holding in custody of children (Wis. Stat. 48.02(16)) (Wis. Stat. 938.02(16)).

### Release

The returning of a child to the parent, guardian, or legal custodian without further action or pending action in juvenile court.

### Juvenile Reception Center (JRC)

Formally referred to as Dane County Juvenile Reception Center located:

2 West Wilson Street
City County Building, 2nd Floor
Madison, Wisconsin

## CUSTODY

### Authority for Taking a Juvenile into Custody

A juvenile may be taken into custody under circumstances in which a law enforcement officer believes on reasonable grounds that any of the following conditions exists (Wis. Stat. 938.19(1)):

1. A capias or a warrant for the juvenile's apprehension has been issued in this state or the juvenile is a fugitive from justice.
2. A capias or a warrant for the juvenile's apprehension has been issued in another state.
3. The juvenile is committing or has committed an act ~~which~~ that is a violation of a state or federal criminal law.
4. The juvenile has run away from his or her parents, guardian, or legal or physical custodian.

5. The juvenile is suffering from illness or injury or is in immediate danger from his or her surroundings and removal from those surroundings is necessary or the threat of harm or danger by the juvenile necessitates the juvenile be taken into custody.
6. The juvenile has violated the terms of court-ordered supervision or aftercare supervision administered by the Department of Corrections or a county department.
7. The juvenile has violated the conditions of an order under Wis. Stat. 938.21(4) or the conditions of an order by an intake worker for temporary physical custody.
8. The juvenile has violated a civil law or a local ordinance punishable by forfeiture. In that case, the juvenile shall be released immediately under Wis. Stat. 938.20(2)(ag) or as soon as reasonably possible under Wis. Stat. 938.20(2)(b) to (g).
9. The juvenile is absent from school without an acceptable excuse under Wis. Stat. 118.15.
10. An order of the judge that the welfare of the juvenile demands that the juvenile be immediately removed from his or her present custody. The order shall specify that the juvenile be held in custody under Wis. Stat. 938.207.

## Mandatory Detention of Juveniles

In accordance with Wis. Stat. 165.83, fingerprints, descriptions, and photographs shall be obtained for all juveniles if any of the following conditions are met:

1. Arrested or taken into custody for an offense which is a felony or which would be a felony if committed by an adult.
2. For an offense which is a misdemeanor, which would be a misdemeanor if committed by an adult, or which is a violation of an ordinance, and the offense involves burglary tools, commercial gambling, dealing in gambling devices, contributing to the delinquency of a child, dealing in stolen property, controlled substances or controlled substance analogs under Wis. Stat. 961, firearms, dangerous weapons, explosives, pandering, prostitution, sex offenses where children are victims, or worthless checks.
3. For an offense charged or alleged as disorderly conduct, but which relates to an act connected with one or more of the offenses under sub. 2.
4. As a fugitive from justice.
5. For any other offense designated by the attorney general.

"Offense" means any of the following:

1. An act that is committed by a person who has attained the age of 17 and that is a felony or a misdemeanor.
2. An act that is committed by a person who has attained the age of 10, but who has not attained the age of 17, and that would be a felony or misdemeanor if committed by an adult.
3. An act that is committed by any person and that is a violation of a city, county, village, or town ordinance.

When deciding on a disposition for the juvenile, officers should be mindful of the constitutional rights guaranteed to that juvenile.

## Temporary Holding Facility (THF)

All police districts and may be used as a THF for juveniles.

A juvenile alleged to have committed a delinquent act as defined by Wis. Stat. 938.02 (3m) may be held in any of the THFs within the city of Madison, under the following conditions:

1. Juveniles shall be kept separate from adults in all areas of the THF and district facilities. There shall be no sight or sound contact with adult prisoners in any area of the lockup, including entrances, booking areas, intake, elevators, staircases, cells, holding rooms, or any other area. Under no circumstances should district station interrogation rooms be used to hold juveniles that are in secure custody unless the juvenile is being interrogated and accompanied by a detective/officer.
2. No juvenile shall be placed into any cell or any form of secure custody status until the juvenile has been completely processed (fingerprints and photographs) unless they meet the criteria established

for "cite and release". This means that the arresting officers/detectives shall physically stay with all juveniles in their custody and shall maintain control over them.

3. Juveniles shall be processed in an expeditious manner and shall have priority in the booking process. ~~When the booking data is entered into LERMS and the fingerprints and photographs have been captured and completed, the appropriate disposition code shall be entered into LERMS.~~
4. If a juvenile is placed in a cell, physical checks shall be conducted at least four times an hour on an irregular schedule. These safety checks shall be staggered so as to not establish a noticeable routine so as to allow the juvenile to escape, hurt themselves, or hurt the officer.
5. Juveniles shall not be held in a secure custody status in THF for more than six hours. The six-hour requirement is mandated by the Federal Juvenile Justice Delinquency Prevention Act and is also required under Wis. Stat. 938.209 and DOC Administrative Code, Chapter 349. **The six-hour secure custody status time limit starts when the detained juvenile is placed in a secure custody status cell or handcuffed to a cuffing rail or other stationary object.** Juveniles who have not yet been placed in secure custody status (e.g., those who remain with the arresting officer, are going through the booking, searching, fingerprinting, or photographing process, or those who are being interviewed by detectives) do not cause the clock to start as it pertains to the six-hour limit. These activities do not constitute secure custody status.
6. **Once a juvenile has been placed in secure custody status, the six-hour time limit cannot be stopped or extended.** If, for example, a juvenile has been placed in a cell for a short time and then removed for an interview, the six-hour time limit would include the time in the interview. When a juvenile has been in secure custody status for five hours, notification shall be made to the shift commander at the location where the juvenile is in custody.
7. Prior to the expiration of the six-hour maximum, the juvenile shall be transferred from secure custody status and removed from the cell or booking area.
8. Juveniles shall not be placed into secure custody status if they are in custody for status offenses (e.g., missing, runaway, child in need of protective services).
9. Combative juveniles are to be controlled and then placed in secure custody status at an approved MPD facility and charged under the appropriate state statute, if applicable.
10. All THF's records pertaining to juveniles held in secure custody status shall be maintained confidentially and shall remain separate from adult records.
11. The recording of all juvenile arrests shall be documented ~~in the OIC arrest log currently located at the CCB~~ using the SharePoint Arrest log. In the event SharePoint is unavailable~~not working~~, the arresting officer will obtain a paper form from the OIC and will complete this paper form ~~entry~~. The OIC will then forward the paper form~~entry~~ to Records.~~Officers shall record the information while at the CCB or shall call the OIC to log the information if using one of the other THF's in the City~~.

## Detention Facilities

1. JRC is the detention facility for all detained juveniles.
2. A complete booking entry ~~into LERMS~~, along with fingerprints and prisoner photographs, shall be completed prior to the arrestee being conveyed to any detention facility.

## Notification of Parent or Guardian

The parent, guardian, or legal custodian of any juvenile, including a 17 year old, taken into custody must be notified as soon as possible. The responsibility for said notification rests with the officer taking the juvenile into custody. The person notified, as well as the date and time of the notification, is to be recorded in the Arrest Report.

## TRANSPORTATION OF JUVENILES

## Transport to District Station or JRC

1. In general, juveniles taken into temporary custody shall be conveyed to the district station of the district in which the juvenile was taken into custody. JRC shall be the lockup facility for juveniles taken

into secure custody. Juveniles will generally be transported in a squad car equipped with a safety shield. Juveniles shall be properly restrained in seat belts or child restraint systems during transportation.

2. Juveniles shall not be transported with adult prisoners unless the juvenile and adult have been arrested in connection with the same offense, or unless the adult is the parent or guardian of the juvenile.
3. Officers conveying juveniles to the JRC shall park in the basement of the CCB.
4. At the CCB, Officers will proceed to the processing area for Central District and perform all searching, citations and pre-booking paperwork. Photographs/fingerprints will be performed in the GR-55 (Central District Intake Area)~~10~~ processing area. Under no circumstances will an adult prisoner be allowed entry into the processing area when juveniles are present. ~~Consideration shall be given to entering GR-10 during business hours with a combative/disruptive juvenile.~~

**Juveniles with Medical Issues or in Need of Medication**

1. If a juvenile in police custody is in need of non-emergency medical care or medication, he/she shall be conveyed by a police patrol unit to a medical facility. For emergency medical care, a juvenile shall be conveyed by ambulance or fire department paramedic unit to a medical facility without delay.
2. When a juvenile is transported to the JRC, it shall be done in an expeditious manner. If intake staff determines the juvenile is in need of medical clearance, then the juvenile shall be transported to a hospital. Hospital discharge papers shall be submitted to intake workers when returned to JRC.
3. Any medication in possession of the juvenile when taken into custody shall be brought to the JRC with the juvenile.

**BOOKING**

Juveniles who are arrested and conveyed to JRC or a district station for offenses described in the CUSTODY section above~~,~~ shall be booked, except as indicated in the CUSTODY section. The OIC must be notified that a juvenile is in custody.

**DISPOSITIONS**

When considering the proper disposition of a juvenile in custody, consider both the interest of the community and the interest of the juvenile. The least restrictive alternative should be utilized while protecting public safety, order, and individual liberty. Factors to consider include the seriousness of the offense, the record of the child, the interest and attitude of parent and child, and the complainant's rights as it relates to disposition.

**ADMINISTRATIVE RELEASE**

When a juvenile has been properly taken into custody and investigation reveals that the MPD is unable to pursue charges because the juvenile was not involved in the offense or there is insufficient evidence to adequately support the charge, the juvenile must be released. The disposition shall be listed as "administrative release" and the reason for custodial detention and release will be documented in a report. A wanted check shall be conducted before release. The juvenile's parents shall be notified and noted in the report.

**RELEASE TO PARENT OR GUARDIAN WITHOUT FURTHER ACTION**

This disposition should be considered when the offense is of a minor nature and a check of the juvenile's record reveals no prior offense and the parents or guardian appear concerned, cooperative, and capable of providing necessary supervision and control. In this case, the parent's or guardian's information should be documented in the case report.

**REFERRAL TO JUVENILE RECEPTION CENTER (JRC)**

1. In those misdemeanor cases where detention is not appropriate.

2. When a juvenile is referred to the JRC for disposition, a minimum of 15 calendar days should be allowed between the date the juvenile was taken into custody and the date set for appearance.

## DETENTION AT JRC

1. The decision to detain shall be made by the OIC. The OIC may consult with the JRC intake worker when considering detaining a juvenile at the JRC. Only the JRC intake worker is authorized by state statute to make the decision to admit or release the juvenile. Under no circumstances shall a juvenile be detained as a means of punishment, because it enhances pending investigations or because he or she is a material witness, unless so ordered by the children's court. The officer taking the juvenile into custody shall complete a report documenting need for secure custody.
2. Detention is mandatory when one or more of the following conditions or circumstances exist:
   a. The offense is a felony.
   b. A misdemeanor involving a weapon or resulting in injury or harm to others or a threat to public safety.
   c. The offense is one of a series of offenses ~~which~~ that were previously handled without being referred to the JRC.
3. If the juvenile is hospitalized, all ~~paper work~~ paperwork shall be filed and secured at the shift commander's office until the subject is medically cleared and ready to be discharged.

## REPORTS

### General Information

1. The officer taking the juvenile into custody shall be responsible for the proper custody, control and care of a juvenile taken into custody and the submission of all reports relating to the apprehension.
2. When appropriate, and as determined by MPD procedure (generally felony or controlled substances cases), the respective geographic investigations division~~,~~ must be notified so that they may provide whatever assistance is necessary or advisable.

### Arrest/Detention Report Required

1. A report must be completed in the following cases:
   a. When a juvenile is taken into custody for violation of a state law, municipal ordinance, or an order of the court. The reason or need for such detention must be clearly stated in the report.
   b. When a dependent child is taken into custody pursuant to Wis. Stat. 938.205.
   c. When a 12 to 16 year old juvenile is taken into custody on a municipal warrant, traffic warrant, or traffic capias.
2. All reports must indicate the disposition of the juvenile, e.g., detained, released to appear.

## FINGERPRINT REQUIREMENT

Whenever a police member issues a juvenile municipal court citation (Form CBP-201), a TraCS citation, or municipal citation to a juvenile for a violation, the member shall:

1. Indicate in the narrative portion of the citation how the defendant was identified (e.g., fingerprint or valid picture identification card).
2. A fingerprint is not mandatory in those instances where the violator has valid picture identification. This must be a Wisconsin operator's license or identification card, a passport or passport card, or state or federal government issued picture identification. Only if the issuing officer is completely satisfied of the person's identity will the fingerprint requirement be waived.

**Note: Discretion shall be exercised where a person refuses to be fingerprinted. In such cases, the member shall consult with his/her immediate supervisor.**

## VIOLATION OF HARASSMENT OR CHILD ABUSE/RESTRAINING ORDERS AND 2 YEAR INJUNCTIONS

When a juvenile is the respondent of a harassment or child abuse restraining order or injunction pursuant to Wis. Stat. 813.122 and 813.125 and a police officer has knowledge of the temporary restraining order or injunction, together with probable cause to believe that the juvenile has violated the court order pursuant to Wis. Stat. 813.122 or 813.125(6), the police officer shall take the juvenile into custody. The juvenile shall be interviewed concerning the allegation.

A report shall be ~~filed~~ completed charging the juvenile with violation of a temporary restraining order or injunction. An incident report should be ~~filed~~ completed explaining how the officer knew that the juvenile was the subject of a temporary restraining order or injunction, what probable cause the officer had to believe that the juvenile was in violation of the order, and what evidence is available to prove beyond a reasonable doubt that the juvenile violated the order. If possible, a copy of the court ordered temporary restraining order or injunction should be attached to the incident report. The juvenile, along with the completed reports, shall be conveyed to the JRC.

## ARRESTS OF JUVENILES

### Serious Offenses

Juveniles who are observed committing, or are reasonably believed to have committed an act which, if committed by an adult, would be a felony, or which involves serious physical harm or danger to others, are to be taken into immediate physical custody.

### Other Law Violations and Status Offenses

Juvenile behavior~~,~~ involving nuisance or mischievous acts, minor criminal conduct, or status offenses~~,~~ should result in taking a child into immediate physical custody only if it is necessary to remove a child from a situation that could cause harm to the child, by his/her own actions, or the actions of others~~;~~, or if the child's behavior poses a threat to the safety and welfare of other persons or their property and a lesser alternative is not available.

### Aftercare Violators (Previously Probation & Parole Violators)

MPD will accept information concerning court-directed rules and conditions for juveniles~~,~~ on aftercare and/or court ordered supervision. When possible, MPD will assist county and state social workers with enforcement of stipulations and conditions of these agreements.

### Capias or Apprehension Request

A capias or an apprehension request will be handled in the same fashion and receive the same attention as an arrest warrant.

### Taking Into Custody on School Property During School Hours

An officer may take any student into custody during school hours if the officer has probable cause to arrest the student for a misdemeanor or felony crime, or pursuant to an arrest warrant or juvenile apprehension order. The school principal or his/her designee and the Educational Resource Officer (ERO), ~~(~~when applicable~~,)~~ shall be informed of all arrests made on school grounds during school hours.

#### *Procedural Guidelines*

In cases when a student is to be taken into custody at school, an officer shall first contact the school principal and/or ERO, ~~(~~when applicable~~,)~~ and advise him/her of the circumstances, when such notification is practical. When safe and reasonable, the student may be first summoned to the office by the principal.

## Disposition Alternatives

The general procedure of the MPD is to utilize the most appropriate disposition based on a balance of the needs of the juvenile and the community.

### *Procedural Guidelines*

Whenever a juvenile is involved in a significant investigation, officers should make every reasonable effort to notify the parents, guardian, or legal custodian and inform them of the circumstances of the contact. This notification shall be documented in the report of the incident.

1. Warn and Release: A juvenile may be released with no further action, if the offense is minor in nature.
2. Municipal Ordinance Violations: A juvenile may be released after receiving a City Ordinance. Exception:~~, in~~ In any case where a juvenile has consumed a drug and/or alcohol, the juvenile shall be released to a parent, guardian, ~~or~~ legal custodian, or other responsible adult.
3. Criminal Charge: A juvenile may be released after being taken into custody for the commission of a crime. An Arrest Notification Form will be properly completed and disseminated. Fingerprints shall be taken. A new photograph should be taken unless the juvenile's appearance has not significantly changed since the last photograph. The juvenile shall be released to a parent, guardian, ~~or~~ legal custodian, or other responsible adult.
4. Referral to Dane County Juvenile Court Reception Center: The decision to refer a juvenile to the Reception Center for the purpose of detention or Intake will be reviewed by the Officer-in-Charge under the following conditions~~.~~:
   a. Commission of a serious criminal offense;
   b. The case involves the possession, use, or threatened use of a weapon;
   c. The child is unwilling to appear in court~~,~~ and the parents will be unable to produce him/her upon proper notice;
   d. The child is likely to repeat behavior harmful to him/herself or others;
   e. In incidents where a juvenile continues to resist, is uncooperative, and it appears that he or she will not submit to the control of parents or another responsible adult.

## When Processing an Arrested Juvenile for JRC

1. Conveyance should be made directly to the City County Building unless release in the field is approved by a supervisor.
2. The arresting officer shall consult with the ~~O.I.C.~~ OIC to approve charges and shall make an entry into the SharePoint Arrest log. ~~enter the arrested juvenile in the arrest log, writing the word "Juvenile" behind the name~~. In the event that SharePoint is unavailable~~not working~~, the arresting officer will obtain a paper form from the OIC and will complete this paper form ~~entry~~. The OIC will then forward that paper form to Records.
3. The Temporary Physical Custody Request Form should be completed prior to transporting the juvenile to JRC. A copy of this form should be forwarded to the Criminal Intake Unit (CIU).
4. Juveniles who are to be taken to JRC shall be photographed, fingerprinted, and a required DNA sample taken for the arrest of listed violent felonies. ~~(~~Exception: If there is a recent photo on file and there are no changes in appearance, a new photograph is not required.~~)~~

## Photographing, Fingerprinting, and DNA Collection for Juveniles

1. Fingerprints of arrested juveniles are required by the ~~Division of Law Enforcement Services (CIB)~~ Wisconsin Department of Justice (DOJ) Division of Law Enforcement Services (DLES) Crime Information Bureau (CIB) in order for the arrest to become a part of the juvenile's record.

   WI Act 20 requires the collection of a DNA sample for all juveniles arrest for listed violent felonies. The process of DNA collection for juveniles arrested for violent felonies is conducted ~~in the MPD records section fingerprinting area~~ in the Central District Intake Area (GR-55). DNA collection kits~~instructions~~ are available in this~~e fingerprint~~ area.

Wisconsin Statute 165.83 requires that fingerprints and an updated photo, if their appearance has changed, be taken each time a juvenile is arrested under any of the following circumstances:

a. For an offense which is a felony.
b. For an offense which is a misdemeanor or a violation of an ordinance involving burglary tools, commercial gambling, dealing in gambling devices; for contributing to the delinquency of a child, dealing in stolen property, possessing and selling controlled substances under Chapter 161~~,~~; for violations involving firearms, dangerous weapons, explosives~~,~~; for pandering, prostitution, or committing violations involving sex offenses where children are victims~~,~~; or for issuing worthless checks.
c. For an offense charged as disorderly conduct, but which relates to an act connected with one or more of the above offenses.
d. As a fugitive from justice.

For all other juvenile arrests, an officer may transport the juvenile to the police station to obtain fingerprints and/or a photograph prior to releasing the juvenile if an investigative benefit can be articulated.

An officer may affix a fingerprint of a juvenile to a traffic or City Ordinance citation when the identity of the cited juvenile cannot be confirmed.

2. When an arrested juvenile is brought into the station for photos and fingerprinting, the following is required (runaways are excepted):
   a. Two (2) green fingerprint cards with palm and rolled impressions, which are signed by the person printed and the person doing the printing.
   b. One (1) set of palm prints.
   c. A front and profile ~~picture~~ photograph. If glasses are worn, one set with and one set without glasses.
   d. The forwarding of all reports and fingerprint cards to the juvenile court detective in CIU.
3. Photographs, two green fingerprint cards, and palm prints of juveniles taken into custody~~,~~ will be the responsibility of the arresting officer ~~with the assistance of Support Services - Records personnel~~. The camera in ~~Support Services - Records~~ the Central District Intake Area (GR-55) will be utilized for ~~photos~~ photographs. Instructions on the camera operation are maintained at that ~~point~~ location, as are fingerprint cards.

## Handling Truancy Problems

The MPD has an obligation to assist school authorities in Wisconsin's compulsory school attendance law. The primary and legal responsibility, however, for meeting the social and individual problems presented by a chronic truant~~,~~ is with the child's family and the educational system.

### *Procedural Guidelines*

Juveniles who are believed to be truant should be contacted and an attempt to identify them shall be made. If identified as truant, they are to be directed to return to school or conveyed if they are willing. School officials shall be notified of any identified truants.

## Prohibition Against the Use of Juveniles as Paid Undercover Personnel

The MPD will not use people with or without remuneration (or tangible reward) under the age of 18 to serve undercover for the purpose of collecting evidence of criminal or delinquent conduct.

This procedure does not restrict or prohibit MPD personnel from accepting and utilizing intelligence-type information voluntarily offered by juveniles~~,~~ or obtained from them during the course of investigation. MPD personnel may actively solicit information and assistance from juveniles in the solving of crimes. Juveniles will not, however, be placed in situations by MPD personnel that jeopardize their physical or mental health or personal safety.

## Recordkeeping

The Captain of Records will maintain all juvenile records in conformance with the Wisconsin State Statute requirements for separate storage, release, and confidentiality. Reports shall only be released through Records.

### *Confidentiality of Records*

MPD records of juveniles shall be kept separate from records of adults and shall not be open to inspection except by order of the court. This section does not apply to proceedings for violations of Chapters of State Statute 340 to 349 and 351 or any County or Municipal Ordinances enacted under State Statute Chapter 349~~,~~. ~~except that t~~ This section does apply to proceedings for violations of State Statute 342.06(2) and 344.48(1)~~,~~ and State Statutes 30.67(1) and 346.67(1) when death or injury occurs. Except for the following, all others will be directed to the Juvenile Court to seek a court order:

1. News media representatives;
2. The School District Administrator of the school attended by the child in question:
   a. records relating to the use, possession or distribution of alcohol, a controlled substance, or controlled substance analog;
   b. records relating to illegal possession of a dangerous weapon;
   c. records relating to a juvenile taken into custody under SS. 938.19 based on a law enforcement officer's belief that the juvenile was committing or had committed an act that is a violation specified in SS. 938.34(4h)(a);
      i. Juvenile is 10 years of age or ~~over~~ older for the following charges:
         (1) 940.01 - First degree intentional homicide
         (2) ~~940-02~~ 940.02 - First-degree reckless homicide
         (3) 940.05 - Second degree intentional homicide.
      ii. Juvenile is 14 years of age or ~~over~~ older to the following charges:
         (1) 939.31 - Conspiracy
         (2) 939.32 - Attempted Felony
         (3) 940.03 - Felony Murder
         (4) 940.21 - Mayhem
         (5) 940.225 - Sexual Assault
         (6) 940.305 - Taking hostages
         (7) 940.31 - Kidnapping
         (8) 941.327 - Tampering with Household Products
         (9) 943.02 - Arson of Building and damage of property by explosives
         (10) 943.10 - Burglary
         (11) 943.23 - Operating vehicle without owner's consent
         (12) 943.32 - Robbery
         (13) 948-02 - Sexual Assault of a child
         (14) 948.025 - Engaging in repeated acts of sexual assault of the same child
         (15) 948.30 - Abduction of another's child; constructive custody
         (16) 948.35 - Solicitation of a child to commit a felony
         (17) 948.36 - Use of child to commit a Class A felony
   d. records relating to an act for which the juvenile was adjudicated delinquent.
3. Social welfare agencies;
4. Other law enforcement agencies;
5. Victim(s) of a juvenile act resulting in injury or loss or damage of property;
6. Insurer access when restitution has been court ordered and has not been paid for 1 year;
7. Parents, guardians and legal custodians;
8. Holder of notarized permission statement from parent, guardian, or legal custodian;
9. Victim-Witness Coordinator;
10. Fire Investigator investigating an arson;
11. The involved juvenile when they reach the age of 18.

Original SOP: 11/09/2015
(Revised: 02/10/2016, 04/02/2018)
(Reviewed Only: 01/09/2017, 12/26/2017)

# Arson Investigations

Eff. Date 05/09/2018

## PURPOSE

To provide arson investigative resources for arson (related) investigations. These resources will be available at a district's request for any fire/arson related investigations.

## MISSION

Arson Detectives or Investigators will work closely with Madison Fire Department (MFD) investigative personnel in the investigation into the cause and origin of fires, collection of evidence and scene processing, interviewing of suspects and witnesses, and preparing cases for prosecution.

## PROCEDURE

Upon receiving any of the following calls for service, an officer(s) and supervisor will be dispatched to the scene and/or victim's location:

1. Structure fire;
2. Vehicle fire;
3. Tampering with fire safety equipment.

The supervisor at the scene shall work with MFD command to determine if additional investigative resources are needed from either/both MFD and/or MPD.

If MFD advises they are dispatching an MFD Fire Investigator to the scene the scene supervisor shall notify the Officer in Charge (OIC) and advise of the circumstances surrounding the incident. Scene supervisors should also advise the OIC of any requests by MFD for additional MPD resources, beyond scene management/control.

Whenever arson/fire investigation results in loss of life, significant injury or property damage, or the cause of the fire appears intentional:

- During normal working hours, contact the Detective Lieutenant, or command staff of the district where the incident occurred.
- If outside normal working hours, contact the on-call Detective Lieutenant.

Upon direction from the District Detective Lieutenant or Command Staff, or the On-Call Detective Lieutenant, the OIC or District Detective Lieutenant shall assign the case to an appropriate district detective utilizing normal assignment or call-in procedures. The request for assistance from an arson detective may be based off of immediately known circumstances (such as loss of life or significant property damage) or may be made once the primary detective has determined the need and relayed that request through their district Detective Lieutenant or the on-call Detective Lieutenant. Any Arson Detective assigned a case outside of their district, or normal work assignment, should notify their direct supervisor as soon as practical. A current list of all Arson Detectives shall be maintained by the Arson Lieutenant and made available in the OIC's office.

## PERSONNEL

The Arson Lieutenant shall maintain an active list of Arson Detectives. Detectives who have attended, or plan on attending the WI IAAI Basic Fire Investigation training, or directly related training, are eligible to be an 'active' Arson Detective. Each year the list of Arson Detectives will be updated utilizing a supervisory input form.

All Investigators shall maintain a level of proficiency in their basic skills in order to adequately assist in the collection of evidence and processing of crime scenes. However, the Forensic Services Unit shall also maintain a minimum of two investigators with advanced training related to arson investigations. These Investigators may be assigned to assist any designated Arson Investigation as the Lead Investigator or to serve in an advisory capacity.

All Arson Detectives/Investigators will be assigned to the Fire/Arson Investigative Task Force.

While there is no cap on the number of Investigators or Detectives that may become Arson qualified, support of their immediate supervisor and a commitment to attend the requisite training within 6 month of selection is expected.

The Arson Lieutenant will be the Lieutenant currently assigned to FSU or a Lieutenant designated by the Captain of Investigative Services.

## TRAINING/STANDARDS

All designated Arson Detectives and Investigators shall successfully complete, at a minimum, the WI IAAI Basic Fire Investigation course. Any Arson Detective/Investigator who does not currently possess the WI IAAI Basic Fire Investigation training will need to complete this training no later than Dec 31, 2018.

In addition, each Arson Detective/Investigator shall complete at least 8 hrs of continuing training in arson-related investigations every two years. It is up to each Arson Detective/Investigator to maintain their own level of training. Training requests related to Arson Investigations should be routed through each Detective/Investigator's immediate supervisor – the same as other training requests.

The designated Arson Lieutenant shall review the training records of all Detectives/Investigators assigned to the Arson Investigation Task Force on a bi-annual basis, beginning on/near Jan 1, 2020. Detectives/Investigators who fail to maintain the required level of training will lose their designation.

## EQUIPMENT/SAFETY EQUIPMENT

A limited supply of turnout gear may be made available on an as-needed basis. Detectives and Investigators will not be expected to enter scenes that present an active fire hazard.

The Arson Lieutenant will maintain a supply of PPE to include boots, coveralls, gloves, half-face respirators, eye protect and hardhats. The PPE will be made available upon request.

# Civilian Hiring Process

Eff. Date ~~12/21/2017~~ 06/08/2018

## Purpose

The City of Madison Police Department utilizes a standardized hiring process in order to ensure compliance with all federal and state laws, as well as City of Madison General Ordinances and relevant collective bargaining agreements.

## Procedure

The following outlines the procedures MPD will follow when making civilian hires.

1. When a Captain/Manager is notified of a civilian retirement or resignation and would like to hire to fill that opening, they should:
   a. Contact the Finance Manager for information regarding salary savings.
   b. Contact the Assistant Chief of Support and Community Outreach with request for authorization to hire.
   c. Contact the Department's Civil Rights Coordinator (Lieutenant of Personnel) to assure compliance with the Department's Equitable Workforce Plan and RESJI process.

2. The Assistant Chief of Support and Community Outreach determines when to submit the "Request to Fill Vacancy."

3. If approved, the Captain/Manager completes the:
   a. "Request to Fill Vacancy" form – Detailed information used in filling out this form can be obtained from the MPD Payroll Clerk.
   b. Position Description – A new Position Description document must be completed each time, even if previously done for a position. A prior Position Description document can be used in updating for a new hire.
   c. Once these are completed they should be forwarded to the MPD Payroll Clerk with an email request to enter the forms into the NEOGOV system. This email should also include the name of the Hiring Manager, who is the person coordinating the hire and the Department's Civil Rights Coordinator (Lieutenant of Personnel).

4. The Hiring Manager will receive a notification from City Human resources identifying the City Human Resources contact for the hiring process. The Hiring Manager should contact the Lieutenant of Personnel (as the Department's Civil Rights Coordinator) to assure compliance with the Department's Equitable Workforce (Affirmative Action) Plan.

5. The Captain/Manager or the Hiring Manager will contact the City Human Resources contact to finalize the following information:
   a. Whether the process will be open/competitive or restrictive. Generally the decision will be based on the skill set needed for the position, the anticipated candidate pool, and any requirements related to the current employee handbook. City Human Resources has the final say on the process.
   b. How the position will be advertised – If there is a financial cost for the advertising plan, approval for the expenditure must be obtained from the Finance Manager prior to moving forward.
   c. Dates of opening and closing for receipt of applications.
   d. Date and type of examination – The Hiring Manager should review any City examinations to determine the appropriateness of the questions in relation to the position.

e. The Hiring Manager will be contacted by the City Department of Civil Rights if the position is underrepresented. This will then be discussed and taken into consideration during the hiring process.

6. City Human Resources posts the job announcement on the City of Madison website. City Human Resources does not accept paper applications and all applications must be completed online.

7. After the application period closes, minimally qualified candidates will move to the testing phase, which is conducted by City Human Resources. A list of referred candidates will be made available through the NEOGOV system. Every referred candidate must be offered an interview.

8. The Hiring Manager develops an interview panel with approval of the Captain/Manager.
   a. The interview panel must be balanced and diverse (gender, race, and commissioned/non-commissioned) and usually has at least three people on it.
   b. The names of the panel members should be kept confidential until the candidates appear for the interview. The Hiring Manager should remind the panel members the names of the people that appear before them are confidential and should not be discussed until after the process.
   c. A list of job-related interview questions should be established along with benchmarks for scoring candidate responses.
   d. All panel members should interview each candidate. However, if a panel member feels they cannot provide an impartial evaluation of a candidate due to a personal relationship with the individual, they should recuse themselves from that particular interview and any panel discussion of this candidate at the conclusion of the interview process. It is best to avoid any perception of impropriety in the selection process.

9. The interview panel ranks the top candidates for the position based on their responses to the interview questions and established benchmarks.

10. The Hiring Manager meets with the Captain/Manager to determine the number of backgrounds to be completed and whether there will be second interviews.

~~If there are second interviews, the process should follow the same as for the first interview; i.e., with a new interview panel, questions, and benchmarks. Prior to a criminal background check, the selected candidate should be made a conditional job offer contingent upon the candidate successfully completing the criminal background check.~~

11. Background checks should be performed on those candidates who are to be considered for a final interview with the Captain/Manager. The Captain/Manager shall review the background check to determine if a candidate will be given a second interview.

12. The second interview may be less formal, and consist of the Captain/Manager and at least one other person. This less structured interview is a final check for alignment with MPD Mission, Values and Goals.

13. ~~11~~. The Hiring Manager and Captain/Manager determine the recommendation for hire.

14. ~~12~~. The Captain/Manager provides the recommendation to the Assistant Chief of Support and Community Outreach, who shares the recommendation with the Chief of Police. The Chief of Police then determines whether to approve the hire.

15. ~~13~~. Upon approval, the Hiring Manager contacts the prospective hire with the official job offer.
   a. The job offer must include the proposed start date, which should coincide with the first day of a pay period.
   b. Any potential start date which is after November 1 must be discussed with the Finance Manager prior to making the job offer.

16. ~~14~~. Once the candidate accepts the job offer, the Hiring Manager:
   a. Completes the hiring personnel action form in the NEOGOV system.
   b. Contacts City Human Resources to schedule the City Orientation training.
   c. Contacts the MPD Personnel Lieutenant to schedule the MPD Orientation training.
   d. Completes the New Employee Setup Information form on the intranet. It is preferred that this form be completed at least two weeks before the new employee starts. Information from this form is routed by the Chief's Office to set up the employee's payroll, TeleStaff, email account, seniority information, IBM, and add the employee to the internal phone list. This form is then placed in the employee's personnel file.

17. ~~15~~. The Hiring Manager mails (not email) rejection letters to candidates not selected. Refer to and utilize the Civilian Hiring Process Orientation Checklist. When appropriate, the Civil Rights Coordinator should be consulted to assure compliance with the Department's Equitable Workforce Plan.

18. When a vacancy occurs at a Manager level, the Assistant Chief of Support and Community Outreach is the ultimate hiring authority and will follow the above steps as would a Captain/Manager.

Original SOP: 07/25/2012
(Revised: 03/26/2015, 04/08/2015, 03/04/2016, 01/13/2017, 12/21/2017, 06/08/2018)

# Detox, JRC, Jail and Probation & Parole Responses & Conveyances

Eff. Date ~~01/13/2017~~ 04/16/2018

## Purpose

This outlines guidelines for MPD response to Detox, JRC, the PSB/Jail and Probation and Parole offices under certain circumstances.

## Procedure

### PSB/Jail

- *BAC Refusals at the Jail* – If an MPD officer determines that an arrested person is incapacitated, they should be conveyed to Detox. If this is not the case and the person is presented to the jail for booking, MPD officers should not convey individuals to Detox based solely upon the BAC testing administered by jail personnel and subsequent request by jail staff to convey the arrested person to Detox.

- *Medical Clearances for Criminal Violations* – If an officer concludes that a person is in need of medical treatment prior to being booked into the jail, they should ~~**SHOULD**~~ convey the arrested person to a hospital for a medical clearance. The general jail guidelines for requiring a medical clearance prior to booking include:

    - Any pregnancy beyond 6 months
    - Any pregnant female under the influence of alcohol or drugs
    - Anyone involved in a significant motor vehicle crash (ejection, roll-over, or head-on collision)
    - Anyone that sustained any traumatic injuries prior to arrest
    - Incapacitation due to alcohol or controlled substance
    - Anyone suspected of an overdose or who may be concealing drugs internally
    - Injuries needing sutures, casts or complex wound care
    - Anyone with a blood sugar reading greater than 400
    - Anyone with a blood pressure over 180/120
    - Anyone exhibiting symptoms such as tremors, profuse sweating, chest pain or shortness of breath

Officers should work cooperatively with jail staff to determine the need for medical treatment prior to booking. Disputes on appropriate dispositions should be referred to the officer in charge.

~~If an officer determines that there is **NOT** a need for medical treatment prior to presenting the arrested person to the jail for booking, officers should not convey arrested persons from the jail back to the hospital for a medical clearance.~~

### Detox

- MPD officers will continue to handle calls for service at Detox.
- Once someone incapacitated is admitted to Detox as a result of their incapacitated state, MPD should **not** be conveying these individuals to a hospital or other treatment facility.
- MPD officers should **not** convey clients from Detox to jail if the client was initially placed into protective custody by another jurisdiction.
- MPD officers **will** continue to convey our arrests to jail when released from Detox.

**JRC**

- MPD will respond to JRC for emergency calls for service and investigate any criminal activity that takes place at JRC.
- Officers shall conduct an assessment of each juvenile taken to JRC and if necessary should have him/her medically evaluated prior to JRC intake.
- If MPD officers are presenting a person to JRC and at the time of intake or shortly thereafter it is determined that a medical release/clearance is necessary, MPD officers should convey to a medical facility for that evaluation.
- MPD officers should not make scheduled conveyances from JRC.
- *Conveyances of Juvenile Females From MMH to Winnebago Correctional Facility* – MPD will **not** be responsible for conveyances of juvenile females to the Winnebago Correctional Facility; DCSO is responsible for these conveyances. Officers should contact the OIC to make arrangements with DCSO for these conveyances.

Deviation from these guidelines may be approved by a supervisor or commanding officer under exceptional circumstances.

**Probation and Parole Conveyances**

- Probation & Parole personnel will be responsible for all routine conveyances to the PSB. In most instances, agents will take the client into custody themselves and convey them to the PSB in a D.O.C. vehicle. Officers should be aware that these conveyances will be routinely taking place without law enforcement involvement and be prepared to respond to any emergency requests for assistance (either at a P&P office or during the transport).
- MPD officers may be asked to assist P&P with taking a client into custody and conveying him/her to the PSB if the client has a history of violent/resistive behavior or if there are other indications that the client will resist being placed into custody. In these instances, officers should respond to the appropriate P&P office and work cooperatively with the agents involved to take the offender into custody and then convey him/her to the PSB. A P&P agent will follow the officers, and will be responsible for the booking process. Officers should complete a short field report documenting the incident and title it as an Assist/Probation & Parole (call type 88P).
- If a P&P conveyance results in new criminal charges (contraband located on the client, client resists, etc.) officers should investigate and document the new charge as needed. The officer should also complete a PC affidavit for the new charge. P&P will still have primary responsibility for the booking process.
- P&P will be responsible for taking custody of any non-contraband property in the possession of a client being taken into custody that the PSB will not accept.
- A list of Madison P&P offices is attached. District personnel are encouraged to stop in at offices to get acquainted with staff and to become familiar with the physical layout.

Please contact your commanding officer with any questions or issues that arise regarding these conveyances.

Original SOP: 05/02/2014
(Revised: 02/11/2016, 01/13/2017, 04/16/2018)
(01/13/2017: Combined Detox, JRC and PSB Response SOP with Probation and Parole Conveyances SOP)
(Reviewed Only: 12/26/2017)

# Emergency Vehicle Operation Guidelines

Eff. Date ~~01/25/2018~~ 06/08/2018

## Purpose

This standard operating procedure (SOP) meets the obligation of Wisconsin State Statute Sec 346.03(6).

Members of the Madison Police Department (MPD) shall, at all times, operate City vehicles with due regard for the safety of all persons. When operating under emergency conditions, officers shall be ever vigilant in assessing evolving risk factors that could jeopardize public safety. Members of the department shall also operate city vehicles safely and with a high degree of situational awareness during routine driving and parking maneuvers.

Intersections present a special hazard to emergency vehicles. Officers should always be prepared to slow the speed of their vehicles and be able to stop when approaching an intersection.

## Procedure

### APPLICABILITY

This SOP governs the actions of MPD officers for MPD initiated response/pursuits as well as MPD involvement in mutual aid requests for pursuit assistance coming into the City. For MPD officers to participate in an outside agency pursuit, the pursuit must meet the criteria outlined within the SOP.

### DEFINITIONS

**Authorized Emergency Vehicle:** A fully marked and unmarked squad with full or partial internal light package operated by a Law Enforcement Officer (LEO.) A full internal light package is defined as follows:

1. Showing to the front of the vehicle: multiple red/blue flashing lights and flashing headlights; and
2. Showing to the rear and sides of the vehicle: multiple red/blue flashing lights.

**Deadly Force:** The intentional use of a firearm or other instrument, the use of which would result in a high probability of death or great bodily harm.

**Due Regard:** The degree of care that a reasonably careful person, performing similar duties, and acting under similar circumstances would show.

**Eluding/Fleeing:** §346.04(3) No operator of a vehicle, after having received a visual or audible signal from a traffic officer, or marked police vehicle, shall knowingly flee or attempt to elude any traffic officer by willful or wanton disregard of such signal so as to interfere with or endanger the operation of the police vehicle, or the traffic officer or other vehicles or pedestrians, nor shall the operator increase the speed of the operator's vehicle or extinguish the lights of the vehicle in an attempt to elude or flee.

**Obedience to traffic officers, signs and signals; Fleeing from officer:** §346.04(2t) No operator of a vehicle, after having received a visible or audible signal to stop his or her vehicle from a traffic officer or marked police vehicle, shall knowingly resist the traffic officer by failing to stop his or her vehicle as promptly as safety permits.

**Officer:** Any sworn commissioned personnel, independent of rank.

**Pursuit:** § 85.07(8)(a) **–** An active attempt by a traffic officer in a police vehicle to apprehend one or more occupants of a moving motor vehicle, the operator of which is resisting apprehension by disregarding the officers visual or audible signal to stop his or her vehicle, increasing the speed of the vehicle or extinguishing the lights of the vehicle.

**Refusal (Slow) to Stop Pursuit:** A pursuit in which the operator of a motor vehicle is driving at a reasonable speed (but willfully refusing to pull over and stop).

**Silent Emergency:** This is when a police vehicle does not use its siren or emergency lights in response to a crime. Officers responding to a call, which is reasonably believed to be a **felony** in progress, may exceed the speed limit without giving audible signal but should give visual signal when doing so will not compromise a tactical response. When not giving a signal, the officer must reasonably believe that one of the following exists:

a. Knowledge of the officer's presence may endanger the safety of a victim or other person.
b. Knowledge of the officer's presence may cause the suspected violator to evade apprehension.
c. Knowledge of the officer's presence may cause the suspected violator to destroy evidence of a suspected felony, or may otherwise result in the loss of evidence of a suspected felony.
d. Knowledge of the officer's presence may cause the suspected violator to cease the commission of a suspected felony before the officer obtains sufficient evidence to establish grounds for arrest.

**True Emergency:** A situation in which there is a high probability of death or serious injury or significant property loss, and action by an emergency vehicle operator may reduce the seriousness of the situation.

## AUTHORIZED EMERGENCY VEHICLE SITUATIONS

1. In response to calls of a true emergency;
2. In pursuit of an actual or suspected violator of law consistent with MPD SOP regarding authorized pursuits; or
3. While obtaining evidence of a speeding violation. (See below: Use of Warning Devices, paragraph 3.)

## USE OF WARNING DEVICES

1. The red and blue emergency lights shall be activated whenever an officer, in the course of duty, stops, stands or parks an assigned vehicle contrary to the rules of the road. Officers may, however, elect to only use vehicle hazard flashers, rather than the red and blue emergency lights on their vehicles, whenever it is necessary to stop, stand or park in a space adjacent to a curb, which is not a legal parking space, as long as the vehicle does not obstruct a traffic lane.
2. The red and blue emergency lights and siren shall be used whenever an officer, in the course of duty, passes through a stop sign or signal, operates contrary to regulations governing direction of movement or turning, or exceeds the speed limit. This includes when operating in emergency mode.
3. An officer may exceed the speed limit without giving audible and visual signal, if the officer is obtaining evidence of a speeding violation; however, the officer **shall activate** this equipment and **attempt to stop** the violator once sufficient evidence is obtained for the violation.

## USE OF OTHER SAFETY EQUIPMENT

All occupants of MPD vehicles shall use vehicle safety belts/restraint devices. (Exceptions: combative/oversize citizens.) This requirement does not prevent officers from removing restraint devices in limited circumstances when approaching an imminent tactical situation.
Parking Enforcement Officers acting under State Statute Sec. 347.48(2m)(dr) are not required to utilize safety harnesses, but are encouraged to do so whenever possible.

## CIVILIAN MEMBERS OF THE MADISON POLICE DEPARTMENT

1. Civilian members of the MPD are never authorized to operate the vehicle's red and blue emergency lights and/or siren to exceed the speed limit, to operate contrary to regulations governing direction of movement or turning or to pass through a stop sign or signal.
2. Although civilian members of the MPD shall, for the protection of the public, operate the red and blue emergency lights of a police vehicle if it becomes necessary to stop, stand or park contrary to the rules of the road (i.e., to protect persons and vehicles at an accident scene or at the location of a traffic hazard until an officer's arrival).

## ASSESSMENT OF UNREASONABLE DANGER

The decision to pursue, and while in pursuit, officers and supervisors must continually evaluate information to determine whether the pursuit presents an unreasonable danger of death or great bodily harm which outweighs the public interest involved in apprehension.

Examples include:
1. Make/model, actions and speed of the vehicle being pursued.
2. Geographic area of pursuit and its population density.
3. Time of day/day of week.
4. Vehicular and pedestrian traffic present in area.
5. Road and weather conditions.
6. Officer's familiarity with the area of pursuit.
7. Severity of crime.
8. Necessity of pursuit.
9. Type of squad being operated.
10. City events where large groups are likely to be gathered (i.e.) farmers market, races, protests, etc.

## AUTHORIZED PURSUIT

For all pursuits, **Due Regard** must be followed at all times. The pursuit of vehicles is authorized in accordance with the following guidelines:

1. Officers should attempt to stop as expeditiously and safely as possible, any person in a vehicle who the officer has probable cause to believe:

    a. Has committed (or attempted to commit) a felony involving the use (or threatened) use of force and a high probability exists that the suspect, if not immediately apprehended, may cause death or great bodily harm to another. Officers may terminate and discontinue pursuit when the act of pursuit, in and of itself, creates an unreasonable danger of death or great bodily harm to the public, officers or the suspect. Or,

    b. Has committed any acts or threats of violence but shall terminate and discontinue pursuit when the act of pursuit, in and of itself, creates an unreasonable danger of death or great bodily harm to the public, officers, or suspect.

2. A "refusal (slow) to stop pursuit" may be initiated and maintained for any offense. However, once the officer becomes aware it is an "eluding/fleeing" pursuit, justification for the pursuit must meet at least one of the criteria above under Authorized Pursuit, or the pursuit shall be terminated immediately

3. Officers shall not enter into an "eluding/fleeing" pursuit solely for non-violent criminal violations, traffic and ordinance violations.

**TERMINATION OF PURSUIT**

1. Any officer shall terminate a pursuit if the pursuit violates the SOP guidelines or creates an unreasonable danger to the public, officer, or suspect. The following shall be accomplished as part of termination procedure:

    a. Notify dispatch and secondary units of termination location and last known direction of travel for suspect vehicle.
    b. Bring your vehicle to a complete stop or divert direction of travel away from suspect vehicle.
    c. Deactivate visual and audible signals.

2. If specific location of the suspect becomes unknown the pursuit shall be immediately terminated.

3. Once a pursuit has been terminated, other options should be explored to apprehend the suspect(s) prior to initiating another attempt to stop.

**NON-COMMISSIONED PASSENGERS**

Pursuit should not be undertaken by any officer driving with civilians (with the exception of authorized ride-alongs) who are not commissioned law enforcement officers, except under circumstances involving death or great bodily harm violations.

**UNMARKED SQUADS**

Pursuit by officers in unmarked squads not equipped with full internal light packages is not authorized, except under circumstances involving death or great bodily harm. Pursuit by officers in unmarked squads equipped with full internal light packages is authorized as outlined above.

**ROLES AND RESPONSIBILITIES**

**1. Primary Pursuing Officer**

a. Inform Dispatch that you are in pursuit.
b. Radio communications may be delegated to another officer involved in the pursuit.
c. Reasonably attempt to inform Dispatch of the following:
    - If your vehicle is unmarked.
    - Location and direction of pursuit.
    - Description of suspect vehicle, license plate, number & description of occupants.
    - Reason for pursuit.
    - Estimated speed of suspect vehicle.
    - Driver and occupant behaviors.
d. Continually update Dispatch with:
    - Changes of direction.
    - Speed of vehicles involved.
    - Actions of the suspect(s) and vehicle.
e. As soon as possible ensure the lead pursuing unit is in a fully marked squad.

f. Secondary police vehicles should not attempt to pass the primary pursuit vehicle and shall remain a safe distance back unless a coordinated change of lead needs to be made.
g. Pursuits should be accomplished with a minimum number of vehicles. The number of vehicles directly involved may be adjusted to fit the situation.
h. As a pursuit precedes through adjoining patrol districts, officers in these areas may parallel the pursuit so as to be available in the event their assistance is needed.
i. If suspect vehicle is stopped:
    - Notify Dispatch of location and any additional resources needed.
    - Coordinate the high risk stop.

**2. Supervisor**

a. A supervisor that is not actively pursuing will monitor the pursuit from the point of notification to its conclusion.
b. Control, if appropriate, by directing and coordinating the police units involved in the pursuit.
c. Terminate any pursuit which in the supervisor's judgment does not conform to the guidelines under "Authorized Pursuit."
d. Ensure adherence to all MPD procedures.
e. The supervisor shall complete a supplemental police report for all pursuits documenting their role and actions related to the pursuit. This includes both "refuse (slow) to stop pursuits" and "eluding/fleeing" pursuits.
f. After reviewing the circumstances of the pursuit, the monitoring supervisor shall document the actions of the officers involved in the pursuit. This review will also extend to officers indirectly involved in the pursuit (i.e., responding officers, officers deploying tire deflation devices, etc.).
    - The supervisor shall complete a Blue Team entry and attach a memo detailing their review of the pursuit. The review will be forwarded to the lead EVOC Master Instructor Trainer as designated by the Captain of Personnel and Training. The EVOC MIT group, PSIA, and the involved officers' Unit/District Commander shall be carbon copied on the Blue Team entry.
    - The lead EVOC MIT will then forward their review to the Unit/District Commander. The Commander will review the incident and make a recommendation as to whether the pursuit is within or outside of MPD Policy.
    - The Unit/District Commander will then forward the review to PSIA for additional policy compliance investigation if necessary.
    - PSIA will then forward the review to the Field Operations Assistant Chief for final review and discussion regarding final recommended outcomes if necessary.

**3. Officer In Charge (OIC)**

a. If no field supervisor is available during a pursuit, the OIC will fulfill the duties outlined in Supervisory Roles and Responsibilities.
b. The OIC of the shift on which a pursuit occurs shall e-mail the involved officers' commanders with the date and case number of the incident, as well as the press release (if one was issued).
c. In the event the pursuit terminates in a crash causing injury to any party, the OIC shall follow established Command notification protocols.
d. Follow Officer Involved Critical Incident SOP (if applicable).

## STOP TECHNIQUES

### 1. ROADBLOCKS

**Emergency stationary roadblocks with escape route**

a. Emergency stationary roadblocks are those which, due to the urgency of the situation, must be set up with a minimum amount of notice and preparation for the purpose of stopping a vehicle which is actively attempting to elude. These will be set up, controlled and/or authorized whenever possible, by a commissioned supervisor.

b. Whenever possible, an emergency roadblock with escape route should be set in a well-lit area, using all emergency visual aid equipment to further light up the roadblock such as:
   - Emergency lights activated.
   - Headlights and spotlights aimed away from the path of the suspect vehicle.
   - Takedown and alley lights (aimed away from path of the suspect vehicle.)
   - Flares (aimed away from path of the suspect vehicle.)
   - All officers shall position themselves outside of their vehicles and at a safe distance. This does not apply to a squad positioned in a safe and strategic location ready to assist if the pursuit continues.
   - Officers shall attempt to remove and/or isolate all non-involved persons from the danger area of the roadblock.

c. An emergency stationary roadblock with escape route should never be set up in a dark or blind area, such as just over hills, or around curves, etc. The roadblock must offer an alternative path (other than certain crash) for the pursued vehicle.

**Emergency stationary roadblocks with no escape route.**

a. This option is considered deadly force and shall only be used under deadly force circumstances.

b. In a roadblock with no escape route, the roadway is completely blocked, and no alternate route is provided. If the suspect does not voluntarily stop, he or she will crash, with great potential for injury to the suspect and others in the area. For that reason, these guidelines must be applied:
   - Other traffic must be diverted or stopped before reaching the roadblock area.
   - The roadblock must be identified with emergency lighting to give warning.
   - The suspect must have adequate sight distance and time to stop if he or she chooses to do so.
   - Officers must communicate to ensure that their actions are coordinated and risk to officers is minimized.

c. An emergency roadblock with no escape route should be set in a well-lit area, using all emergency visual aid equipment to further light up the roadblock such as:
   - Emergency lights activated.
   - Headlights and spotlights aimed away from the path of the suspect vehicle.
   - Takedown and alley lights (aimed away from path of the suspect vehicle.)
   - Flares (aimed away from path of the suspect vehicle.)
   - All officers shall position themselves outside of their vehicles and at a safe distance. This does not apply to a squad positioned in a safe and strategic location ready to assist if the pursuit continues.
   - Officers shall attempt to remove and/or isolate all non-involved persons from the danger area of the roadblock.

d. An emergency stationary roadblock with no escape route should never be set up in a dark or blind area, such as just over hills, or around curves, etc.

**Emergency Moving Roadblocks**

Although the use of an emergency moving roadblock is discouraged as a tactical response, it may be authorized by a commissioned supervisor to stop a vehicle when a high probability exists that the suspect, if not immediately apprehended, may cause death, great bodily harm, or an unreasonable risk of harm to uninvolved citizens.

## 2. PURSUIT INTERVENTION TECHNIQUE (PIT) AND RAMMING TECHNIQUES

Use of PIT and any other ramming techniques shall only be used under deadly force circumstances.

## 3. USE OF TIRE DEFLATION DEVICES

a. Prior to beginning each tour of duty, officers will determine if their squad is equipped with a tire deflation device and verify that it is in proper working order.
b. Tire deflation devices will only be deployed by officers trained in their use and in accordance with MPD training.
c. The use of tire deflation devices in accordance with this procedure and MPD training does not constitute deadly force unless used to stop motorcycles, mopeds or other two or three-wheeled vehicles when the use of deadly force is justified.
d. Tire deflation devices may be deployed during active pursuits.
e. Officers deploying tire deflation devices will complete a supplemental report including all pertinent facts surrounding their use.

## PURSUIT INTO ANOTHER JURISDICTION

When acting in accordance with the provisions of this SOP, officers may pursue vehicles into adjoining jurisdictions. In this event, the jurisdiction involved should be notified by Dispatch of the pursuit, the reason for it, and whether direct assistance with the pursuit is requested. Direct pursuit assistance should only be requested if available MPD resources are inadequate, or if assistance of a special nature is needed. Officers equipped with tire deflation devices may continue monitoring an MPD pursuit and may deploy tire deflation devices in accordance with this SOP.

## INVOLVEMENT IN THE PURSUIT OF ANOTHER JURISDICTION ENTERING THE CITY OF MADISON

a. MPD will not become actively involved in another jurisdiction's pursuit unless mutual aid is specifically requested by the agency involved and the circumstances of the pursuit (reason for pursuit, etc.) would permit MPD to initiate and continue a pursuit under this SOP. Upon receiving a request of this nature, Dispatch will obtain and relay information to the officers and a supervisor regarding the request (including the reason for the pursuit).

b. MPD involvement in an outside agency pursuit must meet the guidelines outlined in this SOP. If the outside agency reason for pursuit does not meet the guidelines outlined, mutual aid will not be granted for the pursuit and MPD officers will not get directly involved in the pursuit. This does not preclude officers from providing other assistance to the pursuing agency.

c. When being requested to assist an outside agency with a pursuit, MPD personnel will request/determine the reason for the pursuit as soon as possible.

d. If the circumstances of another jurisdiction's pursuit dictate that a MPD officer become involved prior to a request for mutual aid, the MPD officer must be able to clearly articulate the immediate need for their actions.

e. Tire deflation device in support of another Jurisdiction
   - Officers may deploy tire deflation devices in accordance with this SOP.
   - MPD officers may deploy tire deflation devices to stop vehicles fleeing from another agency that have entered the City of Madison without a specific mutual aid request. Deployment in these instances will only be done with a supervisor's approval, unless it is impractical to obtain such approval. Outside agency officers involved in the pursuit will be notified prior to deployment if possible.

**INVOLVEMENT IN POLICE ESCORTS**
**See Vehicle Escorts SOP**

Original SOP: 02/25/2015
(Revised: 10/21/2015, 10/12/2016, 01/19/2017, 08/18/2017, 01/25/2018, 06/08/2018)

# Investigation of Incidents Involving Shots Fired

Eff. Date ~~01/25/2018~~ 05/02/2018

## Purpose

Incidents involving possible shots fired will be treated as a confirmed shots fired incident if any of the following are present:

A. A confirmed person struck by a bullet or otherwise injured as a result of an intentional firearm discharge by another.
B. Recovery of shell casings or other physical evidence confirming the discharge of a firearm.
C. Property damage resulting from a bullet strike.
D. A single complainant reporting shots fired who is contacted and determined to be credible. This can include shots heard by an officer.
E. Multiple complainants reporting shots fired who are not available for contact, but the circumstances of the incident and reports demonstrate that a firearm was discharged.
F. A person struck by a bullet or otherwise injured as a result of an accidental firearm discharge (self or another).
G. A person injured from an intentional, self-inflicted firearm discharge.

Incidents reported as shots fired but not meeting the above criteria or otherwise demonstrating the confirmed discharge of a firearm should be investigated as appropriate. Confirmed shots fired incidents will be investigated in accordance with this procedure.

### Initial Response

- Respond to the area in a safe manner, and check for injuries, property damage or other evidence. Render aid to any injured parties and request MFD paramedics if needed.
- Attempt contact with all witnesses/complainants. Fully document all appropriate witness/complainant information (names, addresses, phone numbers, etc.).
- Collect any physical evidence – including shell casings – and process in accordance with MPD evidence collection procedures. If shell casings are recovered, document the location where they were recovered, as well as the caliber and brand.
- Request FSU as needed to photograph damage or otherwise process scene.
- Contact a supervisor and the OIC to inform them of the incident. All shots fired incidents should be included in the daily OIC notes/shift summary.
- In cases involving injury, refer to the Major Case and Notification of Commanding Officers procedures.
- In cases involving injury, property damage or evidence of targeted shooting, a supervisor will respond to the scene and complete an overview/summary report. ~~the Field Supervisor Crime Scene Log.~~
- A report must be completed on all shots fired incidents prior to the end of shift. Categorize the incident as involving a firearm discharge: select the appropriate Incident Type (generally Weapons Offense – Shots Fired, unless a different incident type is more appropriate) and by selecting "Weapons – Shots Fired" as Modus Operandi in Mobile/LERMS. Route report to Criminal Intelligence Section (CIS).

### Investigative Follow Up

- All reports of shots fired incidents will be completed prior to the end of shift and routed to VCU for initial review/assignment.
- VCU will ensure that the appropriate District command staff (Detective Lieutenant) is notified of the incident. VCU will generally have responsibility for assignment and investigative follow-up for shots fired incidents involving injury, intentional targeting of a person (if no injury), or

damage to buildings/vehicles. Districts will generally have responsibility for assignment and investigative follow-up for shots fired incidents involving suicide, clearly accidental discharges with no criminal charges, and incidents lacking evidence of an intended target. The Investigative Services Lieutenant will coordinate with the appropriate District on deviations from this or assignment of other shots fired cases.

- All shell casings recovered will be submitted to the WSCL for NIBIN analysis. Property room staff will be responsible for this transfer (except for major cases; the assigned detective will be responsible for arranging transfer of casings to WSCL).
- All firearms recovered in connection with a criminal case/investigation (including found firearms that appear operable) will be submitted to WSCL for NIBIN analysis. An assigned detective will be responsible for the transfer of recovered weapons.
- CIS will track all shots fired incidents.

Original SOP: 01/25/2018
(Revised: 05/02/2018)

# Mental Health Incidents/Crises

Eff. Date ~~01/25/2018~~ 06/08/2018

## Purpose

The Madison Police Department (MPD) recognizes that police are not qualified to solve the underlying problems of people who exhibit ~~abnormal~~ behavior attributable ~~due~~ to a mental illness, however, officers can learn to recognize when mental illness may be a contributing factor. The officer's course of action at this first encounter can both calm the existing situation and increase the likelihood of a positive outcome to the call. Responses to situations which involve ~~abnormal~~ unusual, disruptive or unsafe behavior that may be ascribed to a mental illness should reflect sensitivity to the needs of the people involved, concern for officer safety and safety of others at the scene and concern for alleviating the situation in a reasonable manner. The goal in all crises stemming from mental illness is to utilize the least restrictive measures to secure the welfare of all those concerned, connect individuals with mental illness to needed services and divert them from the criminal justice system whenever possible.

All officers are trained to recognize behavior that may be attributable to mental illness and to respond to mental health related incidents in such a manner as to de-escalate crisis situations whenever possible. Situations involving individuals believed to be affected by mental illness or in crisis are often unpredictable and volatile. As such, these incidents require officers to make difficult judgments about the mental state and intent of the individual, and necessitate an understanding of the unique circumstances and approach required to resolve these crises safely.

Mental health providers have the primary responsibility to diagnose and treat individuals with mental illness. Due to limited services and the nature of mental illness, officers are increasingly required to respond to situations and crises stemming from mental illness. As a result, the MPD is committed to partnering with mental health providers, community service providers, and those in the justice system, to develop more compassionate and cost-effective approaches that emphasize providing community-based treatment instead of arrest and incarceration of individuals affected by a mental illness.

### MENTAL HEALTH LIAISON/OFFICER PROGRAM

The MPD has a longstanding commitment to partnering with mental health providers in order to improve services to those with mental illness. The Mental Health Liaison/Officer Program serves to further supplement our overall response with a specialized approach and provides added support to first-responding officers before, during, and after any mental health crisis occurs.

#### Mental Health Officer (MHO)

In order to more consistently and comprehensively address mental health issues in our community and mitigate the increasing demands on patrol resources to provide services to people with mental illness, the MHOs will work with the formal and informal supports, Mental Health Liaison Officers, and the individuals affected by mental illness. MHOs will work to address both district-specific and city-wide systems issues related to mental health and individuals within their district areas of responsibility who are generating or are likely to generate police calls for service. While not call-driven or expected to field any and all mental health related calls, when possible the MHOs will respond into the field to address mental health related calls, particularly Emergency Detentions.

#### Mental Health Liaison Officer (MHLO)

Above and beyond their regular patrol responsibilities, MHLOs work collaboratively with mental health providers, advocates, consumers, and the MHOs to provide individual response plans and follow-up, address system issues/concerns, share information internally and externally as appropriate, and if possible respond to mental health calls for service when they arise.

## RESPONSE GUIDELINES

### When Mental Health Issues are Suspected

- Observe signs of ~~abnormal~~ behavior that is unusual, disruptive or unsafe, and circumstances under which observed (e.g., mental illness, alcohol).
- Attempt to obtain information regarding mental illness diagnosis, medical history, and medications.
- If danger to self or others, assess for Emergency Detention.
- Consult with Journey Mental Health (hereafter referred to as Crisis) for background information and general advice.
- Assess need for further police assistance.
- Route report to PD Mental Health.

***Disposition Options***

- Release with referral made to a mental health agency.
- Place individual in the care of family or friends.
- Convey voluntarily to Crisis or hospital for further evaluation.
- Place in protective custody for the purpose of an evaluation for an Emergency Detention.
- Arrest for a statute or city ordinance violation.
- Protective custody to Detox if applicable.

- If the subject's behavior constitutes a criminal violation but criteria for an emergency detention is also present, officers should:
  - Consult with Journey Mental Health to determine the best short-term disposition/placement.
  - If the subject is placed under emergency detention, a probable cause affidavit should be completed for the appropriate criminal violations. Request that the destination facility where the subject is conveyed contact MPD when he/she is released to facilitate conveyance/booking.
  - If the underlying offense for which probable cause exists is a mandatory arrest under Wis. Stat. 968.075, the disposition of the subject must be an emergency detention, protective custody, or arrest (voluntary admissions are not an option).

### If Harmful Acts are Committed or Threats Made (suicide attempts, overdose, non-suicidal self-injury, other overt acts or threats)

- Ascertain whether the subject has consumed alcohol and/or drugs. If alcohol is on board and the subject is medically cleared, or where medical clearance is unnecessary, transport to Detox under protective custody.
  - For suicidal subjects – make sure to request that Crisis is notified, both verbally and written in the narrative box on the Detox admission form and request a copy for your report. Notify Crisis by phone prior to clearing from the call when there are heightened concerns of imminent risk.

- Overdose Calls
  - Suicide attempts by overdose and accidental overdose are essentially medical emergencies. The role of law enforcement in most cases is very limited to a preliminary investigation to determine if a crime has been committed. Where no crime is committed, our primary role is to assure a safe environment for EMS and other responders. These situations can be divided into two categories, those where EMS transports the subject, and those where they do not.

EMS transports the subject

- An officer shall respond to the hospital if:
  - EMS requests assistance on the rig with a combative subject
  - Death appears imminent
  - The subject is not sufficiently coherent to provide an adequate statement
  - The call precipitates a criminal investigation that cannot be completed at the scene
- Reports in non-criminal overdose cases should reflect the limited role of law enforcement. The report should include the circumstances surrounding the overdose, that the subject was conveyed by EMS, and identification of the victim and witnesses. Extensive medical history information is not required. On some occasions, information received at the scene may be needed later by other officers to establish grounds for an Emergency Detention so these reports should not be held over.

EMS does not transport the subject

- When EMS does not transport, the call will likely become an Emergency Detention assessment, PC conveyance, or a death investigation and should be handled as such.
- If family is willing to accept responsibility for the patient, and the officer believes that they are capable of preventing the subject from harming him/herself, the family may work directly with their health care providers to assure necessary treatment is provided

- In cases where officers respond to the hospital, consult with ER staff regarding medical admission.
  - If admitted medically, release to hospital and get doctor information for report.
  - If medically cleared, assess for Emergency Detention.

Note – Many suicide attempts by overdose are taken to hospitals and clinics with no police involvement. If family or medical personnel do not request the police, officers should not be dispatched in these cases. If this should occur, advise a supervisor or OIC.

## Assessing for Emergency Detention

- Consult with Crisis or other mental health practitioners as applicable. (If person is insured, Crisis will generally refer to provider, however, Crisis should still be involved.)
- Gather information regarding person's mental health history and/or support systems utilized in the past.
- When interviewing the subject don't hesitate to ask specific questions about their intent to harm himself or herself (i.e., "Do you want to hurt yourself?" "Did you really want to end your life?")
- If you have any concerns regarding the subject's welfare and they refuse to accept police assistance, you may place them under protective custody and convey them to Crisis or hospital for evaluation.

## Emergency Detention (ED)

S.S.51.15(1) – Basis For Detention: A law enforcement officer is authorized to take into custody a subject whom the officer has **cause to believe** is mentally ill, or drug dependent, or developmentally disabled, **and** that person evidences any of the following:

- A substantial probability of physical harm to self or others as manifested by evidence of recent threats of or attempts at suicide or serious bodily harm.
- A substantial probability of physical impairment or injury to self or others due to impaired judgment as manifested by evidence of a recent act or omission.
- SS 51.15(1)(4) and 51.15 (1)(5) discuss lack of self-care issues and refusal to take medication as possible criteria as well.

## Final Dispositions

Voluntary admission is generally the preferred option for individuals who are cooperative and need further mental health treatment.

### *Voluntary Admission – Where ED Criteria is NOT Present*

This option is best used when the subject is cooperative and would benefit from further mental health treatment, yet any threats to their welfare do not rise to the level of an ED. In these situations, officers conveying individual to ER may detach from the call once the subject is in the care of hospital ER staff, even if not yet fully admitted. If the individual is brought to ER by someone else (EMS, family member) then officers do not need to accompany them to ER.

### *Voluntary Admission – Where ED Criteria is Present*

Oftentimes, even when the criteria for an ED are clearly present, a voluntary admission is still the preferred outcome because it is the least restrictive, and therefore, most likely to result in productive treatment. In these situations, officers shall stay with the subject until they are assured that the subject will follow through with an admission (e.g., signed papers, escorted through the doors of the psychiatric unit, or medical personnel has assumed responsibility for the person and their continued safety.) Officers may leave prior to admission under certain circumstances and only with the approval of a supervisor.

Supervisors should evaluate this early departure based on the following factors:

-Subject's demonstrated level of compliance and willingness to seek treatment
-Subject's history of in-patient psychiatric admission and compliance therewith
-Subject's demonstrated level of insight to their condition and the behavior that led to police involvement
-The level of dangerousness exhibited in that behavior and the presence of any criminal exposure
-The presence of family, friends or other supports at the Emergency Room
-The hospital social worker or charge nurse have been briefed on the situation
-Police call volume and the need for the allocation of police resources city-wide

Officers should request that hospital personnel re-contact their agency should the subject attempt to leave prior to being fully admitted so that an ED can be completed. Officers must complete a report before their shift ends and the original ED form must be left with the OIC.

### *Emergency Detention*

When the basis for detention exists do the following:

- Contact Crisis on **all** emergency detentions.
- Crisis must approve all placements for Emergency Detention.
- Receive medical clearance prior to conveyance to authorized facility.
- Complete ED form and/or review form if filled out by mental health professional. The form MUST articulate dangerousness, threats, history, behavior, etc. and list names of witnesses. The form must also be faxed while officers and subject are still at the hospital, prior to the subject going to his/her final destination.
- Forms: 4 copies of ED form. 1 – Subject, 1 – Law Enforcement Agency, 1 – Crisis, 1 – Detention Facility. Fax original to probate court.
- Complete report as a priority and route it to PD Mental Health.

## Reminders

- It is best to make phone contact with Crisis at the time of the incident, as well as route the report to PD Mental Health.
- Officers may base an emergency detention on statements made by any reliable source, i.e., any mental health professional, or any direct witnesses to the subject's behavior such as family, friends, etc. **Officers do not have to witness dangerous behavior themselves and may rely solely on the opinion of mental health professionals recommending an ED.**
- If you are experiencing problems or have concerns while at the ER, contact the "point person" there who should be up to date on cases and able to communicate with involved parties. These "point persons" are: The Care Team Leader at UW, and the Charge Nurse at St. Mary's or Meriter.
- If other questions or concerns arise, contact your supervisor.

## Helpful Mental Health Definitions

**DIRECTOR'S HOLD**

- The Treatment Director of a mental health facility/unit may file a statement of ED and detain a patient who has already been admitted to the psychiatric facility/unit.

**ORDER TO TREAT**

- The court may order that medication may be administered to an individual regardless of his/her consent (involuntarily and/or forcibly).

**NON-SUICIDAL SELF-INJURY (NSSSI)**

- DSM-V symptoms include:
  - Act or its consequence can cause significant distress to the individual's daily life.
  - The act is not taking place during psychotic episodes, delirium, substance intoxication, or substance withdrawal. It also cannot be explained by another medical condition.
  - The individual engages in self-injury expecting to:
    - Get relief from a negative emotion
    - Deal with a personal issue
    - Create a positive feeling
  - The self-injury is associated with one of the following:
    - The individual experienced negative feelings right before committing the act.
    - Right before self-injury, the individual was preoccupied with the planned act.
    - The individual thinks a lot about self-injury even if it does not take place
- NSSI may include, but not limited to, cutting, scratching, picking, burning, head banging, and toxic ingestion.

**SETTLEMENT AGREEMENT**

- A negotiated contract for treatment signed by the individual, his/her attorney, and the County Corporation Counsel, and approved by the court.
- Waives the court hearings for a specified period of time, up to 90 days.
- Cannot be extended at end of time period, if individual is compliant with treatment.
- Can be rescinded by County Corporation Counsel if the individual fails to comply with the treatment conditions.

**THREE-PARTY PETITION**

- Three adults sign a sworn petition that is drafted by the County Corporation Counsel.

- At least one of the 3 petitioners (signers) must have personal knowledge of the individual's dangerous behavior. Petitioners who have not directly observed the individual's dangerous behavior must provide a basis for their belief that the allegations are true.
- Petition must allege that the individual is mentally ill, developmentally disabled, or drug dependent, and dangerous to self or others, and a proper subject for treatment.
- The County Corporation Counsel files the petition with the court. After review, the judge may order detention of the individual by law enforcement to a mental health detention facility, or may just set the case for a probable cause hearing without ordering detention.
- This process may take several days or more, so it should not be used for emergency situations.

**DEALING WITH DEMENTIA PATIENTS (DP) AT ASSISTED LIVING FACILITIES (ALF)**

Madison Police Department (MPD) recognizes that combativeness may be a symptom of dementia for some patients and that this behavior is difficult to manage.

MPD will assist with stabilizing a dangerous scene if a DP is combative and is not calming down with staff intervention.

- It is not recommended to transport DP in the back of a squad car. If the DP cannot be calmed, call MFD to transport them to the hospital.
- Once the DP is calmed down, if ALF staff believes the person needs to be evaluated at a hospital, they should arrange a private ambulance.

Once the scene is stabilized, officers are advised to talk with staff about the care plan in place for when this person is combative.

- Does the DP give any signs prior to becoming combative so staff can divert them?
- What calms the DP down?
- Can the DP be safely removed from other patients during the outburst?
- Regarding medications, what is the policy for the DP refusing medications?
- What is the DP's legal status (guardian or activated Power of Attorney for Health?)
- Is this still an appropriate placement for this person?

Criminal charges or citations are not appropriate for combative DP as they are unable to learn/remember to act differently. Instead the facility needs to manage their behavior and work with MPD to keep them and everyone else safe.

WI Department of Human Services, ADRC, and WI Alzheimer's and Dementia Alliance can all be resources for ALFs and families of DPs.

Original SOP: 05/29/2015
(Reviewed Only: 02/15/2016)
(Revised: 12/22/2016, 07/19/2017, 12/13/2017, 01/25/2018, 06/08/2018)

# News Media Relations

Eff. Date ~~02/25/2015~~ 05/02/2018

## Purpose

The Madison Police Department (MPD) actively seeks to establish a cooperative climate in which the news media may obtain information on matters of public concern in a manner which does not hamper police operations or the integrity of the investigation. However, certain information must be withheld from the news media in order to protect Constitutional Rights of an accused, to avoid interfering with an active investigation, or because it is legally privileged.

## Procedure

### NEWS RELEASES / INCIDENT REPORTS / FACEBOOK / TWITTER / YOUTUBE/BLOG

The MPD makes every effort to release information, without partiality, though website postings, social media, news conferences and other avenues.

1. The on-duty Officer In Charge (OIC) will have the responsibility for the coordination and dissemination of information to the news media relative to significant police operations and/or major incidents during each tour of duty. This would include information about arrests of persons that have a high likelihood of heightened public interest.
2. District Commanders are responsible for reporting information regarding major events and activities that occur within their respective districts which require the use of significant police resources as well as information which addresses crime trends and other issues of public safety. Release of this information should be done through postings on the MPD website, messages sent to email groups, community meetings and/or other means. These efforts should be coordinated with the Public Information Officer (PIO).
3. Commanders and supervisors of specialized units (e.g., Dane County Narcotics and Gang Task Force, Traffic Enforcement Safety Team, Amigos en Azul, K9 and Mounted Patrols) are responsible for providing pertinent information to media regarding unit activities. The release of this information may be coordinated with the Public Information Officer.
4. The Office of Professional Standards and Internal Affairs will provide summaries to the media at the time of case disposition per the Complaint Acceptance and Investigation Procedure.
5. Shots fired information will be released only if determined to be confirmed as outlined in the Investigation of Incidents Involving Shots Fired Standard Operating Procedure.

### ON CAMERA, TELEPHONE OR IN PERSON INTERVIEWS

We encourage officers to engage in conversations with the media as part of our attempt to be transparent. If the situation is more of a feature story, officers should feel free to talk to the media. When this occurs, the PIO shall be notified of the subject discussed. This notification can occur after the interview was conducted.

If the media is trying to interview someone related to a more significant/serious incident or investigation, officers should notify the OIC or a scene supervisor so that a PIO or other designated person can provide the necessary interviews with the media.

In serious situations, officers can provide process information or basic information about an incident we have responded to without getting into specifics (i.e., we are investigating a roll-over accident). All on camera interviews should be coordinated by a scene supervisor or a commanding officer. If the PIO is not called in, an email should be sent to the PIO and the Chief's Office explaining the circumstances around the interview and the topic(s) discussed.

## SUPERVISOR RESPONSIBILITIES

It is the responsibility of all supervisors to contact the OIC if they are assigned to or aware of any incident that has a potential public safety concern. These incidents include, but are not limited to:

- Stranger Sexual Assault
- Robbery
- Weapons Violation
- Home Invasion
- Any other high profile incident that has a significant police presence/response or public safety concern

If there is any doubt whether the incident meets this criteria, please contact the OIC.

## PIO RESPONSIBILITIES

In any situation where an arrest of individuals that will likely result in a heightened public interest, the OIC should contact the PIO by email, unless the situation is urgent. It will be the responsibility of the PIO to write the release of information.

Original SOP: 02/25/2015
(Reviewed Only: 02/04/2016, 12/20/2016, 12/26/2017)
(Revised: 05/02/2018)

# Notification of Commanding Officers

Eff. Date ~~02/19/2018~~ 05/02/2018

## 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 **regardless of when the incident occurs.** These notifications shall be made as soon as possible and should be made directly to one member of the District/Work Unit Command staff. Voice/Text messages should be left, but it is important to have direct contact with the command staff of the district or work unit involved. The Officer in Charge 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 his/her family members 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. MPD arrest of any law enforcement officer.
~~8.~~ 9. A fire that results in a fatality.
~~9.~~ 10. A significant community issue or incident that requires police attention or involves notable persons.
~~10.~~ 11. Unusually extensive criminal damage to property/graffiti.
12. When a case is generating significant media interest and the scene supervisor is requesting PIO assistance.

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. The Assistant Chief of Field Operations
2. The Assistant Chief of Investigative and Specialized Services
3. Assistant Chief of Support and Community Outreach
4. Centralized Patrol Services 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 or Investigative Lieutenant 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 Officer in Charge determine that

additional investigative resources are needed. In cases where contact is required or additional resources are being requested, the Officer in Charge should contact the appropriate person from the table.

| INCIDENT TYPE | Contact required | Mon - Fri | After Hours, weekend or holiday |
|---|---|---|---|
| Homicide / Att Homicide where death appears probable | **Yes** | VCU Detective Sergeant | Lieutenant of Investigative Services<br><br>*Back-Up: Either of the VCU Detective-Sergeants* |
| 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** | Lieutenant of Special Victims Unit | Lieutenant of Special Victims Unit<br><br>*Back-Up: Captain of Investigative Services* |
| Child abduction or attempted abduction (not intended for child custody dispute) | **Yes** | | |
| Sexual assault of a child<br>** 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 Lieutenant of Special Victims Unit. | If additional resources are needed | | |
| Physical abuse of a child | If additional resources are needed | | |
| Child Neglect | If additional resources are needed | | |
| Serious of fatal auto crash | **Yes** | Lieutenant of Traffic and Specialized Training | Lieutenant of Traffic and Specialized Training<br><br>*Back-Up: Lieutenant of Forensic Services* |
| First or second-degree sexual assault<br>** 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 | | |

**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 243-0544.

## CONTACTING THE FORENSIC SERVICES UNIT LIUETENANT

The Forensic Services Unit Lieutenant 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 Lieutenant:

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 Lieutenant.

## CALL-IN PROCEDURE FOR DETECTIVES, SWAT, SET

When the On-Call Detective Lieutenant has determined that detectives are to be called in, he or she 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 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 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 of MPPOA/AMPS should be notified when: 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, or an employee or his/her family members 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) – 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) – 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 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)

# Officer Involved Deaths and Other Critical Incidents

Eff. Date ~~12/21/2017~~ 06/08/2018

**Officer Involved Death:** An incident involving the death of an individual that results directly from an action or an omission of a law enforcement officer while the officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties.

**Other Officer Involved Critical Incident (OICI):** An event in which an officer is involved as a principal, a victim, or is the custodial officer, where significant injury likely to cause death occurs or when an officer intentionally discharges his/her firearm at another person.

**Criminal Investigation:** An investigation of a critical incident to ascertain all the relevant evidence as to whether or not anyone committed a crime during the course of the event which led up to and included the critical incident. The criminal investigation is separate and precedes the internal and civil investigation.

**Involved Officer:** An officer who is directly involved in the critical incident as a principal, a victim, a witness, or is the custodial officer.

**Involved Agency:** The "involved agency" is the law enforcement agency which employs the officer(s) who are directly involved in the officer-involved death. In the event that officers from more than one agency are directly involved, there can be multiple involved agencies. In such case, the second agency should be considered an involved agency depending on their level of involvement, if any, in the incident.

**Outside Agency Lead Investigator:** The outside agency lead investigator has statutory authority to oversee and direct the investigation. The outside agency lead investigator will work with the supervisors of the involved agency in order to accomplish the investigation. The involved agency supervisor(s) will use their formal authority within the agency to assist the lead investigator.

Pursuant to Wis. Stat. 175.47, MPD will request that an outside agency conduct the criminal investigation of any officer involved death where an MPD officer is a principally involved officer. MPD, if requested, may conduct the criminal investigation of another agency's officer involved death if approved by the Chief or designee.

A. Officer Involved Death: Duties of Involved Officer(s)

1. Immediately notify dispatch of incident and location.
2. Render first aid and request response by emergency medical services.
3. Officer(s) shall inform a supervisor or the Officer-in-Charge of the incident as soon as possible.
4. Protect and secure the scene until relieved.
5. Identify witnesses for subsequent interviews. The involved officer(s) shall not participate in the interviews of witnesses.
6. Brief the first arriving supervisor of the nature of the incident and consider providing a voluntary Public Safety Statement according to Section C below.
7. When relieved of duties at the scene by a supervisor, remain with assigned uninvolved officer and proceed to a local hospital.
8. Upon request, surrender all weapons and equipment used in the incident in the officer's possession at the time of the incident. Replacement of weapons and equipment will occur as soon as possible.
9. The Involved Officer(s) will be required to provide a blood sample. The blood draw and subsequent testing will be in accordance with Attachment B.
10. Reporting requirements for involved officer(s) will be completed by investigators assigned to the incident. Involved Officers will not be required to prepare a written report.
11. Review for content and accuracy the OID report(s) detailing their statement(s).

12. Unless exigent circumstances related to an on-going threat require it, involved officers shall not watch video related to the incident until their formal interview with the outside agency lead investigator, or upon receiving approval from the lead outside agency investigator.
13. Unless exigent circumstances related to an on-going threat require it, involved officers shall not discuss the incident with other involved officers until after the completion of their formal interview with the outside agency investigator.

B. Officer Involved Death: Duties of On-Scene Supervisor

1. Assume responsibility for the security and preservation of the scene. The involved agency is responsible for the initial response until relieved by the outside agency lead investigator.
2. Contact the officer(s) involved to obtain a Public Safety Statement.
3. Notify the dispatcher to broadcast a message if no officer(s) have been injured.
4. In the event an officer is injured, immediately notify the Officer-in-Charge.
5. Ensure that a non-involved supervisor, if not already at the scene, responds immediately to the scene of the incident. (A non-involved supervisor is defined as one who has not been involved specifically at the scene, or involved in any tangential fashion, e.g., raid planning, drafting of search warrants, surveillance officers, intelligence gathering, etc.)
6. Establish a scene command post and give location to the Dane County Public Safety Communications (911 Center).
7. As soon as practical, relieve the officers directly involved in the critical incident of any further responsibilities at the scene. A non-involved fellow officer shall be assigned to accompany the involved officer(s), until such time that the lead investigator or designee are able to assume responsibility. If the involved officer elects to speak about the incident with the non-involved officer, those conversations are not privileged and may become part of the investigation.
8. Identify and separate witnesses until the arrival of the outside agency lead investigator and / or other outside investigators.
9. Provide an opportunity for the involved officer to contact Union officials or legal counsel as soon as practical. Provide phones and numbers as needed.
10. Provide all necessary information to the outside agency lead investigator, and then relinquish control of the investigation to the outside agency lead investigator.

C. Public Safety Statement

1. Response to Public Safety Statement questions by the principal officer is voluntary.
2. The first arriving supervisor not involved in the incident will seek a Public Safety Statement from the involved officer. This is not an interview, but will address only the most basic information regarding the incident, to include:
    a. Injuries requiring immediate medical intervention
    b. Location and description of offenders
    c. Identify evidence in order that it be protected from loss, etc.
    d. Identity of witnesses
    e. Has the scene changed or been altered in any way since the incident
    f. Use of force, what type of force was used
    g. A minimal summary of the event in order to address and better understand the first six investigative points.
3. If possible, the Public Safety Statement should be done with a FSU Investigator present. If this is not possible/practical, a second short statement can be obtained if needed.
4. The supervisor obtaining the Public Safety Statement will document the information in a report and share it with the outside investigating agency.
5. In the event a supervisor is not available, a detective may take the Public Safety Statement from the involved officer(s).

D. Officer Involved Death: Duties of the Officer-In-Charge (OIC)

1. Notify the OICI team commander or designee and the Forensic Services Lieutenant.
2. Contact the District Commanders of the District where the incident occurred. If the incident occurred outside of the employee's assigned district, the District Commanders of the involved employees should also be notified.
3. Notify the Chief, Assistant Chief of Operations, and Assistant Chief of Investigative & Specialized Services.
4. Contact Dane County Public Safety Communications (911 Center) and direct them to inform officers of the status of the incident (e.g., injuries to officers and citizens, important information). This should generally be done in a private manner (email, phone, MDC, etc.).
5. In the event of an injury or death of an employee, notify the immediate family per the Line of Duty, Life Threatening Injury or Death of an Employee policy.
6. Notify the Professional Standards and Internal Affairs Unit (PSIA), and the Public Information Officer (PIO).
7. Notify the Peer Support Team Coordinator and deploy any on-duty Peer Support Officers to the scene to initiate the Critical Incident Stress Management protocol.
8. Follow the Aftercare Protocol and deploy Critical Incident Partner officers to the scene.
9. All media releases shall be cleared through the OICI Commander and the Office of the Chief of Police.

E. Officer Involved Death: Duties of the OICI Commander

1. Contact the Assistant Chief of Investigative & Specialized Services and make notification of the critical incident.
2. Ensure that services regarding the involved personnel have been provided.
3. Liaison with the outside agency lead investigator to ensure s/he has access to all necessary resources to conduct the investigation.
4. Communicate with the OIC.
5. Communicate with Command Staff.
6. Make appropriate notifications as needed:
   - Chiefs
   - District Command
   - DA's office (if appropriate and in all homicide cases)
7. Communicate with budget office staff for case number cost accounting.
8. Designate case as "Extraordinary" for Telestaff/payroll purposes (if appropriate).
9. Management of personnel (assignments, monitoring hours worked, etc).
10. Managing overtime and arranging relief for staff.
11. Evaluate need for support staff.

F. Officer Involved Death: Outside Agency Lead Investigator

1. Per Wis. Stat. § 175.47 the investigation into an officer-involved death must be led by at least two investigators employed by outside agencies, one of whom is designated as the outside agency lead investigator.
2. The outside agency lead investigator is not required to personally accomplish every single task involved in the investigation. The role of the outside agency lead investigator is one of oversight and supervision; personally performing critical tasks while delegating and overseeing other tasks. If MPD is investigating another agency's officer involved death, the OICI commander will determine to what extent personnel from the involved agency will be asked to assist.
3. The outside agency lead investigator is in charge of the investigation. The outside agency lead investigator of an officer-involved death must be responsible for the investigation and have hands-on leadership of investigation activities. If MPD is investigating another agency's officer involved death, members of the OICI team will be assigned to the investigation.

4. The outside agency lead investigator will direct the overall investigation and shall coordinate with the lead officer/agency conducting any underlying criminal investigation of the event, or events, which led to the officer-involved death. They shall take possession of, or direct the collection of, all evidence, take or direct the taking of statements of witnesses and police officers, and act as the primary contact for prosecutors.
5. The outside agency, when practicable, will provide a supervisory officer with sufficient training and experience in conducting major investigations. This supervisory officer will respond to the scene along with the investigators, and will interface with the command staff of the involved agency. If MPD is investigating another agency's officer involved death, the OICI commander will oversee the investigation.
6. MPD's expectations are that the outside agency will accomplish (personally or by delegation) the following tasks related to the investigation:
    a. Supervise the crime scene investigation and ensure that all involved parties and witnesses are kept separate during the scene investigation. If these parties are moved to another location, this responsibility is transferred to the investigator at that location.
    b. Liaison with the involved agency supervisor and/or incident commander to ensure the necessary equipment and/or personnel are brought to the scene and utilized efficiently.
    c. In conjunction with the involved agency supervisor ensure that the integrity of the scene is maintained. The involved agency supervisor shall continue to manage that agency's resources committed to the investigation.
    d. Act as a liaison between the department and investigators from the Dane County District Attorney's Office.
    e. Make contact with the deceased person's next-of-kin for the purpose of notifying them of the death, providing them with notification of services, furnishing them with required documents regarding victim rights, identifying witnesses, suspects, evidence, or crimes, and serving as the point of contact with them throughout the investigation.
    f. Facilitate a walk-through of the secure and intact scene for personnel from the DA's office, as well as the command staff and/ or internal investigators of the involved agency as needed. The purpose of the walk-through is to give these representatives an understanding of the conditions and layout of the scene for future proceedings.
    g. Ensure that a complete copy of the criminal investigation is provided to the Dane County District Attorney's Office for review within a reasonable amount of time.
    h. Participate in all necessary district attorney appearances to include any future inquest proceedings.

G. Officer Involved Death: Duties of OICI Investigation Team

1. Review the Officer Involved Critical Incident Investigation Conflict of Interest Checklist and report to OICI Commander if there is the potential for a conflict of interest. See Attachment A for the checklist.
2. Assist as directed by the OICI Commander.
3. If MPD is investigating another agency's officer involved death, fulfill responsibilities of the outside agency lead investigator as described in this SOP.

H. Officer Involved Death: Duties of the Hospital Assignment

The involved agency is responsible for the initial hospital response until relieved by the outside agency lead investigator. If the incident results in an officer, citizen or suspect being transported to a medical facility, the outside agency lead investigator, or designee, shall respond to the facility and be responsible for the following:

1. Liaison with hospital staff to ensure that all involved-officers are kept separate from suspects, witnesses or other injured parties, and that the investigation does not unduly disrupt the normal operations of the hospital.
2. In conjunction with the involved agency, establish appropriate security for suspects and/or department member(s).
3. Establish a liaison with the involved agency's administration to ensure that an injured officer's family members, spouse, or significant other are notified, and if practicable, transported to the medical facility, pursuant to the officer's wishes.
4. Ensure that investigators are assigned to interview any witnesses present and that all evidence is collected. If possible, an investigator who has not been to the crime scene will conduct evidence gathering at the hospital. Care should be taken to preserve the integrity of physical evidence present on the involved officer's equipment, person or clothing until investigators can collect it. It may be inappropriate to wait for a FSU investigator to photograph the involved officer or collect evidence under certain circumstances (to facilitate medical treatment, due to significant exposure concerns, etc.).
5. Ensure that the names of treating MFD and hospital staff are documented.
6. Brief the command staff of the involved agency and/or family members of any injured officers as soon as circumstances allow.

I. Officer Involved Death: Interviewing Involved Officers

1 Involved officer(s) will be given the opportunity to provide voluntary statements. The Outside Agency Lead Investigator or their designee will communicate with the officer(s)' Union Representative or legal counsel on this issue. No officer will be disciplined for declining to make a voluntary statement If the officer(s) declines to provide voluntary statements, the criminal investigation will proceed without the officer(s)' statements.

2. Detailed interviews should be delayed to allow the involved officer(s) time to overcome the initial stress of the incident. Whenever practical, the involved officers should give one formal statement with all needed parties present.
3. Involved officers are not to file any reports.
4. Involved officers shall not participate in any group debriefings until they have completed their detailed interview.
5. If the interview is to be observed by personnel other than those directly involved, the officer and any representatives will be notified.
6. If audio and/or visual records are available, and are relevant to the involved officer's oint of reference of the incident, the involved officer(s) may be allowed to review the recordings prior to or during their formal statement.
    a. Generally, the formal statement should begin with the involved officer providing a statement based on his or her recollection of the incident. Relevant video/audio may then be reviewed (in the presence of a member of the OICI team) prior to the completion of the formal statement.
    b. Deviation from this guideline is at the discretion of the OICI commander.
    c. Interviews of MPD officers by an outside agency will be in accordance with the outside agency's standard procedures
7. The involved officer will have an opportunity to review for accuracy the report detailing their statement before it is submitted.
8. All interviews of involved officers will be audio recorded unless impractical or the officer refuses.
9. The Assistant Chief of Investigative & Specialized Services (or designee), after consulting with the Assistant Chief of Operations (or designee), PSIA and the OICI Commander, will determine whether the officer(s) will be ordered to provide statements. If the officer(s) are ordered to provide statements, the following procedure will be adhered to:
    a. PSIA will order the officer(s) to provide a statement, and the order will be documented in writing.
    b. The compelled interview will be audio recorded and transcribed, and will be documented under the PSIA case number for the critical incident review.

c. PSIA will coordinate the compelled interview of the involved officer(s) with the goal of obtaining a complete and accurate statement from the officer(s). This may involve the utilization of Detectives as primary interviewers. If Detectives are utilized, the OICI Commander, after consultation with PSIA, will assign detectives that have not been involved in the criminal investigation to be the primary interviewers
d. Detectives conducting the compelled interviews will report directly to PSIA, and the original reports will be maintained by PSIA. Content of the compelled interview (and reports documenting the compelled interview) will only be used for internal investigation/review of the incident, and will not be released to the District Attorney's Office (or other prosecuting entity), the OICI Investigation Team, or to any member of the public. Compelled statements will only be subject to release when no possibility for criminal prosecution (of the subject of the compelled interview) remains.
e. If a compelled statement is made prior to the resolution of a district attorney review of a criminal investigation, then a second Assistant Chief will be involved to oversee the criminal investigation.
f. Deviations from this procedure may only occur with the approval of the Chief (or designee).

J. Officer Involved Death: Scene Investigation

The outside agency lead investigator or designee is responsible for the investigation of the scene, to include documentation and recovery of all evidence. At the discretion of the outside agency lead investigator, the physical tasks (measuring, photographing), may be delegated to another agency, including the involved agency, but in all cases will be overseen by the outside agency lead investigator (unless circumstances require immediate evidence collection to avoid loss or contamination).

1. The outside agency lead investigator will take possession of or direct the collection of all evidence. The outside agency lead investigator will work with the assisting agency(s) to determine which items of evidence will be conveyed for analysis (to the crime lab or elsewhere.)
2. The outside agency lead investigator, or scene investigator designee, is responsible for maintaining the integrity of the crime scene(s) until the initial investigation is concluded.
3. The scene investigator designee shall regularly communicate their findings to the outside agency lead investigator. At the appropriate time, they will facilitate a walk through for personnel from the district attorney's office and the involved agency's command staff as needed.

K. Officer Involved Death: Interviews of Citizen Witnesses

1. All key citizen witnesses should be audio recorded when possible.
2. Photographs should be taken from the vantage point of key witnesses.

L. Officer Involved Death: Canvass

1. It is important that all citizen witnesses be located and thoroughly interviewed.
2. Consider documenting vehicle plates and descriptions from the canvass area.
3. Consider documenting names on mailboxes if appropriate.

M. Officer Involved Death: Duties of the District

1. Ensure that involved personnel have had appropriate opportunities to contact family members, Union officials, and/or attorneys.
2. Ensure that EAP services have been offered.

3. Officers directly involved in the incident shall be placed on administrative leave with pay. This leave is not a suspension and is no way to be construed as disciplinary action or any indication of wrongdoing on the part of the officer(s).
4. Ensure that within 72 hours of the incident, the involved officer(s) are contacted by an MPD approved traumatic stress professional.
5. Ensure that regular command updates are given to the Chief and Assistant Chief of Operations.
6. If applicable, ensure that the Significant Exposure to Blood Borne Pathogens SOP is followed.
7. Responsible for Community Care tasks.
8. Ensure a Workers Compensation Accident Report is completed for each involved officer with the following language in the comment section, "Reporting to document exposure to a critical incident event."

N. Officer Involved Death: Duties of Assistant Chief of Investigative & Specialized Services

1. Will make request for an outside agency lead investigator.

O. Officer Involved Death: Duties of the Chief or Highest Ranking Officer

1. The Chief or highest ranking officer available should provide a press conference or briefing within 4 hours of the case time when officer actions results in the death or great bodily harm to a member of the community or a member of the Department.

P. Officer Involved Death: District Attorney

1. Will have the option to view the scene (walk through).
2. Observe the investigation from the Command Post.

Q. Officer Involved Death: Lead Investigator's Report

1. Per Wis. Stat. § 175.47(5)(a), "The investigators conducting the investigation under sub. (3)(a) shall, in an expeditious manner, provide a complete report to the district attorney of the county in which the officer-involved death occurred. (b) If the district attorney determines there is no basis to prosecute the law enforcement officer-involved in the officer-involved death, the investigators conducting the investigation under sub. (3)(a) shall release the report…."
2. The outside agency lead investigator shall prepare a written report as required above. This report will summarize the entire investigation, including the actions performed by the outside agency lead investigator, as well as those actions performed by other investigators to whom those tasks were delegated.
3. Prior to submitting their report, the outside agency lead investigator will gather and review all reports generated by other investigators, as well as other relevant reports such as the autopsy report, crime lab results and medical records.
4. A complete copy of all reports, photographs, audio/video recordings and other records collected by the outside agency lead investigator will be given to the district attorney along with the outside agency lead investigator's report.
5. The outside agency lead investigator, along with a representative of the involved agency, shall meet with the district attorney at the conclusion of the investigation for a formal review of the incident.

**Other Officer Involved Critical Incident (OICI):** An event in which an officer is involved as a principal, a victim, or is the custodial officer, where significant injury likely to cause death occurs or when an officer intentionally discharges his/her firearm at another person. In the event of an other officer involved critical incident involving an MPD officer as the principal officer, the Chief of Police will determine whether the criminal investigation will be handled by MPD or whether an outside agency will be requested. If an outside agency is

requested, the investigation will be conducted consistent with the officer involved death investigation procedures in this SOP (except where inapplicable). If MPD conducts the investigation a qualified observer from an outside agency will be requested to monitor the investigation.

A. Other Critical Incident: Duties of Involved Officer(s)

1. Immediately notify dispatch of incident and location.
2. Render first aid and request response by emergency medical services.
3. Officer(s) shall inform a supervisor or the Officer-in-Charge of the incident as soon as possible.
4. Protect and secure the scene until relieved.
5. Identify witnesses for subsequent interviews. Involved officer(s) shall not participate in the interviews of witnesses.
6. Brief the first arriving supervisor of the nature of the incident and consider providing a voluntary Public Safety Statement consistent with Section C below.
7. When relieved of duties at the scene by a supervisor, remain with assigned uninvolved officer and proceed to a local hospital.
8. Upon request, surrender all weapons and equipment used in the incident in the officer's possession at the time of the incident. Replacement of weapons and equipment will occur as soon as possible.
9. The Involved Officer(s) will be required to provide a blood sample. The blood draw and subsequent testing will be in accordance with Attachment B.
10. Reporting requirements for involved officer(s) will be completed by investigators assigned to the incident.
11. Review for content and accuracy the OID report(s) detailing their statement(s).
12. Unless exigent circumstances related to an on-going threat require it, involved officers shall not watch video related to the incident until their formal interview with OICI detectives or upon receiving the approval of the OICI commander.
13. Unless exigent circumstances related to an on-going threat require it, involved officers shall not discuss the incident with other involved officers until after the completion of their formal interview with OICI detectives.

B. Other Critical Incidents: Duties of On-Scene Supervisor

1. Assume responsibility for the security and preservation of the scene.
2. Contact the officer(s) involved to obtain a Public Safety Statement.
3. Notify the dispatcher to broadcast a message if no officer(s) have been injured.
4. In the event an officer is injured, immediately notify the Officer-in-Charge.
5. Ensure that a non-involved supervisor, if not already at the scene, responds immediately to the scene of the incident. (A non-involved supervisor is defined as one who has not been involved specifically at the scene, or involved in any tangential fashion, e.g., raid planning, drafting of search warrants, surveillance officers, intelligence gathering, etc.).
6. Establish a scene command post and give location to the Dane County Public Safety Communications (911 Center).
7. As soon as practical, relieve the officers directly involved in the critical incident of any further responsibilities at the scene. A non-involved fellow officer shall be assigned to accompany the involved officer(s), until the appropriate evidence collection has occurred. If the involved officer elects to speak about the incident with the non-involved officer, those conversations are not privileged and may become part of the investigation.
8. Provide an opportunity for the involved officer to contact Union officials or legal counsel as soon as practical. Provide phones and numbers as needed.
9. Protect the scene and separate and secure witnesses until the arrival of investigative personnel.

C. Public Safety Statement

1. Response to Public Safety Statement questions by the principal officer is voluntary.
2. The first arriving supervisor not involved in the incident will seek a Public Safety Statement from the involved officer. This is not an interview, but will address only the most basic information regarding the incident, to include:
    a) Injuries requiring immediate medical intervention.
    b) Location and description of offenders.
    c) Identify evidence in order that it be protected from loss, etc.
    d) Identity of witnesses.
    e) Has the scene changed or been altered in any way since the incident.
    f) Use of force, what type of force was used.
    g) A minimal summary of the event in order to address and better understand the first six investigative points.
3. If possible, the Public Safety Statement should be done with a FSU Investigator present. If this is not practical a second short statement can be obtained if needed.
4. The supervisor obtaining the Public Safety Statement will document the information in a report and share it with the outside investigating agency.
5. In the event a supervisor is not available, a detective may take the Public Safety Statement from the involved officer(s).

D. Other Critical Incidents: Duties of the Officer-In-Charge (OIC)

1. Notify the OICI team commander or designee and the Forensic Services Lieutenant.
2. Contact the District Commanders of the District where the incident occurred. If the incident occurred outside of the employee's assigned district, the District Commanders of the involved employees should also be notified.
3. Notify the Chief, Assistant Chief of Operations, and Assistant Chief of Investigative & Specialized Services.
4. Contact Dane County Public Safety Communications (911 Center) and direct them to inform officers of the status of the incident (e.g., injuries to officers and citizens, important information). This should generally be done in a private manner (email, phone, MDC, etc.).
5. In the event of an injury or death of an employee, notify the immediate family per the Line of Duty, Life Threatening Injury or Death of an Employee policy.
6. Notify the Professional Standards and Internal Affairs Unit (PSIA), and the Public Information Officer (PIO).
7. Notify the Peer Support Team Coordinator and deploy any on-duty Peer Support Officers to the scene to initiate the Critical Incident Stress Management protocol
8. Follow the Aftercare Protocol and deploy Critical Incident Partner officers to the scene.
9. All media releases shall be cleared through the OICI Commander and the Office of the Chief of Police.

E. Other Critical Incidents: Duties of the OICI Commander

1. Contact Assistant Chief of Investigative & Specialized Services and make notification of the critical incident.
2. Ensure that services regarding the involved personnel have been provided.
3. Overall management of the case. Communicate and coordinate with the VCU Supervisor as necessary. Make investigative assignments and coordinate investigative efforts:
    a. Designate a lead detective
    b. Designate a scene detective to oversee each scene
    c. Designate a canvass detective
    d. Designate an involved officer detective
    e. Designate a subject/decedent detective
    f. Designate a detective to serve as a liaison to the subject/decedent family, if appropriate
    g. Coordinate investigative response to the hospitals, if appropriate
4. Communicate with the OIC.

5. Communicate with Command Staff.
6. Make appropriate notifications as needed:
   - Chiefs
   - District Command
   - DA's office (if appropriate and in all homicide cases)
7. Communicate with budget office staff for case number cost accounting.
8. Designate case as "Extraordinary" for Telestaff/payroll purposes (if appropriate).
9. Communicate with the Involved Agency
   a. When MPD is the involved agency, facilitate the release of information to MPD personnel. ~~through briefing and other police agencies.~~
   b. When MPD is the investigating agency, the OICI Commander may provide investigative status updates (i.e- progress, timeline, things completed) to the chief executive (or their designee) of the involved agency. Specific details regarding information obtained during formal interviews of the involved officer(s) may be shared with the involved agency after the completion of all formal interviews.
10. Management of personnel (assignments, monitoring hours worked, etc).
11. Managing overtime and arranging relief for staff.
12. Evaluate need for support staff.
13. Notify Property Room staff and evaluate needs (if appropriate).
14. Ensure phone calls made to the command post are answered and information recorded.
15. Arrange for special equipment or needs of the investigation.
16. Keep Chief and Assistant Chiefs apprised of investigation.
17. Facilitate a walkthrough of the secure and intact scene for personnel from PSIA, and the DA's office, and involved personnel, if appropriate. The purpose of this walkthrough is to give these representatives an understanding of the conditions and layout of the scene for future proceedings.
18. Ensure that a copy of the criminal investigation is provided to the Dane County District Attorney's office, to include all reports, attachments, and videos.

F. Other Critical Incidents: Duties of the Outside Law Enforcement Agency Observer

1. Will view the scene.
2. Will be partnered with the OICI Commander
3. Will observe the investigation with the OICI Commander.
4. Will report to their Executive Officer designee
5. Will do a summary memo to their Executive Officer on the integrity of the investigation. This should not be a summary of the facts of the case, but rather an overview as to whether the investigation was thorough, objective, impartial, and consistent with best practices relating to the investigation of law enforcement critical incidents.
6. The Executive Commanding Officer or their designee will share the memo with the Chief of the Madison Police Department. The memo will become part of the case file.

G. Other Critical Incidents: Duties of OICI Investigation Team

1. Review the Officer Involved Critical Incident Investigation Conflict of Interest Checklist and report to OICI Commander if there is the potential for a conflict of interest. See Attachment A for the checklist.
2. Assist with the criminal investigation of incidents within the city of Madison and conduct OICI investigations outside the city of Madison as directed by the Chief of Police.
3. Detectives will be assigned a specific function by the OICI Commander which may include any of the following:
   a. Lead Detective - see major case protocol
   b. Scene Detective - see major case protocol
   c. Canvass Detective
      i. Conduct canvass as directed by the OICI Commander. It is important that all citizen witnesses be located and thoroughly interviewed. These interviews

may be conducted by police officers or detectives. All key citizen witnesses shall be audio recorded when possible. Detectives should be equipped with portable audio recorders for this purpose. Photographs should be taken from the vantage point of key witnesses.

ii. Utilize Canvass form and questions as a guideline for the canvass.
iii. Screen contacts for persons requiring more detailed interviews
iv. Consider documenting vehicle plates and descriptions from the area.
v. Consider documenting names on mailboxes if appropriate.
vi. Search for and document all video cameras within the canvass perimeter and notified the scene LT.
vii. Share canvass results with scene LT and OICI Commander and complete a report.
viii. When appropriate, work with the OICI Commander to designate a Video Detective. The Video Detective is responsible for ensuring that all video is collected as evidence according to best practices. The Video Detective shall write a report detailing the contents of all collected video.
ix. Work with the assigned Crime Analyst to ensure a complete canvass of the designated area.

d. Involved Officer Detective
i. Work with FSU Investigators to ensure that evidence on the involved officer is collected, and needed photographs of the involved officer are taken.
ii. Ensure that a FSU Investigator retrieves and takes custody of the weapon(s) used by the officer(s) at the hospital if possible or a neutral site. The supervisor of the OICI team shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the FSU Investigator shall take custody of the officer's weapon in a discrete manner and should be replaced with another weapon, or advise the officer that it will be returned or replaced at a later time as appropriate. (When processing an officer's personal weapon as evidence, consideration shall be given to marking the weapon with the necessary information as inconspicuously as possible.) FSU Investigators will also take needed photographs and collect evidence from the officer (s) involved at the scene, hospital, or neutral site.
iii. Inform the OICI Commander if the officer has suffered a Significant Exposure.

f. Suspect / Injured Party / Decedent Detective
i. Ensure the presence of an FSU investigator for appropriate evidence collection.
ii. Notify the Dane County DA's Crime Response Team
iii. If the injury is serious and / or incapacitating, confirm that a family member or next-of-kin has been contacted.
1. Establish a rapport, provide notification of services, and provide required documents regarding victim rights.
2. Establish a timeline for the Suspect / Injured Party / Decedent's activities for the recent past.
3. Gather additional investigative information: Identify witnesses, suspects, evidence, or crimes
4. Obtain the family's statements regarding Suspect / Injured Party / Decedent
iv. Maintain communication with the family or next-of-kin throughout the investigative process

H. Other Critical Incidents: Crime Analysts

1. The primary responsibility of the Crime Analyst will be to partner with the canvass detective to ensure a thorough and complete canvass for witnesses and video evidence.

I. Other Critical Incidents: Hospital Supervisor

1. Liaison with hospital staff to ensure that all involved-officers are kept separate from suspects, witnesses or other injured parties, and that the investigation does not unduly disrupt the normal operations of the hospital.
2. In conjunction with the involved agency, establish appropriate security for suspects and/or department member(s).
3. Work with the OIC to ensure that an injured officer's department member's family members, spouse, or significant other are notified, and if practicable, transported to the medical facility, pursuant to the member's wishes. See Line of Duty, Life-Threatening Injury of Death of an Employee SOP.
4. Work with the OICI Commander to ensure detectives are assigned to interview any witnesses present and that all evidence is collected. If possible, a FSU Investigator who has not been to the crime scene will conduct evidence gathering at the hospital. Care should be taken to preserve the integrity of physical evidence present on the involved officer's equipment, person or clothing until investigators can collect it. It may be inappropriate to wait for an FSU investigator to photograph the involved officer or collect evidence under certain circumstances (to facilitate medical treatment, due to significant exposure concerns, etc.).
5. Ensure that an FSU Investigator collects a blood sample from the involved officer(s) in accordance with Attachment B.
6. Ensure that the names of treating MFD and hospital staff are documented
7. Brief the command staff and/or family members of any injured department member(s) as soon as circumstances allow.
8. Ensure the completion of a Workers Compensation Accident Report for each involved officer with the following language: "Reporting to document exposure to a critical incident event."
9. Check in with the Command Post before leaving the hospital

J. Other Critical Incidents: Interviewing Involved Officers

1. Involved officer(s) will be given the opportunity to provide voluntary statements. The OICI Commander or Lead Detective will communicate with the officer(s)' Union Representative or legal counsel on this issue. No officer will be disciplined for declining to make a voluntary statement. If the officer(s) decline to provide voluntary statements, the criminal investigation will proceed without the officer(s)' statements.
2. Detailed interviews should be delayed to allow the involved officer time to overcome the initial stress of the incident. Whenever practical, the involved officers should give one formal statement with all needed parties present.
3. Involved officers are not to file any reports.
4. Involved officers shall not participate in any group debriefings until they have completed their detailed interview.
5. If the interview is to be observed by personnel other than those directly involved, the officer and any representatives will be notified.
6. If audio and/or video records are available, and are relevant to the involved officer's point of reference of the incident, the involved officer may be allowed to review the recordings prior to or during their formal statement.
    a. Generally, the formal statement should begin with the involved officer providing a statement based on his or her recollection of the incident. Relevant video/audio may then be reviewed (in the presence of a member of the OICI team) prior to the completion of the formal statement.
    b. Deviation from this guideline is at the discretion of the OICI commander.
7. The involved officer will have an opportunity to review for accuracy the report detailing their statement before it is submitted.

8. All interviews of involved officers will be audio recorded unless impractical or the officer refuses.
9. The Chief of Police is the sole authority as to when an officer is arrested unless exigent circumstances exist.
10. The Assistant Chief of Investigative & Specialized Services, after consulting with the Assistant Chief of Operations (or designee), PSIA and the OICI Commander, will determine whether the officer(s) will be ordered to provide statements. If the officer(s) are ordered to provide statements, the following procedure will be adhered to:
    a. PSIA will order the officer(s) to provide a statement, and the order will be documented in writing.
    b. The compelled interview will be audio recorded and transcribed, and will be documented under the PSIA case number for the critical incident review.
    c. PSIA will coordinate the compelled interview of the involved officer(s) with the goal of obtaining a complete and accurate statement from the officer(s). This may involve the utilization of Detectives as primary interviewers. If Detectives are utilized, the OICI Commander, after consultation with PSIA, will assign detectives that have not been involved in the criminal investigation to be the primary interviewers
    d. Detectives conducting the compelled interviews will report directly to PSIA, and the original reports will be maintained by PSIA. Content of the compelled interview (and reports documenting the compelled interview) will only be used for internal investigation/review of the incident, and will not be released to the District Attorney's Office (or other prosecuting entity), the OICI Investigation Team, or to any member of the public. Compelled statements will only be subject to release when no possibility for criminal prosecution (of the subject of the compelled interview) remains.
    e. If a compelled statement is made prior to the resolution of a District Attorney review of a criminal investigation, then a second Assistant Chief will be involved to oversee the criminal investigation.
    f. Deviations from this procedure may only occur with the approval of the Chief (or designee).

K. Other Critical Incident: Duties of the District

1. Ensure adequate supervision at all scenes.
2. Ensure that involved personnel have had appropriate opportunities to contact family members, Union officials, and/or attorneys.
3. Ensure that EAP services have been offered.
4. Officers directly involved in the incident shall be placed on administrative leave with pay. This leave is not a suspension and is no way to be construed as disciplinary action or any indication of wrongdoing on the part of the officer(s).
5. Ensure that within 72 hours of the incident, the involved officer(s) are contacted by an MPD approved traumatic stress professional.
6. Ensure that regular command briefings are given to the Chief and Assistant Chief of Operations.
7. If applicable, ensure that the SOP regarding Significant Exposure to Blood Borne Pathogens is followed.
8. Responsible for Community Care tasks.
9. Ensure a Workers Compensation Accident Report is completed for each involved officer with the following language in the comment section, "Reporting to document exposure to a critical incident event."

L. Other Critical Incident: Duties of Assistant Chief of Investigative & Specialized Services

1. Oversight of the criminal investigation.
2. Coordinate media releases until such time that this responsibility is delegated back to the District.

3. Will make the request from for an outside agency lead investigator, or outside agency observer.

M. Other Critical Incident: Duties of the Chief or Highest Ranking Officer

1. The Chief or highest ranking officer available should provide a press conference or briefing within 4 hours of the case time when officer actions results in the death or great bodily harm to a member of the community or a member of the Department.

N. Other Critical Incidents: District Attorney

1. Will have the option to view the scene (walk through).
2. Observe the investigation from the Command Post.
3. All reports, attachments, videos, etc. involving the critical incident shall be submitted to the District Attorney's Office for review.

**PS&IA Function – Officer Involved Deaths and Critical Incidents**

A. Officer Involved Death and Other Critical Incidents: PSIA Lieutenant

1. The PSIA Lieutenant will coordinate with the OICI commander and designate a supervisor to make the Use of Force Blue Team entry.
2. Will determine which officers will be required to undergo an administrative blood draw.
3. Will receive the results of the any administrative blood draw and will notify the officer of the results of any testing.
4. Will notify the criminal investigation that blood results are available.

B. Officer Involved Death and Other Critical Incidents: MPD Policy Compliance Review

All Officer Involved Deaths and Other Critical Incidents shall be reviewed for compliance with MPD Policy.

1. Professional Standards and Internal Affairs Unit (PSIA)
   a. PSIA has the primary responsibility for conducting the internal investigation to ensure compliance with the MPD Policy, Procedures, Regulations, Work Rules, and Training and Standards.
   b. PSIA may be present in the command post and at key steps in the investigation (scene walk through, interviews, etc.) as appropriate. The OICI Commander retains responsibility for directing the investigation.
   c. PSIA may observe the interviews of involved officers conducted by OICI personnel.
   d. PSIA shall have access to all reports and interview transcripts.
   e. Additional supervisory personnel may be assigned to PSIA as needed.
   f. The PSIA internal review/investigation of the incident shall be concluded as soon as practical.
   g. The PSIA findings of the incident may be utilized as the basis for future training.
   h. PSIA will report the findings of the internal investigation directly to the Assistant Chief of Support Services.
2. Assistant Chief of Investigative & Specialized Services
   a. Oversee all internal investigations resulting from the Officer Involved Critical Incident which results in death or serious injury.
   b. Review administrative command decisions of the internal investigation.

# Officer Involved Critical Incident
# Mental Health Response

## DEFINITIONS

**Officer Involved Critical Incident (OICI):** An event in which an officer is involved as a principal, a victim, or is the custodial officer, where death or injury likely to cause death occurs or when an officer intentionally discharges his/her firearm at another person. This includes all in-custody deaths, use of deadly force, or serious motor vehicle crash involving a squad car.

**Critical Incident Partner (CIP):** A co-worker, of an involved officer's choosing, who is assigned to the officer involved in a critical incident. The CIP will act as a liaison between the officer, their family, and the MPD.

**Peer Support Officer (PSO):** An officer that has been selected by his/her peers to be available as a resource for other officers. The PSO is trained to provide assistance to co-workers through listening, understanding and providing appropriate referrals when necessary. In addition, the PSO will serve as the first point of contact for the OIC when a critical incident has occurred to activate MPD's Critical Incident Stress Management (CISM) process and will work with the CIP to provide relevant information and required aftercare to officers involved in a critical incident.

**CISM Provider:** A select group of mental health professionals that are available through the City's Employee Assistance Program (EAP) to provide Critical Incident Stress Management services in response to critical incidents. These services may include, but are not limited to, assessment, defusing, debriefing, follow up and outreach to affected officers, family members/significant others.

**Consultant:** A licensed mental health professional whose practice includes the treatment of officers who experience a critical incident.

A. Initial Aftercare Response:

1. **Peer Support** – MPD SOP: Employee Assistance Program outlines the role of the Peer Support Officers in facilitating the CISM response, to include providing information about the stresses often induced by critical incidents, coordinating the defusing process immediately following the incident and prior to involved officers going home, and finally scheduling and facilitating any subsequent Critical Incident Debriefing. The role of the PSO in an OICI is to assure that MPD SOP: Employee Assistance Program is observed and to facilitate our CISM protocol. Peer Support supervisor will be responsible for the oversight/monitoring of the aftercare process.

2. **Critical Incident Partner (CIP)** – The CIP is an officer pre-designated by the involved officer to be deployed to focus exclusively on the emotional welfare of the involved officer. Each officer will designate 1-3 officers in order of preference in advance of any involvement in a critical incident. Officers' pre-designated list of CIP officers will be housed confidentially in the OIC's office to be consulted and activated upon and officer's involvement in a critical incident. The form will be completed/updated annually at district/section inservice. The CIP will be pulled from their regular assignment and/or called in to work to support the involved officer. Guidelines for the role of the CIP are as follows:
   - The CIP will serve as a liaison for the involved officer and other MPD personnel throughout the investigative process.
   - The CIP may be put on paid Administrative Leave with the involved officer to whom they are assigned as support. The length of time that a CIP will be placed on paid Administrative Leave will be evaluated on a case-by-case basis and approved through chain of command.

- The CIP will review the "OICI Aftercare Information" packet outlining MPD expectations and procedures with the involved officer following the incident.
- The CIP will coordinate continued support and CISM care with the assigned PSO.
- Communications between the CIP and the involved officer regarding the critical incident are not privileged and therefore not confidential.

3. **Critical Incident Stress Management** – Recognizing that officers involved in a critical incident are likely to experience compounded stress related to the incident and any ongoing investigation(s) into their actions, the MPD CISM response to officers involved in an OICI will include additional formalized support as outlined in this SOP beyond that which is covered in MPD SOP: Employee Assistance Program. Support systems already in place under MPD SOP: Employee Assistance Program include a mandatory Defusing and optional attendance at any subsequent Critical Incident Debriefings. In addition to these, officers involved in a critical incident will be required to attend mandatory consultations with a Clinical Consultant. The first of these consultations will occur within 24-72 hours following the incident. Subsequent required sessions will be scheduled prior to the officer's return to work, at 6 months post-incident; at 1 year post-incident; and annually thereafter up to 5 years post-incident (as indicated by the Clinical Consultant). The lieutenant or captain of Personnel & Training will work with the involved officer(s) to schedule these mandatory consultations.

   The only feedback provided to MPD regarding the mandatory consultations is an acknowledgement from the Clinical Consultant that a meeting with the officer took place. No substantive information regarding the officer's medical or mental health condition will be shared with the MPD.

4. **Administrative Leave with/Pay** – Officers involved in an OICI shall be placed on administrative leave with pay for a minimum equivalent of one and a half work rotations beginning with the first work day following the incident and will be placed on a Monday-Friday, 8 AM to 4 PM schedule. This leave is not a suspension and is in no way to be construed as disciplinary action or any indication of wrongdoing on the part of the officer.

   The involved officer shall remain on paid administrative leave until all of the following occurs:
   - The case has been submitted for review by the District Attorney.
   - The officer has received the mandatory Defusing immediately following the CI and optional attendance of any scheduled Debriefings related to the incident.
   - An initial consultation with a Clinical Consultant has occurred within the first 24-72 hours following the incident.
   - The officer has met with their chain of command to establish a Return to Duty Plan.
   - The officer will participate in a relevant re-familiarization training scenario as appropriate depending on the circumstances surrounding the critical incident in which they were involved. For example, if an officer was involved in a critical incident that included the use of deadly force by use of a firearm, the officer would participate in a firearms course of fire facilitated by Personnel & Training staff. The purpose in this case is not to qualify the officer, rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision-making and weapons handling. These re-familiarization training scenarios will be coordinated by Personnel & Training staff as needed and will be tailored to provide the officer with a useful opportunity for self-assessment based on their specific incident.
   - Officers involved in an OICI will be afforded the option of using leave time (vacation, compensatory time or sick time) on the one year anniversary date of the incident, regardless of staffing levels. Officers should work with their chain of command to facilitate this leave if desired.

B. **District Command Responsibilities** – In addition to the responsibilities discussed in the investigative portion of this SOP, District Command will assure the following officer aftercare issues are addressed:

1. Coordinate administrative leave with pay as appropriate and make all necessary Telestaff entries for this leave.
2. Establish a plan for regular contact with the officer while they are on administrative leave.
3. Work with the CIP to provide ongoing updates to the officer regarding the status of the investigation, DA and internal administrative reviews.
4. Meet with the officer and their CIP or other chosen support person to develop and document a Return to Duty Plan.
5. Monitor the behavior of officers involved in critical incidents for symptoms of acute or prolonged stress.

C. **Return to Duty Plan** – It is important for officers involved in critical incidents to participate in developing their individual Return to Duty Plan. While the MPD will set minimum requirements, the involved officer, the Clinical Consultant, and the officer's chain of command should all work together to create a plan that best meets the needs of the officer and facilitates a successful return to duty transition. Options to consider include:

- Graduated return schedule that allows for a paced re-entry.
- Return in a temporary restricted duty capacity or inside assignment for a period of time.
- Temporary change of assignment to a non-patrol work unit such as TEST, CPT, partnering with a NPO, etc.
- Ride with a partner officer for a period of time.
- Return to regular assignment under close supervision.

No two officers react the same to involvement in a critical incident and each incident in and of itself brings to bear unique circumstances. For this reason, it is important to allow for flexibility in developing a return to duty plan. The key is that a clear plan should be developed and put in writing with all interested parties participating in its development so that all share the same understanding of the expectations and timeline set forth.

D. **Duties of Personnel & Training** – Personnel & Training staff will have the following responsibilities related to OICI aftercare:

1. Review incident specifics to identify any possible training concerns and work with the officer to provide any necessary review or clarification.
2. The Personnel Lieutenant will work with the officer to schedule all mandatory consultations with the Clinical Consultant as previously outlined.
3. Training staff will discuss with the involved officer and evaluate the appropriateness of coordinating scenario-based training. The purpose in this case is not to qualify the officer, rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision-making and weapons handling.

E. **Ongoing Care/Post-Traumatic Stress Disorder Prevention** – Officers involved in critical incidents are at risk of developing and suffering from post-traumatic stress disorder (PTSD). Symptoms of PTSD may not arise immediately and in some cases, officers may attempt to hide the problem.

Because of the significant impact that these types of incidents can have on an officer's wellbeing over time and in and effort to provide ongoing support to mitigate the cumulative stress that often occurs in the aftermath of a critical incident, all supervisors and co-workers should monitor the behavior of officers involved in a critical incident for symptoms of acute or prolonged stress. All officers should be informed of and trained as appropriate regarding the nature of these incidents, potential symptoms of critical incident stress, as well as how the necessary investigations that often accompany an OICI are conducted. For this reason, ongoing communication with the officer throughout the process and following their return to duty is essential in stemming any long-term stress related to an OICI.

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(Reviewed Only: 02/25/2016)

**Attachment A**

# Officer Involved Critical Incident
# Investigation Conflict of Interest Checklist

**Involved Officer:** An officer who is directly involved in the critical incident as a principal, a victim, a witness, or is the custodial officer.

If any of the below criteria apply to you, you will not be eligible to participate as an investigator of the incident. You shall notify the OICI commander immediately. If you have a potential conflict of interest, you shall discuss this with the OICI commander before participating in the investigation.

1. You are a direct relative or are related by marriage to the involved employee(s).

2. You have been involved in a romantic or sexual relationship with the involved employee(s).

3. A former spouse or domestic partner of yours is currently or has been involved in a relationship with the involved employee(s).

4. You have been involved in an internal investigation as a complainant or subject of an investigation involving the employee(s).

5. Any other possible conflict of interest that would create a potential appearance of unfairness in your ability to conduct an objective investigation (close friendship with the involved officer(s), etc.).

**Attachment B**

# Post-Incident Alcohol/Drug Testing

Any employee involved as the principal officer in an officer involved critical incident will be required to submit to chemical testing for alcohol and drugs as provided for in this document. The collection and testing will be in accordance with these guidelines:

1. The primary means of testing will be a blood draw, conducted at a medical facility. (In the event that a blood draw is not practical, urine may be used as an alternate test.) If it is not practical for the sample to be collected at a medical facility, an alternate means of collection—utilizing an appropriately trained professional—may be used.

2. The sample will be collected as soon as is reasonably practical after the incident, taking other needed post-incident tasks into account (collecting other evidence, medical treatment, etc.).

3. The sample should be collected in the presence of an FSU Investigator. The FSU investigator will ensure that the sample is handled, transported and shipped in accordance with proper evidence handling practices. In the event that an Investigator is not available to monitor the sample collection within a reasonable time frame, the OICI Commander may assign an MPD supervisor or OICI Team Member to do so. The sample will be turned over to an FSU Investigator as soon as possible for further handling.

4. A sufficient sample will be collected to allow for additional testing in case of an initial positive test.

5. The sample will be sealed and transported to a testing facility using proper evidence handling practices. MPD will not retain any portion of the sample.

6. MPD will request a report from the testing facility that shows the presence and concentration of the following substances and derivatives:
    a. Alcohol
    b. Marijuana/THC
    c. Cocaine
    d. Opiates
    e. Amphetamines
    f. LSD
    g. PCP

7. The test result report will be directed to the PSIA Lieutenant and will be placed in the internal investigative file. Once the test results have been received, the OICI commander will be notified. The OICI commander will notify the outside investigating agency (if applicable) and the District Attorney's office that the test results are available. The test result report will be provided to the outside investigating agency and/or the District Attorney's office if requested.

8. The PSIA Lieutenant or designee will share the test results with the involved employee. A copy of the results will go in the PSIA investigation file. The lab will automatically destroy any remaining sample 6 weeks after the test results become available. The involved employee may request additional testing with the remaining sample. In that event, it is the responsibility of the involved employee to notify the PSIA Lieutenant that the employee would like any remaining sample to be preserved by the lab.

9. Other testing protocols as permitted by policy, APM or law remain in effect.

# Professional Standards and Internal Affairs Complaint Investigation

Eff. Date ~~12/06/2017~~ 06/18/2018

## Complaint Acceptance and Investigation

1. General Purpose

   It is essential that public and employee confidence be maintained in the ability of the Madison Police Department (MPD) to investigate and properly resolve complaints against its employees, policies or procedures. It is also essential that the rights of the employee, as well as those of the public, be preserved. Therefore, the MPD is committed to investigating complaints in a fair manner with the truth as the primary objective.

   Citizen complaints of code of conduct or procedural violations or alleged officer misconduct will be entered into the Professional Standards & Internal Affairs (PSIA) records system, including service complaints. All complaints will be given a PSIA investigation number.

2. Employee's Responsibility

   When involved in an investigation, employees are required to cooperate fully, answer questions truthfully, and to provide material and relevant statements to the investigating officer.

3. Supervisory Responsibility

   Supervisors assigned to investigate a complaint against an employee are responsible for conducting a thorough and fair investigation, and for respecting the dignity of all persons involved.

4. Guideline for Complaint Acceptance

   ~~As a general rule, citizen complaints will not be investigated if the complaint is received more than 90 days after the alleged incident. If such a complaint is brought forth, it will be limited to a supervisory review of the available information, unless the complaint involves an alleged criminal violation, a significant rule violation (such as excessive use of force), or the complainant can show good cause for not making the complaint within the specified time limit.~~ All citizen complaints will be reviewed and/or investigated as appropriate. Where a significant time delay has elapsed from the time of the incident to the time of the complaint, the complaint will be reviewed/investigated as best as possible given the available information (witness recollection, physical evidence, etc.).

5. Prompt Disposition of Complaints

   Investigations of complaints against employees will be prompt. ~~The disposition of CRs will be within 60 days of the assignment of the complaint.~~ The disposition of PSIA investigations will be within 90 days of the assignment of the complaint. An extension of these time limits may be granted by the Chief of Police.

6. False Complaints of Police Misconduct

   Per WI Statute 946.66(2), whoever knowingly makes a false complaint regarding the conduct of a law enforcement officer is subject to a Class A forfeiture.

## Responsibility For Accepting/Referring Complaints

Every employee has the responsibility to insure that a citizen complaint is received and referred to the appropriate unit or supervisor.

## Methods Available For Receiving Citizen Complaints

The methods available for receiving complaints from citizens are listed below:

1. Verbal complaints can be tendered by a complainant either personally or by telephone.
2. A complainant may tender a complaint in writing or online on the MPD's website. Citizens will not be required to submit a complaint in writing.
3. A citizen may file a complaint against a commissioned employee with the Board of Police and Fire Commissioners, as provided in Wis. Statute Section 62.13.
4. Citizens who have complaints against any MPD Code of Conduct provision or standard operating procedure of MPD will be directed to submit their complaint in writing to the office of the Chief of Police.

Anonymous complaints will be accepted and investigated based on the available information.

## Responsibility of Supervisor Receiving Citizen Complaints

1. Supervisors receiving citizen complaints will obtain the nature of the complaint and a description of the events in question.

2. If the incident in question can be readily resolved because there are no disputed facts, and there is not an allegation of a significant Code of Conduct violation (i.e., alleged criminal conduct, excessive use of force, or other violations that if sustained would result in a letter of reprimand or more severe disciplinary action), the supervisor may make a preliminary finding on the complaint. A written record of the complaint and predetermined disposition will then be forwarded to PSIA for review.

3. A supervisor taking a complaint with an allegation of significant misconduct shall document the nature and description of the allegation, as well as the contact information for witnesses. This will be submitted to PSIA by entering it into the PSIA records system. The supervisor should then follow the appropriate command notification protocol.

## Allegations of Criminal Activity, Serious Misconduct and Critical Incidents

1. In all cases where a felony or other serious misconduct is alleged, the following individuals will be contacted as soon as possible:

   a. The Chief of Police.
   b. The PSIA Lieutenant.
   c. The employee's commanding officer.

2. The investigation into significant allegations will begin as soon as possible upon receipt of the complaint.

3. Employee statements will generally not be compelled until after review by the District Attorney's Office in any case with the potential for criminal liability.

4. If the investigating supervisor determines that there may be probable cause for a criminal violation, the case shall be forwarded to the District Attorney's Office for review. This does not preclude an immediate physical arrest if there is a threat to public safety.

5. Allegations of criminal conduct that are unclear may be taken to the District Attorney's Office for informal review at the investigator's discretion.

6. The same legal standards regarding Miranda warnings shall be applied to employees as would be applied to individuals not employed by the MPD.

7. Employees involved in significant misconduct, which could result in discipline, termination or criminal charges, shall be offered services from the City's Employee Assistance Program (EAP). This does not preclude offering employee assistance services in other disciplinary matters

## Investigative Responsibility

1. PSIA will review, document and assign complaints.

2. PSIA will ensure that the Chief of Police and the employee's commanding officer have been notified of significant complaints.

3. **Category A** (as listed in PSIA Discipline Matrix (Matrix)) allegation investigations will generally be assigned to the employee's assigned work group supervisor or district command for investigation. Upon completion of the investigation, the investigating supervisor will contact PSIA to ensure consistency with similar investigations and that matrix guidelines have been followed.

4. **Category B** (as listed in the Matrix) allegation investigations **may** be sent to the assigned employee's work group supervisor or district command for investigation. PSIA will confer with the employee's commanding officer or supervisor to determine the most appropriate venue for investigation.

5. PSIA will typically investigate all **Category C, D and E** (as listed in the Matrix) allegations.

6. When the PSIA investigator is unavailable or unable to conduct an investigation, a commanding officer assigned by the Chief of Police or his/her designee will be responsible for the investigation.

7. The Chief of Police reserves the right to request PSIA investigate allegations at any category level when circumstances merit.

8. Notification of the involved employee will be completed at the discretion of the investigating supervisor in order to protect the integrity of the investigation.

9. In cases where citizen complaints are filed against arresting officers, the investigation of an allegation will generally be conducted promptly. However, the investigation may be suspended, only at the discretion of the Chief of Police, until the court proceedings are completed. In these cases, a notice will be placed in the case file and the involved employee and their commanding officer shall be notified.

10. In cases of potential criminal conduct when it is necessary to assign additional investigators, the PSIA unit will be kept informed as to the progress and details of the investigation and assigned investigators.

11. When there are allegations of insubordinate or disrespectful behavior towards a supervisor, the commanding officer of the involved employee will designate someone other than the directly involved supervisor to investigate. In other instances when the appearance of an interpersonal conflict exists, the commanding officer of the involved employee may designate a non-involved supervisor to conduct the investigation.

12. The investigating supervisor will forward the file to the employee's commander for review. PSIA will review all complaint investigations/dispositions, and brief the Chief (or designee) of final disposition.

13. For all internal investigations, PSIA will ensure that:

    a. The investigation was conducted in a fair, dignified and thorough manner in accordance with Chapter 164 and Sec. 62.13, Wis. Stat.
    b. All documents of a completed investigation shall be forwarded through the chain of command to the PSIA office for review and entry into the PSIA records system.
    c. The investigation was completed within the allowable time period.

## Steps in a Complaint Investigation

1. Complaint received.

2. Complaint entered into the PSIA records system. Contact PSIA to discuss the case and determine investigative venue.

3. Conduct investigation. Interview witnesses, review police reports, etc.

    a. In all cases, the investigator shall review available information to determine if a Code of Conduct violation occurred. When a complainant or witness fails to follow through with the investigating supervisor, the attempts to contact the complainant/witness shall be documented in the record.

    b. Interview notice should be sent to the employee(s) alleged to have committed the violation with at least 48 hours notice, when appropriate. An employee must be allowed to contact a representative in any interview if desired. Interview notice is not required for coaching, mentoring, training, feedback, interviews of employee witnesses or basic fact finding.

    c. In cases where the allegations, if proven true, would likely result in discipline, interviews with the officer(s) alleged to have committed the violation will be audio recorded. This does not apply to instances where the factual circumstances of the incident are clear and undisputed, or if recording the interview is impractical. Interviews may also be recorded at the employee's request or if other circumstances indicated that recording is appropriate.

    d. The decision to audio record interviews with victims, witnesses or complainants will take the following factors into account:

        - The severity of the allegation.
        - The complexity of the allegation.
        - The location of the interview.
        - The relevance of the interview to the investigation/allegation.
        - The willingness of the interviewee to have the interview recorded.

        When the allegations, if proven true, would likely result in discipline, complainant interviews should be recorded unless it is impractical to do so or the complainant declines to have the interview recorded.

    e. Interviews of key witnesses in significant investigations should be recorded when possible.

    f. Employees should be informed and referred to the City's EAP.

    g. Employees may be ordered to not discuss their involvement in an investigation with others. Such an order should only be imposed for the length of time reasonably necessary. It is not the MPD's intent to restrict employee rights to prepare a defense to a complaint filed against them.

h. If the case does not reach the level of discipline (i.e., a Letter of Reprimand or higher), then the case may be resolved with verbal counseling or documented counseling if deemed appropriate by the employee's district/section Captain. PSIA must review the investigation and proposed disposition and receive approval from the Chief (or designee) prior to final resolution/disposition.

i. Once the investigation is completed, a pre-determination notice will be sent out if there is a preliminary finding of a code of conduct violation that meets the level of discipline**.** The notice should be sent to employee (and representative if a representative has previously been involved) one (1) week before the hearing.

j. Pre-determination hearing / pre-determination response from employee: In lieu of a hearing, the employee can opt to submit a written response. The employee is allowed to have a representative present during the hearing if so desired.

k. Pre-determination findings should document any mitigating or aggravating factors that employee discussed in pre-determination response.

l. The commander of the employee shall conduct a command review.

m. Prior to making disciplinary action, the recommendation will be forwarded through the chain of command to the PSIA unit to ensure consistency and uniformity of discipline within the MPD.

n. A discipline meeting will be held with the employee's command staff and the Chief of Police.

o. The Chief of Police has final authority on all discipline decisions.

p. The employee will be notified in writing of any discipline. The complainant will be notified of the final outcome of the case as well (in the manner in which they prefer to be contacted).

q. If a complainant is not satisfied with the outcome of the investigation, they should be advised that they have the option to pursue their complaint to the Police and Fire Commission.

## Complaint Disposition

Upon completion of an investigation, the investigating supervisor will make a conclusion for each allegation from among the following dispositions:

1. Exonerated: The alleged incident occurred, but was lawful and in accordance with MPD Code of Conduct and standard operating procedures.

2. Unfounded: The evidence shows that the alleged conduct did not occur.

3. Not Sustained: The allegation is not supported by a preponderance of evidence.

4. Sustained: A preponderance of evidence shows that the action of the employee was not consistent with MPD Code of Conduct, standard operating procedure or City of Madison Administrative Procedure Memoranda (APM).

## Seven Tests For Just Cause

The Chief of Police must show "Just Cause" when issuing discipline to a sworn employee. In any internal investigation resulting in discipline, per Wis. Stat. Sec. 62.13, there are seven "Just Causes" that must be met:

1. Whether the subordinate could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.

2. Whether the rule or order that the subordinate allegedly violated is reasonable.

3. Whether the Chief of Police, before filing the charge against the subordinate, made a reasonable effort to discover whether the subordinate did, in fact, violate a rule or order.

4. Whether the effort described under sub. 3 was fair and objective.

5. Whether the Chief of Police discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate.

6. Whether the Chief of Police is applying the rule or order fairly and without discrimination against the subordinate.

7. Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the Chief of Police's department.

## Police Bill of Rights

Wis. Stat. Sec. 164.02 provides guidance on police interviews as it relates to the Police Bill of Rights.

(1) *If a law enforcement officer is under investigation and is subjected to interrogation for any reason which could lead to disciplinary action, demotion, dismissal or criminal charges, the interrogation shall comply with the following requirements:*
   (a) *The law enforcement officer under investigation shall be informed of the nature of the investigation prior to any interrogation.*
   (b) *At the request of any law enforcement officer under interrogation, he or she may be represented by a representative of his or her choice who, at the discretion of the officer, may be present at all times during the interrogation.*

(2) *Evidence obtained during the course of any interrogation not conducted in accordance with sub. (1) may not be utilized in any subsequent disciplinary proceeding against the law enforcement officer.*

## Civilian Employees

All employees are expected to adhere to MPD Code of Conduct, standard operating procedures, and City of Madison Administrative Procedure Memoranda (APM). ~~policies and procedures and City APMs.~~ This SOP describes the complaint investigation process for all employees; however, discipline matters resulting from a sustained finding involving non-commissioned personnel follow the overall City of Madison Personnel Rules.

## Cooperation With Investigations Required Notice

In some cases where there is a possibility of criminal liability, and an employee is interviewed, the employee shall be given an MPD memo called **"Cooperation with Investigation Required."**

This memo advises that although employees are required to cooperate in an internal investigation (Code of Conduct #20), that the employee's statement cannot be used against the employee in any subsequent criminal proceedings. If a statement is going to be ordered from an employee, the following procedure will be adhered to:

1. PSIA will order the officer(s) to provide a statement. The order will be documented in writing.
2. The interview will be audio recorded and transcribed.

## Suspension

Should an employee be suspended without pay, the order shall be issued by the Chief of Police. Disciplinary actions against commissioned personnel requesting demotion or dismissal will be filed by the Chief of Police with the PFC, pursuant to Wis. Stat. Sec. 62.13.

Disciplinary actions against civilian employees will be in accordance with the relevant City Ordinances.

## Notification/Documentation

After the imposition of a sanction or discipline, the imposing supervisor will direct a memorandum to the employee with a copy to PSIA indicating the complaint number, employee involved, policies violated, date and the type of sanction or discipline imposed. A copy of this memorandum will be placed in the employee's PSIA file~~., in accordance with the Complaint Acceptance and Investigation Code of Conduct.~~

## Notification of Decision

Following completion of a complaint investigation, the employee who is the subject of the complaint, and the complainant(s), shall be informed in writing of the disposition by PSIA or the Commander/Manager of the employee. This notification should be made as soon as possible, but not later than 10 days following completion of the investigation and command review procedure. Notification to the complainant shall be documented and attached to the PSIA case file.

The Police and Fire Commission will be notified of any dispositions involving suspension of a sworn employee. Such notification will be made immediately upon issuing the suspension to the employee.

## Professional Standards & Internal Affairs Records

1. PSIA will maintain secure, electronic records of:
   a. All PSIA complaints. ~~investigated as CRs which are cases that are considered lower level conduct violations. These are cases in that if a violation is found to be sustained, the sanctions typically do not result in discipline~~.
   b. ~~Complaints that are assigned PSIA investigation numbers. PSIA cases are typically cases that if a violation is found to be sustained, the sanctions may result in discipline~~.
   c. All received complaints, including dispositions.
   d. Complaints against civilian employees.
   e. Expired work rules/performance improvement plans.
   f. Documentation of verbal and documented counseling.

2. A record of dispositions of investigations finding a sustained violation ~~of code of conduct~~ resulting in a letter of reprimand or greater sanction will be maintained in an employee's personnel file.

3. No records of complaints resulting in the dispositions of unfounded, exonerated or not sustained will be maintained in an employee's personnel file.

4. PSIA records will not be released from the MPD without approval from the Chief of Police.

## Administration of Sanctions/Discipline

Methods of correcting inappropriate behavior may range from counseling, where the immediate effect is on the individual, to corrective sanctions, or termination of employment, where the positive effect is in the reassurance to other employees and the community that unacceptable conduct will not be tolerated. In each case, care must be exercised to obtain a desired and just result and the uniform application of corrective action, including discipline, department-wide.

## Role of the EAP

MPD recognizes that problems in the workplace may be related to alcoholism, other drug dependency, emotional disorders, or other personal problems. In order to address problems such as these, MPD has an EAP. Employees are encouraged to use the program as a prevention measure, as well as, a parallel system to the disciplinary process.

## PSIA Summaries

Quarterly summaries will be sent out to all MPD personnel, as well as, to the local media on all PSIA cases regarding sustained complaints that result in discipline. Employees will not be named in these summaries. The summaries will include the PSIA case number, allegation, description, disposition and discipline.

~~PSIA cases are typically allegations that are more serious in nature and could potentially result in discipline to an employee if an allegation is sustained.~~

~~CRs are typically allegations of "minor" internal rule violations. These are violations that are unlikely to result in discipline, even if the allegation is sustained. In some cases, allegations may be initially labeled a "Conduct Review," however, further investigation may reveal more serious allegations. In these cases, if the allegation is substantiated and the employee could be disciplined, the case will then be amended and assigned a PSIA case number. CRs will not be included in the quarterly media summaries.~~

An individual summary may be sent out in cases that are deemed to be significant in nature. If an employee's alleged conduct is serious and "public" in nature, and it is determined to be a sustained violation, the MPD may release the employee's name in a separate, individual summary. The Madison City Attorney's office will be consulted and will review the summary. This will be weighed on a case-by-case basis in determining the public's right to know about the conduct.

Rules of Wis. Stat. Sec. 19.356 "Notice to Record Subject" will be followed if employee's name is to be released. This statute requires that an employee be notified in writing if the employee's name is to be released. A copy of the record released will be provided at the time of the notification to the employee. The notification may occur in person or by certified mail. This statute also allows for an employee to challenge the records release in circuit court. The notice will be served on the employee according to statutory time requirements.

Original SOP: 02/25/2015
(Reviewed Only: 02/15/2016)
(Revised: 03/21/2016, 03/24/2016, 01/06/2017, 06/19/2017, 12/06/2017, 06/18/2018)

# Professional Standards and Internal Affairs Discipline Matrix

Eff. Date ~~12/06/2017~~ 06/08/2018

## Purpose

This procedure outlines the guidelines and expectations for the Madison Police Department's (MPD) response to complaints and the steps involved in the investigation of complaints. Investigatory responsibilities, the Police Bill of Rights and the Seven Steps for Just Cause are also detailed. This procedure begins with a description of the Discipline Matrix. A police discipline matrix aims to achieve consistency in discipline and to eliminate the appearance of disparity. This matrix does not remove discretion; it provides a range of possible sanctions, thus providing clarity.

## Procedure

The matrix lists both code of conduct violations and Standard Operating Procedural (SOP) violations. It then provides sanction categories **A** through **E.** The least punitive sanctions are category **A,** with sanctions becoming more severe as the categories progress to category **E.**

In each category, there is a recommended guideline of sanctions. These guidelines are based on comparable sanctions for each violation from Professional Standards & Internal Affairs (PSIA) cases in years past.

This matrix captures most violation sanctions that have occurred in the past 25 years. There are code of conduct/procedural categories that are not covered in this matrix. There is the expectation that all policies and procedures will be followed. MPD understands that as times change, policies and expectations will change, and there will be violations that are not covered on the matrix. These violations shall be added to the matrix as deemed appropriate. For code of conduct violations not specified on the matrix, the sanction will be determined by the Chief of Police.

## Sanction Categories

| Category A | Category B | Category C | Category D | Category E |
|---|---|---|---|---|
| Conduct violation in a single incident that has a minimal negative impact on the operations or reputation of the MPD. Sanctions listed in the below categories are not considered discipline. Sanction guidelines may include:<br>• Verbal Counseling<br>• Mediation<br>• Documented Counseling<br><br>A single sanction or a combination of the above listed sanctions may be deemed appropriate. **Training** and/or **Work Rules** can also be ordered in conjunction with any sanctions listed above. | Violations that have more than minimal impact on the operations or reputation of the MPD or that negatively impacts relationships with other officers, agencies or the public. This includes repeated acts from Category A within time frames listed below. Sanction guidelines may include thereof:<br>• Verbal Counseling<br>• Mediation<br>• Documented Counseling<br>• Letter of Reprimand (First Level of Discipline)<br><br>A single sanction or a combination of the above listed sanctions may be deemed appropriate. **Training** and/or **Work Rules** can also be ordered in conjunction with any sanctions listed above. | Violations that have a pronounced negative impact on the operations or reputation of the MPD or on relationships with employees, other agencies or the public. This includes repeated acts from Category B within time frames listed below. Sanction guidelines may include:<br>• Letter of Reprimand<br>• Suspension without pay for one to five days<br><br>**A single sanction or a combination of the above listed sanctions may be deemed appropriate. Training** and/or **Work Rules** can also be ordered in conjunction with any sanctions listed above. | Violations that are contrary to the core values of the MPD or that involve a substantial risk of officer or public safety. This includes repeated acts from Category C within the time frames listed below. Sanctions guidelines may include:<br>• Suspension without pay for five to fifteen days<br><br>**Training** and/or **Work Rules** can also be ordered in conjunction with any sanctions listed above. | Violations that are contrary to the core values of the MPD. This includes acts of serious misconduct or acts of criminal conduct. This also involves any conduct that will effectively disqualify an employee from continued employment as a law enforcement officer. Sanction guidelines may include:<br>• Suspension without pay for fifteen days or more<br>• Reduction in rank<br>• Separation from service<br><br>**Training** and/or **Work Rules** can also be ordered in conjunction with any sanctions listed above. |

## Repeated Acts

Repeated acts of category **A** violations within **one year** will increase the repeated violation into category **B.**

Repeated acts of category **B** within **two years** will increase the violation to category **C.**

Repeated acts of category **C** within **three years** will increase the violation to category **D.**

Repeated acts of category **D** within **five years** will result in **separation of service.**

*This matrix does not apply to employees with a last chance agreement.*

*The matrix categories may not be sequentially followed in cases where there may be a number of violations or in cases where there are particularly egregious circumstances. The matrix is considered a guideline only and it is within the Chief of Police's discretion to deviate from the matrix based on the individual case.*

## Discipline Matrix

| Corresponding Code of Conduct Manual Listing<br>***Categories skipped have not had recent previous discipline associated.*** | | ***Category*** | | | | |
|---|---|---|---|---|---|---|
| | | **A** | **B** | **C** | **D** | **E** |
| **2.** | **Truthfulness** | | | | | |
| | Failure to be truthful. | | | | | **X** |
| | Employees shall not make false reports or knowingly enter false information into any record. | | | | | **X** |
| **3.** | **Performance of Duties** | | | | | |
| | Failure to respond to dispatch. | | **X** | | | |
| | Failure to properly perform duties assigned. | | **X** | | | |
| | Failure to respond to subpoena or scheduled training. | **X** | | | | |
| | Failure to comply with SOPs (excludes property handling code of conduct). | **X** | | | | |
| | Failure to meet expectations of special initiatives. | **X** | | | | |
| | Failure to notify supervisor of custodial arrest. | **X** | | | | |
| | Failure to obtain supervisor approval for strip search. | | | **X** | | |
| | Failure to assist backup officers. | | | **X** | | |
| | Failure to make an effort to check email and mailbox once per shift and respond accordingly. | | **X** | | | |
| | Failure to pursue flagrant law violations that they are aware of. | | **X** | | | |
| | Engaging in activity on duty that does not pertain to MPD business. | | **X** | | | |
| | Employees shall not sleep, idle or loaf while on duty. | | **X** | | | |
| | Supervisors shall not knowingly allow employees to violate any law, code of conduct or procedure. | | | **X** | | |
| | All employees shall report fit for duty. | | | | **X** | |
| | All MPD members shall not be impaired as a result of any drug usage or alcohol. All employees are prohibited from having any measurable amount of alcohol in their system while on-duty. No MPD member shall consume or purchase any intoxicants while in uniform. No MPD member shall consume intoxicants while armed except with the approval of the Chief of Police. It is the responsibility of the employee to consult with their physician to determine their fitness for duty based on their medical condition and/or prescribed treatment. | | | | **X** | |
| **4.** | **Absence from Duty** | | | | | |
| | Employees shall not be late or absent from duty without prior permission from a supervisor or the Officer in Charge (OIC). | | **X** | | | |

| Corresponding Code of Conduct Manual Listing<br>*Categories skipped have not had recent previous discipline associated.* | | *Category* | | | | |
|---|---|---|---|---|---|---|
| | | **A** | **B** | **C** | **D** | **E** |
| **5.** | **Unlawful Conduct** | | | | | |
| | Employees shall not engage in conduct that constitutes a violation of criminal law, or ordinance corresponding to a state statute that constitutes a crime. | | | | **X** | |
| | Employees convicted of first offense OWI. | | | **X** | | |
| | Failure to immediately notify a supervisor whenever investigating an incident involving a law enforcement officer who is a suspect in any criminal activity or OMVWI. | | | **X** | | |
| **6.** | **Notification Required of Law Enforcement Contact** | | | | | |
| | Failure to notify of contact by any law enforcement agency regarding their involvement as a suspect, witness, victim or contact in criminal conduct, violation of municipal ordinance for which a corresponding state statute exists (ex. OWI or Hit and Run). The employee SHALL report the incident to their commanding officer or the OIC within 24 hours of the contact, or their return to duty, whichever comes first. This must be done in person or via telephone. | | **X** | | | |
| **7.** | **Equal Protection** | | | | | |
| | Employees shall not show bias based on relationships in investigative decisions, or assist in investigations or enforcement decisions. | | **X** | | | |
| | Employees are prohibited from interfering in the normal processing of traffic/parking citations or otherwise disrupting enforcement of the law by other members of the MPD. If a supervisor orders a change in an enforcement decision and a subordinate feels it is wrong, it should be reported to a commanding officer. | | **X** | | | |
| **9.** | **Harassment** | | | | | |
| | Employees shall not engage in harassment or to retaliate against an employee who reports such harassment. (For definition of harassment, see APM 3-5.) | | | **X** | | |
| | Supervisors shall not allow employees under their command to engage in harassment or permit retaliation against an employee who reports such harassment. | | | **X** | | |
| | Employees shall not engage in sexual harassment, this includes unwanted sexual advances. | | | **X** | | |
| **10.** | **Courtesy, Respect and Professional Conduct** | | | | | |
| | Failure to be courteous to the public and to coworkers and shall avoid the use of profane language or gestures. Employees shall also avoid actions that would cause disrespect to the MPD. | | **X** | | | |
| | Employees shall not act so as to exhibit disrespect for a supervisor. | | **X** | | | |
| | Employees shall not speak derogatorily to others about orders or instructions issued by supervisors. | | **X** | | | |
| | Employees shall use police communications systems, email, radio only for official police business and shall exhibit courtesy during the transmission of all messages. | | **X** | | | |
| **11.** | **Public Criticism** | | | | | |
| | Employees shall not publicly criticize the operations or personnel of the MPD if such criticism undermines the discipline, morale or efficiency of the MPD. This applies both on duty and off duty. | | **X** | | | |
| **12.** | **Use of Force** | | | | | |
| | **9A** Employees shall not use deadly force when a lesser degree of force was reasonable. | | | | | **X** |
| | **9B** Employees shall not use excessive force when a lesser degree of force was objectively reasonable. | | | | **X** | |
| **13.** | **Vehicle Operation** | | | | | |
| | Employees shall operate city vehicles with due regard for safety. | | | **X** | | |

| Corresponding Code of Conduct Manual Listing<br>*Categories skipped have not had recent previous discipline associated.* | | *Category* | | | | |
|---|---|---|---|---|---|---|
| | | **A** | **B** | **C** | **D** | **E** |
| **14.** | **Insubordination** | | | | | |
| | Failure to promptly obey lawful orders from any supervisor. This includes violations of work rules. If these orders conflict with code of conduct or procedure, the ordered member shall call attention to this conflict. Any unlawful orders shall be promptly reported to the Chief of Police. | | | **X** | | |
| **16.** | **Criminal Association** | | | | | |
| | Failure to avoid regular or continuous associations or dealings with persons known to be engaged in ongoing criminal activity, under indictment, on probation, parole, house arrest or Huber. Association consists of more than a single occurrence. | | | **X** | | |
| **20.** | **Cooperation with Investigations Required** | | | | | |
| | Failure to cooperate in internal investigations of alleged misconduct, illegal activity or code of conduct violations. This includes failure to answer questions or submit to proper investigative techniques. | | | | | **X** |
| **21.** | **Access to Police Records** | | | | | |
| | Employees shall not access MPD official records for any reason inconsistent with their professional duties. | | | **X** | | |
| | Employees shall not release official records of the MPD for reasons inconsistent with their professional duties. | | | **X** | | |
| | Employees shall not tamper with any MPD records system. | | | **X** | | |
| **STANDARD OPERATING PROCEDURES** | | | | | | |
| **SOP** | **Transportation and Treatment of Prisoners** | | | | | |
| | Failure to take all reasonable precautions necessary to secure and safely transport prisoners in accordance with SOP. | | **X** | | | |
| **SOP** | **Status Changes** | | | | | |
| | Failure to report changes in address or telephone number within 24 hours after making such changes by submitting in writing the changes to the Chief of Police's Office, their commanding officer and the shift OIC. All employees shall maintain a working telephone number. Officers shall promptly notify their commanding officer if their drivers license status changes. | **X** | | | | |
| **SOP** | **Search and Seizure** | | | | | |
| | Failure to obtain Command Approval for search warrants for any building or dwelling. This does not include search warrants for property or vehicles that are already in MPD custody. Tactical execution of warrants will only be performed by personnel with appropriate training and who are in uniform or otherwise clearly identifiable as police officers. | | **X** | | | |
| **SOP** | **Police Weaponry** | | | | | |
| | Failure to adhere to the specifics of this procedure as described in the SOP. | | **X** | | | |
| **SOP** | **Firearms Safety** | | | | | |
| | Employees who have been trained in MPD firearms safety shall strictly adhere to all safety guidelines when handling firearms to prevent unintentional discharges. This applies both on and off duty. | | | **X** | | |
| | Unintentional discharge on the range line (no injury or horseplay). | | **X** | | | |
| | Failure to ensure the security and safe storage of MPD approved weapons. This applies both on and off duty. | | **X** | | | |

| Corresponding Code of Conduct Manual Listing<br>*Categories skipped have not had recent previous discipline associated.* | | *Category* | | | | |
|---|---|---|---|---|---|---|
| | | **A** | **B** | **C** | **D** | **E** |
| **SOP** | **Use and Care of City-Owned Property** | | | | | |
| | Failure to adhere to prescribed procedures for check out and use of any MPD owned property. Members of the MPD are responsible for the good care of MPD property and shall promptly report to their supervisor in writing the loss of, damage to or unserviceable condition of such property. | | **X** | | | |
| | Unintentional discharge of electronic control device if it occurs in the armory during the check out process and no injuries (documented counseling). | **X** | | | | |
| | Failure to drive city owned vehicles with due regard for safety at all times. | | | **X** | | |
| | Employees shall not use any MPD property for private purposes unless permission is first obtained from the Chief of Police. | | **X** | | | |
| **SOP** | **Property Handling** | | | | | |
| | Failure to take all precautions necessary to guarantee proper handling of evidence and any property seized, received or found and shall conform to MPD procedure for handling and disposition; a written record of the property disposition shall be included in the employee's report. | | **X** | | | |
| | Destruction of property without following normal tagging procedures. | | | **X** | | |
| | Failure to adhere to the specifics listed in detail in this SOP. | | **X** | | | |
| **SOP** | **Personal Appearance** | | | | | |
| | Failure to adhere to personal appearance code of conduct described in the SOP. | **X** | | | | |
| **SOP** | **Identification of Employees** | | | | | |
| | Failure to identify with name, rank and employee number when requested to do so. Plain clothes officers will ID themselves with badge and ID card. | | **X** | | | |
| **SOP** | **Reporting** | | | | | |
| | Failure to write accurate and complete reports and reports shall be completed promptly. | | **X** | | | |
| | Failure to complete reports in all arrests, use of force, stops, frisks, criminal investigations, property/evidence handling and other cases outlined in SOPs. | | **X** | | | |
| **SOP** | **TIME System Access** | | | | | |
| | TIME system access will be in strict compliance with their procedures and information gleaned shall be disseminated in accordance with the SOP. | | **X** | | | |
| **SOP** | **Stop and Frisk** | | | | | |
| | Failure to adhere to the specifics listed in this SOP. | **X** | | | | |
| **SOP** | **Searches** | | | | | |
| | Failure to adhere to the specifics listed in this SOP. | | **X** | | | |
| **SOP** | **Handling of Evidence, Contraband, Found or Lost Property** | | | | | |
| | Failure to adhere to the specifics listed in this SOP. | **X** | | | | |
| **SOP** | **Use of Mobile Data Computers** | | | | | |
| | Failure to adhere to the specifics listed in this SOP. | | **X** | | | |
| **SOP** | **Off-Duty Officer Responsibilities** | | | | | |
| | Failure to adhere to the specifics found in the SOP. | | **X** | | | |
| **SOP** | **Traffic/Parking Enforcement and Crash Investigation** | | | | | |
| | Failure to promptly report to an on-duty supervisor any accident with damage to any city owned motor vehicle operated by them or in their charge. An employee shall request a field supervisor be dispatched to supervise any accident investigation. | | **X** | | | |
| **SOP** | **Outside Employment** | | | | | |
| | Failure to adhere to the specifics as described in the SOP. | **X** | | | | |
| **SOP** | **In-Car Video System** | | | | | |
| | Failure to log into squad video system | | **X** | | | |
| | Failure to sync in-car video microphone | | **X** | | | |
| | Failure to wear microphone | | **X** | | | |

| Corresponding Code of Conduct Manual Listing<br>*Categories skipped have not had recent previous discipline associated.* | | *Category* | | | | |
|---|---|---|---|---|---|---|
| | | **A** | **B** | **C** | **D** | **E** |
| **SOP** | **Social Media – Off Duty** | | | | | |
| | Failure of personnel to appropriately represent MPD honestly, respectfully, and/or legally while on- or off-duty through the use of social media. Personnel are expected to represent the Core Values of the MPD at all times even when using the internet for personal purposes. | | **X** | | | |
| **SOP** | **Emergency Vehicle Operation** | | | | | |
| | Unauthorized Pursuit. | | **X** | | | |
| | Improper Use of Warning Devices and Other Safety Equipment. | | **X** | | | |
| | Failure to Operate With Due Regard. | | | **X** | | |
| | Improper or unsafe routine vehicle operation maneuver. | | **X** | | | |
| **SOP** | **Police Vehicle Parking** | | | | | |
| | Failure to adhere to the specifics listed in this SOP. | | **X** | | | |
| **SOP** | **Domestic Abuse** | | | | | |
| | Failure to Complete a Required Report Where No Arrest. | | **X** | | | |

See Code of Conduct manual and SOPs for detailed description of code of conduct/procedures. The above-described policies/procedures are general summaries and are not meant to be all inclusive.

Not all policies are listed in the matrix, however, all code of conduct/procedural violations will be enforced.

## Sanction Options in Internal Investigations

These levels **are not considered formal discipline:**

1. Verbal Counseling.
2. Training.
3. Mediation - in minor complaints, if both parties are MPD employees and mutually agree, mediation will be arranged through Employee Assistance Program (EAP) using a professional mediator.
4. Work Rules.
5. Documented Counseling.

The levels covered below **are considered formal discipline** and are placed in the employee's personnel file:

1. Letter of Reprimand.
2. Suspension without Pay.
3. Reduction in Rank.
4. Separation of Service.

## Restorative Performance Initiative

MPD employees who have received a Letter of Reprimand (considered discipline) may be eligible for Restorative Performance if they have not received documented sanctions in the past. This is based on the Chief of Police's discretion. By taking part in Restorative Performance, the Letter of Discipline may be reduced to Documented Counseling (not considered discipline).

The following are requirements for successful completion of the Restorative Performance Initiative:

- No prior sustained cases.
- Offered at the Letter of Reprimand level of discipline.
- Officer will attend training in a field related to what Code of Conduct, Standard Operating Procedure, or City APM was violated.
- Officer will provide a written summary of the training attended and demonstrate knowledge learned.
- No additional Code of Conduct, Standard Operating Procedure, or City APM violations that result in discipline within one year from date of agreement.

An employee who is participating in the Restorative Performance Initiative will have the PSIA case held in "open" status for one year. If the above listed requirements are met after one year, the Letter of Reprimand is amended to Documented Counseling and the case status will be removed from the employee's personnel file.

If the employee is unsuccessful in completing the program, the discipline will be maintained as a "Letter of Reprimand."

## Multiple Violations

In cases where there may be multiple code of conduct/procedural violations involved with a single investigation, each violation may receive a separate and distinct sanction.

## Police and Fire Commission (PFC)

The PFC is established by Wis. Stats. Sec. 62.13. The PFC appoints all commissioned officers and establishes hiring guidelines. Charges may be filed against an officer by the Chief of Police, member of the PFC or by any aggrieved party. These charges may request that an officer be reduced in rank, suspended or removed. Under the statute, the PFC shall hold a hearing on the charges and evidence shall be presented. After the presentation of evidence, the PFC must determine that the seven just causes (outlined in Wis. Stats. Sec. 62.13(5)(3m)) have been met. If the PFC determines there is just cause to sustain the charges, the PFC may suspend, reduce in rank, suspend and reduce in rank or remove the officer.

## Rights of the Chief of Police/Right of Deviation

The Chief of Police reserves the right of suspension, transfer of assignment and extension of probation, counseling, alcohol/drug assessment, psychiatric evaluation, fitness for duty evaluation, or any other training, treatment or evaluation reasonably deemed necessary by the Chief of Police, in certain cases. The Chief of Police also reserves the right to file charges with the PFC as outlined above. The Chief of Police also reserves the right to terminate civilian employees for just cause.

The Chief of Police or designee will approve all discipline.

The Chief of Police reserves the right to hold suspension days in abeyance.

The Chief of Police reserves the right to deviate outside the recommended Matrix guidelines. If a deviation occurs, the factors leading to the deviation shall be addressed in the discipline notice to the employee. Deviation may be based on mitigating or aggravating factors.

The Chief of Police will make the final determination of disposition.

### EXAMPLES OF MITIGATING AND AGGRAVATING FACTORS

Mitigating factors include but are not limited to:

- Ordered by supervisor.
- Mistake of facts.
- Necessity.
- Unintentional.

Aggravating Factors include but are not limited to:

- Inappropriate use of force.
- Personal motive.
- Intoxication.
- Conspiracy.

- Criminal conduct.
- Deception.
- Intentional act.

Nothing in this code of conduct shall be construed to limit the management prerogative of the Chief of Police, nor any other supervisory officer, to take corrective action whenever appropriate.

The Chief of Police may file formal charges against an employee, with the appropriate authorities, irrespective of an internal investigation.

## Civilian Employees

All employees are expected to adhere to the MPD code of conduct, SOPs, city administrative procedural memoranda (APMs) and the City of Madison Employee Benefits Handbooks. This discipline matrix is not meant to cover civilian employees of the MPD. Discipline matters resulting from a sustained finding involving non-commissioned personnel follow the overall City of Madison Personnel Rules.

In situations where there is a conflict between the MPD Code of Conduct, SOP, APM or the Employee Benefit Handbook the most stringent rule, code, guideline shall apply.

## Probationary Police Officers

This matrix SOP may not apply to probationary police officers whose employment status is subject to their probationary performance.

Original SOP: 02/27/2015
(Revised: 02/29/2016, 03/21/2016, 01/06/2017, 06/15/2017, 07/06/2017, 12/06/2017, 06/08/2018)

# Sexual Assault Investigations

Eff. Date ~~12/06/2017~~ 05/02/2018

## Purpose

To outline the procedure for investigating sexual assault and their attempts.

## Procedure

1. Adults
   a. The initial responding officer shall advise the victim they may request to be interviewed by an officer of the gender of their choice. Should the victim request an officer of the gender opposite the initial officer, the officer shall immediately notify a supervisor and a reasonable attempt will be made to honor the victim's request.

      Once follow up has been assigned to a Detective, the case will remain with the Detective regardless of gender.
   b. In the event of a fresh occurrence, the initial responding officer shall make a reasonable attempt to obtain suspect, officer safety, and other relevant information to relay to other officers as soon as possible.
   c. The officer conducting the victim interview shall:
      i. Notify the Officer in Charge (OIC) of the circumstances of the incident. The OIC will determine if the incident is a 1st or 2nd degree sexual assault or if additional investigative resources or advice is needed, and if so, will ensure that the On Call Detective Lieutenant (if after normal business day) or District Detective Lieutenant is notified of the circumstances. The exception to notification is an incident involving consensual sex between teenagers within 3 years of age.
      ii. Ensure the collection of evidence from the victim and scene(s), (e.g., photos, clothing, etc.), and also medical forensic hospital exam evidence if the assault occurred no more than 120 hours prior to the time it is reported. Meriter Hospital's Forensic Nurse Examiner (FNE) program should be used for collection of biological evidence from the victim.
         1. Any time an officer is dispatched for a sexual assault and the victim is reporting; the Officer should stand by outside the room while the exam is being done, in case the nurse needs to communicate with the Officer, and to then take the evidence for processing.
         2. Please see the SOP on Searches, specifically the Strip Search section for further details on the collection of evidence from the suspect.
         3. An Investigator, at the request of the interviewing officer or a supervisor, shall process the scene of a sexual assault for evidence, including photos.
         4. All FNE evidence kits collected as part of sexual assault investigations will be transported to WSCL.

**INVESTIGATING CASES INVOLVING CHILD VICTIMS (SEXUAL AND PHYSICAL ABUSE AND NEGLECT)**

1. The primary officer shall notify Dane County Human Services (DCHS) within 12 hours of the report of a sexual assault of a juvenile per state statute 48.981(1)(2)&(3).

   The primary officer shall notify the parents or guardians, if appropriate, of the juvenile victim within 24 hours.
2. When investigating a sexual assault of a child under the age of 16, the investigating officer shall collect as much information as possible without interviewing the victim. The officer shall notify the OIC of the circumstances. The OIC shall contact the On Call Detective Lieutenant (if after normal business day) or District Detective Lieutenant prior to conducting a detailed interview or physical exam. The subsequent investigation will be at the direction of the Detective Lieutenant or Detective assigned to the case.

3. When the investigating officer or detective for cases involving child victims determines that probable cause exists that the suspect has committed crimes in violation of the statutes listed below, the cases will routinely be referred to the district attorney for criminal prosecution:
   a) Sexual intercourse or sexual contact under s. 940.225, 948.02, 948.025 or 948.085
   b) Sexual exploitation of a child under s. 948.05
   c) Permitting, allowing or encouraging a child to violate s. 944.30 (Prostitution)
   d) Causing a child to view or listen to sexual activity s. 948.055
   e) Causing a child to expose genitals or pubic area s. 948.10

## INVESTIGATIONS INITIATED BY HUMAN SERVICES

### Officer-in-Charge Information

Child Protective Services (CPS) workers have been asked to make the OIC the first point of contact for Madison Police Department (MPD) collaboration for the initial field investigation when responding to reports of child abuse and neglect. It is MPD's established procedure to respond with on-duty patrol officers in the initial response. The OIC is able to evaluate available resources and timing, understanding that child protection workers may be under a timeline to initiate an investigation.

### OIC Considerations

- Obtain basic information regarding the allegation under investigation.
- Obtain contact information for the responding worker to provide to the responding officer(s).
- Coordinate reasonable adjustments in timing (things like other significant ongoing events, or shift change may dictate an adjustment).
- Initiate contact with on-duty Detective supervisor or on-call as needed.

### Responding Officer/Field Supervisor Considerations

- Determine who will lead the interview (Officer or DCHS worker).
- If CPS leads the interview, officer should take *detailed* notes of interview.
- Officer *can and should* ask questions pertaining to their investigation if those questions are not asked by CPS.
  - Officer must ensure they have explored the elements of alleged crime.
- CPS is ultimately responsible for conducting a safety assessment for the child (making sure the child is safe).
- Regardless of who leads the interview, officers shall complete a detailed report.
- Note: If Children are alleged victims of abuse by a caregiver or unknown person, the children can be interviewed without parental consent at any location police are legally authorized to be present (see Wisconsin statute 48.981(3)(c)1.b.).

## FIRST RESPONDER CONTACT WITHOUT CPS

1. Collateral Information Collection from Others.
   a. Reporting Party.
   b. Non-offending parent (if possible).
   c. 3rd Parties with information (teachers, counselors, friends, etc.).
   d. Witnesses.
2. CPS Contact.
   a. Provide CPS information obtained from #1.
   b. Determine other collaborative information from CPS.
      i. Other open/prior cases with subjects.
      ii. Identification/contact information for offender and others.
   c. Will CPS come out?
      i. Yes - wait to continue investigation with CPS.

ii. No - proceed to #3.

d. If CPS responds, determine who will lead the interview (Officer or DCHS worker).
   i. If CPS leads the interview, officer should take *detailed* notes of interview.
   ii. Officer *can and should* ask questions pertaining to their investigation if those questions are not asked by CPS.
      1. Officer must ensure they have explored the elements of alleged crime.
   iii. CPS is ultimately responsible for conducting a safety assessment for the child (making sure the child is safe).

3. Factors to Determine if Officer Should Conduct Child Interview.
   a. Do we have corroborated information of abuse, neglect, or that child witnessed (CRIME) obtained by #1 and #2? No need for officer to interview child.
      i. Preserve/collect pertinent evidence.
         1. SANE exam/photos/weapons/implements/etc.
         2. Determine if child is in need of immediate medical treatment.
         3. Determine if the child is safe in its present placement.
   b. Even if 3.a. is present, officer articulates need for immediate child interview (manipulation of child's testimony, family dynamics/pressure, etc.).
4. Contact Sgt/OIC.
   a. Provide information obtained from #1, #2, and #3.
   b. Determine if on-call Det. Lt. will be contacted (and presumably a detective called in).
5. Officer Interview of the Child.
   a. General guidelines.
      i. Do NOT do truth/lie.
      ii. Do NOT use body diagrams.
      iii. Must use open-ended questions (i.e., "tell me all about it").
         1. "Tell me *what* happened?" (elements of crime).
         2. "Tell me *how* it happened?" (evidence - weapons, DNA).
         3. "Tell me *where* it happened?" (jurisdiction).
         4. "Tell me who else was there?" (witnesses).
         5. If the "tell me" questions, coupled with collateral information, have not given the *"when,"* attempt to ascertain *"when"* from the child.
            a. Developmentally appropriate words.
            b. If not recent enough to raise evidentiary concerns, close is good enough.

See "Searches" SOP for guidance on suspect ~~SANE~~ FNE exams.

Original SOP: 11/18/2015
(Revised: 04/05/2016, 12/06/2017, 05/02/2018)
(Name change only: 05/03/2016)
(Reviewed Only: 01/09/2017)

# Social Media - Investigative Use

Eff. Date ~~03/26/2018~~ 05/02/2018

## Purpose

The Madison Police Department (MPD) endorses the use of web-based and mobile-based technologies designed to facilitate internet communications, known as "social media," for the purpose of investigating criminal activities and actors and for the purpose of monitoring any potential or ongoing "flash mobs," protests, riots, or other mass demonstrations. This procedure establishes a standard of conduct in regards to the use of these forms of technology and communication for investigative purposes.

## Application

This procedure applies to all MPD employees and personnel using or posting to social media as an investigative tool during the course of an investigative operation or assignment.

## Definitions

***Blog**:* A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log."

***Page**:* The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

***Post**:* Content an individual shares on a social media site, or the act of publishing content on a site.

***Profile**:* Information that a user provides about himself or herself on a social networking site.

***Crime Analysis and Situational Assessment Reports***: Analytic activities to enable MPD to identify and understand trends, causes, and potential indicia of criminal activity.

***Criminal Intelligence Information**:* Data which has been evaluated and determined to be relevant to the identification of criminal activity engaged in by individuals who, or organizations which are, reasonably suspected of involvement in criminal activity.

***Criminal Nexus**:* Established when behavior or circumstances are related to an individual or organization's involvement or planned involvement in criminal activity or enterprise.

***Online Alias***: An online identity encompassing identifiers, such as name and date of birth, differing from the employee's actual identifiers, which may include use of a nongovernmental Internet Protocol address. An online alias may be used to monitor activity on social media websites or to engage in authorized online undercover activity.

***Online Undercover Activity***: The utilization of an online alias to engage in interactions with a person via social media sites that may or may not be in the public domain. This includes "friending" a person on Facebook and "following" a private Twitter account.

***Public Domain***: Any Internet resource that is open and available to anyone.

***Social networking websites / social media website****:* Sites which focus on building online communities of people who share interests and activities and/or exploring the interests and activities of others. Social media websites are further categorized by Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, Twitter), micro blogging sites (Tumblr, Nixle), photo and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit) where users can create profiles, share information, and socialize with others using a range of technologies. The absence of an explicit reference to a specific social media website does not limit the application of this policy.

***Valid law enforcement purpose***: Investigation or information/intelligence-gathering development, collection, use, retention or sharing that furthers the authorized functions and activities of a law enforcement agency – which may include prevention of crime, ensuring the safety of the public and public or private structures and property, and/or furthering officer safety (including situational awareness) and homeland and national security – while adhering to law and agency policy designed to protect the privacy, civil rights and civil liberties of Americans.

**Procedure**

This procedure serves to clarify and establish guidelines and prohibitions for MPD-authorized use of social media for investigative purposes. These guidelines and prohibitions build on policy requirements put forth in the Law Enforcement Code of Ethics, MPD Mission Statement and Core Values, MPD Code of Conduct and Standard Operating Procedures, City of Madison Administrative Procedure Memoranda, as well as established City, State, and Federal Law. However, because investigations utilizing social media may involve undercover or confidential activities, requiring a certain level of dissimulation and clandestinity, portions of these requirements (specifically those put forth in APM 3-16 and MPD Code of Conduct and Standard Operating Procedures) may not be universally applicable to actions taken during such investigations.

Social media as an investigative tool may be used by members of MPD for a valid law enforcement purpose consistent with this SOP. Unless such information is relevant to the individual or organization's suspected criminal activity or if required to identify the individual for a valid law enforcement purpose, the employee will not utilize social media to seek or retain information about:

1. Individuals or organizations solely on the basis of their religious, political, social views or activities
2. An individual or organization's participation in a particular non-criminal organization or lawful event
3. An individual's race, ethnicity, citizenship, place of origin, disability, gender, or sexual orientation
4. An individual's age other than to determine if someone is a minor

Information developed from social media sites should be corroborated using traditional investigative tools including interviews, verification of address, verification of internet protocol address information, or other lawful means.

No authorization is necessary to access information available in the public domain, so long as the access is consistent with this SOP. The use of personal social media accounts for investigations is discouraged.

**Online Alias**

Sworn officers or analysts may only use an online alias with command approval to seek information for a valid law enforcement purpose. The employee seeking authorization to create/utilize an online alias will complete the MPD online alias request form and submit it to his/her commanding officer. The commander will review the request and determine whether use of the online alias would serve a valid law enforcement purpose. If exigent circumstances require the immediate creation of an online alias without prior approval, the employee will notify their commanding officer of the online alias creation as soon as possible. Within a reasonable amount of time following the exigent circumstance, the employee will document the online alias. The employee will include all the information that would have been documented on a request form.

A. When necessary, profile pictures or website images of humans must be of an individual over the age of 18 who has provided written consent for the image to be used. At the time that the written consent is obtained, the individual must be employed by a law enforcement agency.

B. Online alias usernames and passwords shall be shared with supervisors.

C. Alias accounts should only be used with Department-issued devices while on duty, unless otherwise approved by a supervisor.

**Online Undercover Activity**

Only sworn officers may engage in online undercover activity with command approval. The officer seeking authorization to engage in online undercover activity will complete the MPD online undercover activity request form and submit it to his/her commanding officer. The commanding officer will review the request and determine whether the online undercover activity serves a valid law enforcement purpose. If exigent circumstances require the immediate use of online undercover activity without prior approval, the employee will notify their commanding officer of the online undercover activity as soon as possible. Within a reasonable amount of time following the exigent circumstance, the officer will document the online undercover activity. The employee will include all the information that would have been documented on a request form.

A. When necessary, profile pictures or website images of humans must be of an individual over the age of 18 who has provided written consent for the image to be used. At the time that the written consent is obtained, the individual must be employed by a law enforcement agency.

B. Undercover usernames and passwords shall be shared with supervisors.

C. Undercover work should only be performed with Department-issued devices while on duty, unless otherwise approved by a supervisor.

D. For ICAC-related online undercover investigations, those investigations must also conform to the ICAC Program Operational and Investigative Standards Manual.

All online undercover activity will be documented. The commanding officer will regularly review all online undercover activity requests to ensure a continued need for the online undercover activity.

**Real Time and Open Source Analysis Tool**

Employees may use social media monitoring tools that gather information from the public domain only for a valid law enforcement purpose. Employees may only use social media monitoring tools that gather information not within the public domain with command approval. The commanding officer will review the request and determine whether the use of social media monitoring tools is appropriate. If exigent circumstances require the immediate use of social media monitoring tools (that gather information not within the public domain) without prior approval, the employee will notify their commanding officer ~~of the online alias creation~~ as soon as possible. Within a reasonable amount of time following the exigent circumstance, the officer will document the use of the monitoring tool.

Upon ending use of the tool for the specified events, the employee will submit a summary describing the actions that resulted from the use of the monitoring tool.

**Documentation**

Documentation of command approval will occur electronically through the MPD Sharepoint site, unless an exception has been approved by the Chief.

Employees should place any relevant case information obtained from social media websites within a LERMS case file, suspicious activity report, police report or intelligence bulletin. MPD personnel will not maintain any social media files/records outside of these authorized files.

Crime analysis and situational assessment reports may be prepared for special events management, including First Amendment-protected activities. At the conclusion of the situation requiring the report, the information obtained that indicates a criminal nexus will be retained in an intelligence bulletin, suspicious activity report, police report or LERMS case file as directed by the established retention schedule.

Information identified as criminal in nature that is obtained in the course of an investigation from a social media site may be collected and retained using screen shots, printouts of chat logs, copying uniform resource locators (URL's) for subpoena or investigatory purposes, or storing the information via secure digital means. Employees may utilize investigative computer systems and software intended to record data from social media sites.

At no time should the name of an individual or organization that is not reasonably suspected of criminal activity be recorded unless such name is clearly labeled as "noncriminal identifying information."

**Dissemination**

Information recorded in accordance with this SOP will only be disseminated when authorized by the Records Custodian and the Office of the City Attorney.

**Audit**

Compliance with this SOP will be verified as part of case management meetings with employees.

Original SOP: 02/25/2015
(Revised: 02/05/2016, 03/26/2018, 05/02/2018)
(Reviewed Only: 11/01/2016)

# System Audits

Eff. Date ~~04/28/2017~~ 04/02/2018

## Purpose

Routine audits of Madison Police Department systems and process will be conducted to verify compliance with the Code of Conduct and Standard Operating Procedures.

## Procedure

Oversight of departmental audits rests with Professional Standards & Internal Affairs (PSIA). Systems/processes/inventories that will be regularly audited include:

- City email
- MDC communications
- Arbitrator squad video/audio
- Property/evidence
- Juvenile arrest custody data
- K9 training aids
- DCNTF training aids
- Federally regulated materials
- Recordable force database entries

Other systems/processes may be audited or reviewed with the approval of the Chief or designee. PSIA personnel may conduct individual audits or designate other MPD command/supervisory personnel to do so.

Results of each audit will be reviewed by the Assistant Chief of Investigative and Specialized Services. Documentation of each audit will be maintained by PSIA.

Violations of MPD's Code of Conduct or Standard Operating Procedures discovered during an audit will be assigned for further investigation or other follow-up through PSIA as appropriate.

Original SOP: 04/28/2017
(Reviewed Only: 12/26/2017)
(Revised: 04/02/2018)

# Uniform Standards

Eff. Date ~~02/19/2018~~ 04/16/2018

## Purpose

All officers shall possess a serviceable military style uniform and the necessary equipment to perform uniformed field duty. If an officer's regular job duties do not require the wearing of the military style uniform, it is necessary for them to have the uniform immediately available.

## Procedure

### MILITARY STYLE UNIFORM GUIDELINES

1. No uniforms or equipment may be worn or carried on-duty unless it has been approved by the Chief of Police. Lists shall be maintained of approved uniform and equipment items. These lists will include items for specialized units and assignments.
2. Officers shall wear the military style uniform while on duty unless their assignment allows otherwise.
3. The uniform shall be kept clean and pressed and be worn complete with silver or gold (rank appropriate) buttons, insignias, badge, and name tag in place. It should not be torn, faded, or frayed, although it is understood that this situation can occur during regular job duties. The name tag will be worn by all uniformed personnel and will have the first name or initial and last name of the officers (no nicknames). The name tag will be worn above the right pocket, centered and even with the pocket. (See Addendum A for correct placement of insignia.)
4. The full military style uniform consists of a uniform shirt with Madison Police Department (MPD) patches on both shoulders, and uniform trousers. An employee shall wear the uniform shirt and trousers that are approved for their particular assignment.
5. Long-sleeve uniform shirts may be worn with a uniform tie or open at the collar without a tie. Short-sleeve uniform shirts will be worn open at the collar without a tie. When the uniform shirt is worn open at the collar, all but the top button will be buttoned.
6. When any uniform shirt is worn open at the collar, officers may wear only t-shirts which are white, navy blue, or black in color. When wearing a long-sleeve uniform shirt, a mock or turtle neck, navy blue or black in color, may be worn with the collar folded once. No visible insignia of a commercial nature is allowed.
7. Uniform shirt sleeves will not be worn rolled up when in public view. SET and SWAT officers are exempted from this rule while wearing their specialized BDU shirts, unless their Commander rules otherwise.
8. Uniform sweaters authorized for use as an outer garment may be worn over the military style uniform.
9. No pins, flags, tie tacks, tie bars (other than the approved silver or gold tie bar) or other such paraphernalia will be worn with the military style uniform unless approved by the Chief of Police. The Purchasing Clerk shall keep the list of authorized pins.
10. Members of the Field Training Cadre may wear the field training pin with the military style uniform. The pin will be worn centered and directly above the name tag.
11. Members of the SET, SWAT and Honor Guard teams may wear their respective team pins with the military style uniform. The pin will be worn centered and directly above the name tag, or centered directly above the field training pin, if worn. The Chief may authorize the wearing of any other pins at his discretion.

12. Officers who have received certain awards (Valor, Meritorious Conduct, Blue Star, Lifesaving) may wear the approved award pin with the military uniform. If only one award pin is worn, the pin will be worn centered above the highest other pin (name tag, Field Training, SET or SWAT). If two award pins are worn, the pins will be worn side-by-side, above the name tag or Field Training pin (if worn), but below the SET or SWAT pin (if worn).

13. Service bars may be worn on long-sleeve uniform shirts, jackets and coats. One bar is authorized at the completion of each four years of service. (See Addendum A for correct placement.)

14. Approved footwear worn with the military style uniform will be black and must be kept clean and polished.

15. When long uniform pants are worn, socks should also be worn that cover the ankle, specifically at least a mid-calf or crew sock. Shorter socks such as anklets, no-show, or low cut are only authorized to be worn with uniform shorts. Socks shall be black or navy in color, except when a medical waiver is granted and approved by the Chief of Police.

16. Wearing of the uniform hat is optional, unless a commanding or supervisory officer requires that a hat be worn for a particular assignment. An approved MPD baseball cap, trooper hat, or stocking cap may also be worn.

17. Officers may wear an authorized outer jacket with the military style uniform. Chevrons and bars ~~should~~ will be worn on the epaulets, not the collar. MPD raid jackets approved for plainclothes use will not be worn with the military style uniform.

18. When a uniformed officer directs traffic, the safety vest or reflective side of the spring/fall jacket shall be worn, whether in an on-duty or special employment status. The department-issued raincoat, with the reflective side out may be worn instead of the traffic vest.

19. The following supplemental equipment is required while wearing the military style uniform:
    a. A plain black belt with gold or silver closure.
    b. Authorized weaponry as per the Police Weaponry Policy.
    c. Authorized leather or nylon goods.
    d. Any equipment as may be required by the officer's commander.

20. The full military style uniform will be classified as follows:

| Dress Class A | Class A | Class B | Class C |
|---|---|---|---|
| Commander Overcoat (if purchased) | Approved Outer Garment | Approved Outer Garment | Approved Outer Garment |
| 8 point hat (outdoors, optional) | Approved Hear Gear (outdoors) | Approved Head Gear (optional) | Approved Head Gear (optional) |
| Dress Blouse | | | |
| White Long-Sleeve Uniform Shirt, Navy tie | Approved Class A Uniform Shirt, long-sleeve, (tie required) or short-sleeve | Approved Class A Uniform Shirt, long-sleeve (tie optional) or short-sleeve | Approved Tactical Uniform Shirt |
| Body armor (if worn) will be concealed under the uniform shirt | Body armor (if worn) will be concealed under the uniform shirt | Approved external body armor carrier or body armor (if worn) concealed under the uniform shirt | Approved external body armor carrier or body armor (if worn) concealed under the uniform shirt |
| Approved Class A Uniform Trousers (4 pocket) | Approved Class A Uniform Trousers (no cargo or TDU style) | Approved Uniform Trousers | Approved Tactical Trousers |
| Black Shoes (non-athletic) | Black approved (non-athletic) Footwear | Approved Black Footwear | Approved Black Footwear |
| No Name Tag on Outside of Commander Overcoat | Duty Belt | Duty Belt | Duty Belt |

21. Officers with the rank of Police Captain and above shall maintain a Class "A" Dress uniform. Officers with the rank of Police Lieutenant shall have the option of maintaining a Class "A" Dress uniform. Dress Class A uniforms shall be worn at official ceremonies of the MPD (e.g. funerals, memorial services, graduations), or as directed by the Chief of Police.

22. Officers should wear a Class A uniform to all court appearances (including probation and parole revocation hearings), to special assignments, or any other time as directed by a supervisor. It is expected that officers who have court scheduled during their regular work hours will wear a Class A uniform to the court appearance, though it is understood that in limited circumstances it may not be possible to change into a Class A uniform prior to the court appearance. The Class A uniform is required for uniformed personnel testifying at a jury trial unless it is impractical to do so or upon specific request from the prosecuting attorney.

23. Officers shall have the option of wearing Class A or Class B uniforms for their daily assignments unless otherwise directed by MPD policy or a MPD Supervisor.

24. Rank Insignia
    a. Rank insignia shall be worn on the epaulets of the outer most garment (including Dress Blouse), except rainwear.
    b. All insignias shall be worn on the shirt collar.

25. The approved Honor Guard uniform may only be worn by Honor Guard members or auxiliary team members, as approved by Honor Guard Command.

26. Bike Uniform

    Officers may wear the approved bike uniform only when assigned to ride MPD bicycles for the duration of their shift. The bike uniform will consist of:
    a. Approved MPD bicycle shirt.
    b. Approved athletic shorts, pants, shoes, and black or navy blue socks.
    c. Protective helmet.
    d. Full duty belt, including weaponry as required in the Police Weaponry guide.
    e. Approved MPD bicycle jacket.
    f. Officers may also wear the military style uniform while using the bicycle, but in that situation must wear a protective helmet and yellow reflective vest over their uniform for greater visibility. With supervisor's approval for tactical reasons, an officer may refrain from wearing the yellow reflective vest.

27. Mounted Patrol Uniform

    Mounted Patrol officers may wear the Mounted Patrol uniform while assigned to Mounted Patrol activities. The Mounted Patrol uniform will consist of:
    a. Approved MPD Mounted Patrol shirt. The approved Class A MPD uniform shirt may be worn for ceremonial activities.
    b. Approved MPD riding pants.
    c. Approved MPD riding boots.
    d. Approved MPD Mounted Patrol jacket.
    e. Protective helmet.
    f. Full duty belt.

28. Canine Officer Duty Uniform

    Canine officers may wear the approved Canine BDU/Class C uniform only when engaged/assigned to Canine duties. The Canine BDU uniform will not be worn for any other assignment/purpose.

29. Alternative Uniform Attire

    Alternative uniform attire may be approved for certain activities/assignments where a uniform would not be appropriate. These include MPD polo shirts, t-shirts, etc. These alternative items are not a

substitute for the standard uniform, and may only we worn for specific assignments/activities with the approval of the Chief.

31. External Body Armor Carrier

An approved external body armor carrier may be worn over the uniform shirt with the Class B or Class C uniform. All other uniform requirements (visible badge, name tag, collar brass, etc.) apply when the external body armor carrier is worn.

An approved medical/load-bearing external body armor carrier may be worn if an officer provides a note from a physician outlining a need. The medical/load-bearing external body armor carrier may be worn with the Class B or Class C uniform. Officers approved to wear the medical/load-bearing external body armor carrier will have their equipment carrying configuration approved by the Training Section prior to field deployment.

The medical/load-bearing external body armor carrier should appear as similar to the standard uniform shirt as possible, though a single "Police" patch may be worn on the rear of the carrier. ~~No visible "Police" patches should be displayed on the external vest carrier, and~~ ~~all~~ All other uniform requirements (visible badge, approved name tag, collar brass, etc.) apply when the medical/load-bearing external body armor carrier is worn.

**IN-SERVICE DRESS/EMPLOYEE DEVELOPMENT**

Officers shall dress in clothing and gear consistent with their regular assignment unless notified otherwise by a member of the Training staff.

**SPECIAL DUTY JOB**

Officers working "special duty" jobs in uniform shall adhere to the military style uniform guidelines in this policy. If the assignment requires a non-military style uniform dress, officers shall dress in clothing consistent with the non-uniform clothing standards in this policy.

**BODY ARMOR**

It is the policy of the MPD to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

If the officer's assignment is uniform field work in an enforcement capacity rather than administrative or support capacities, body armor shall be worn. Officers are responsible to ensure that body armor is functional and does not interfere with the performance of their duties. Exceptions will be at the discretion of the commanding officer.

**HEAVY BODY ARMOR**

Officers may utilize personally owned, MPD approved supplemental heavy body armor while on duty in accordance with these provisions:

1. Only approved heavy body armor and accessories will be utilized. Heavy body armor carriers will indicate "POLICE" on the front and back, and may not be modified without approval of the Captain of the Personnel and Training Team.
2. Officers will ensure that their individually owned heavy body armor is properly maintained and regularly inspected.

3. Officer must complete training and firearms qualification (as established by the Captain of the Personnel and Training Team) while wearing heavy body armor prior to using it in the field. All use of supplemental heavy body armor will be in accordance with departmental training.
4. Supplemental heavy body armor is not authorized for full-time wear. It may be utilized anytime an officer reasonably believes the potential for a deadly force threat from a firearm exists.
5. Officers will not utilize heavy body armor not assigned to them unless exigent circumstances are present.

**BADGES**

Officers on duty must carry their assigned badge and departmental identification card on their person. Officers wearing the military style uniform will have their badge displayed on the outermost garment worn. Officers not wearing the military style uniform who have their primary handgun visible must have their badge displayed either on the front of their waistband or on their chest area.

**PARKING ENFORCEMENT OFFICER UNIFORM**

1. Parking Enforcement Officers shall wear the prescribed uniform while on duty, unless their assignment allows otherwise. The prescribed uniform shall consist of items that have been authorized by the Chief of Police.
2. The uniform shall be kept neat and clean at all times. MPD Command Staff shall determine the wearability of the uniforms.
3. The uniform will consist of authorized pants, shorts, short- or long-sleeve polo shirts, short- or long-sleeve military style shirts, authorized jackets or sweaters and approved footwear and headgear.
4. Long- and short-sleeve uniform shirts may be worn open at the collar, with all but the top button buttoned.
5. When any authorized uniform shirt is worn open at the collar, officers may wear approved undershirts. These undershirts shall be black, white or navy blue in color. It is not authorized to wear long-sleeve undershirts with short-sleeve gray uniform shirts.
6. Authorized uniform sweaters (with MPD patch) may be used as an acceptable outer garment over an approved undershirt (turtleneck).
7. A Madison Parking Enforcement authorized ANSI Safety Vest must be worn as the outer most garment at all times. When wearing uniform jackets and coats the ANSI Safety vest must be worn and it is required that a uniform shirt, uniform sweater, or authorized turtleneck be worn underneath at
8. The approved footwear shall consist of black boots or shoes, when wearing uniform pants, and must be kept clean and polished. Approved footwear when wearing uniform shorts shall consist of white shoes with white socks or black shoes with black socks. With prior approval sandals may be worn during the summer months and must be black or navy in color. Sandals may only be worn when wearing uniform shorts. They must be an athletic type sandal (Colombia, Nike, Teva, etc.) with straps securing both the foot and ankle.
9. Parking Enforcement Officers wishing to purchase their own white tennis shoes (due to limited approved choices) may do so. These shoes must be free of bright colors, overly graphic designs or lights. The purchase must be pre-approved.
10. Wearing authorized headgear is optional.
11. Any items that Parking Enforcement Officers wish to incorporate into the approved uniform list must be brought to the attention of the Parking Uniform Committee.

## UNIFORM ACCOUNT

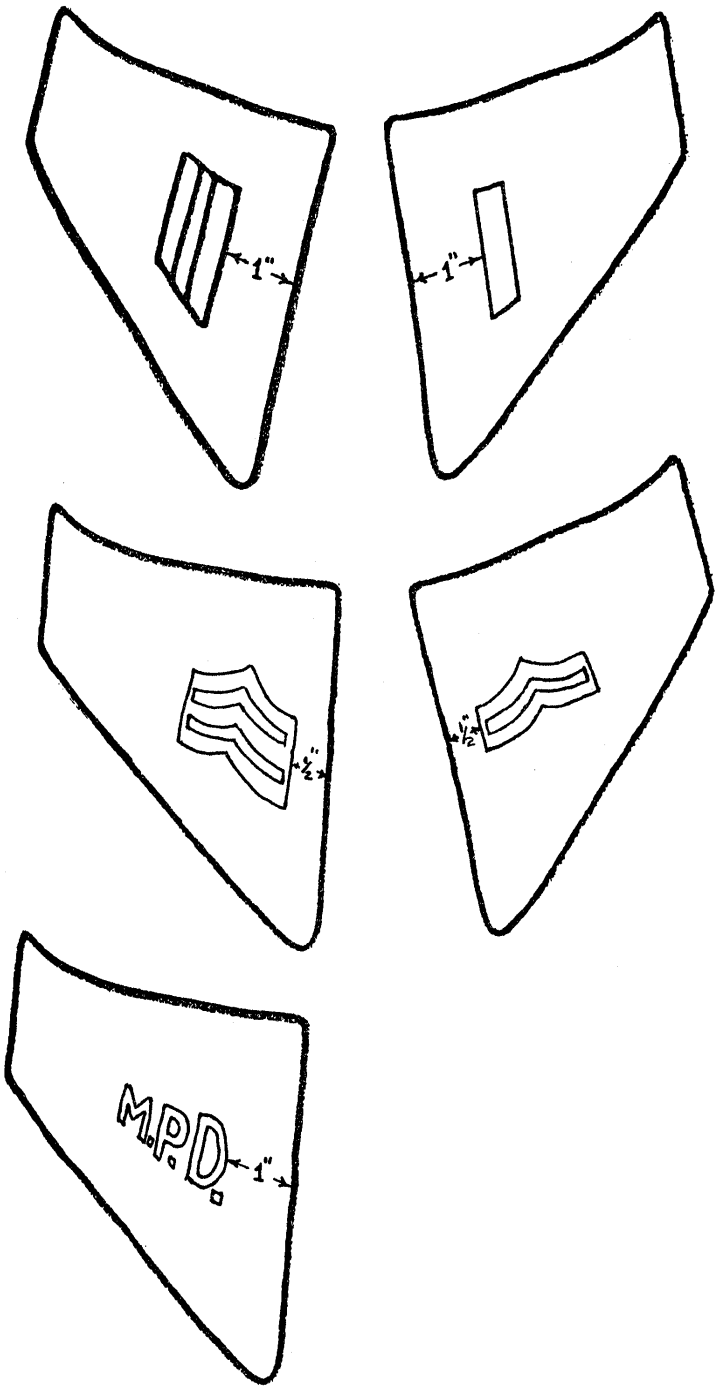
1. Existing agreements between the City of Madison and the labor unions which represent uniformed personnel of the MPD spell out current provisions for use and administration of uniform accounts.
2. Under no circumstances are employees permitted to exceed the amount available in their account. It is the employee's responsibility to track their account balance, and they are responsible for any applicable tax.
3. All uniform and equipment purchases for use on-duty by personnel on the monthly clothing allowance must be approved items consistent with this policy.

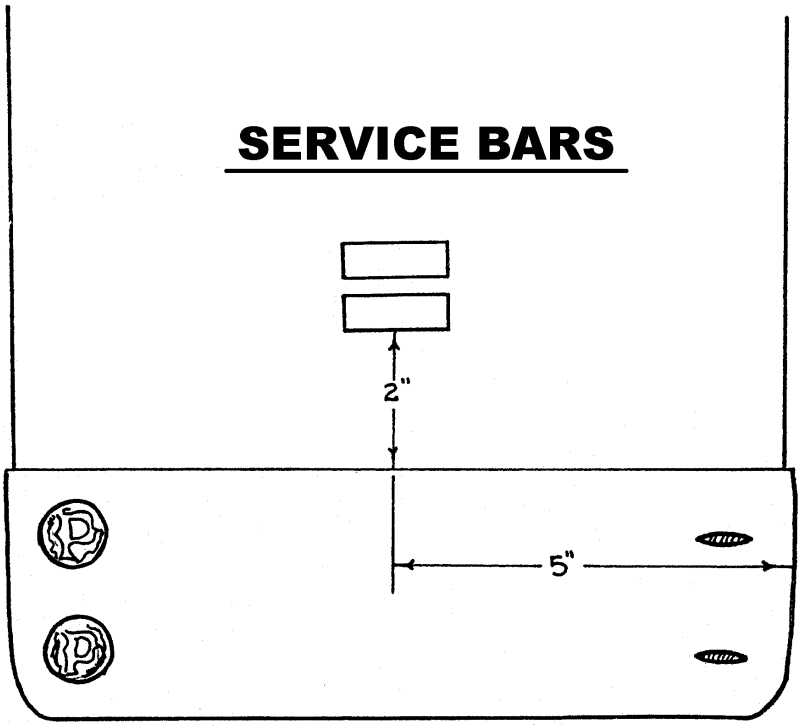
Original SOP: 02/25/2015
(Reviewed Only: 02/15/2016, 12/20/2016)
(Revised: 09/13/2016, 02/18/2018, 04/16/2018)

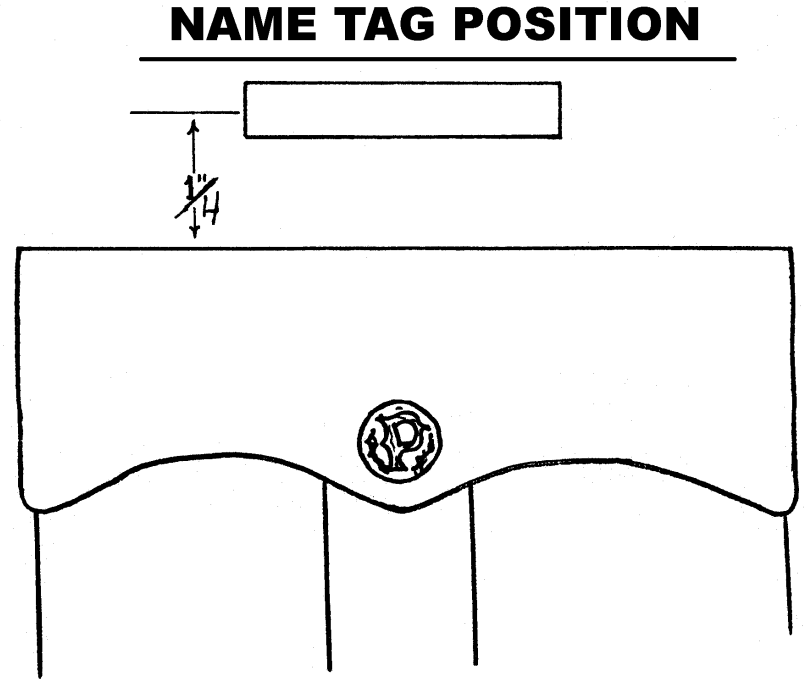
# ADDENDUM A

## COLLAR INSIGNIAS

All insignias are to be centered between top and bottom of collar.




SERVICE BARS
2"
5"


NAME TAG POSITION
1"
1/4

**COMMANDER'S OVERCOAT**

Sleeve Bars:
- 4 bars: Chief of Police
- 3 bars: Assistant Chief of Police
- 2 bars: Captain
- 1 bar: Lieutenant

