

**CITY OF MADISON  
INTRA-DEPARTMENTAL  
CORRESPONDENCE**

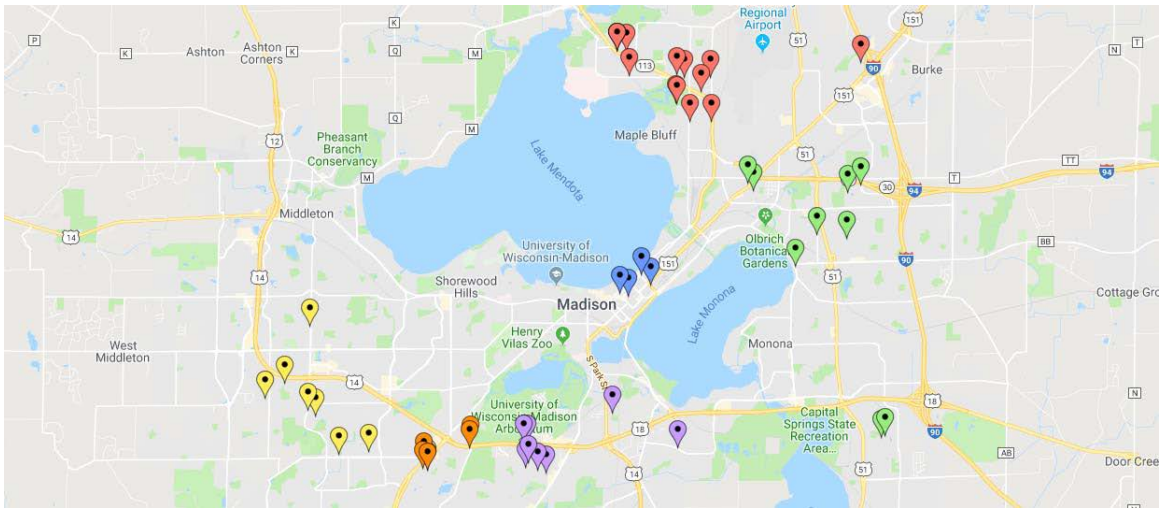
**DATE:** November 4, 2019

**TO:** All Alders  
**FROM:** Victor Wahl, Acting Chief of Police  
**SUBJECT:** Quarterly Report

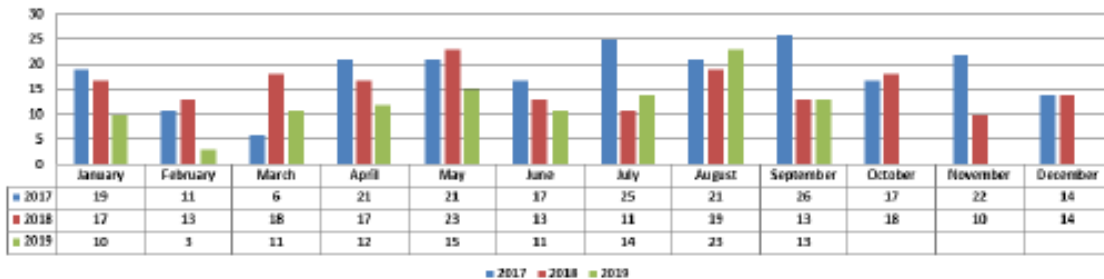
This document provides an update on selected MPD topics for the third quarter (July, August and September) of 2019. **Please consider the data included in this update as preliminary, subject to modification.**

**Significant Incident Types**

*Shots Fired* – there were fifty (50) shots fired incidents in the City from July 1<sup>st</sup> through September 30<sup>th</sup>. This is a **16%** increase from the third quarter of 2018. Twenty (20) shots fired incidents were reported during the 4pm – midnight period; twenty-two (22) were reported during the midnight – 8am time period; and eight (8) were reported during the 8am – 4pm time period.



**Shots Fired by Month**

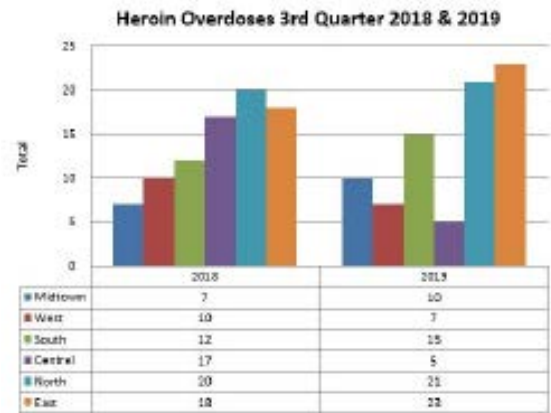
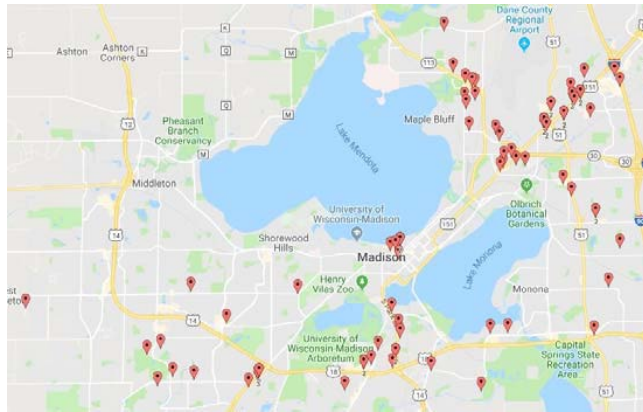


	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Total
<b>Property Damage</b>	9	11	24		44
<b>Subjects Struck by Gunfire*</b>	4	6	6		16
<b>Accidental Discharge</b>	1	1	1		3
<b>Self-Inflicted (intentional)</b>	0	3	0		3
<b>Casings Recovered</b>	39	82	182		309

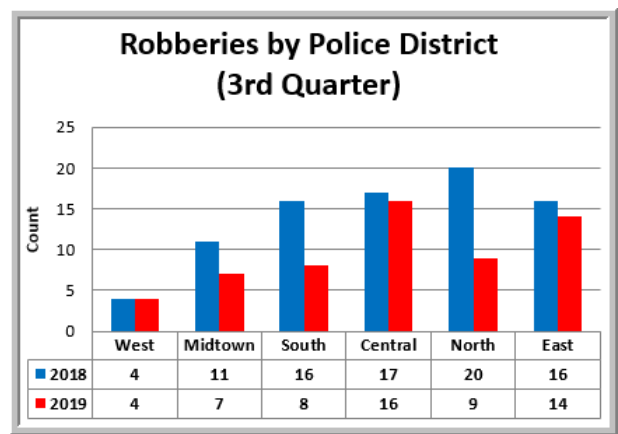
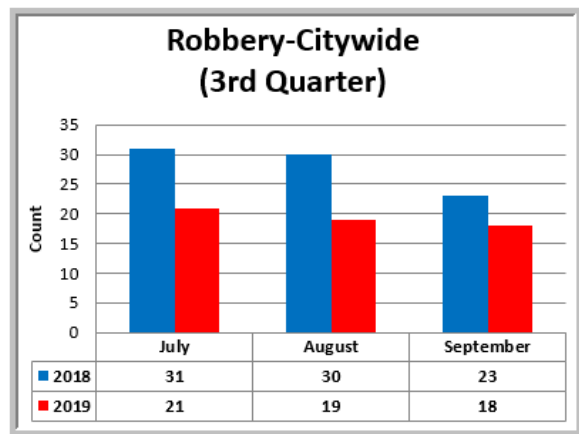
\*Excludes accidental discharge & self-inflicted

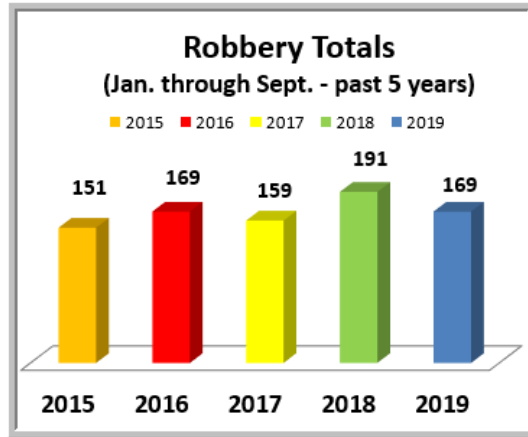
*Heroin Overdoses* – MPD responded to eighty-two (82) known heroin overdoses during the third quarter of 2019. This is a slight increase (1%) from the third quarter of 2018. Note that these figures refer to known overdoses...it is likely that many overdoses are occurring without any report to MPD or MFD.

There were six (6) overdose deaths during the third quarter of 2019. This is a 25% decrease from the third quarter in 2018 [note that these figures only include overdose deaths with police involvement and clear evidence of an overdose; the actual figure may be higher].

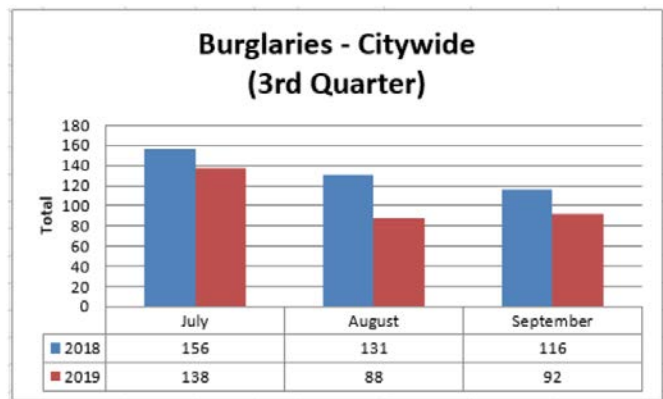


*Robberies* – fifty-eight (58) robberies occurred in the City during the third quarter of 2019. This is a 31% decrease from the third quarter of 2018.





*Burglaries* – MPD responded to 318 burglaries during the third quarter of 2019. This is a 21% decrease from the third quarter in 2018, but a 23% increase from the second quarter of 2019. Three (3) firearms and twenty-seven (27) vehicles were taken during third quarter burglaries.



**Arrest Data**

Third quarter arrest data:

Sex	Q1	Q2	Q3	Q4	Total	%
Male	1,261	1,680	1,700		4,641	72.0%
Female	511	629	664		1,804	28.0%
Unknown	1	0	0		1	0.0%
<b>Total</b>	<b>1,773</b>	<b>2,309</b>	<b>2,364</b>		<b>6,446</b>	<b>100.0%</b>

Race	Q1	Q2	Q3	Q4	Total	%
Asian	38	44	21		103	1.6%
African-American	780	1,107	1,162		3,049	47.3%
Native American	7	15	13		35	0.5%
Other	32	39	32		103	1.6%
Caucasian	916	1,104	1,136		3,156	49%
<b>Total</b>	<b>1,773</b>	<b>2,309</b>	<b>2,364</b>		<b>6,446</b>	<b>100.0%</b>
<b>Hispanic</b>	<b>105</b>	<b>143</b>	<b>139</b>		<b>387</b>	<b>6.0%</b>

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

IBR Arrest Charges						
Group A Offenses	Q1	Q2	Q3	Q4	Total	%
Animal Cruelty	3	0	1		4	0.0%
Arson	1	0	0		1	0.0%
Assault Offenses	273	368	387		1028	10.2%
Bribery	0	0	0		0	0.0%
Burglary	27	25	30		82	0.8%
Counterfeiting/Forgery	8	3	8		19	0.2%
Damage to Property	91	150	112		353	3.5%
Drug/Narcotic Offenses	176	243	247		666	6.6%
Embezzlement	7	7	5		19	0.2%
Extortion	0	0	0		0	0.0%
Fraud Offenses	30	39	38		107	1.1%
Gambling Offenses	0	0	0		0	0.0%
Homicide Offenses	1	1	4		6	0.1%
Human Trafficking Offenses	0	0	0		0	0.0%
Kidnapping/Abduction	24	27	17		68	0.7%
Larceny/Theft Offenses	261	263	281		805	8.0%
Motor Vehicle Theft	41	19	42		102	1.0%
Pornography/Obscene Material	2	8	5		15	0.1%
Prostitution Offenses	4	8	4		16	0.2%
Robbery	30	21	37		88	0.9%
Sex Offenses, Forcible	23	34	23		80	0.8%
Sex Offenses, Non-Forcible	0	2	1		3	0.0%
Stolen Property Offenses	6	12	10		28	0.3%
Weapon Law Violations**	29	37	44		110	1.1%
Group B Offenses	Q1	Q2	Q3	Q4	Total	%
Bad Checks	1	0	0		1	0.0%
Curfew/Loitering/Vagrancy Violations	3	3	2		8	0.1%
Disorderly Conduct	551	726	690		1967	19.5%
Driving Under the Influence	106	146	124		376	3.7%
Drunkenness	0	0	0		0	0.0%
Family Offenses, Nonviolent	8	23	12		43	0.4%
Liquor Law Violations	61	170	188		419	4.1%
Peeping Tom	0	0	0		0	0.0%
Runaway	0	0	0		0	0.0%
Trespass of Real Property	155	174	168		497	4.9%
All Other Offenses	899	1158	1133		3190	31.6%
<b>Total</b>	<b>2821</b>	<b>3667</b>	<b>3613</b>	<b>0</b>	<b>10101</b>	<b>100.0%</b>

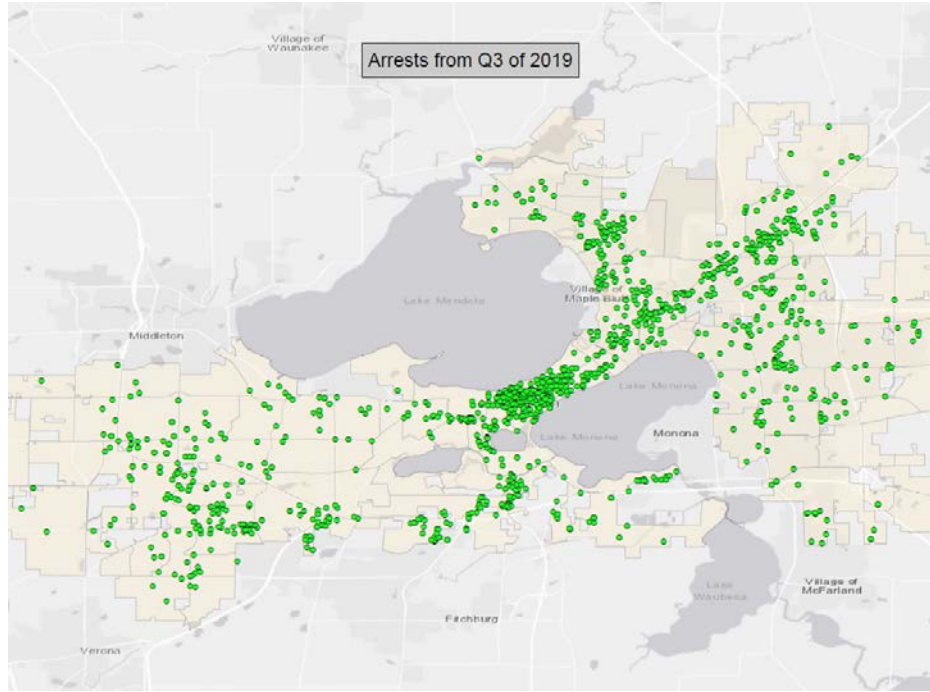
\* More than one charge may be connected to an arrest.

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.

Third quarter arrests reflected geographically:



Comparison of 2018 to 2019 third quarter arrest data:

Sex	2018 (Q3)	2019 (Q3)
Male	1,579	1,700
Female	643	664
Unknown	0	0
<b>Total</b>	<b>2,222</b>	<b>2,364</b>

Race	2018 (Q3)	2019 (Q3)
Asian	26	21
African-American	1,108	1,162
Native American	11	13
Other	42	32
Caucasian	1,035	1,136
<b>Total</b>	<b>2,222</b>	<b>2,364</b>

<b>Hispanic*</b>	<b>135</b>	<b>139</b>
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\*"Hispanic" is not a racial designator used for UCR/IBR crime reporting purposes. However, it is an ethnicity collected and tracked in MPD's records management system, in addition to race. These arrest figures are based on that data. Each arrested person with a Hispanic ethnicity will also have a race indicated (from the above options) and reflected in MPD's crime reporting.

## Use of Force Overview

During the third quarter of 2019, MPD officers responded to 39,813 incidents. In that time, there were seventy-five (75) 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	32,640	38,409	39,813		110,862
Citizen Contacts Where Force Was Used	65	96	75		236
% of CFS Where Force Was Used	0.20%	.25%	0.19%		0.21%
<b>Force</b>					
Decentralization/Takedown	44	81	51		176
Active Counter Measures	18	30	13		61
Taser Deployment	13	8	11		32
Hobble Restraints	13	15	10		38
OC (i.e. Pepper) Spray Deployment	2	1	13		16
Baton Strike	0	1	0		1
K9 Bite	1	0	2		3
Firearm Discharged Toward Suspect	0	0	0		0
Impact Munition	2	1	0		3
Specialty	2	0	0		2
<b>Total</b>	<b>95</b>	<b>137</b>	<b>100</b>		<b>332</b>
Firearm Discharged to Put Down a Sick or Suffering Animal	3	14	17		34

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

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

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

District*	Q1	Q2	Q3	Q4	Total	%
West	6	10	4		20	8.5%
Midtown	8	19	4		31	13.1%
South	9	12	5		26	11.0%
Central	19	29	35		83	35.2%
North	11	17	15		43	18.2%
East	10	8	12		30	12.7%
Out of County	1	0	0		1	0.4%
Within County - Assist Agency	1	1	0		2	0.8%
<b>Total</b>	<b>65</b>	<b>96</b>	<b>75</b>		<b>236</b>	<b>100.0%</b>

Time of Day/Patrol Shift	Q1	Q2	Q3	Q4	Total	%
1 <sup>st</sup> Detail (7am – 3pm)	14	19	12		45	19.1%
3 <sup>rd</sup> Detail (3pm – 11pm)	30	45	32		107	45.3%
5 <sup>th</sup> Detail (11pm – 7am)	21	32	31		84	35.6%
<b>Total</b>	<b>65</b>	<b>96</b>	<b>75</b>		<b>236</b>	<b>100.0%</b>



### Mental Health Related Workload

During the third quarter MPD personnel spent more than **5,000** hours of work on cases/incidents involving the mentally ill. This is an average of about **54** hours per day. The bulk of this workload was handled by patrol officers.

This work includes **fifty-eight (58)** emergency detentions. It took an average of about **23** officer hours for each of these cases. MPD personnel also handled an additional **sixteen (16)** mental health commitment returns; these averaged about **sixteen (16)** officer hours each.

### MPD Activity at MMSD High Schools

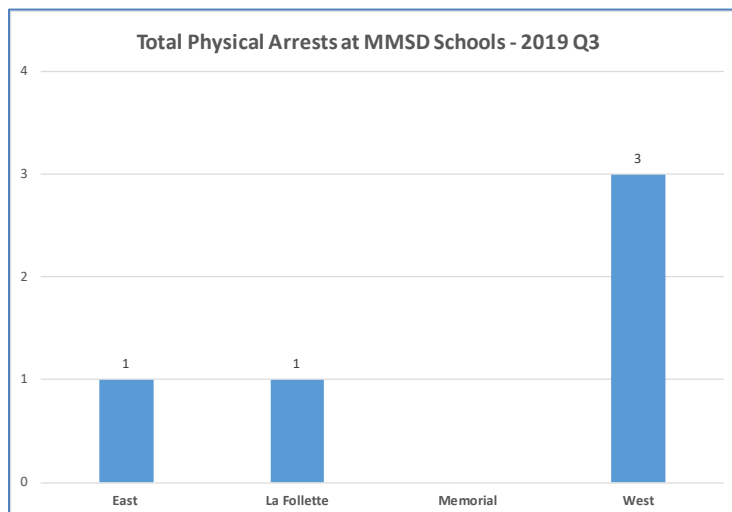
This area of the report highlights data involving physical arrest and citation incidents that occurred on the campuses of East, West, Memorial and LaFollette High Schools during the third quarter of 2019. This data includes only incidents that occurred on campus during this time period and between the hours of 7:30am and 5:00pm. Arrest data include only instances of “physical arrest.” This means an officer made a custodial arrest and the individual was removed from the high school and taken or released elsewhere.

When reviewing any MPD juvenile citation data (ages 12-16 years old), it must be emphasized that every juvenile cited in this age range, regardless of offense, was offered a restorative justice diversion away from Madison’s Municipal Court, allowing the opportunity for formal consequences to be avoided. Since 2015 when MPD first partnered with Dane County Timebank, Briarpatch and the YWCA to make restorative justice available to all youth ages 12-16, an overwhelming majority of juveniles each year have chosen this option after receiving a citation.

Finally, arrest and citation numbers in this report should not be attributed only to MPD’s School Resource Officers (SRO’s) as these numbers can include those generated from other MPD officers (Patrol Officers, Detectives, etc.).

Only one (1) municipal citation was issued during the third quarter of 2019 at an MMSD high school. This citation was issued at East High School and was for disorderly conduct.

Five (5) total physical arrests were reported during the third quarter:



The ages of the individuals arrested ranged from 14 – 18 years old. Three of the individuals were female



and two were male. The charges varied for these five individuals but included Disorderly Conduct, Battery, Possession of a Weapon on School Premises, Possession of Cocaine, Possession with Intent to Deliver THC, Bail Jumping and Resisting or Obstructing an Officer.

## **Training**

The recruit academy finished phase two of the state curriculum on September 25<sup>th</sup>. The class also passed their defense and arrest tactics (DAAT) tests and the state rifle and handgun qualifications. The recruits also began wearing full uniforms to their remaining classroom lectures.

Department in-service began at the end of September and includes: handgun qualification, restorative court updates, fitness and a DAAT refresher. The DAAT refresher introduces some new team tactics that the department hopes will reduce injuries and improve outcomes in use of force encounters. The MPD Training Center also hosted a few specialized courses including the Wisconsin Law Enforcement Analyst Network and a safety update for Badger School Bus Drivers.

## **SOP Updates**

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

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

## **Additional Updates**

*Priority/emergency call response* – During the third quarter, there were **111** instances where MPD’s patrol response was limited to emergency and priority calls. Note that some of these instances did not impact citywide response but were limited to a particular district or area of the City.

The 111 instances occurred on sixty-four (64) dates (some days required limited call response multiple times); this means that at some point on **70%** of the days during the third quarter MPD patrol response was limited. The 111 instances spanned about **232** total hours of limited call response, an average of 2.1 hours per instance. In terms of total hours during the second quarter, MPD patrol response was limited to emergency and priority calls about **11%** of the time.

*PSN Grant* – Earlier this year, MPD applied for a federal grant under the Project Safe Neighborhoods (PSN) initiative. The grant was available only to MPD, and we put together what we believed was an innovative program to help the City’s anti-violence efforts. The application included funding for Public Health and for several other efforts to address youth violence. Unfortunately, the grant application was not approved at the federal level, and MPD need to adjust the grant request and re-submit it. The upside of this was that the revised application requested funding for software that will improve MPD outreach to victims and allow for direct feedback from members of the public who have had contact with an MPD officer (through a text message survey). It appears that the revised request will be approved and we hope to implement the grant efforts in 2020.

*COAP Grant* – MPD has been awarded a \$1.2 million federal grant to reduce opioid abuse and the number of overdose fatalities, as well as to mitigate the impacts of opioid abuse on crime victims. MPD is creating a “Pathways to Recovery Madison & Dane County” initiative in partnership with Public Health, the

Madison Fire Department, the Dane County Department of Human Services and the University of Wisconsin Population Health Institute, that will support data-driven solutions to promote recovery, enhance public safety and support quality of life for individuals, families and communities throughout Dane County.

The grant will support creation of an Addiction Resource Team (MPD addiction resource officer, MFD community paramedic and certified peer support specialist), an assessment center clinician, a project coordinator, and a project evaluator. Activities will include: pre-arrest diversion in other local law enforcement agencies, a Naloxone Plus opioid overdose reversal medication distribution program, and Safe Stations (at fire stations and other public facilities) to provide assistance to individuals seeking help for opioid abuse.

*Promotions:*

Lieutenant Michael Hanson was promoted to Captain  
Sergeant Stephanie Drescher was promoted to Lieutenant  
Officer Patricia Drury was promoted to Sergeant  
Officer Angela Straka was promoted to Sergeant

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

<https://www.cityofmadison.com/police/documents/psiaSummary2019JulSep.pdf>

<https://www.cityofmadison.com/police/documents/psiaRecognition2019JulSep.pdf>



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Arrest, Incarceration, and Bail – **Juveniles Youth**

Eff. Date **04/02/2018 09/09/2019**

## Purpose

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

## Procedure

In interactions with youth, ~~In dealing with juveniles,~~ more than anywhere else in police work, officers **have** many options available as alternatives to arrest or citation and are given wide latitude to make judgments about what will create the best possible resolution. ~~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. **Officers shall be mindful of the constitutional rights guaranteed to all youth.**
- ~~2.~~ 2. **MPD recognizes that the primary responsibility for the upbringing of youth ~~child rearing~~ is vested in the family structure, although there may be instances where police intervention will occur ~~and that when a serious lapse in meeting this obligation occurs, police intervention may occur.~~**
3. **Alternatives to arrest and citation will be utilized in all situations in which officers are dealing with youth.**
- ~~2.~~ 4. **When ~~youth children~~ are taken into custody or are the subject of a significant investigation ~~an official action~~, the youth's ~~their~~ parents or guardians shall be notified as soon as possible. ~~Their cooperation in handling the situation should be actively sought.~~**
- ~~3.~~ 5. **All investigative, enforcement, and security procedures, including interviewing, gathering evidence, and apprehension shall be carried out ~~in a way that acknowledges that youth are psychologically, emotionally, and physically different than adults. ~~as with any adult, except as otherwise provided in this procedure. MPD personnel will ensure that juveniles receive the same constitutional safeguards available to adults.~~~~**
- ~~4.~~ 6. **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.~~

**A person who is under 18 years old. For purposes of investigating or prosecuting a person alleged to have violated state or federal criminal law, or a civil or municipal ordinance, 'juvenile' does not include a person who has attained 17 years of age. (Wis. Stat. 48.02(2)).**

### 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)).~~

**A person who is 18 years or older. For purposes of investigating or prosecuting a person alleged to have violated any state or federal criminal law, or civil or municipal ordinance, 'adult' includes a person who has attained 17 years of age. (Wis. Stat. 48.02(1)(d)).**

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## Parent

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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 nonmarital child who is not adopted or whose parents do not subsequently intermarry under Wis. Stat. 767.60, "parent" includes a person acknowledged under Wis. Stat. 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)).

The biological parent, parent by adoption, or person acknowledged under Wis. Stat. 767.805 or a substantially similar law of another state as the parent. This is not to include persons whose parental rights have been terminated. (Wis. Stat. 48.02(13)) (Wis. Stat. 938.02(13)).

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## Taking Into Custody

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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)).

The exercise of control over a youth's movement for the purpose of determining whether the youth has committed an act that requires the lawful obtaining of evidence from them, or whether they may be lawfully taken into physical custody of the officer. (Wis. Stat. 48.19(3)) (Wis. Stat. 938.18(3)).

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## Physical Custody

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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)).

The actual custody of the youth absent a court order that they be returned to their guardian or parent. (Wis. Stat. 938.02(14)).

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## Legal Custody

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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)).

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## Secure Custody Status - Confinement

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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)).

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

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## Secure Detention Facility

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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)).

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

## Release

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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)

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Formally referred to as Dane County Juvenile Reception Center located:  
 2 West Wilson Street  
 City County Building, 2nd Floor  
 Madison, Wisconsin

The point of referral for youth alleged to have committed a crime whom an officer is unable to release to a parent, guardian, or other responsible adult. Formally known as the Dane County Juvenile Reception Center.

## CUSTODY

### Authority for Taking a Youth Juvenile into Custody

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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)):

A youth may be taken into custody if, under the circumstances, an officer has an objectively reasonable belief that one or more of the below conditions exists (Wis. Stat. 938.19(1)), keeping in mind that alternatives to arrest or citation should be used whenever possible, consistent with public safety:

1. A ~~capias or a~~ warrant for the ~~youth's juvenile's~~ apprehension has been issued in ~~the state of Wisconsin or another state, this state or the youth juvenile~~ is a fugitive from justice.
- ~~2. A capias or a warrant for the juvenile's apprehension has been issued in another state.~~
- ~~3.~~ 2. Probable cause exists that the ~~The youth juvenile~~ is committing or has committed an act that is a violation of a state or federal criminal law.
- ~~4.~~ 3. The ~~youth juvenile~~ has run away from ~~their his or her~~ parents, guardian, or legal or physical custodian, and officers have been informed of their status as having run away. The taking into custody is solely for the purpose of returning the youth to their parent, guardian, or legal or physical custodian.
- ~~5.~~ 4. The ~~youth juvenile~~ is suffering from illness or injury or is in immediate danger from his or her surroundings making ~~and~~ removal from those surroundings ~~is~~ necessary, or the threat of harm or danger by the ~~youth juvenile necessitates the juvenile makes~~ being taken into custody necessary. The officer should identify an appropriate place to transport the youth to, utilizing community resources identified by the alternatives to arrest or citation training officers have received.
- ~~6.~~ 5. The ~~youth juvenile~~ has violated the terms of court-ordered supervision or aftercare supervision administered by the Department of Corrections or a county department, and those terms specify that the youth is to be taken into custody if a violation occurs.
- ~~7.~~ 6. The ~~youth 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, and the order specifies that the youth is to be taken into custody if a violation occurs.
- ~~8.~~ 7. Probable cause exists that the ~~The youth juvenile has~~ violated a civil law or a local ordinance punishable by forfeiture. In that case, the ~~youth 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.~~ 8. An order of the judge ~~that the welfare of the juvenile demands~~ demanding that the ~~youth juvenile~~ be immediately removed from his or her present custody for the welfare of the youth. The order shall specify that the ~~youth juvenile~~ be held in custody under Wis. Stat. 938.207.

## Mandatory Detention of Juveniles

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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.

1. A youth is arrested or taken into custody for an offense which is a felony, or which would be a felony if committed by an adult, and an alternative to arrest could not be utilized.
2. A youth is arrested or taken into custody 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, dealing in stolen property, controlled substances or controlled substance analogs under Wis. Stat. 961, firearms, dangerous weapons, explosives, and an alternative to arrest could not be utilized.
3. A youth is arrested or taken into custody for an offense charged or alleged as disorderly conduct, but which relates to an act connected with one or more of the offenses under subparagraph 2, and an alternative to arrest could not be utilized.
4. A youth is arrested or taken into custody as a fugitive from justice.
5. For any other offense designated by the attorney general, for which an alternative to arrest or citation could not be utilized.

"Offense" means any of the following:

- a) An act that is considered a felony or a misdemeanor, committed by a person who has attained the age of 17.
- b) An act that would be a felony or misdemeanor if committed by an adult, committed by a youth who has attained the age of 10, but who has not attained the age of 17.
- c) An act committed by any person that is a violation of a city, county, village, or town ordinance.

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

## Temporary Holding Facility (THF)

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All police districts ~~and~~ may be used as a THF for youth 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.
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 using the SharePoint Arrest log. In the event SharePoint is unavailable, the arresting officer will obtain a paper form from the OIC and will complete this paper form. The OIC will then forward the paper form to Records.

A youth 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 under the following conditions:

1. An alternative to arrest or detention was sought, but exigent circumstances existed making an alternative implausible. A report made by officers shall specify what those circumstances were.

Youth who are taken to a THF or district facility 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 youth that are in secure custody unless the youth is being interrogated and is accompanied by a detective/officer.

No youth shall be placed into any cell or any form of secure custody status until the youth has been completely processed (fingerprints and photographs). This means that the arresting officers/detectives shall physically stay with all youth in their custody. If youth meet the criteria established for "cite and release," every effort will be made to utilize this process without taking the youth into custody.

Youth shall be processed in an expeditious manner and shall have priority in the booking process.

If a youth is placed in a cell, physical checks must 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 that might allow the youth to hurt themselves, hurt the officer, or escape.

Youth shall not be held in secure custody status in THF for more than six hours. **This six-hour secure custody status time limit starts when the detained youth is placed in a secure custody status cell or handcuffed to a cuffing rail or other stationary object.** 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. Youth 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.

- a. **Once a youth has been placed in secure custody status, the six-hour time limit cannot be stopped or extended.** If, for example, a youth 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 youth has been in secure custody status for five hours, notification shall be made to the shift commander at the location where the youth is in custody.
- b. Prior to the expiration of the six-hour maximum, the youth shall be transferred from secure custody status and removed from the cell or booking area.

Youth 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). Youth who are stopped for status offenses shall be provided every opportunity for an alternative to arrest or citation.

All THF records pertaining to youth held in secure custody status shall be maintained confidentially and shall remain separate from adult records.

The recording of all youth arrests shall be documented using the SharePoint Arrest log. In the event SharePoint is unavailable, the arresting officer will obtain a paper form from the Officer-in-Charge (OIC) and will complete this paper form. The OIC will then forward the paper form to Records.

## Detention Facilities

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

## Notification of Parent or Guardian

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The parent, guardian, or legal custodian of any juvenile, including a 17-year-old 17-year-old, taken into custody must be notified as soon as possible. The responsibility for said notification rests with the officer taking the youth 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 YOUTH

### Transport to District Station or JRC

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1. In general, juveniles youth taken into temporary custody shall be conveyed to the district station of the district in which the youth juvenile was taken into custody. JRC shall be the lockup facility for youth juveniles taken into secure custody. Juveniles Youth will generally be transported in a squad car equipped with a safety shield. Youth Juveniles shall be properly restrained in seat belts or child



- restraint systems during transportation, being mindful that this restraint is for safety, not restriction of movement.
2. Youth Juveniles shall not be transported with adult prisoners unless the youth juvenile and adult have been arrested in connection with the same offense, or unless the adult is the parent or guardian of the youth juvenile.
  3. Officers conveying youth 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) processing area. Under no circumstances will an adult prisoner be allowed entry into the processing area when youth juveniles are present.

### Youth Juveniles with Medical Issues or in Need of Medication

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1. If a youth 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 youth juvenile shall be conveyed by ambulance or fire department paramedic unit to a medical facility without delay.
2. When a youth juvenile is transported to the JRC, it shall be done in an expeditious manner. If intake staff determines the youth juvenile is in need of medical clearance, then the youth 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 youth juvenile when taken into custody shall be brought to the JRC with the youth juvenile.

### BOOKING

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

When considering the proper disposition of a youth in custody, there are instances where the public interest would be better served by an officer not making an arrest or issuing a citation, even if it is legally justifiable, when other alternatives exist to respond to the situation. MPD is committed to exercising alternatives to arrest and citation for young people whenever possible, consistent with public safety to a degree even greater than that of adults.

### Disposition Alternatives

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The general procedure of the MPD is to utilize alternatives to arrest, citation, and formal disposition, absent exigent circumstances.

### Procedural Guidelines

Whenever a youth 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 surrounding the investigation. This notification shall be well documented in the report of the incident.

1. **Warn and Release:** a youth may be released with no further action, if the offense is minor in nature. This route shall be utilized as often as possible in alignment with MPD's goal of utilizing

alternatives to arrest and citation when coming into contact with youth. When going the route of warn and release, the options that should be utilized except in exigent circumstances are:

- a. **Verbal warning** with no further action.
  - b. **Informal counseling** by the officer, focused on helping the young person recognize the consequences of his/her actions.
  - c. **Release** to a parent, guardian, or other responsible adult.
  - d. **Referral** to an appropriate community social service or mental health agency.
  - e. **Referral** to an existing diversion program.
2. **Criminal Charge:** a youth 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 photograph should be taken unless the youth already has a photograph, and their appearance has not significantly changed since the last photograph. The youth shall be released to a parent, guardian, legal custodian, or other responsible adult.
3. **Referral to Dane County Juvenile Reception Center:** the decision to refer a youth to the Reception Center for the purpose of detention or intake will be reviewed by the Officer-in-Charge under any of the following conditions:
- a. Commission of a serious criminal offense;
  - b. A case involving the possession, use, or threatened use of a weapon.
  - c. The youth is unwilling to appear in court, and the parents or guardian will be unable to produce him/her upon proper notice;
  - d. The youth is likely to repeat behavior harmful to him/herself or others;
  - e. In incidents where a youth continues to resist, is uncooperative, and it appears that he or she will not submit to the control of parents or another responsible adult.

## 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.

When a youth has been properly taken into custody and investigation reveals that MPD is unable to pursue charges because the youth was not involved in the offense or there is insufficient evidence to adequately support the charge, the youth must be released. Every effort will be made to reveal this information as soon as possible after contact with the youth. 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 youth'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.~~
1. Referral to the JRC shall take place in those misdemeanor cases where detention is not appropriate and an alternative to arrest or citation could not, due to exigent circumstances, be utilized.
  2. When a youth is referred to the JRC for disposition, a minimum of 15 calendar days should be allowed between the date the youth 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 that were previously handled without being referred to the JRC.~~
  - ~~3. If the juvenile is hospitalized, all paperwork shall be filed and secured at the shift commander's office until the subject is medically cleared and ready to be discharged.~~
1. The decision to detain a youth shall be made by the OIC. The OIC may consult with the JRC intake worker when considering detaining a youth at the JRC. Only the JRC intake worker is authorized by state statute to make the decision to admit or release the youth. Under no circumstances shall a youth 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 a judge of the children's court. If there is a need for secure custody of a youth, the officer taking the youth into custody shall complete a reporting documenting the need.
  2. Detention is mandatory when one or more of the following conditions or circumstances exist:
    - a) The offense is a felony.
    - b) The offense is 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 that were previously handled without being referred to the JRC, not identified as an instance where an alternative to arrest or citation attempt should be utilized.
  3. If the youth is hospitalized, all paperwork shall be filed and secured in the OIC's office until the youth is medically cleared and ready to be discharged.

## REPORTS

### General Information

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1. The officer taking the youth juvenile into custody shall be responsible for the proper custody, control and care of a youth 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 **district geographic investigations division**, must be notified so that they may provide whatever assistance is necessary **or advisable**.

### **Arrest/Detention Report Required**

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1. A report must be completed in the following cases:
  - a. When a **youth 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 **youth juvenile**, e.g., detained, released to appear.

### **FINGERPRINT REQUIREMENT**

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

1. Indicate in the narrative portion of the citation how the **youth 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 officer member shall consult with his/her immediate supervisor.**

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

When a **youth 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 **youth juvenile** has violated the court order pursuant to Wis. Stat. 813.122 or 813.125(6), the police officer shall take the **youth juvenile** into custody. The **youth juvenile** shall be interviewed concerning the allegation.

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

### **ARRESTS OF YOUTH JUVENILES**

#### **Serious Offenses**

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**Youth 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.

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### Other Law Violations and Status Offenses

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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.

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

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MPD will accept information concerning court-directed rules and conditions for youth 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.

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### Capias or Apprehension Request

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

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

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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 and an alternative to arrest or citation cannot be utilized. The school principal or his/her designee and the Educational School Resource Officer (ESRO), 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 ESRO, when practical and 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.

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### Disposition Alternatives

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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 any case where a juvenile has consumed a drug and/or alcohol, the juvenile shall be released to a parent, guardian, 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, 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.

## Responding to Truancy

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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

Youth 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.

## When Processing an Arrested Youth Juvenile for JRC

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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 OIC to approve charges and shall make an entry into the SharePoint Arrest log. In the event that SharePoint is unavailable, the arresting officer will obtain a paper form from the OIC and will complete this paper form. The OIC will then forward that paper form to Records.
3. The Temporary Physical Custody Request Form should be completed prior to transporting the youth juvenile to JRC. A copy of this form should be forwarded to the Criminal Intake Unit (CIU).
4. Youth 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.

## Use of Youth as Paid Undercover Personnel

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Juveniles will not be used as confidential informants except in cases of compelling need, with the approval of the Chief.

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

## Photographing, Fingerprinting, and DNA Collection for Youth Juveniles

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1. Fingerprints of arrested youth juveniles are required by the 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 youth's juvenile's record.

WI Act 20 requires the collection of a DNA sample for all youth juveniles arrested for listed violent felonies. The process of DNA collection for youth juveniles arrested for violent felonies is conducted in the Central District Intake Area (GR-55). DNA collection kits are available in this area.

Wisconsin Statute 165.83 requires that fingerprints and an updated photo, if their appearance has changed, be taken each time a youth 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 youth juvenile arrests, an officer may transport the youth juvenile to the police station to obtain fingerprints and/or a photograph prior to releasing the youth juvenile if an investigative benefit can be articulated.

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

2. When an arrested youth juvenile is brought into the station for photos photographs 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 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 youth juveniles taken into custody will be the responsibility of the arresting officer. The camera in the Central District Intake Area (GR-55) will be utilized for photographs. Instructions on the camera operation are maintained at that 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

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The Records Manager 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 youth 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. 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 older for the following charges:
      - (1) 940.01 - First degree intentional homicide
      - (2) 940.02 - First-degree reckless homicide
      - (3) 940.05 - Second degree intentional homicide.
    - ii. Juvenile is 14 years of age or 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 youth juvenile was adjudicated delinquent.
3. Social welfare agencies;
4. Other law enforcement agencies;
5. Victim(s) of a youth 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 youth-jvenile when they reach the age of 18.

Original SOP: 11/09/2015

(Revised: 02/10/2016, 04/02/2018, 09/09/2019)

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



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



**Changes to Code of Conduct and Standard Operating Procedures**

Eff. Date ~~01/30/2019~~ 09/09/2019

**Code of Conduct**

The Code of Conduct is based on the values of the Madison Police Department (MPD) and thus it is anticipated that little change will be necessary. Any member of the MPD may recommend a change to the Code of Conduct. The changes must be in writing and show the edits from the most current edition of the Code of Conduct. The written request should be directed to the Assistant Chief of Support and Community Outreach.

It shall be the responsibility of the Assistant Chief of Support and Community Outreach on the behalf of the Chief, to follow-up on any proposal, and complete any needed action.

**Standard Operating Procedures (SOP)**

**SOP REVIEW**

All SOPs shall be subject to regular review. The Administrative Assistant to the Chief will initiate the process no later than November 1 of each year. SOPs due for review will be sent to a lead Captain (generally the process owner) to conduct the review. Any revisions to the SOP are due back the Chief's office by December 31 of that year.

By February 1 of the following year, the SOP revision process shall be completed, with the posting of the most current SOP, and date of revision to the current departmental reference site.

SOPs will be reviewed annually, every other year, or every three years:

<b>Annual Review</b>	<b>Every Other Year</b>	<b>Every Three Years</b>
Active Shooter Incidents	Arson Investigations	Alder Notification
Arrest, Incarceration & Bail – Adults	Back-Up	Cellular Telephones – Use of
Arrest, Incarceration & Bail – Juveniles Youth	Bomb Threats	Changes to Code of Conduct and Standard Operating Procedures
Barricaded Person Incidents	Court Overtime	City Owned Property - Use and Care
Canine Use	Guarding Prisoners	City-County Building Access - Non-Business Hours
CFS Dispatch Guidelines	Guidelines for Case Assignment and Management	Civilian Hiring Process
Civil Actions Against Police Department Employees	Hours Worked	Cold Case Review Team
Crime Scene Response	In-Car Video System	Community Rooms
Critical Incident Stress Management	Interactions with Transgender and Gender Non-Conforming Individuals	Custody of Newborn
Deadly Force - Use of	Interviews of Crime Victims	Departmental Awards and Recognition
De-Escalation	Intoxicated and Incapacitated Persons	Dignitary Protection
Demonstrations & Assemblies	Investigation of Cases Involving Officers as Victims of Serious Crimes	Donation of Vacation and Compensatory Time - Civilian Process
Detox, JRC Jail and Probation and Parole Responses and Conveyances	Investigation of Incidents Involving Shots Fired	Drug Recognition Expert
Digital Forensics	Language Access Services	Employee Assistance Program
Domestic Abuse	Missing Child	Funerals and Ceremonies of LEO
Emergency Vehicle Operations Guidelines	Mutual Aid Requests and Enforcement Action Out of Jurisdiction	HR218, LE Officer Safety Act - LEOSA - for Former Madison Police Officers

Annual Review	Every Other Year	Every Three Years
Enforcement of Immigration Laws	Naloxone - Narcan – Protocol	Identification of MPD Employees
Foot Pursuits	Overtime Guidelines	Interns Application and Acceptance Process
General Duties and Expectations of Employees	Overtime Protocols for Police Report Typists	Landlord Tenant Unwanted Guest Criminal Trespass
Handling of Confidential Informants	Patrol Leave Requests	Life Threat Emergency at Facility Public Windows
Handling of Evidence, Contraband, Found or Lost Property	Patrol Staffing Hold Guidelines, Special Events and Special Assignment Scheduling	Lost and Abandoned Property
Hostage Situation Incidents	Personal Appearance	Mendota Mental Health Institute Response
Identification Procedures	Police Weaponry	Military Leave
Labor Disputes and Picketing	Precautionary Measures and Significant Exposure to Infectious Pathogens	Mobile Data Computers - Use of
Line of Duty, Life-Threatening Injury or Death of an Employee	Probation and Parole Searches	Mounted Patrol Use
Major Case Investigations	Recording Suspect Interviews	MPD Locker Rooms
Mental Health Incidents and Crises	Reporting Procedure	News Media Relations
Non-Deadly Force - Use of	Restricted Duty	Off-Duty Officer Responsibilities
Notification of Commanding Officers	Retail Theft	Outside Employment
Officer Involved Deaths and Other Critical Incidents	Significant Exposure to Infectious Pathogens	Personnel File Contents and the Process for Accessing these Records
PSIA Complaint Investigation	Social Media - Investigative Use	Police Motorcycles
PSIA Discipline Matrix	Social Media – Non-Investigative Use	Police Vehicle Parking
PSIA Electronic Complaint File Management System	Social Media - Off Duty Use	Political Activity
Records Inspection and Release	Special Events Team Extrication Team	Pre-Employment Candidate File
Response to Persons with Altered State of Mind	Special Events Team Grenadiers	Proficiency, Continuous Improvement and After Actions Reports
Robberies in Progress and Silent Robbery Alarms	Special Events Team Medic Platoon	Replacement of Lost, Stolen or Damaged Equipment
Search Warrant Service	SWAT Body Worn Cameras	Requesting Additions or Changes to Approved Uniform and Equipment Lists
Searches	System Audits	Sex Offender Notifications
Sexual Assault Investigations	Third Party Database Use and Dissemination	Soliciting and Receiving In-Kind or Cash Donations and Applying for Grant Funding
Stop and Frisk	TIME System Use and Dissemination of Records	Special Duty
Supervision and the Early Intervention System	Traffic Parking and Crash Investigation	Stolen Vehicle Reporting Guidelines
Threats of Targeted or Mass Casualty Violence	Uniform Standards	Telestaff Requirements
Unmanned Aircraft Systems	Workplace Safety	Tours, Visitors and Ride-Alongs
Use of Force Data Collection		Tuition Reimbursement and Educational Incentive
Video and Audio Surveillance		U Visa Program Participation
Video Evidence Retrieval		Uniform Accounts
		Update of Payroll Status for Promoted Employees
		Vehicle Escorts
		Vehicle Use, Assignment and Maintenance
		WI Prescription Drug Monitoring

## MID-YEAR ADJUSTMENTS

Any member of the MPD may recommend a change to any SOP or recommend creating a new SOP. The changes must be in writing and show the edits from the most current edition of the SOP. The written request should be directed to the Administrative Assistant to the Chief.

## PROCESS FOR CHANGES

For potential changes, either at the annual review or per a recommendation, the SOP must have the edits visible on the current version. If the recommendations are for major substantive process changes, the drafts will be scheduled for a review at the Field or Support level. Final draft review will be sent to the Management Team in writing for feedback. Minor changes will only be reviewed with a draft showing mark-ups sent to the Management Team.

Once edits have completed the internal review process, public/community input on the changes will be solicited. Any input/feedback received will be shared with the Chief prior to final approval of the changes.

Changes that are time-sensitive may be implemented prior to the formal input process.

It shall be the responsibility of the Administrative Assistant to the Chief, acting as a delegate to Assistant Chief of Support and Community Outreach, to follow-up on any proposal, and complete any needed action.

Nothing in the Code of Conduct or Standard Operating Procedures is intended to create an enforceable legal right or private right of action.

Original SOP: 04/08/2015  
(Reviewed Only: 03/01/2016, 01/09/2017)  
(Revised: 01/20/2017, 03/08/2018, 08/27/2018, 01/30/2019, 09/09/2019)



# CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



## Guarding of Prisoners

Eff. Date ~~11/09/2017~~ 08/19/2019

### Purpose

On occasion there is the need for Madison Police Department (MPD) personnel to perform the function of guarding a prisoner at a medical facility. This SOP outlines the decision-making process and the resources to be utilized when it is deemed necessary to guard a prisoner.

### Procedure

If it is determined a prisoner will need more than a few hours of medical care prior to incarceration, the Officer In Charge (OIC) shall be consulted and a decision will be made as to whether MPD resources will be used to guard the prisoner at the medical facility.

Factors to be considered in making the decision to guard a prisoner include the following:

- The seriousness of the incident/offense.
- The dangerousness of the individual/hazard to the community.
- The potential danger to themselves.
- The potential for flight or escape.
- The medical issues involved and the estimated length of required hospitalization.

The OIC will consult with the involved District Command staff or Violent Crime Unit Command staff in making a determination as to whether a prisoner will be guarded at a medical facility or if alternative arrangements can be made. On-duty patrol resources are likely to be used for the first prisoner guard assignment shift. The OIC and District Command will coordinate a staffing plan for the initial 72 hours prisoner guarding assignments **as follows to include the following personnel:**

- **If patrol staffing is adequate (above hard minimum staffing level), on-duty patrol officers will be used to fill guard duty assignments. ~~On-duty patrol officers if patrol staffing is above hard minimum staffing level.~~**
- **Overtime officer assignments** If patrol staffing is **at or below** hard minimum staffing levels (original case used to track OT) guard assignments will be staffed on overtime. Assignments will be consistent with relevant contractual provisions, with priority for assignment as follows:
  - To police officers assigned to patrol;
  - To non-patrol police officers (if insufficient patrol assigned officers express interest);
  - To sergeants assigned to patrol (if insufficient police officers express interest);
  - To all other commissioned personnel (if insufficient police officers and patrol assigned sergeants express interest).

After the initial 72 hour time frame, the First Detail OIC will be responsible to coordinate a prisoner guarding staffing plan that is staffed using overtime available to all commissioned staff on a voluntary basis. The prisoner status and staffing plan should be reviewed by the First Detail OIC on a daily basis. **Overtime assignments will be consistent with relevant contractual provisions, with priority for assignment as follows:**

- To police officers assigned to patrol;
- To non-patrol police officers (if insufficient patrol assigned officers express interest);
- To sergeants assigned to patrol (if insufficient police officers express interest);
- To all other commissioned personnel (if insufficient police officers and patrol assigned sergeants express interest).

If no one expresses interest in an overtime guarding assignment, patrol resources should be ordered to fill the assignment (consistent with existing order over procedures).

Officers assigned to guard duty should be assigned to the original incident case number for the first 24 hours of guard duty. After 24 hours, The OIC or appropriate commander should generate a new case number (incident type: Assist – Guard Duty) using the medical facility as the address of occurrence. All subsequent guard assignments should be assigned on the CAD to the new case number. Any reports completed in connection with the guard duty should be completed under the original incident case number.

## Prisoner Guarding Protocol

The following guidelines will be adhered to whenever a prisoner is under guard at a medical facility:

- Officers will notify hospital/facility security of their presence upon arrival.
- Two officers should be assigned to the prisoner.
- The prisoner should be restrained unless their injury/illness prohibits it.
- Officers will remain in the room with the prisoner unless medical circumstances prevent it. Officers will coordinate with medical staff to maintain a reasonable degree of control/observation of the prisoner.
- Prisoners are not allowed access to phones for personal communications without approval from an MPD commander.
- Prisoners are not allowed visitors without approval from an MPD commander (professional visits from attorneys are generally permitted). In the event that approval is granted, guarding officers will document the visit (time, duration, names of visitors, etc.) in a report. Officers will remain in the room during visitation (excluding attorney visits when appropriate).

The restrictions apply to prisoners who are in custody and under arrest, and not to individuals who might be guarded for other purposes.

Command staff from the District/Unit responsible for the arrest may specify guidelines that add to or modify those above.

Original SOP: 12/08/2015  
(Revised: 03/04/2016, 01/27/2017, 11/09/2017, 08/19/2019)  
(Reviewed Only: 02/22/2016)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



**Non-Deadly Force – Use of**

Eff. Date ~~03/01/2019~~ 09/23/2019

**Purpose**

Consistent with the Department's Core Values, the Madison Police Department is committed to valuing and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the Department's fundamental objective and the primary duty of all MPD employees.

The Department is committed to resolving conflicts through the use of communication skills, crisis intervention and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

As used in this SOP, non-deadly force means the use of any weapon or instrument, or any physical action taken by an officer which is not likely to cause death.

**Procedure**

**NON -DEADLY FORCE AUTHORIZED**

Non-deadly force is only authorized when an officer reasonably believes it is necessary to control a person under any of the following circumstances:

1. Detaining a person reasonably suspected of unlawful behavior.
2. Effecting a lawful arrest.
3. Achieving/maintaining control of resistive subjects.
4. Preventing escape.
5. Protecting oneself or another.
6. Maintaining order.
7. Taking a person into custody for emergency detention or protective custody.

**FORCE CONSIDERATIONS**

Officers shall use the degree of force believed to be objectively reasonable to control a situation considering the following factors:

1. The existence of alternative methods of control.
2. Physical size, strength and weaponry of the person as compared to the officer.
3. The nature of the encounter.
4. Actions of the person.
5. The severity of the offense.
6. Whether the subject poses a threat to the safety of officers or citizens.
7. Whether the subject is actively resisting arrest or attempting to evade arrest by flight.

## SPECIAL CIRCUMSTANCES

As time and circumstances permit, there are a number of special circumstances officers may consider when engaging in and evaluating reasonable uses of force. These factors include, but are not limited to:

1. Reasonable perception of threat.
2. Special knowledge of the subject.
3. Sudden assault.
4. Subject's ability to escalate force rapidly.
5. Officer's physical positioning.
6. Injury or exhaustion.
7. Equipment and training.
8. Availability of backup.
9. Other exigent circumstances.

Control of a person through presence and verbal commands shall always be the preferred method of control. Because verbal commands are not always effective or appropriate in gaining compliance, officers may escalate the degree of force used, or make an affirmative decision to disengage, based on the actions of the person they are attempting to control. Officers will continually evaluate/assess the situation and need for the use of force. Once a person is under control, officers are required to revert to the lowest degree of force necessary to maintain that control, and then begin steps to render aid when applicable.

The degree of force an officer chooses should be based on his/her tactical evaluation and threat assessment of the situation. Based upon the totality of the circumstances known at the time, and in light of the officer's training and experience, the officer should choose a tactic/procedure that is objectively reasonable and is consistent with one of the following:

1. The tactic/procedure utilized is a trained technique.
2. The tactic/procedure is a dynamic application of a trained technique.
3. The tactic/procedure not trained, but justifiable under the circumstances.<sup>1</sup>

## DE-ESCALATION

Whenever safe and feasible, officers will attempt to utilize de-escalation tactics and techniques in a manner consistent with the De-Escalation SOP.

## USE OF FORCE TECHNIQUES/INSTRUMENTS

The intentional continued restriction of the carotid neck arteries is not a trained MPD technique and is therefore prohibited, unless deadly force is justified.

## THE USE OF OLEORESIN CAPSICUM SPRAY (O.C. SPRAY)

1. Officers may use O.C. spray when they reasonably believe they are facing active resistance, or its threat, from the subject. O.C. spray is not to be used against subjects who are offering only passive resistance.
2. Officers shall only direct O.C. spray in a manner as prescribed by the Chief of Police through MPD training.
3. O.C. spray shall not be used once an individual is subdued and under control.
4. If practical, the individual should be provided with an opportunity to eliminate the effects of the irritant by washing and flushing the affected areas with water.

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<sup>1</sup> Excerpted from Defensive and Arrest Tactics, A Training Guide For Law Enforcement Officers, Wisconsin Department of Justice, Law Enforcement Standards Board, March 2007.



## CHEMICAL AGENT USE

Officers shall discharge chemical agents only in a manner as prescribed by the Chief of Police through MPD training.

## ELECTRONIC CONTROL DEVICE USE

1. An approved electronic control device (ECD) may only be utilized by officers that have successfully completed training in its use. Deployment and use of the electronic control devices will be in accordance with MPD training and procedure.
2. In cases where a subject is believed to be armed with a dangerous weapon, an ECD is not a substitute for deadly force. In such situations, an officer should not arm him or herself with an ECD unless another officer at the scene has the immediate ability to deliver deadly force, unless unique circumstances dictate otherwise. Officers armed with an ECD should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. An officer may only display, present, or threaten to use an ECD if the officer reasonably believes that the potential for its authorized use exists. Furthermore, an officer may do so absent deadly force coverage if they reasonably believe the involved person is not armed with a dangerous weapon.
4. An ECD may only be used under the following circumstances:
  - a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
  - b. To control persons in order to prevent them from harming themselves or others.
5. Use of an ECD under the following circumstances is prohibited, unless exigent circumstances are present:
  - a. Against handcuffed subjects.
  - b. Against subjects fleeing on foot.
  - c. Against subjects in an elevated position where a fall is likely to result in significant injury.
  - d. Against subjects operating a motor vehicle.
  - e. Against small children.
  - f. Against a subject who is visibly pregnant or known to be pregnant.
  - g. Against elderly subjects.
  - h. From a moving vehicle.
6. The ECD will not be used under the following circumstances:
  - a. For coercion or intimidation.
  - b. To escort or prod subjects.
  - c. To awaken unconscious or intoxicated subjects.
  - d. Against subjects who are offering only passive resistance.
7. ECD probes may not be intentionally fired at the face, head, neck or groin, unless the use of deadly force would be justified.
8. Multiple, extended or simultaneous ECD applications against a single individual are generally not recommended, and should be avoided unless the officer reasonably believes that the need to control the subject or unavailability of alternative force options outweighs the potential risk posed by multiple, extended or simultaneous applications.
9. Officers shall assess all subjects against whom an ECD has been deployed. The subject shall be evaluated by medical personnel if:
  - a. The subject requests medical treatment.
  - b. The subject displays an adverse reaction to the ECD deployment.
  - c. The subject has been exposed to more than one ECD simultaneously.
  - d. The subject has been exposed to three (3) or more ECD firing cycles; or one continuous firing cycle of fifteen (15) seconds or more.
10. If the ECD probes have penetrated the skin in a sensitive area (head, neck, groin or breast) the subject will be conveyed to an emergency room for removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them.

11. Removing the air cartridge to deploy an ECD in the drive-stun mode is not authorized as a primary ECD deployment technique.

### **BATON USE**

1. A baton may be used when an officer reasonably believes a lesser degree of force would be insufficient to control the situation.
2. An officer shall never intentionally strike a person's head with a baton unless such an action is justified under the use of deadly force.
3. Officers shall only use MPD-approved batons and techniques.
4. MPD-approved batons are the only authorized impact weapons. Flashlights, radios, firearms, etc., are not recommended as impact weapons; however, the MPD recognizes that emergency self-defense situations involving other objects and instruments may occur.

### **IMPACT PROJECTILES**

1. Impact projectile weapons may only be utilized by officers that have successfully completed training in their use. Deployment of impact projectiles will be in accordance with MPD training.
2. In cases where a subject is believed to be armed with a dangerous weapon, an impact projectile weapon is not a substitute for deadly force. Unless circumstances dictate otherwise, an officer should not arm him or herself with an impact projectile weapon unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with impact projectile weapons should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. It is the responsibility of the officer arming him or herself with an impact projectile weapon to ensure that the weapon is loaded with impact projectiles each time the weapon is deployed.
4. Deployment of impact projectiles at non-vital areas is considered non-deadly force. Impact projectiles may only be used under the following circumstances:
  - a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
  - b. To control persons in order to prevent them from harming themselves or others.Additionally, an officer must reasonably believe that a lesser degree of force would be insufficient to control the situation, or that it is necessary to deliver force at a safe distance from the subject.
5. The intentional deployment of impact projectiles at the face, head or neck is considered deadly force.
6. All persons taken into custody who have been struck with an impact projectile will be conveyed to an emergency room for medical clearance.
7. The investigative requirements of the Use of Deadly Force SOP will be followed only if deployment of an impact projectile results in death or great bodily harm.
8. Absent an imminent risk of harm to officers or citizens, impact projectiles will not be used in crowd control situations. Impact projectiles will not be used to move or disperse crowds.
9. Impact projectiles may be deployed in other jurisdictions pursuant to a mutual aid request. In the event that an individual struck with an impact projectile is taken into custody by another agency, officers from that agency shall be notified of the need for medical treatment.

### **CANINE USE**

See MPD SOP on Canine Use.

### **USE OF RESTRAINING DEVICES**

1. Officers shall place handcuffs on any individual in custody when the officer reasonably believes the individual may become violent, attempt to escape, or pose a danger to self or others. It is mandatory that all persons who have aggressively resisted or attacked another person be placed in handcuffs.

2. Officers shall apply handcuffs in a manner prescribed by the Chief of Police through MPD training.
3. When handcuffs prove to be insufficient in restraining an individual (e.g., kicking, attempting to flee, etc.), officers may employ the use of additional MPD-approved restraining devices.
4. In an emergency situation when a MPD-approved restraining device is not available, the MPD recognizes that alternative devices may have to be employed. In such situations, approved devices should be substituted as soon as reasonably practicable.
5. Individuals who are placed in a maximum restraint position should be continuously monitored for breathing and circulation.

### USE OF SPIT HOODS

1. A spit hood is a temporary protective device, which may be used on persons that display behavior or threatening behavior that pose a hazard of exposure to bodily fluids transmitted by spitting, wiping blood from their face/head, or wiping/blowing nasal discharges at or onto officers.
2. Officers should use only MPD-approved spit hoods. In an emergency situation if not readily available, officers may utilize other breathable items, such as pillowcases, surgical masks, etc.
3. Officers shall apply the spit hood in accordance with MPD training.
4. Persons wearing the spit hood must be closely monitored and shall not be left unattended.
5. Officers shall document the use of the spit hood including the circumstances requiring its use in their report of the incident. A copy of the report shall be routed to Training.

### USE OF FORCE REPORTING REQUIRED

Any officer who uses physical force, or any of the following enumerated weapons, items or devices against another person, shall complete an original or supplementary report on the incident involved:

1. Firearms (including pointing a firearm at an individual)
2. Baton or Less Lethal Impact Munitions
3. Chemical Agents, including OC spray, or Electronic Control Devices
4. Handcuffs or Other Restraining Devices, including hobble restraints, spit hoods, etc.
5. Physical force, including focused and diffused strikes, pressure points, escort holds, decentralization techniques, holding or grabbing of subjects, etc.

The report shall specifically note the totality of the circumstances necessitating force and the manner of force employed.

### DUTY TO INTERCEDE

Any officer present and observing another officer using excessive force, or engaged in unlawful conduct, or in violation of the Madison Police Department's Code of Conduct has an affirmative obligation to intercede and report.

### AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. Any time recordable force (takedowns, active countermeasures, OC spray, impact weapons, hobble restraints, less lethal projectiles, ECD deployments, K9 apprehensions) is used officers will affirmatively ask the subject against whom the force has been used if he/she wants medical treatment.

## USE OF FORCE REVIEW AND INVESTIGATIONS

All instances of the use of non-deadly force shall be reviewed for compliance with MPD procedure by an appropriate supervisor. Anytime a commissioned employee uses recordable force during an incident, the force must be documented in the MPD use of force database.

In cases where a complaint is filed pertaining to an officer's use of non-deadly force, the Professional Standards and Internal Affairs Unit (PSIA) has the primary responsibility for coordinating the internal investigation to ensure compliance with the MPD Use of Non-Deadly Force SOP.

If necessary, as part of the District's or PSIA's internal investigation, members from the Personnel and Training Team who are certified WI Defensive and Arrest Tactics (DAAT) instructors can be consulted to determine findings and forward their conclusions to the appropriate source requesting assistance.

Original SOP: 03/23/2015

(Revised: 05/26/2016, 07/10/2017, 12/06/2017, 03/01/2019, 09/23/2019)

(Reviewed Only: 12/22/2016)