

CITY OF MADISON  
**INTER-DEPARTMENTAL**  
CORRESPONDENCE

February 19, 2025

To: City of Madison Common Council Alders

From: John Patterson, Acting Chief of Police

Subject: Quarterly Report (4<sup>th</sup>, 2024)

**Mission Statement of the Madison Police Department**

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

**Community Policing**

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

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

This document provides an update on selected MPD topics for the fourth quarter (October, November, and December) of 2024.

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

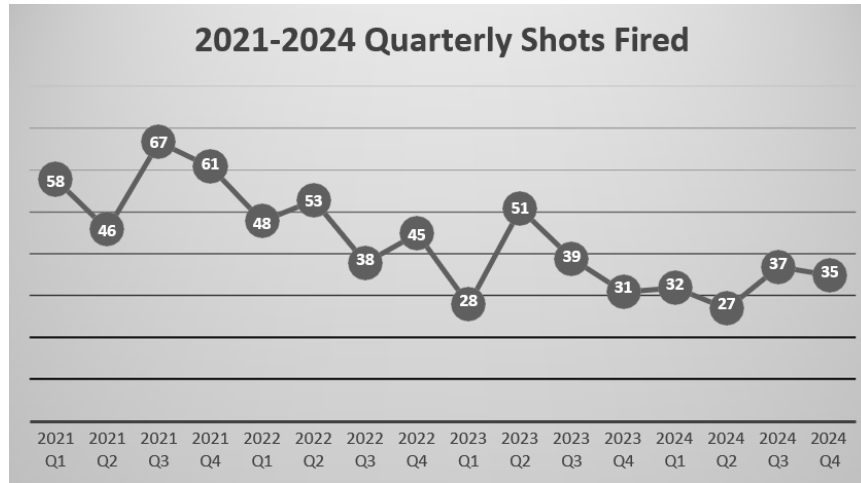
**Emergency and Priority Calls**

During the 4<sup>th</sup> quarter, MPD patrol response was limited to emergency and priority calls about 10.4% of the time. Given the volume of 9-1-1 calls or the severity of calls requiring multiple resources, there were 88 instances where MPD's patrol response was limited. Note that some of these instances did not impact citywide response but were limited to a particular district or area of the city. The 88 instances occurred on 62 dates (some days required limited call response multiple times); this means that at some point on 67.4% of the days during the 4<sup>th</sup> quarter MPD patrol response was limited. The 88 instances spanned about 230.4 total hours of limited call response, an average of 2.8 hours per instance.

**Significant Incidents**

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

There were thirty-five (35) shots fired incidents in the City from October 1<sup>st</sup> through December 31<sup>st</sup> (2024). This represents a **5.4% decrease** from the 3<sup>rd</sup> quarter of 2024.

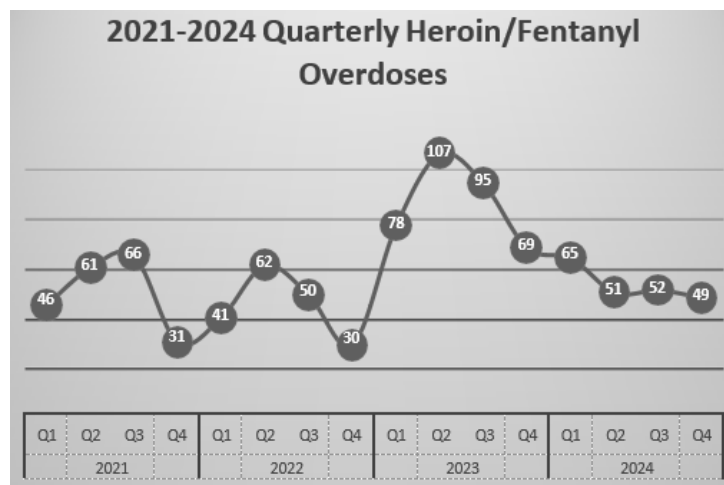


Shots fired are broken into the following categories and the count of casings recovered:

	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Total
Property Damage	9	14	9	13	45
Subjects Struck by Gunfire*	4	15	3	19	41
Accidental Discharge	1	1	0	0	2
Self-Inflicted (intentional)	5	2	3	3	13
Casings Recovered	44	152	66	255	517

\*Excludes accidental discharge & self-inflicted

Heroin Overdoses – MPD responded to forty-nine (49) known heroin overdoses during the fourth quarter of 2024. This represents a **27% decrease** from the 3<sup>rd</sup> quarter of 2024. [Note that these figures refer to known overdoses. It is likely that many overdoses are occurring without any report to MPD or MFD.]



There were zero (0) suspected overdose deaths during the fourth quarter of 2024. This is a **100% decrease** from the 3<sup>rd</sup> quarter of 2024. [Note that these figures only include overdose deaths with police involvement and clear evidence of an overdose; the actual figure may be higher].

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

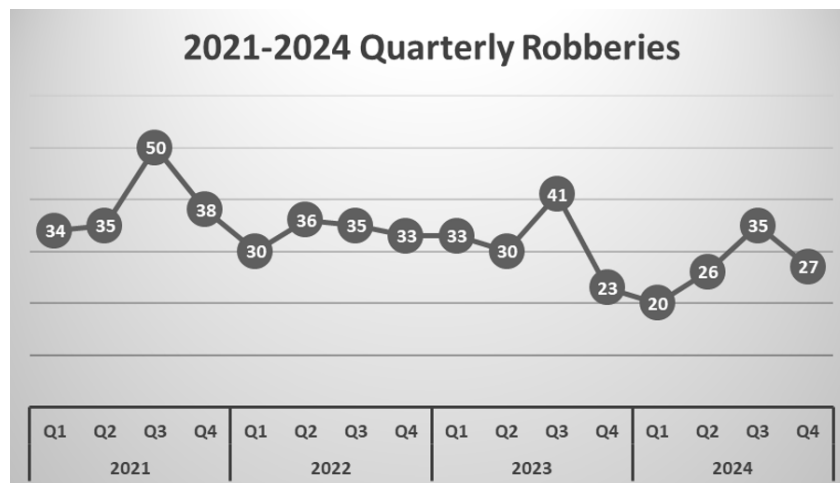
*Diversion* occurs when police refer individuals to a program or services in lieu of an arrest. Pre-arrest or pre-charge diversion seeks to connect individuals with community-based help, while avoiding a damaging arrest record.

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

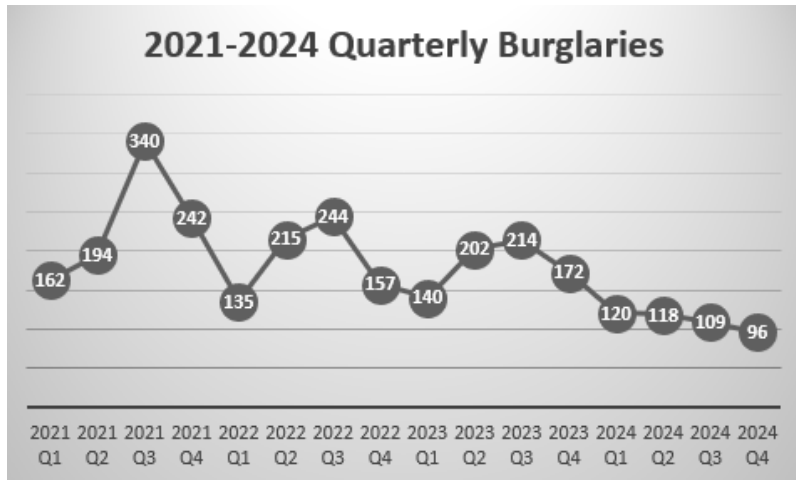
**Madison Area Addiction Recovery Initiative (MAARI)** is a program for individuals living with substance use disorders who have committed eligible, non-violent offenses stemming from their disease of addiction. The program offers six months of individualized treatment and coaching to participants. Participants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

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

Robberies – Twenty-seven (27) robberies occurred in the City during the fourth quarter of 2024. This is a **22.8% decrease** from the 3<sup>rd</sup> quarter of 2024.



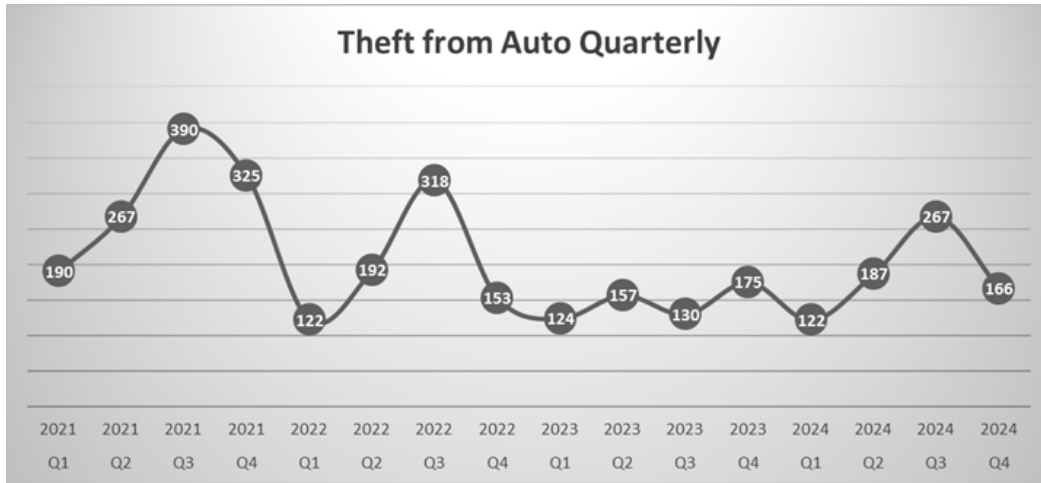
Burglaries – MPD responded to 96 burglaries during the fourth quarter of 2024. This represents a **12% decrease** from the burglaries reported in the 3<sup>rd</sup> quarter of 2024.



Stolen Autos – MPD investigated sixty-four (64) stolen autos during the fourth quarter of 2024. This is a **23% increase** from the 3<sup>rd</sup> quarter of 2024.



Thefts from Vehicles – MPD investigated 166 thefts from vehicles during the fourth quarter of 2024. From the 3<sup>rd</sup> quarter of 2024, this is a **38% decrease**.



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

**Arrest Data**

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

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

In the 4<sup>th</sup> quarter of 2024, MPD responded to **35,473 calls for service**. Of this total, there were 1,451 on-view arrests and 689 citations issued (Group A and Group B offenses).

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

Sex	Q1	Q2	Q3	Q4	Total	%
Male	1,106	1,068	1,213	1,078	4,465	75.6%
Female	364	370	330	373	1,437	24.3%
Unknown	1	0	0	0	1	0.0%
<b>Total</b>	<b>1,471</b>	<b>1,438</b>	<b>1,543</b>	<b>1,451</b>	<b>5,903</b>	<b>100%</b>

Race	Q1	Q2	Q3	Q4	Total	%
Asian	23	23	19	29	94	1.6%
African American	679	685	783	712	2,859	48.4%
Native American	3	5	7	22	37	0.6%
Other	34	34	30	24	122	2.1%
Caucasian	732	691	704	664	2,791	47.3%
<b>Total</b>	<b>1,471</b>	<b>1,438</b>	<b>1,543</b>	<b>1,451</b>	<b>5,903</b>	<b>100%</b>
Hispanic*	163	139	165	235	702	11.9%

“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.

Fourth quarter **citation** data:

<b>Sex</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Total</b>	<b>%</b>
Male	472	435	418	400	1,725	58.4%
Female	324	316	299	289	1,228	41.6%
Unknown	1	0	0	0	1	0.0%
<b>Total</b>	<b>797</b>	<b>751</b>	<b>717</b>	<b>689</b>	<b>2,954</b>	<b>100%</b>
<b>Race</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Total</b>	<b>%</b>
Asian	40	24	26	23	113	3.8%
African American	170	192	197	175	734	24.8%
Native American	4	4	3	8	19	0.6%
Other	15	17	19	23	74	2.5%
Caucasian	568	514	472	460	2,014	68.2%
<b>Total</b>	<b>797</b>	<b>751</b>	<b>717</b>	<b>689</b>	<b>2,954</b>	<b>100%</b>
Hispanic*	53	41	63	47	204	6.9%

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

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

Resources:

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

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

<b>Group A Offenses</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Total</b>	<b>%</b>
Animal Cruelty	1	7	0	1	9	0%
Arson	1	2	6	1	10	0%
Assault Offenses	669	634	624	546	2,473	9.3%
Bribery	0	0	0	0	0	0%
Burglary	133	123	131	105	492	1.9%
Counterfeiting/Forgery	32	16	18	23	89	0.3%
Damage to Property	307	330	349	345	1,331	5%
Drug/Narcotic Offenses	317	281	293	259	1,150	4.3%
Embezzlement	7	9	9	4	29	0.1%
Extortion	9	17	21	19	66	0.2%
Fraud Offenses	322	335	296	301	1,254	4.7%
Gambling Offenses	0	0	0	0	0	0%
Homicide Offenses	0	2	1	3	6	0%
Human Trafficking Offenses	0	0	1	2	3	0%
Kidnapping/Abduction	17	21	28	29	95	0.4%
Larceny/Theft Offenses	1,139	1,161	1,443	1,272	5,015	18.9%
Motor Vehicle Theft	100	91	91	100	382	1.4%
Pornography/Obscene Material	6	9	11	12	38	0.1%
Prostitution Offenses	0	0	1	2	3	0%
Robbery	20	25	36	27	108	0.4%
Sex Offenses, Forcible	46	54	36	31	167	0.6%
Sex Offenses, Non-Forcible	4	1	1	1	7	0%
Stolen Property Offenses	11	5	9	7	32	0.1%
Weapon Law Violations	53	87	78	62	280	1.1%
<b>Group B Offenses</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Total</b>	<b>%</b>
Bad Checks	5	2	10	5	22	0.1%
Curfew/Loitering/Vagrancy Violations	0	0	0	0	0	0%
Disorderly Conduct	636	727	850	822	3,035	11.5%
Driving Under the Influence	213	227	195	217	635	3.2%
Drunkenness	0	0	0	0	217	0%
Family Offenses, Nonviolent	30	22	22	16	90	0.3%
Liquor Law Violations	61	66	32	46	205	0.8%
Peeping Tom	0	0	0	0	0	0%
Runaway	0	0	0	0	0	0%
Trespass of Real Property	231	188	208	244	871	3.3%
All Other Offenses	2,161	2,130	2,090	1,975	8,365	31.6%
<b>Total</b>	<b>6,531</b>	<b>6,572</b>	<b>6,892</b>	<b>6,479</b>	<b>26,474</b>	<b>100%</b>

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

### Use of Force Overview

During the fourth quarter of 2024, MPD officers responded to **35,473** calls for service. In that time, there were fifty-eight (58) contacts in our community in which officers used recordable force during the encounter. This means that in the fourth quarter, MPD officers used recordable force **0.16%** (less than one quarter of 1%) of the time when engaging with members in our community. Each of these force incidents was reviewed for compliance with MPD standard operating procedures.

Description	Q1	Q2	Q3	Q4	Total/%
Calls for Service	34,188	38,202	40,532	35,473	148,395
Contacts Where Force Was Used	77	93	77	58	305
% of CFS Where Force Was Used	<b>0.23%</b>	<b>0.24%</b>	<b>0.19%</b>	<b>0.16%</b>	<b>0.21%</b>
<b>Force</b>					
Decentralization/Takedown (e.g. officer pushing or pulling a subject to the ground)	71	80	62	53	266/67.2%
Active Counter Measures (e.g. officer striking a subject with hand, forearm, foot or knee)	9	7	12	16	44/11.1%
Taser Deployment	1	8	9	6	24/6.1%
Hobble Restraints (a belt system that restricts a subject’s ability to kick at officers, squad windows, etc.)	11	6	13	7	37/9.3%
OC (i.e. Pepper) Spray Deployment	2	2	1	2	7/1.8%
Baton Strike	0	2	0	0	2/0.5%
K9 Bite	3	1	4	2	10/2.5%
Firearm Discharged Toward Suspect	0	0	1	0	1/0.3%
Impact Munition (firearm delivered projectile launched at a lower-than-normal velocity)	0	3	2	0	5/1.3%
Specialty (SWAT/SET)	0	0	0	0	0/0.0%
<b>Total</b>	<b>97</b>	<b>109</b>	<b>104</b>	<b>86</b>	<b>396/100%</b>
Firearm Discharged to Put Down a Sick or Suffering Animal	16	23	11	30	80

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

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

District	Q1	Q2	Q3	Q4	Total	%
West	6	6	6	5	23	7.5%
Midtown	8	12	15	6	41	13.4%
South	4	7	9	7	27	8.9%
Central	25	37	23	21	106	34.8%
North	14	18	11	10	53	17.4%
East	19	12	10	9	50	16.4%
Out of County	0	0	0	0	0	0.0%
Within County - Assist	1	1	3	0	5	1.6%
<b>Total</b>	<b>77</b>	<b>93</b>	<b>77</b>	<b>58</b>	<b>305</b>	<b>100%</b>
Time of Day/Patrol Shift	Q1	Q2	Q3	Q4	Total	%
1 <sup>st</sup> Detail (7am – 3pm)	14	21	17	12	64	21%
3 <sup>rd</sup> Detail (3pm – 11pm)	40	39	36	33	148	48.5%
5 <sup>th</sup> Detail (11pm – 7am)	23	33	24	13	93	30.5%
<b>Total</b>	<b>77</b>	<b>93</b>	<b>77</b>	<b>80</b>	<b>305</b>	<b>100%</b>



### Restorative Justice Data (4<sup>th</sup> Quarter, 2024)

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

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

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

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

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

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

12–16-Year-Old Youth Data from YWCA	17–25-Year-Old Data from CRC																			
Total referrals issued: 71 Opted-in: 58 Opted out: 7 Neither: 5 (these referrals were voided due to defendant’s age or per officer) Waiting for Opt-in/Opt-out: 1  Offenses: <ul style="list-style-type: none"> <li>• Retail Theft: 7</li> <li>• Theft: 5</li> <li>• Trespass: 8</li> <li>• Disorderly Conduct: 30</li> <li>• Damage to Property: 3</li> <li>• Battery: 7</li> <li>• Resist Or Obstruct: 1</li> <li>• Underage Possess/Consume: 2</li> <li>• Facsimile Firearm: 4</li> <li>• Unlawful Use of Computer: 1</li> <li>• Underage Alcohol Laws: 1</li> </ul>	Referrals from October 1 <sup>st</sup> through December 31 <sup>st</sup> , 2024  Total MPD Referrals = <b>43</b>  Total MPD Referrals by Offense Type = 48 <i>*Total is more than 43 due to Clients with more than one citation.</i> <ul style="list-style-type: none"> <li>• Direct Referrals = 0</li> </ul>																			
	Offenses: <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td>Municipal - Battery</td> <td style="text-align: right;">5</td> </tr> <tr> <td>Municipal – Trespass/Trespass to land</td> <td style="text-align: right;">2</td> </tr> <tr> <td>Municipal - Disorderly Conduct</td> <td style="text-align: right;">19</td> </tr> <tr> <td>Municipal - Resisting/Obstructing</td> <td style="text-align: right;">1</td> </tr> <tr> <td>Municipal - Damage to Property</td> <td style="text-align: right;">4</td> </tr> <tr> <td>Municipal - Retail Theft/Shoplifting</td> <td style="text-align: right;">8</td> </tr> <tr> <td>Municipal – Retail Theft – Intentional Take (&gt;\$500)</td> <td style="text-align: right;">1</td> </tr> <tr> <td>Municipal – Unlawful Trespass</td> <td style="text-align: right;">8</td> </tr> <tr> <td style="text-align: right;"><b>Total:</b></td> <td style="text-align: right;"><b>48</b></td> </tr> </tbody> </table>		Municipal - Battery	5	Municipal – Trespass/Trespass to land	2	Municipal - Disorderly Conduct	19	Municipal - Resisting/Obstructing	1	Municipal - Damage to Property	4	Municipal - Retail Theft/Shoplifting	8	Municipal – Retail Theft – Intentional Take (>\$500)	1	Municipal – Unlawful Trespass	8	<b>Total:</b>	<b>48</b>
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## Traffic

### Traffic Complaints –

Community members may submit a traffic complaint or concern to the Madison Police Department by utilizing [online submissions](#) or calling the Speeder’s Hotline (608-266-4822). In the 4<sup>th</sup> quarter of 2024, MPD received 160 traffic complaints.

### Serious/Fatal Crashes

In the 4<sup>th</sup> Quarter of 2024, MPD responded to 830 crashes. 126 of these crashes required additional investigations. Those investigations resulted in 2 fatalities, 21 serious injuries, and 148 minor injuries.

### Traffic Grants

Traffic Grant Data (4 <sup>th</sup> Quarter, 2024)	Number of Grants	Citations Issued	Warnings Issued
Alcohol	9	117	178
Speed	0	0	0
Seatbelt	7	100	119
Ped/Bike	2	27	51

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

## Training

Our 2024 Academy Class completed the remaining part of phase 2 and all of phase 3 instruction during the 4<sup>th</sup> quarter of 2024. Academy instruction in the 4<sup>th</sup> quarter was focused on getting the class ready to graduate and transition to field training and evaluation. All members of the 2024 class graduated in November and began their field training phases. The 4<sup>th</sup> quarter had phases 1, 2 and part of 3 for field training and evaluation where the class members ride and train with field training officers. MPD's Fall Professional Development was in full swing, with all commissioned personnel receiving training in firearms, defensive tactics, de-escalation, CPR and officer wellness. The training center also hosted several promotional academies for various ranks for those members of our department looking to promote to a higher rank. The training team continues to see highly qualified applicants in our hiring process and we look forward to having a robust and diverse candidate and eligibility list for the Academy Class of 2025.

### SOP Updates

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

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

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

MPD did not acquire any property through DLA/LESO during the fourth quarter of 2024.

## **2024 – Fourth Quarter Promotions**

Detective Pedro Ortega-Mendoza to Detective Sergeant  
Police Officer Kyle Dabbs to Sergeant  
Police Officer James Brown to Sergeant  
Police Officer Grace Favor to Detective  
Police Officer Lucas Hale to Sergeant  
Police Officer Jessica Wolf to Detective  
Detective Mark Hull to Detective Sergeant  
Detective Ken Mosley to Detective Sergeant  
Police Officer Tyler Hess to Detective  
Police Officer Sam Brier to Sergeant  
Police Officer Korrie Rondorf to Detective

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

<https://www.cityofmadison.com/police/documents/psiaSummary2024OctDec.pdf>

<https://www.cityofmadison.com/police/documents/psiaRecognition2024OctDec.pdf>

## Updated/New SOPs for MPD: October-December 2024

Line of Duty Death of an Employee: 09/20/2024

Searches: 10/03/2024

Searches: 10/04/2024



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Line of Duty Death of an Employee

Effective Date: ~~1/23/2024~~ 09/20/2024

## Purpose

The purpose of this SOP is to outline the Madison Police Department's response to a line of duty death.

The Madison Police Department (MPD) recognizes that a line of duty death will likely have far-reaching affects across the agency and the community, and will require a timely and sensitive response to the needs of the involved officers, surviving family members, the organization, and the community.

The Madison Police Department recognizes that adhering to an incident command model, with clearly defined assignments/roles, will greatly assist the surviving family members and the organization in the aftermath of a line of duty death.

The Madison Police Department recognizes that proper "notification" is a critical component of the survivors' ability to adjust to the loss of a family member.

The Madison Police Department recognizes that ensuring survivor benefits are in order and quickly addressed will assist the surviving family in the aftermath of their loss.

The Chief of Police may institute any part of this policy for a non-commissioned employee of the Madison Police Department, or for any death of a Madison Police Department Public Safety Officer.

## Definitions

**Public Safety Officer:** An individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer.

**Line of Duty Death (LODD):** Any action, felonious or accidental, which claims the life of a Madison Police Department sworn employee, while on duty. This definition is for the purposes of this policy only. Also:

Pursuant to 34 U.S. Code SUBCHAPTER XI— PUBLIC SAFETY OFFICERS' DEATH BENEFITS, a line of duty death is presumed when a public safety officer dies from a heart attack, stroke, or vascular rupture while engaged in, on duty, or within 24 hours of participating in a non-routine stressful or strenuous physical law enforcement service, or a training exercise involving non-routine stressful or strenuous physical activity.

**Survivors:** Primary family members of the deceased employee, including spouse, children, grandchildren, parents, grandparents, siblings, fiancé, and/or significant others.

**LODD Involved Officer:** An officer who is directly involved in the line of duty death of another officer.

**Family Liaison Officer:** A member of the Madison Police Department who is assigned to the survivors of the officer killed in the line of duty, for the purposes of coordinating communication between the survivors and the involved agency to include funeral arrangements, benefits, and investigative updates. In most cases, this will be a member of the MPD Peer Support Team who has received specialized training in dealing with line of duty deaths and the role of a Family Liaison Officer.

**Employee Designated Representative (EDR):** A pre-identified person, of the deceased officer's choosing, who can act as a liaison between the survivors, the Family Liaison Officer(s), and the Madison Police Department.

**Law Enforcement Death Response Team (LEDR):** The Wisconsin Department of Justice Law Enforcement Death Response team is an available resource/team that is trained to assist with all details surrounding the death of a law enforcement officer, regardless of the circumstances. LEDR's response is willing to assist any agency in any manner requested and can include: Death Notification, Critical Incident Debriefings, Peer Counseling, Funeral Service Preparations, Public Safety Officer Benefits (PSOB), Family Support, Media Coordination, and Department logistics. LEDR can be reached 24/7 at: (866) 410-5337.

**Notification Team:** The personnel responsible for notifying the next of kin of a deceased employee. Ideally, this team consists of the Chief of Police or designee, the person(s) designated in the employee's emergency notification packet, and a representative from the county medical examiner's office, with emergency medical technicians (EMTs) standing by; however, the time necessary to fully assemble and deploy this team must be balanced against the prompt notification of survivors, with special consideration given to any possibility that a survivor might be able to reunite with an employee before their passing.

## Procedures

### Pre-Incident

1. All employee photographs shall be kept up-to-date.
2. Employees will meet with their supervisor annually to review and edit (if necessary) all paperwork related to critical incidents and emergency notifications.
  - a) In order to make prompt notification to an employee's family, in the case of a death, an Employee Emergency Notification packet is saved to the employee's personnel file in LERMS. This packet will contain a notification sequence for each employee of the Madison Police Department, indicating who should be notified first, second, third etc., their addresses, and phone numbers. Employees should include in this sequence someone who would be able to contact/locate dependents who are in school or additional people to contact. Employees may also identify an Employee Designated Representative. See Employee Emergency Notification Information Packet (Form A).
  - b) All employees are encouraged to make sure they have up-to-date beneficiary designations in place.
  - c) Employee Emergency Notification packets shall only be viewed for official purposes related to a notification, or for administrative purposes by the supervisor responsible to ensure the form has been reviewed annually. Access history to Employee Emergency Notification packets will be audited to ensure that only appropriate access occurs.
3. Peer support officers who can act as Family Liaison Officers should attend training that teaches best practices in dealing with line of duty deaths.

### In the Event of a Line of Duty Death

- A. Duties of LODD Involved Officer(s)
  1. Immediately notify dispatch of incident and location. When practical, any radio communication should be done over an encrypted radio channel.
  2. Render first aid and request response by emergency medical services.
  3. Officer(s) shall inform a supervisor or the Officer-in-Charge of the incident as soon as possible.
  4. Protect and secure the scene until relieved.
  5. Identify witnesses for subsequent interviews. The LODD involved officer(s) shall not participate in the interviews of witnesses.
  6. Brief the first arriving supervisor of the nature of the incident.

7. Reporting requirements for LODD involved officer(s) will be completed by investigators assigned to the incident. LODD involved officers will not be required to prepare a written report.

#### B. Duties of the On Scene Supervisor

1. Assume responsibility for the security and preservation of the scene. The involved agency is responsible for the initial response unless relieved by an outside agency lead investigator.
2. Notify the Officer-in-Charge.
3. Ensure that a LODD non-involved supervisor, if not already at the scene, responds immediately to the scene of the incident (A LODD non-involved supervisor is defined as one who has not been involved specifically at the scene, or involved in any tangential fashion, e.g., operation planning, drafting of search warrants, surveillance officers, intelligence gathering, etc.).
4. If necessary, establish a scene command post and give location to the Dane County Public Safety Communications (911 Center).
5. As soon as practical, relieve the officers directly involved in the line of duty death of any further responsibilities at the scene.
6. Identify and separate witnesses until the arrival of the lead investigator and/or other outside investigators.
7. If an outside agency lead investigator is involved, provide all necessary information to the outside agency lead investigator, and then relinquish control of the investigation to the outside agency lead investigator.

#### C. Duties of the Officer-in-Charge (OIC)

1. The Officer-in-Charge shall retrieve all employee paperwork completed by the deceased officer, which is maintained in the employee's personnel tab in LERMS. The OIC will review the packet for the names of any on-duty officers who are requested to be part of the Notification Team. If possible, those officers will be taken out of service and immediately assigned to the Notification Team.
2. Notify the Officer Involved Critical Incident (OICI) team commander or designee, and the Forensic Services Sergeant.
3. Notify the Chief, the Assistant Chief of Operations, and the Assistant Chief of Investigative and Specialized Services.
4. Notify Commanders of the District where the incident occurred. If the incident occurred outside of the employee's assigned district, the District Commanders of the involved employees should also be notified.
5. In the event of an Officer Involved Death or Other Critical Incident, refer to that SOP.
6. Notify the Captain of the "back-up" District where the incident occurred. For example, West District is backed up by Midtown District. In most cases, this commander will eventually become the Hospital Supervisor.
7. Contact Dane County Public Safety Communications (911 Center) Supervisor to inform on-duty officers of the status of the incident (e.g., injuries to officers and community members, or other important information). This should be done via silent dispatch, utilizing the Mobile Data Computer (MDC) and/or email, and should contain the following information:
  - a. Name of the deceased officer(s);
  - b. Name of LODD involved employee(s) and their status;
  - c. Directive to on-duty officers to refrain from any information sharing outside of MPD, including social media posting;
  - d. Advise on-duty officers it is appropriate to communicate to their own families their current status, but they should refrain from sharing any other information until authorized by a commander. It is critically important that information is not inadvertently shared with survivors.

- e. Advise personnel that they may gather at an MPD facility (such as Midtown or the MPD Training Center) for support; but they shall not assemble at the hospital. Only officers who have been directed to go to the hospital as a result of being assigned a necessary and specific law enforcement task by a supervisor should go to the hospital, and they shall check-in with the Hospital Supervisor upon arrival.
8. Notify the Madison Professional Police Officers Association (MPPOA) or Association of Madison Police Supervisors (AMPS) President, or another member of the MPPOA/AMPS board if the President is not available.
9. Notify the Peer Support Team Coordinator and deploy any on-duty Peer Support Officers to initiate the Critical Incident Stress Management protocol.
10. After formal notification to the involved officer's family has been made and in coordination with the Incident Commander, notify the department, via phone chain, followed by an email (sent to PD Group), that an MPD employee/officer was killed in the line of duty. The OIC will identify the officer by name, rank, and the location of the event, the location for all employees to assemble at if they decide to come in to work for support purposes. This email notification shall direct all employees to refrain from making social media notifications about this incident.
11. All media releases shall be cleared through the Internal Communications Commander and/or the Incident Commander. The name of the deceased employee will not be released to the media by the Department before the immediate family is notified. If the media obtains the employee's name prematurely, the Chief of Police or designee will request the name to be withheld until proper notification can be made to the survivors.

#### D. Duties of the Notification Team

1. It is the responsibility of the Notification Team to properly notify the next of kin of an employee who has died in the line of duty. Consideration should be given to immediate family, extended family, significant others, and relevant military branches. The deceased employee's *Emergency Notification Packet* must first be consulted. Prompt notification must be balanced with the wishes of the employee, if noted in their packet, with special consideration given to any possibility that a survivor might be able to reunite with an officer before their death. Additionally, expedience is of the utmost concern in consideration of instant social media, instant messaging, and other means in which the survivor family could learn of the tragedy before proper notification can take place.
2. If there is knowledge of a medical problem with an immediate survivor, medical personnel should be immediately available at the time of notification.
3. Notification will be made in person and ideally never alone. At least two vehicles should be used so someone can stay with the family, if necessary.
4. Never make a death notification on the doorstep. Ask to be allowed into the residence and gather the survivors together. If the survivor is at work, the Notification Team should request that the survivor be brought to a private room. Members shall not inform the workplace supervisor of the purpose of the visit other than to indicate that it is a family emergency.
  - a. Inform survivors slowly and clearly of the information that you have.
  - b. If specifics of the incident are known, the Notification Team should relay as much information as possible to the family.
  - c. Be sure to use the deceased officer's name during the notification. Never give the family a false sense of hope. Use words such as "died" and "dead" rather than "gone away" or "passed away." Experience has shown that survivor family members want and need straightforward talk. State the facts as known. Be clear on what information is known and what is not yet known.
5. If the family requests to visit the hospital, they should be transported by police vehicle.
  - a. It is highly recommended that survivors not drive themselves to the hospital.
  - b. If the survivor insists on driving, someone should accompany them in the family car.



- c. If young children are at home, and the survivor's decision is for those children to remain at the home, the Notification Team should arrange for babysitting needs. This may involve a co-worker's family, transportation of children to a relative's home, or similar arrangements.
- ~~6. Survivors will not be discouraged from viewing the deceased.~~
7. Do not be overly protective of the family. This includes sharing specific information as to how the employee died, as well as allowing the family time with the deceased employee.
8. Any promises, such as, "We will promote them him/her posthumously," or "We will retire their his/her badge," shall not be made to the family by any person except the Chief, and even then, strong consideration should be made to withhold such promises and actions until the emotion of the incident is under control.
9. Prior to departing for the hospital, the Notification Team should notify the hospital staff and the Hospital Supervisor (by telephone, if possible) that survivors are en route so that arrangements can be made for their arrival.
10. The deceased employee's parents should also be afforded the courtesy of a personal notification whenever possible and practical. Be aware of any medical problems of the parents that may exist. If immediate survivors live beyond the Dane County area:
  - a. The Notification Team will ensure that a teletype message is sent to the appropriate jurisdiction, requesting a personal notification.
  - b. The Notification Team may choose to call the other jurisdiction by telephone, in addition to the teletype (TTY) message.
  - c. Arrangements should be made through the notifying agency to facilitate a conference call with the Notification Team, so details of the incident can be relayed directly from the Notification Team to the survivor family.
11. During a line of duty death, the external monitoring of police frequencies may be extensive. Whenever possible, communications regarding notifications should be restricted to the telephone or to encrypted channels.
12. The Notification Team should complete written details specifying the identity, time, and place of the survivor notifications.
13. The Notification Team should remain at the hospital while the family is present until adequately relieved by the family liaison(s).

#### E. Duties of the Hospital Supervisor

- ~~4.~~ 1. The Hospital Supervisor is responsible for coordinating the law enforcement activities at the hospital where the injured or deceased officer has been transported. This on-scene role should be initially filled by the first available supervisor, who may be supplemented by a commander from the back-up district of injured or deceased officer. It is essential this role is filled without delay in order to prevent significant disruption at the hospital. These responsibilities include, but are not limited to the following:
  - A. Announcing to Dispatch over the radio that they have assumed the role of Hospital Supervisor
  - B. As soon as reasonably practical, identify who from the hospital will be MPD's primary point of contact for exchange of information
  - C. Contacting the head of security to ensure patient privacy and the normal functioning of the hospital
  - D. Whenever possible, wearing a traffic vest when in this role, which helps hospital staff know who is in charge from MPD for communication purposes
  - E. Coordinating the arrival of the Notification Team with hospital staff
  - F. Coordinating with the OICI Hospital Supervisor, if applicable
  - G. Limiting the number of MPD personnel at the hospital to only those with a specifically assigned, critical law enforcement task
  - H. Redirecting MPD personnel without an assigned task to the designated place of assembly, like the MPD Training Center. Officers shall not assemble at the hospital.

2. ~~of hospital personnel, the survivor's family, Department personnel, the press, and others. This person is typically a commander from the "back up" District. It is essential this role is filled without delay in order to prevent loss of control at the hospital. These responsibilities include, but are not limited to the following:~~
  - A. ~~Family Receiving Area: Arrangements shall be made with hospital personnel to provide an appropriate, private waiting/receiving area for the family and others invited by the immediate survivors.~~
  - B. ~~Command Receiving Area: Arrangements shall be made for a separate waiting area for the Chief, Command Staff, and other Officials (if needed).~~
  - C. ~~Officer Receiving Area: Arrangements shall be made for fellow MPD officers to assemble (please note that a District Station could be designated as such).~~
  - D. ~~Press Area: Establish a press staging area.~~
  - E. ~~Ensure that the family is updated regarding the incident and the employee's condition upon their arrival at the hospital.~~
  - F. ~~Ensure that medical personnel relay pertinent information regarding an employee's condition to the family on a timely basis and before such information is released to others.~~
  - G. ~~Arrange transportation for the family back to their residence as needed. This should be coordinated with the Family Liaison.~~
  - H. ~~Hospital Security: Contact the head of hospital security to ensure patient privacy and the normal functioning of the hospital. Contemplate the need to designate officer parking protocols for the hospital.~~
  - I. ~~Coordinate with the OIC Hospital Supervisor if relevant.~~
  - J. ~~Implement a squad parking plan around hospital.~~
3. ~~If it is possible for the family to visit the critically injured officer before death, they should be afforded that opportunity. While it may be appropriate to prepare the family for what they are about to see, no attempt should be made to dissuade the family from that final visit due to worry of them witnessing trauma. Evidence is a factor that should be considered and evaluated before contact is allowed. Consideration should be given to processing for evidence a small portion of the critically injured or deceased officer's body (hands, face) so that family members may touch those areas.~~
4. 2. Do not be overly protective of the family. This includes sharing specific information as to how the employee died, as well as allowing the family time with the deceased employee.
5. 3. Any promises, such as, "We will promote them him/her posthumously," or "We will retire their his/her badge," shall not be made to the family by any person except the Chief, and even then, strong consideration should be made to withhold such promises and actions until the emotion of the incident is under control.

#### F. Duties of Assistant Chief of Investigative & Specialized Services

1. Will make the request for an outside agency lead investigator, or outside agency observer. If an outside agency lead investigator is unavailable, MPD will oversee the criminal investigation and assign a lead investigator.
2. Will evaluate the need for an administrative review and/ or the need for Professional Standards & Internal Affairs (PSIA) investigation.

#### G. Duties of the Investigative Commander

1. This position is typically assigned to an MPD Assistant Chief or Captain and is responsible for coordinating investigative resources related to the line of duty death. This person will typically be the Captain of Investigative Services.
2. Contact Assistant Chief of Investigative & Specialized Services and notify them of the line of duty death.

3. In the event of an outside agency criminal investigation, coordinate with the investigating agency to make certain they have access to all necessary MPD resources to conduct the investigation.
4. Make investigative assignments and coordinate investigative efforts.
5. Management of investigative personnel (assignments, monitoring hours worked, etc.).
6. Managing overtime and arranging relief for investigative staff.
7. Communicate investigative updates to the Assistant Chief of Investigative & Specialized Services and the Incident Commander.
8. Designate case as "Extraordinary" for Telestaff/payroll purposes (if appropriate).

#### H. Duties of the Incident Commander

1. This position is typically assigned to an MPD Assistant Chief or Captain and is responsible for coordinating MPD operational resources. This person should not be in charge of any investigation related to the line of duty death. This person will typically be the Operations Captain.
2. Establish and staff a Department Command Post (CP), if necessary, to coordinate information and response to the tragedy.
3. Ensure a Hospital Supervisor has been assigned.
4. Ensure an Honor Guard Commander has been designated and the duties fulfilled.
- ~~6-~~ 5. Ensure that at least one Family Liaison Officer has been designated and the duties fulfilled.
- ~~7-~~ 6. Ensure a Staffing Commander has been designated and the duties fulfilled.
- ~~8-~~ 7. Designate an Internal Communications Commander.
- ~~9-~~ 8. In conjunction with the Honor Guard Commander, ensure the issuance of a teletype message to formally announce the line of duty death. As soon as practical, an initial TTY may be distributed with the announcement and that arrangements are pending. Details of arrangements should be withheld until completely verified; once that happens, subsequent TTY and email release should be considered. Extreme care should be given to releasing a TTY with information that will need to be changed or withdrawn. A follow-up TTY shall include the following:
  - a) Name of deceased.
  - b) Date and time of death.
  - c) Circumstances surrounding the death.
  - d) Funeral arrangements (state if service will be private or a police funeral).
  - e) Expressions of sympathy in lieu of flowers.
  - f) Contact person and phone number for visiting departments to call to indicate their desire to attend or to obtain further information.
- ~~10-~~ 9. Direct the wearing of badge mourning bands and any other Agency memorials.

#### I. Duties of the Peer Support Commander of the Family Liaison Officers

1. This person will assign and oversee the Family Liaison Officer and will monitor the wellbeing of any designated Employee Designated Representative (EDR) from MPD. Typically, this person will be a lieutenant assigned to the Peer Support program. The Peer Support Commander of the Family Liaison Officers will report directly to the Incident Commander until the completion of ceremonial events related to the line of duty death; the Peer Support Commander will then report to the Commander of Support Services.
2. Designate at least one Family Liaison Officer with consideration not to designate someone so close to the survivor family that they would not be able to handle the responsibilities of this role.
3. Coordinate the schedules of the Family Liaison Officers to provide as much daily availability to survivors as possible.
4. Place the Family Liaison Officers on special assignment in order to fulfill their duties.

5. Ensure that the Family Liaison Officers have department issued cell phones and that the phone numbers are shared with the Incident Commander and the Honor Guard Commander.
6. Work with the Family Liaison Officer to coordinate Employee Assistance Program (EAP) and Critical Incident Stress Management (CISM) responses for the survivors.
7. If an MPD Employee Designated Representative (EDR) is working with survivors, monitor the wellbeing of the EDR with recognition that this is an extremely emotionally taxing role.
8. Place the Critical Incident Partner (CIP) on special assignment in order to fulfill their duties.

J. Duties of the Family Liaison Officer

1. This person is a facilitator between the survivors and the MPD. It is important that this person not be someone so close to the survivor family that they would not be able to handle the responsibilities of this role. This person(s) will report directly to a Peer Support Supervisor.
2. The Family Liaison Officer is not a decision-making position, but a “facilitator” between the survivors and the MPD. It is important that the person(s) assigned this role realize they are not to make decisions on behalf of the MPD. The Family Liaison Officer will have immediate access to the Department Incident Commander, the Honor Guard Coordinator, and the Benefits Coordinator so necessary decisions can be made immediately.
3. In conjunction with the Honor Guard Commander or their designee, assist the survivors with funeral arrangements and making them aware of what the Department can offer if they decide to have a law enforcement funeral.
4. Apprise the survivors of information concerning the death and the continuing investigation.
5. Provide as much assistance as possible, including overseeing travel and lodging arrangements for out-of-town family members, arranging for food for the family, meeting childcare and transportation needs, etc. The Peer Support Commander should contact the MPPOA or AMPS President, or board member if the President is unavailable, to discuss and coordinate financial and other logistics associated with these needs.
6. Work with the Benefits Coordinator to obtain needed information from the family for benefit processing, as well as keeping the family apprised of the progress with the death benefits.
7. Work with the deceased officer’s district command to ensure that the officer’s personal property is returned to the family.
8. Work with the department coordinator regarding “Donations” to the family.
9. If no court proceedings surround the circumstances of the member’s death, the Family Liaison Officer will relay all details of the incident to the family at the earliest opportunity. If criminal violations surround the death, the Family Liaison Officer will:
  - a. Inform the family of all new developments prior to press release.
  - b. Keep the family apprised of legal proceedings.
  - c. Introduce the family to the Dane County Crime Response Program and the Dane County Victim/Witness coordinator.
  - d. Arrange for investigators and prosecutor(s) to meet with the survivors, at the earliest opportunity before and following any trial, to answer all their questions.
10. The Family Liaison Officer acts as a long-term liaison with the survivors to ensure that, if desired, close contact is maintained between the MPD and the survivors and that their needs are met.

K. Role of the Employee Designated Representative (EDR)

1. This person is predetermined and of the deceased officer’s choosing.

2. This person is identified when MPD commanders access your Emergency Death Information Packet (Form A), which is stored in the employee's personnel file in LERMS.
3. If an officer did not identify an Employee Designated Representative on the Emergency Notification Form, the department may appoint one if requested.
4. The Employee Designated Representative will coordinate with the Family Liaison Officer.

L. Duties of the Honor Guard Commander

1. This is the person who will oversee and coordinate the planning and implementation of all aspects of the funeral arrangements. The Honor Guard Commander will also be primarily responsible for external communications to the greater law enforcement community. This person will report directly to the Incident Commander.
2. Notify the Law Enforcement Death Response Team (LEDR). This notification can be made by contacting the Wisconsin State Patrol Regional Post, where all contact information for the LEDR Team is maintained. LEDR Team contact information is also located at [www.wichiefs.org](http://www.wichiefs.org).
3. Work with the Incident Commander and the Notification Team with regard to timely release of initial information via TTY and email. Details of arrangements should be withheld until completely verified; once that happens, subsequent TTY and email release should be considered.
4. Coordinate all movement of the deceased in a ceremonious fashion. This includes any procession from the hospital to the morgue.
5. As soon as possible, arrange for a 24-hour guard that is posted to stay with the fallen officer. While this is a function of the Honor Guard, other sworn employees of the agency can be assigned this role. This 24-hour-a-day posting should start at a minimum following the release of the deceased by the Medical Examiner.
6. As soon as feasible and practical, in conjunction with the Family Liaison Officers, meet with the survivors to determine their wishes regarding MPD participation in the preparation of the funeral or services. Any information in the employee packet shall be shared with the family at this time. The family shall be assured that the MPD is willing and able to coordinate all arrangements, but no decisions will be made without their input and approval (Should the family elect to not have a law enforcement funeral, the Chief must consider holding a Department memorial service in recognition of the need for co-workers to grieve and experience some closure to the line of duty death).
7. Work closely with the family-identified Funeral Director and Clergy to develop arrangements. Attention will be given to selecting venues that will be capable of accommodating the large law enforcement response, and in the absence of such venues, developing contingency plans, as needed.
8. In accordance with Honor Guard Policy, ceremonial aspects of the visitation and funeral arrangements will be planned by the Honor Guard Coordinator.
9. Determine what public safety, church, fraternal, and labor organizations will provide in terms of financial assistance for out-of-town family travel, food for funeral attendees following the burial, etc.
10. Evaluate the necessity of reaching out other Honor Guard resources.
11. For the funeral, if necessary:
  - a. Designate a *Logistics Lead* whose responsibilities include the following:
    - I. Arrange for adequate water/food at each venue.
    - II. Arrange for portable restrooms, if needed.
    - III. If deemed necessary, arrange for bus transportation from alternate staging/parking locations to venues.
    - IV. Responsible for copying and distribution of funeral instructions for visiting agencies.
    - V. Responsible for documenting all visiting agencies and dignitaries.
    - VI. If directed, coordinate having someone video record services and document agencies present.
  - b. Designate a *Traffic Coordinator* whose responsibilities include the following:

- I. Coordinate/Manage traffic and parking at each venue including visitation, funeral, cemetery, and any fellowship function.
- II. Collaborate with any involved jurisdictions for needed traffic control for visitation, funeral, and procession.
- III. Under direction of the Honor Guard Commander, direct the assembly of the squad and vehicle procession.
- IV. Pre-plan and designate the procession route in consultation with the Honor Guard Commander.

M. Duties of the Internal Communications Commander

1. This person will coordinate the internal communications related to the line of duty death including, but not limited to, support services updates, investigative updates, and ceremonial activities. This person will report to the Incident Commander, but will also be in regular contact with the Investigative Commander, and the Support Commander and will share and coordinate information from these branches to MPD personnel at regular intervals.
2. Coordinate timely department-wide notifications, releasing factual information with directives regarding confidentiality.
3. This person will coordinate with the Public Information Officer (PIO) regarding external communications.

N. Duties of the PIO

1. This person will be responsible for external communications regarding the incident.
2. This person must coordinate all external releases of information regarding the incident with the Internal Communications Commander.
3. The name of the decedent should be withheld until survivors are notified.
4. If the media learns the identity of the decedent prior to notifications, the PIO will request the name be withheld until proper notification can be made to the survivors.

O. Duties of the Staffing Commander

1. This person is responsible for ensuring the staffing of all critical department assignments through the conclusion of ceremonies related to the line of duty death.
2. If necessary, coordinate deployment of outside law enforcement agencies to cover functions of patrol services at the time of the funeral, if deemed necessary.
3. Coordinate extra patrol of family residence throughout all phases of the planning, visitation, and funeral.

P. Duties of the District

1. Ensure that involved personnel have had appropriate opportunities to contact family members, Union officials, and/or attorneys.
2. Coordinate with the Support Commander to ensure that EAP and trauma services have been offered.
3. Ensure that regular command updates are given to the Chief and Assistant Chief of Operations.
4. If applicable, ensure that the Significant Exposure to Blood Borne Pathogens SOP is followed.
5. Responsible for Community Care tasks.
6. Arrange for the cleaning out of the employee's workspace and/or locker, as well as the delivery of the employee's personal belongings to the family at an appropriate time. This should be coordinated through the Family Liaison Officer.

Q. Duties of the Support Commander

1. This position is typically assigned to an MPD Assistant Chief or Captain and will be primarily focused on providing support to commissioned and non-commissioned personnel. This support will come in many forms including, but not limited to, Peer Support, EAP, LEDR, and Finance (Benefits). This person will typically be the Peer Support Captain.
2. Ensure that the Wisconsin Law Enforcement Death Response (LEDR) Team has been contacted at (866)410-5337.
3. Designate a Peer Support Commander of the Family Liaison Officers.
4. Designate an Internally Focused Peer Support Supervisor and ensure that Peer Support is immediately activated.

R. Duties of the Internally Focused Peer Support Supervisor

1. This person is responsible for coordinating MPD's internal EAP, Peer Support, and CISM resources in response to a line of duty death. This assignment reports to the Support Commander.
2. Ensure that police witnesses and other employees, who may be emotionally affected by the death of another employee, will be afforded the opportunity to attend a Critical Incident Stress Management (CISM) debriefing held by a trained mental health professional (EAP).
3. Ensure that services of the LEDR Team, as well as the Department's contracted Employee Assistance Program (EAP) provider is activated immediately.
4. Coordinate all EAP, Peer Support and CISM response.
  - i. EAP responsibilities:
    1. Coordinate a CISM response for the involved officers.
    2. Coordinate a CISM response for MPD command staff.
    3. Provide grief support services for all impacted MPD employees (civilian and commissioned)
  - ii. Peer Support Responsibilities:
    1. Assist EAP staff in identifying impacted MPD personnel and coordinating CISM response.
    2. Provide a supportive presence at the Districts.
    3. Conduct follow up check-ins as requested.
    4. Provide grief support to impacted MPD personnel if/when requested.

S. Duties of the Benefits Coordinator

1. This role will typically be filled the MPD Human Resources Coordinator.
2. This person will work with benefits specialists from LEDR and Concerns of Police Survivors (COPS) to ensure every available survivor benefit is explored.
3. This person will coordinate with the Family Liaison Officer(s) to share benefits information with the appropriate survivors.
4. This person's responsibilities will continue well after the immediate event.
5. This person will report directly to the Department Support Commander.
6. This person will be responsible for the following:
  - a. Filing Workers' Compensation claims and related paperwork.
  - b. Contacting the appropriate agencies immediately to ensure that the beneficiary receives death and retirement benefits, the employee's remaining paychecks, and payment for remaining annual and compensatory time.
  - c. Gathering information on all benefit/funeral payments, to include the Federal Public Safety Officers Benefits Act that is available to the family.

- d. Notifying police organizations, such as Wisconsin Professional Police Association (WPPA), and any other fraternal organizations of which the employee was a member. These organizations may also offer financial assistance with logistical needs of the funeral services.
- e. Preparing a printout of the various benefits/funeral payments that are due to the family, listing named beneficiaries and contacts at various benefits offices and when they can expect to receive payment.
- f. Meeting with the surviving family a few days after the funeral to discuss the benefits they will receive, what has been done, as well as what has yet to be completed. A copy of the prepared printout and any other related paperwork should be given to the family at this time.
- g. If there are surviving children from a former marriage, the guardian of those children should also receive a printout of what benefits the child(ren) may be receiving.
- h. Attention should be given to the revocation of health care benefits. Many providers allow a 30-day grace period before canceling or imposing monthly payments upon survivors.
- i. Continue meeting with the family until benefit applications are well underway. Then, meet with the family in four to six months to ensure they are receiving benefits.

#### T. Public Safety Officer Death Benefit (PSOB)

1. Public Safety Officer Death Benefit (PSOB) is a program that provides a death benefit to eligible survivors of a public safety officer whose death is the direct and proximate result of a traumatic injury sustained in the line of duty or certain work-related heart attacks or strokes. To receive a death benefit, the claimant must establish that the public safety officer died as the direct and proximate result of an injury sustained in the line of duty. Under the program, it is presumed that a public safety officer who dies from a heart attack, stroke, or vascular rupture, while engaged in, on duty after, or within 24 hours of participating in a non-routine stressful or strenuous physical law enforcement activity, or other emergency response activity, or a training exercise involving non-routine stressful or strenuous physical activity, has died in the line of duty for death benefit purposes. The PSOB program pays a one-time lump sum death benefit to eligible survivors of a public safety officer killed in the line of duty. The amount paid to the officer's survivors is the amount authorized to-be paid on the date that the officer died, not the amount authorized to-be paid on the date that the claim is approved.
2. PSOB death benefits are paid to eligible survivors in the following order:
  - a) If the officer is survived by only a spouse and no children, 100% of the death benefit goes to the spouse.
  - b) If the officer is survived by a spouse and children, 50% of the death benefit goes to the spouse and the remaining 50% is distributed equally among the officer's children.
  - c) If the officer is survived by only children and not a spouse, the death benefit is equally distributed among the officer's children. If the officer is survived by neither a spouse nor children, the death benefit is paid to the individual(s) designated by the officer in the most recently executed designation of beneficiary on file at the time of the officer's death. If the officer does not have a designation of beneficiary on file, the benefit is paid to the individual(s) designated by the officer in the most recently executed life insurance policy on file at the time of the officer's death.
  - d) If the officer is survived by neither a spouse nor eligible children and the officer does not have a life insurance policy, the death benefit is equally distributed between the officer's surviving parents.
  - e) If the officer is survived by neither a spouse, nor eligible children, nor parents, and the officer did not have a designation of beneficiary or a life insurance policy on



file at the time of **their his or her** death, the benefit is paid to surviving adult, non-dependent, children of the officer.

- f) A death or disability benefit will not be paid:
- i. If the fatal or catastrophic injury was caused by the intentional misconduct of the public safety officer or the officer's intention to bring about **their his or her** death, disability, or injury;
  - ii. If the public safety officer was voluntarily intoxicated at the time of **their his or her** fatal or catastrophic injury;
  - iii. If the public safety officer was performing **their his or her** duties in a grossly negligent manner at the time of **their his or her** fatal or catastrophic injury;
  - iv. If an eligible survivor's actions were a substantial contributing factor to the officer's fatal or catastrophic injury.

#### U. Continued Support for the Family

1. Members of the Department must remain sensitive to the needs of the survivors long after the member's death. The grief process has no timetable. More than half of the surviving spouses can be expected to develop a post-traumatic stress reaction to the tragedy.
2. Holidays may be especially difficult for the family, particularly if small children are involved. Increase contact with the survivors, as additional support is important at these times.
3. The Chief of Police or a designee should observe the member's death date with a short note to the family, flowers on the grave, and/or wreath placement at the Wisconsin Law Enforcement Officers Memorial.

Original SOP: 05/13/2015

(Reviewed Only: 03/04/2016, 12/20/2016, 12/26/2017, 02/04/2022)

(Revised: 01/15/2019, 01/28/2020, 01/31/2023, 1/23/2024, **09/20/2024**)

(Name Change and Overhaul of SOP: 01/28/2020 – previously known as Line of Duty, Life-Threatening Injury or Death of an Employee SOP)



# CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



## Searches

Eff. Date ~~01/31/2023~~ 10/03/2024

### Searches of Persons

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

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

### Strip Searches

#### DEFINITION OF A STRIP SEARCH

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

#### DEFINITION OF BODY CAVITY SEARCH

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

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

#### STRIP SEARCHES/BODY CAVITY SEARCHES AUTHORIZED

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

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

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

### **Strip Searches Must Be Conducted in the Following Manner**

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

### **DEFINITION OF BODY CAVITY SEARCH**

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

### **Body Cavity Searches Must Be Conducted in the Following Manner**

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

### **SUPERVISORS PERMITTED TO AUTHORIZE**

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

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

## SEARCHING PHYSICALLY DISABLED PERSONS

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

## CRIME VICTIMS/PERSONS CONSENTING

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

## CURRENT FORMS

Up-to-date Strip Search and Body Cavity Search Forms (Consent for Searches, Reports of Searches) are located on the MPD Intranet page. in the filing cabinet in the Officer in Charge's (OIC's) Office.

## BLOOD DRAWS

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

## Searches, Seizures, and Inventories of Motor Vehicles

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

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

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

## Searches of Vehicles Connected with Arrests

### FULL-CUSTODY ARREST

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

## STOP FOLLOWED BY CITATION

### 1. Street Citation

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

### 2. Stationhouse Citation

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

## Searches of Vehicles Not Connected with an Arrest

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

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

### SEARCH BASED ON PROBABLE CAUSE

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

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

### Use of Search Warrant

A search warrant should be obtained when:

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

### Entry Into Locked Vehicles or Areas

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

### Consent Searches of Motor Vehicles

An officer may request consent to search from the person(s) in control of the vehicle whenever articulable reasons for the search exist. A consent search may not be conducted unless the officer has received from the person a voluntary and unequivocal consent to search the vehicle. A “Consent to Search of Vehicle” form may be completed as evidence that the search was consensual. Whenever an officer requests consent to search, the officer shall document the required articulable reasons in a police report.

## Seizures of Motor Vehicles

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

### Seizures for Forfeiture: Vehicle Used Illegally

#### 1. When Permitted

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

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

#### 2. Exception for Federal Offenses

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

#### 3. Necessity for Search Warrant

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

#### 4. Inventory Procedure

A vehicle seized for forfeiture will be transported to a police facility for storage. An officer who seizes a vehicle for forfeiture shall completely inventory the contents as soon as practical upon its arrival at a police facility. The vehicle’s contents will be documented in a report or by using the MPD vehicle inventory form (available for download from the Police Intranet site). Upon completion of the inventory, the officer shall obtain instructions from a supervisor relating to appropriate further processing of the vehicle. If the vehicle’s contents are documented by using the MPD vehicle inventory form, the form should be scanned into the MPD Law Enforcement Records Management System (LERMS) with the case documents.

## Seizures as Evidence

#### 1. When Permitted

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

2. Exception for Minor Traffic Offenses

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

3. Necessity for Search Warrant

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

4. Inventory and Release Procedures

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

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

5. Recovered Stolen Vehicles

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

## Disposition of Arrested Person’s Vehicle

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

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

## Traffic or Parking Removals

When an officer causes a vehicle to be moved to a location on a public street as close to the original location as possible, consistent with prevailing traffic conditions; vehicles removed shall not be inventoried or

searched in any way. However, the officer who caused the vehicle to be removed shall, if possible, close the windows and lock the doors before leaving the vehicle.

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

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

## Other Non-Criminal Impoundments

### 1. Definition

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

### 2. Procedure Upon Non-Criminal Impoundment

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

## Procedure for Vehicle Contents Inventory

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

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

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

## When Foregoing Guidelines May Be Disregarded

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

## Consent Search of Residences

An officer may request consent to search a residence from any person who has apparent authority over and control of the premises, whenever articulable reasons for the search exist. A consent search will not be conducted unless the officer has received voluntary consent to do so. A "Consent to Search of Residence" form may be completed as evidence that the search was consensual. Whenever an officer requests consent to search, the officer shall document the required articulable reasons in a police report.



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

### **ENTRY TO RESIDENCES TO MAKE AN ARREST**

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

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

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

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

Although legally permissible for officers to make entry into a private residence based exclusively on a valid criminal arrest warrant (misdemeanor, felony, probation, parole or extended supervision warrant) and probable cause that the wanted subject is in the residence at the time as well as probable cause that the subject resides at the residence officers *shall not make entry in these circumstances if the door is closed or locked.*

In circumstances when the subject is refusing to come out of the residence and is behind a closed or locked door, officers shall contact a supervisor. The supervisor should weigh the severity of the underlying crime and available resources and consider either gaining entry by consent or walking away. If the supervisor believes the situation warrants making entry to apprehend the suspect, the supervisor shall contact the OIC and have the OIC contact SWAT Command. Entry through a closed or locked door will only occur after consultation with SWAT command, the development and approval of a plan and the deployment of adequate SWAT resources to make entry and arrest.

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

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

### **WARRANTLESS ENTRY TO RESIDENCES BASED ON EXIGENT CIRCUMSTANCES**

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

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

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

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

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

### **ENTRY TO RESIDENCES BASED ON THE EMERGENCY DOCTRINE**

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

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

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

Original SOP: 03/04/2015

(Reviewed Only: 02/17/2016, 12/26/2017, 02/04/2022, 02/05/2024)

(Revised: 03/21/2016, 03/03/2017, 12/03/2018, 01/03/2020, 01/04/2021, 01/31/2023, 10/03/2024)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Searches

Eff. Date ~~10/03/2024~~ 10/04/2024

**Searches of Persons**

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

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

**Strip Searches**

**DEFINITION OF A STRIP SEARCH**

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

**DEFINITION OF BODY CAVITY SEARCH**

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

**STRIP SEARCHES/BODY CAVITY SEARCHES AUTHORIZED**

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

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

1. a. The person to be the subject of the search is an adult arrested for a felony or for a misdemeanor specified in State Statute 968.255(1)(a)2.; or is a child taken into custody under 938.19 if there are reasonable grounds to believe that the juvenile has committed an act which, if committed by an adult, would be covered under sub. (a); and

- b. Probable cause exists to believe that the person to be the subject of the search is concealing contraband or evidence in such a manner that a strip search or body cavity search is necessary to discover or to retrieve it.
2.
  - a. The person to be the subject of the search is arrested for a misdemeanor not specified in 968.255(1)(a)2, a violation of state law punishable by forfeiture, or any local ordinance; and
  - b. Probable cause exists to believe that the person to be the subject of the search is concealing a weapon or an object which may constitute evidence of the offense for which they have been arrested in such a manner that a strip search or body cavity search is necessary.
3. The search is authorized by a valid search warrant or court order.

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### **Strip Searches Must Be Conducted in the Following Manner**

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

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### **Body Cavity Searches Must Be Conducted in the Following Manner**

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

### **SUPERVISORS PERMITTED TO AUTHORIZE**

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

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

### **SEARCHING PHYSICALLY DISABLED PERSONS**

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

## CRIME VICTIMS/PERSONS CONSENTING

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

## CURRENT FORMS

Strip Search and Body Cavity Search **Consent** Forms (**Consent for Searches, Reports of Searches**) are located on the MPD Intranet page.

## BLOOD DRAWS

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

## Searches, Seizures, and Inventories of Motor Vehicles

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

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

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

## Searches of Vehicles Connected with Arrests

### FULL-CUSTODY ARREST

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

### STOP FOLLOWED BY CITATION

#### 1. Street Citation

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

## 2. Stationhouse Citation

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

## Searches of Vehicles Not Connected with an Arrest

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

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

### SEARCH BASED ON PROBABLE CAUSE

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

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

### Use of Search Warrant

A search warrant should be obtained when:

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

### Entry Into Locked Vehicles or Areas

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

### Consent Searches of Motor Vehicles

An officer may request consent to search from the person(s) in control of the vehicle whenever articulable reasons for the search exist. A consent search may not be conducted unless the officer has received from the person a voluntary and unequivocal consent to search the vehicle. A “Consent to Search of Vehicle” form may be completed as evidence that the search was consensual. Whenever an officer requests consent to search, the officer shall document the required articulable reasons in a police report.

### Seizures of Motor Vehicles

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

## Seizures for Forfeiture: Vehicle Used Illegally

### 1. When Permitted

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

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

### 2. Exception for Federal Offenses

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

### 3. Necessity for Search Warrant

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

### 4. Inventory Procedure

A vehicle seized for forfeiture will be transported to a police facility for storage. An officer who seizes a vehicle for forfeiture shall completely inventory the contents as soon as practical upon its arrival at a police facility. The vehicle's contents will be documented in a report or by using the MPD vehicle inventory form (available for download from the Police Intranet site). Upon completion of the inventory, the officer shall obtain instructions from a supervisor relating to appropriate further processing of the vehicle. If the vehicle's contents are documented by using the MPD vehicle inventory form, the form should be scanned into the MPD Law Enforcement Records Management System (LERMS) with the case documents.

## Seizures as Evidence

### 1. When Permitted

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

### 2. Exception for Minor Traffic Offenses

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

### 3. Necessity for Search Warrant

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

### 4. Inventory and Release Procedures

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

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

### 5. Recovered Stolen Vehicles

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

## Disposition of Arrested Person's Vehicle

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

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

## Traffic or Parking Removals

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

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

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



## Other Non-Criminal Impoundments

### 1. Definition

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

### 2. Procedure Upon Non-Criminal Impoundment

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

## Procedure for Vehicle Contents Inventory

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

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

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

## When Foregoing Guidelines May Be Disregarded

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

## Consent Search of Residences

An officer may request consent to search a residence from any person who has apparent authority over and control of the premises, whenever articulable reasons for the search exist. A consent search will not be conducted unless the officer has received voluntary consent to do so. A "Consent to Search of Residence" form may be completed as evidence that the search was consensual. Whenever an officer requests consent to search, the officer shall document the required articulable reasons in a police report.

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

## ENTRY TO RESIDENCES TO MAKE AN ARREST

Although legally permissible for officers to make entry into a private residence based exclusively on a valid criminal arrest warrant (misdemeanor, felony, probation, parole or extended supervision warrant) and probable cause that the wanted subject is in the residence at the time as well as probable cause that the subject resides at the residence officers *shall not make entry in these circumstances if the door is closed or locked.*

In circumstances when the subject is refusing to come out of the residence and is behind a closed or locked door, officers shall contact a supervisor. The supervisor should weigh the severity of the underlying crime and available resources and consider either gaining entry by consent or walking away. If the supervisor believes the situation warrants making entry to apprehend the suspect, the supervisor shall contact the OIC and have the OIC contact SWAT Command. Entry through a closed or locked door will only occur after consultation with SWAT command, the development and approval of a plan and the deployment of adequate SWAT resources to make entry and arrest.

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

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

### **WARRANTLESS ENTRY TO RESIDENCES BASED ON EXIGENT CIRCUMSTANCES**

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

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

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

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

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

### **ENTRY TO RESIDENCES BASED ON THE EMERGENCY DOCTRINE**

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

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

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

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