

**CITY OF MADISON
INTRA-DEPARTMENTAL
CORRESPONDENCE**

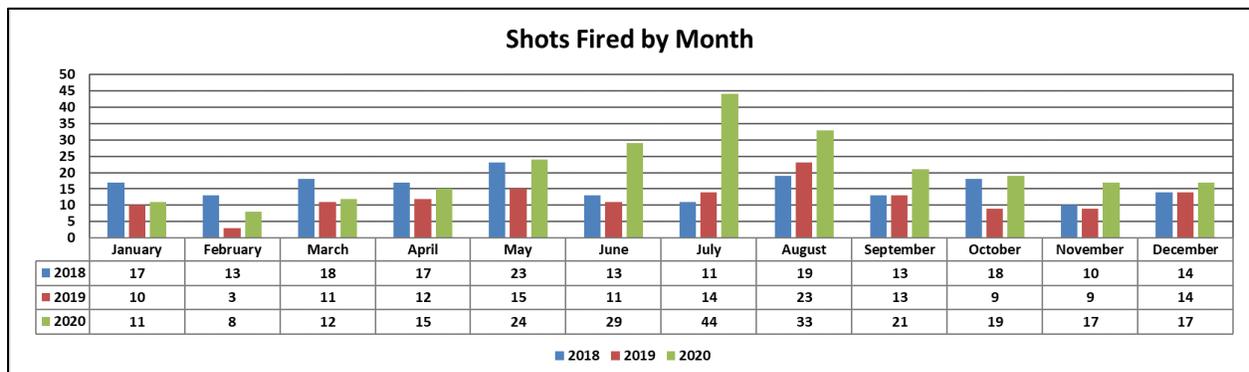
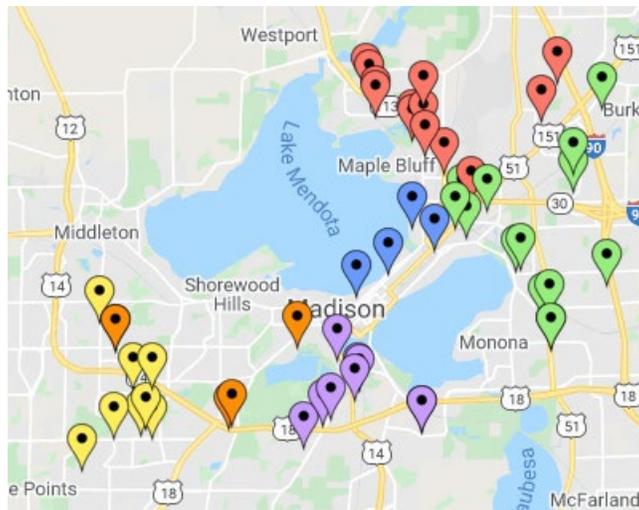
DATE: January 15, 2021

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

This document provides an update on selected MPD topics for the fourth quarter (October, November, and December) of 2020. **Please consider the data included in this update as preliminary, subject to modification.**

Significant Incident Types

Shots Fired – there were fifty-three (53) shots fired incidents in the City from October 1st through December 31st (2020). This is a **66%** increase from the fourth quarter of 2019. Twenty-two (22) shots fired incidents were reported during the 4pm – midnight period; fifteen (15) were reported during the midnight – 8am time period; and sixteen (16) were reported during the 8am – 4pm time period.

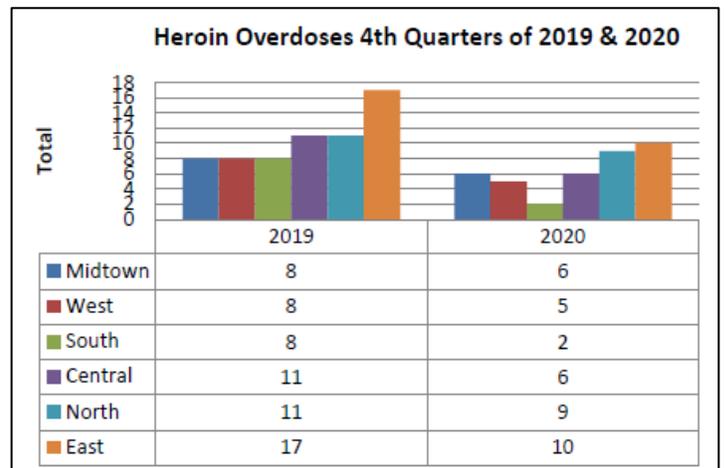


	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
Property Damage	6	27	47	17	97
Subjects Struck by Gunfire*	7	13	19	9	48
Accidental Discharge	4	1	1	2	8
Self-Inflicted (intentional)	2	3	3	3	11
Casings Recovered	70	202	565	274	1,111

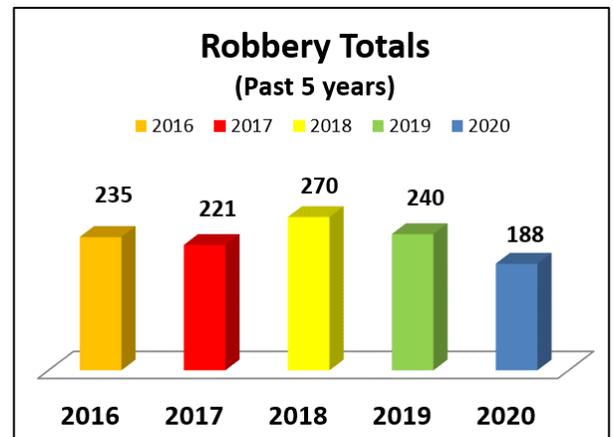
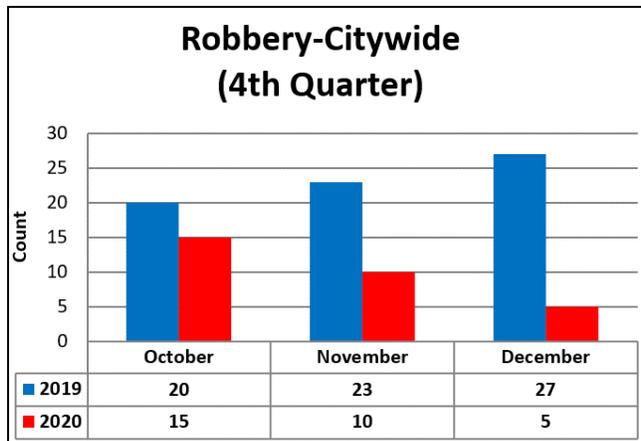
*Excludes accidental discharge & self-inflicted

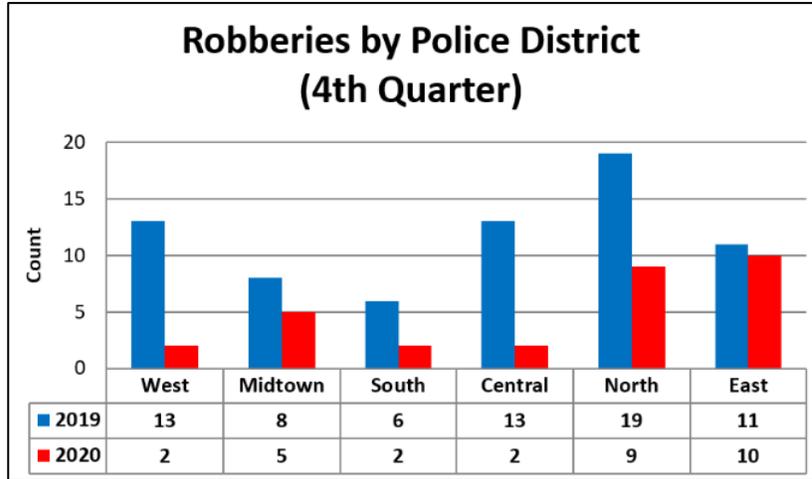
Heroin Overdoses – MPD responded to thirty-nine (39) known heroin overdoses during the fourth quarter of 2020. This is a 38% decrease from the fourth quarter of 2019. Note that these figures refer to known overdoses...it is likely that many overdoses are occurring without any report to MPD or MFD.

There were six (6) overdose deaths during the fourth quarter of 2020. This is a 33% decrease from the fourth quarter in 2019 [note that these figures only include overdose deaths with police involvement and clear evidence of an overdose; the actual figure may be higher].

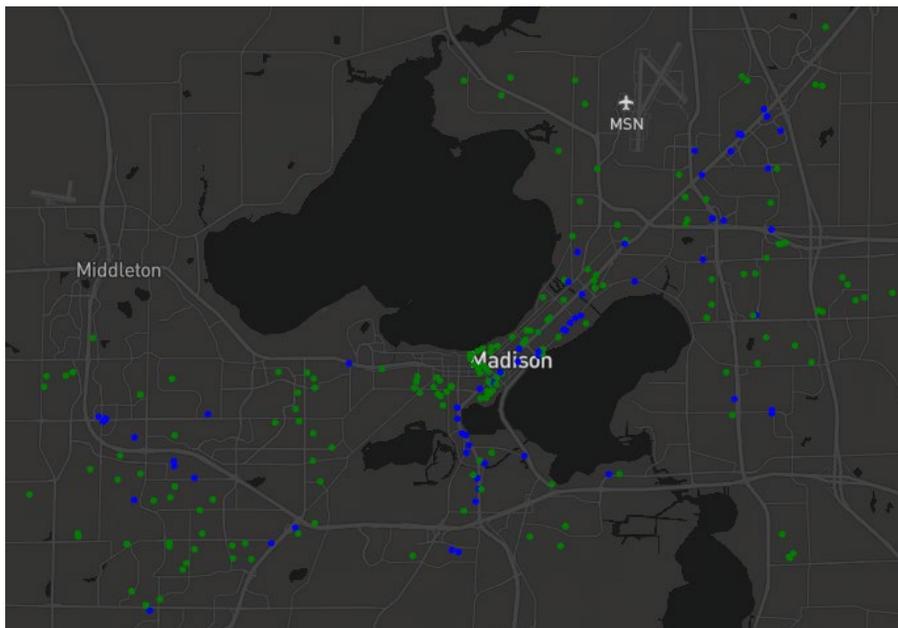
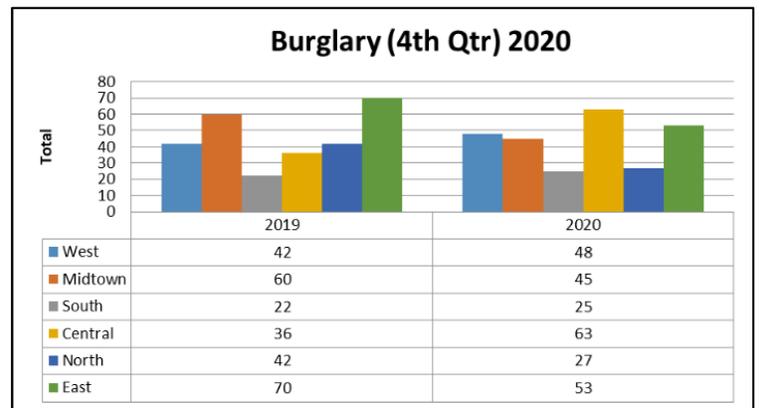
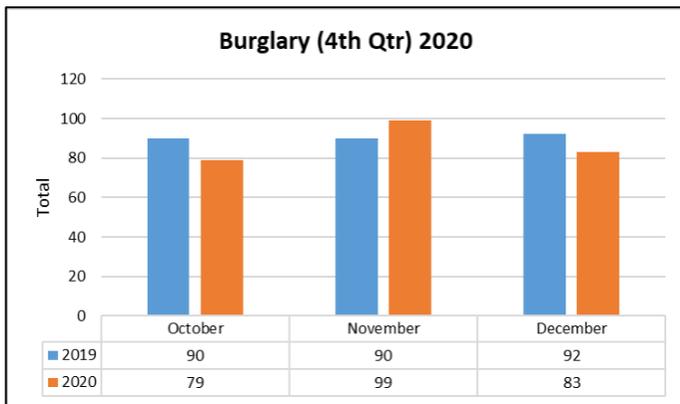


Robberies – Thirty (30) robberies occurred in the City during the fourth quarter of 2020. This is a 57% decrease from the fourth quarter of 2019. The end-of-year robbery total in 2020 (188) reflected a 22% decrease from 2019 and was the lowest annual robbery total in the last five years.



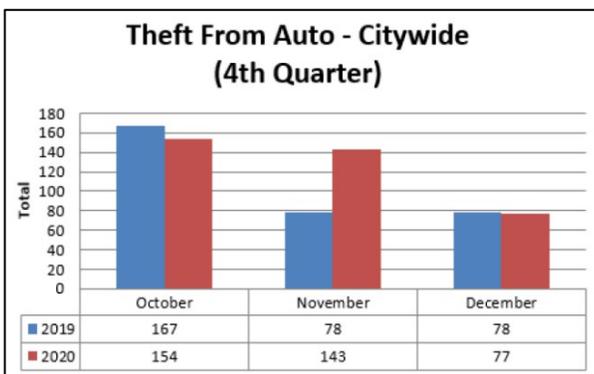
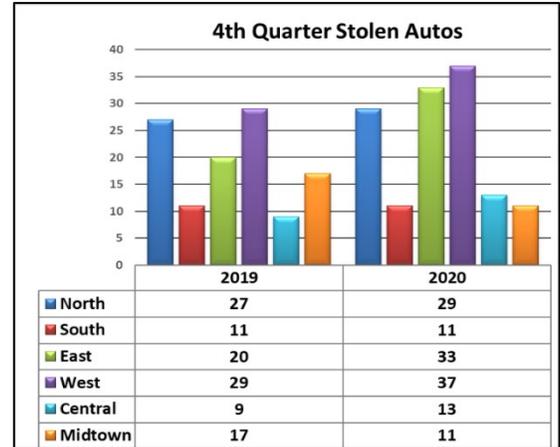


Burglaries – MPD responded to 261 burglaries during the fourth quarter of 2020. This is a 4% decrease from the fourth quarter in 2019.



Blue: nonresidential burglary; green: residential burglary

Stolen Autos – MPD investigated 141 stolen autos during the fourth quarter of 2020. This is a 25% increase from the fourth quarter in 2019.



Thefts from Vehicles – MPD investigated 374 thefts from vehicles during the fourth quarter of 2020. This is a 16% increase from the fourth quarter in 2019

Arrest Data

Fourth quarter arrest data:

Sex	Q1	Q2	Q3	Q4	Total	%
Male	1,371	1,222	1,133	969	4,695	73.9%
Female	539	407	378	337	1,661	26.1%
Unknown	1	0	0	0	1	0.0%
Total	1,911	1,629	1,511	1,306	6,357	100.0%

Race	Q1	Q2	Q3	Q4	Total	%
Asian	28	27	16	19	90	1.4%
African-American	905	754	780	657	3,096	48.7%
Native American	7	10	11	11	39	0.6%
Other	38	42	26	10	116	1.8%
Caucasian	933	796	678	609	3,016	47.4%
Total	1,911	1,629	1,511	1,306	6,357	100.0%
Hispanic	155	111	103	69	438	6.9%

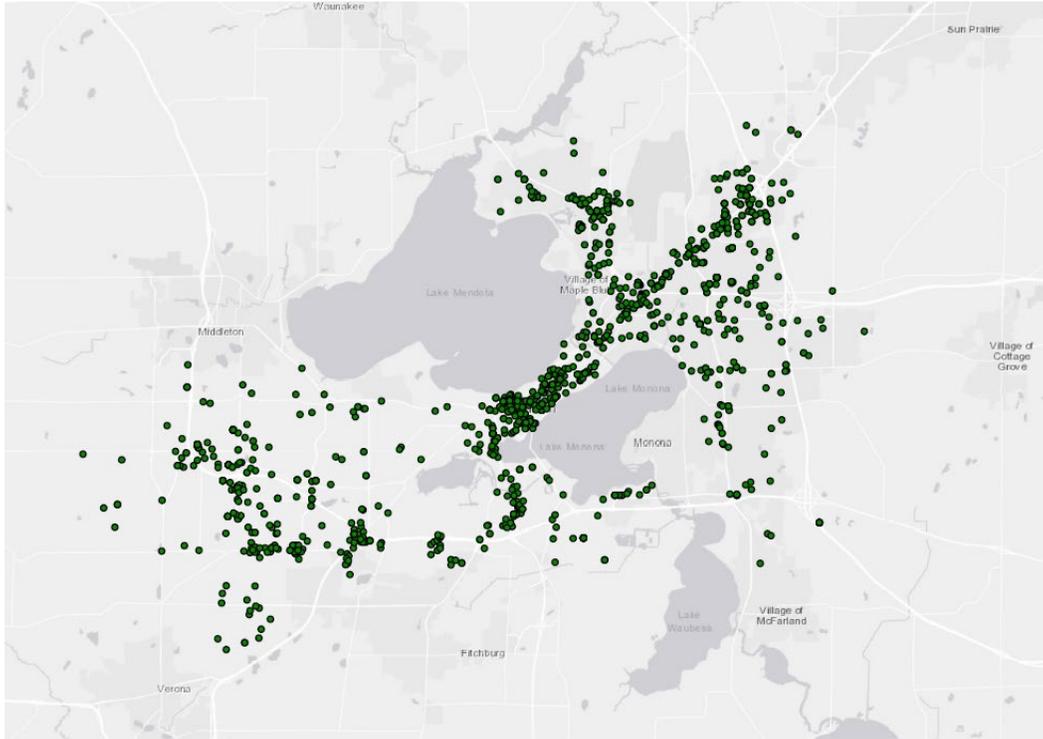
***"Hispanic" is not a racial designator used for UCR/IBR crime reporting purposes. However, it is an ethnicity collected and tracked in MPD's records management system, in addition to race. These arrest figures are based on that data. Each arrested person with a Hispanic ethnicity will also have a race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

IBR Arrest Charges						
Group A Offenses	Q1	Q2	Q3	Q4	Total	%
Animal Cruelty	1	1	0	1	3	0.0%
Arson	0	1	4	1	6	0.1%
Assault Offenses	308	303	310	293	1,214	11.2%
Bribery	0	0	0	0	0	0.0%
Burglary	22	39	33	33	127	1.2%
Counterfeiting/Forgery	6	3	3	5	17	0.2%
Damage to Property	117	124	116	103	460	4.3%
Drug/Narcotic Offenses	235	212	120	127	694	6.4%
Embezzlement	4	0	4	5	13	0.1%
Extortion	1	4	1	5	11	0.1%
Fraud Offenses	24	16	17	22	79	0.7%
Gambling Offenses	0	0	0	0	0	0.0%
Homicide Offenses	0	1	10	3	14	0.1%
Human Trafficking Offenses	0	1	0	0	1	0.0%
Kidnapping/Abduction	13	13	14	21	61	0.6%
Larceny/Theft Offenses	233	172	153	149	707	6.5%
Motor Vehicle Theft	63	35	47	37	182	1.7%
Pornography/Obscene Material	2	2	2	2	8	0.1%
Prostitution Offenses	4	0	1	1	6	0.1%
Robbery	30	20	33	15	98	0.9%
Sex Offenses, Forcible	24	11	23	12	70	0.6%
Sex Offenses, Non-Forcible	0	1	2	0	3	0.0%
Stolen Property Offenses	6	9	16	8	39	0.4%
Weapon Law Violations**	38	47	39	26	150	1.4%
Group B Offenses	Q1	Q2	Q3	Q4	Total	%
Bad Checks	1	0	0	0	1	0.0%
Curfew/Loitering/Vagrancy Violations	11	36	1	1	49	0.5%
Disorderly Conduct	642	575	561	450	2,228	20.6%
Driving Under the Influence	132	92	104	80	408	3.8%
Drunkenness	0	0	0	0	0	0.0%
Family Offenses, Nonviolent	13	22	12	8	55	0.5%
Liquor Law Violations	91	21	34	14	160	1.5%
Peeping Tom	0	1	0	0	1	0.0%
Runaway	0	0	0	0	0	0.0%
Trespass of Real Property	165	133	112	75	485	4.5%
All Other Offenses	969	846	849	792	3,456	32.0%
Total	3,155	2,741	2,621	2,289	10,806	100.0%

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

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

Fourth quarter arrests reflected geographically:



Comparison of 2019 to 2020 fourth quarter arrest data:

Sex	2019 (Q4)	2020 (Q4)
Male	1,341	969
Female	543	337
Unknown	0	0
Total	1,884	1,306

Race	2019 (Q4)	2020 (Q4)
Asian	36	19
African-American	883	657
Native American	10	11
Other	32	10
Caucasian	923	609
Total	1,884	1,306
Hispanic*	135	69

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

Use of Force Overview

During the fourth quarter of 2020, MPD officers responded to 28,851 incidents. In that time, there were thirty-six (36) citizen contacts in which officers used recordable force during the encounter. Each of these force incidents documented by officers was reviewed for compliance with MPD standard operating procedures. **Note that use of force data related to the riots/unrest that occurred this year is reflected separately below.**

Description	Q1	Q2	Q3	Q4	Total
Calls for Service	32,218	30,605	33,958	28,851	125,272
Citizen Contacts Where Force Was Used	80	51	55	36	222
% of CFS Where Force Was Used	0.25%	0.17%	0.16%	0.12%	0.18%
Force					
Decentralization/Takedown	59	44	38	29	141
Active Counter Measures	19	13	6	8	38
Taser Deployment	9	9	18	5	36
Hobble Restraints	13	10	11	6	34
OC (i.e. Pepper) Spray Deployment	12	3	5	1	20
Baton Strike	0	0	0	0	0
K9 Bite	0	1	0	2	1
Firearm Discharged Toward Suspect	0	0	0	0	0
Impact Munition	3	0	2	1	5
Specialty	0	0	0	0	0
Total	115	80	80	52	327
Firearm Discharged to Put Down a Sick or Suffering Animal	12	11	18	17	58

*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 MPD district and time of day:

District*	Q1	Q2	Q3	Q4	Total	%
West	11	8	4	6	29	13.1%
Midtown	13	3	11	5	32	14.4%
South	5	4	2	2	13	5.9%
Central	23	15	14	8	60	27.0%
North	14	9	10	3	36	16.2%
East	12	12	13	11	48	21.6%
Out of County	0	0	0	0	0	0.0%
Within County - Assist	2	0	1	1	4	1.8%
Total	80	51	55	36	222	100.0%

Time of Day/Patrol Shift	Q1	Q2	Q3	Q4	Total	%
1 st Detail (7am – 3pm)	13	7	14	8	42	18.9%
3 rd Detail (3pm – 11pm)	29	22	23	16	90	40.5%
5 th Detail (11pm – 7am)	38	22	18	12	90	40.5%
Total	80	51	55	36	222	100.0%

Comparison of fourth quarter 2019 with fourth quarter 2020 use of force data:

Force	2019 (Q4)	2020 (Q4)
Decentralization/Takedown	68	29
Active Counter Measures	12	8
Taser Deployment	8	5
Hobble Restraints	12	6
OC (i.e. Pepper) Spray Deployment	9	1
Baton Strike	0	0
K9 Bite	1	2
Firearm Discharged Toward Suspect	1	0
Impact Munition	2	1
Specialty (SWAT/SET)	0	0
Total	113	52

Riots/Unrest

The City experienced several nights of significant civil unrest in 2020. These events included violence, property damage, looting, and arson. Law enforcement agencies from across the State along with National Guard personnel were required to assist MPD's response. Rocks, bottles, chairs, and other projectiles were thrown at officers; multiple officers sustained injuries. Officers utilized chemical agents and other tools/techniques to address ongoing looting and violence:

Force	Q2	Q3	Total
Decentralization/Takedown	7	4	11
Active Counter Measures	1	1	2
Taser Deployment	0	0	0
Hobble Restraints	0	0	0
OC (i.e. Pepper) Spray Deployment	96	8	104
Baton (push/shove)	56	0	56
K9 Bite	0	0	0
Firearm Discharged Toward Suspect	0	0	0
Impact Munition	20	3	23
Specialty	135	24	159
Total	315	40	355

Use of force information for these events is being reported separately to clearly distinguish force used during the unrest. I anticipate providing further detail (breakdown by date, etc.) in the future.

Note that the City experienced near-daily protest activity from June through December 2020. MPD staffed a daily command post with officers designated to assist with protest activity for more than 180 consecutive days. MPD policed the vast majority of these events – many involving civil disobedience or other challenging behavior – without significant incident or need for police intervention.

The Quattrone Center for Impartial Justice (affiliated with the University of Pennsylvania Law School) is conducting a review of these events. This process is intended to identify factors that led to the undesirable outcome (like policy, training, culture) and make recommendations to improve them. MPD has been communicating regularly with the Quattrone Center and the review process is well underway.

Gun Violence

The City experienced an unprecedented level of gun violence in 2020. The monthly total for shots fired incidents in July (44) reflected the highest monthly total since the department has been tracking shots fired incidents. The monthly totals in August (33) and June (29) reflect the second and third highest monthly totals, respectively. Other metrics (shell casings recovered, persons struck by gunfire, etc.) were also much higher in 2020. For example, 473 shell casings were recovered by MPD during all of 2019; 1,111 were recovered in 2020 (an increase of 135%). Twenty-six (26) people were struck by gunfire in 2019; forty-eight (48) were struck by gunfire in 2020 (an increase of 85%).

Response to this level of gun violence is very resource-intensive; both the initial response (primarily patrol personnel) and follow-up investigative efforts (Violent Crime Unit and district detectives). MPD also works to prevent future violence/retaliation using department resources and external partners.

MPD Response to COVID-19

The COVID-19 pandemic continues to have a significant impact on MPD. As the COVID-19 situation was developing, MPD created an internal task force to focus exclusively on COVID-19 issues. The work group has done a tremendous amount of work in response to the COVID-19 challenge, ensuring that MPD continues to deliver core services to the community. A number of MPD employees have tested positive for COVID-19, and the pandemic has impacted a number of projects/processes.

COVID vaccination for individuals in group "1a" has started. This group includes frontline healthcare workers and EMS personnel. Law enforcement is expected to be included in group "1b," and it appears as though vaccination for MPD personnel will begin relatively soon.

Mental Health Related Workload

During the fourth quarter of 2020 MPD personnel spent about **3,700** hours of work on cases/incidents involving the mentally ill. This is an average of about **40** hours per day. The bulk of this workload was handled by patrol officers.

This work includes thirty-two (**32**) emergency detentions. It took an average of about **twenty-seven (27)** officer hours for each of these cases. MPD personnel also handled an additional **eight (8)** mental health commitment returns; these averaged about **seventeen (17)** officer hours each.

Training

Forty-nine new officers completed the pre-service academy in November. The group has now moved into field training, and will be ready for solo patrol service in February. Fall in-service started in September and finished in December; all commissioned MPD personnel received training in the following topics:

- Firearms
- Deadly Force SOP
- Less Lethal Force Options
- De-escalation
- Duty to Intervene

- Prohibited Workplace Harassment
- Policing the Teen Brain

SOP Updates

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

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

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

MPD did not acquire any property through DLA/LESO during the fourth quarter of 2020.

Priority/emergency call response

During the fourth quarter, there were sixty-nine (69) instances where MPD's patrol response was limited to emergency and priority calls. Note that some of these instances did not impact citywide response but were limited to a particular district or area of the City.

The sixty-nine instances occurred on forty-nine (49) dates (some days required limited call response multiple times); this means that at some point on **53%** of the days during the fourth quarter MPD patrol response was limited. The sixty-nine instances spanned about **138** total hours of limited call response, an average of 2 hours per instance. In terms of total hours during the fourth quarter, MPD patrol response was limited to emergency and priority calls about **19%** of the time.

Promotions

2020 – Fourth Quarter Promotions

Lieutenant Daniel Nale to Captain
Lieutenant Jamar Gary to Captain
Sergeant Shannon Blackamore to Lieutenant
Sergeant Eugene Woehrle to Lieutenant
Detective Sergeant John Messer to Lieutenant
Police Officer Wade Gummin to Sergeant
Police Officer Livia Novitzke to Sergeant
Police Officer Daniel Sherrick to Sergeant
Police Officer Luke Lengfeld to Sergeant
Police Officer Jared Prado to Sergeant
Police Officer Joseph Buccellato to Detective
Police Officer Katherine Bland to Detective
Police Officer Anna Schmidt to Detective

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

<https://www.cityofmadison.com/police/documents/psiaRecognition2020OctDec.pdf>

<https://www.cityofmadison.com/police/documents/psiaSummary2020OctDec.pdf>

Updated/New SOPs for MPD: October-December, 2020

Active Shooter/Killer Incidents: 12/28/2020

Arrest, Incarceration and Bail – Adults: 12/21/2020

Arrest, Incarceration and Bail – Youth: 12/4/2020

Barricaded Person Incidents: 11/30/2020

Canine Use: 12/21/2020

Changes to Code of Conduct and Standard Operating Procedures: 10/12/2020

Court Overtime: 10/6/2020

Critical Incident Stress Management: 11/30/2020

Deadly Force – Use of: 11/2/2020

Departmental Awards and Recognitions: 10/19/2020

Digital Forensics: 12/28/2020

Foot Pursuits: 12/21/2020

General Duties and Expectations of Employees: 11/9/2020

Handling of Evidence, Contraband, Lost or Found Property: 12/28/2020

Hostage Situation Incidents: 11/30/2020

Personnel File Contents and the Process for Accessing These Records: 12/28/2020

PSIA Complaint Investigation: 11/6/2020

PSIA Discipline Matrix: 10/26/2020

Recording Suspect Interviews: 11/30/2020

Search Warrant Service: 12/1/2020

Sexual Assault Investigations: 10/5/2020

Stop and Frisk: 10/27/2020

System Audits: 11/20/2020

Uniform Standards: 10/19/2020

Video and Audio Surveillance: 10/9/2020



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Active Shooter/Killer Incidents

Eff. Date ~~12/23/2019~~ 12/28/2020

Purpose

Establish standard procedure for MPD response to incidents involving active shooters/killers.

Policy

The objectives of this department in dealing with barricaded person, hostage, and active shooter/killer incidents are:

1. Preservation of life
2. Apprehension of perpetrator(s) using a reasonable amount of force
3. Securing available evidence to assist in the appropriate disposition of the perpetrator(s)

SAFETY PRIORITIES

The basis for operational and tactical decisions will be based on the following safety priorities:

1. Hostages and citizens
2. Law enforcement personnel
3. Suspects and subjects

In situations where ongoing deadly force is reasonably likely to be employed by a suspect—and delay in taking police action could result in injury or death—rapid intervention of officers at the scene is authorized and expected when such actions are deemed reasonable to prevent further injuries or loss of life.

Definitions

Active Shooting/Killing: An incident, normally in a confined and populated area, in which one or more armed persons have used, or are reasonably likely to use, deadly force in an ongoing manner, and where persons have been injured, killed, or are under imminent threat of death or serious bodily harm by such persons. This includes all situations where there is an active, ongoing deadly threat, to include those from firearms, explosives, knives, and other weapons.

Rapid Intervention: Immediate response by one or more officers to an active shooting based on a reasonable belief that failure to take action pending the arrival of additional officers would result in death or serious bodily injury.

Hot Zone: Physical location(s) under direct threat by a person(s) or other mechanism (improvised explosive devices, etc.).

Warm Zone: Physical location not believed to be under direct threat but where there is potential for hazard. Cleared and occupied by law enforcement but not secured.

Cold Zone: Area outside the immediate warm zone.

Contact Team: The first officer(s) at the scene of an active shooting tasked with locating the suspect(s) and neutralizing the threat.



Rescue Team: An organized team of officers who make entry after the contact team to provide first aid and evacuate persons from a hostile environment. May include a mixture of law enforcement and fire/EMS elements operating in a warm zone environment to triage patients, provide medical care and coordinate casualty evacuation.

Staging: A physical location established in the cold zone and staffed by a law enforcement and fire/EMS representative.

Response Procedures

INITIAL RESPONSE

Personnel initially responding to an active shooter/killer incident will make an initial assessment by:

- [Redacted]
- [Redacted]

Upon completion of the initial assessment, [Redacted]

- [Redacted]
- [Redacted]
- [Redacted]

In some instances, an individual officer may be present within or nearby the active shooting location, such as a mall or school.

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

As soon as practical, officer(s) shall notify communications that an active shooter/killer situation exists. The officer should provide the following information and updates as available:

- The identity, location, manner of dress (if not in uniform), and proposed actions of the officer(s) at the scene;
- Information on the suspect to include a physical description, weapons, equipment such as body armor, and current location and actions; and
- Available information on persons injured or under threat, their locations, emergency resources required, and [Redacted]

- [REDACTED]
- [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

INTERVENTION—CONTACT TEAM RESPONSE

A contact team response to an active shooter/killer situation is preferred in nearly all active shooter/killer situations—irrespective of any initial actions that may have been taken. Even if the threat seemingly has been terminated, [REDACTED]

Normally, [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

RESCUE TEAM RESPONSE

- [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

STABILIZATION

Once the contact and rescue teams have been deployed, the scene supervisor/incident commander will:

1. Establish an inner perimeter.
2. Establish a command post and unified command structure with other agencies (MFD, etc.).
3. Establish a staging area for responding emergency personnel.
4. In conjunction with the Madison Fire Department, identify a casualty collection point (CCP) for injured parties to be taken for triage, treatment and transportation.
5. Determine a collection point/evacuation center for non-injured evacuees from the location.
6. Establish a staging area/contact point for friends and family members of potential victims.
7. Select a location for media response and designate a person to interact with them prior to the arrival of the agency public information officer.
8. Establish an outer perimeter and traffic plan.
9. Establish and maintain a log that documents the activities that have occurred and the location and identification of the assigned personnel.
10. Ensure that the appropriate personnel have been notified and briefed (OIC, District Command, etc.).
11. Coordinate with owners or officials of the target location for floor plans, site layout, and a roster (including emergency contact information as available) of employees, students, residents, visitors, or others believed to be on-site.

[REDACTED]

Officers assigned to the evacuation center shall maintain custody and control of all persons and document their identities until they can be reunited with family or others. Victims and witnesses suffering from emotional and/or physical trauma or shock should be kept under the observation of medical personnel until such time as they may be safely transported to a hospital or home in the care of family or friends.

SWAT RESPONSE

SWAT should be activated to assist with active shooter/killer incidents when appropriate. Initial requests for SWAT activation should be made to the SWAT tactical team lieutenant. A full-team SWAT activation should generally be approved by the SWAT Commander and Assistant Chief of Operations. However, SWAT use may be approved by any MPD supervisor if no SWAT commander/supervisor can be contacted, or in case of extraordinary emergency where command approval would be impractical. The SWAT commander will be notified as soon as possible of any SWAT usage that did not have prior authorization.

On-duty SWAT personnel may respond to assist with tactical situations as needed. Where possible, a SWAT supervisor will respond to the scene to oversee the utilization of SWAT personnel. If used for on-duty tactical situations, SWAT personnel will only be used in a manner that is consistent with the SWAT Team's training and standard operating procedures.

The actions of SWAT will be consistent with MPD's Code of Conduct, standard operating procedures, and with standard professional practices in the area of police tactical response.

Original SOP: 08/18/2014

(Reviewed Only: 02/17/2016, 12/26/2017, 12/28/2020)

(Revised: 11/02/2016, 01/14/2019, 12/23/2019)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Arrest, Incarceration, and Bail - Adults

Eff. Date ~~01/15/2020~~ 12/21/2020

Arrest Authority

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

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

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

Enforcement Action Outside of Jurisdiction

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

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

1. Madison Police MPD officers shall take intervention or enforcement action when:
 - a. The officer is on duty and on official business outside of the City of Madison, but within the State of Wisconsin; and
 - b. The officer would be authorized to take action if the incident occurred in the City of Madison; and
 - c. The officer is acting in response to:
 - i. An emergency situation that poses a significant threat to life or of bodily harm; or
 - ii. An act the officer reasonably believes is a felony.
2. Madison Police MPD officers may take enforcement action including making arrests and issuing citations:
 - a. On the entire width of boundary highways and on the entire area of boundary intersections for any violation of either the state criminal code or any City of Madison ordinance.

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

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

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

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

- g. When acting on boundary highways or in boundary intersections, an officer is not required to make any notification or take action other than that which is required if the incident occurred entirely within the City. This does not prevent the officer from informing the adjoining jurisdiction as a matter of professional courtesy.

Arrest Screening/Bail

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

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

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

Felonies

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

State Statute Misdemeanor Citations

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

1. The arrested person is positively identified.
2. The arrested person currently resides in Wisconsin.
3. It appears the arrested person will not continue the behavior forming the basis for the charge.
4. The arrested person poses no apparent threat to persons or property.
5. The arrested person does not have a history of failing to appear at court dates for previous offenses.
6. The offense does not fall under the definition of domestic abuse, as defined by **Sec. Wisconsin State Statute 968.075(1)(a) Wis. Stats.**

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

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

City Ordinance Violations (Non-Traffic)

CITATION

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

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

PHYSICAL ARREST

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

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

Traffic Violations (City Ordinance or State Statute)

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

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

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

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

The arrested person shall be released if they:

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

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

Traffic Warrant Service Guidelines

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

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

WHEN SERVING A WARRANT PROCEDURE

1. Read warrant to defendant.
2. If paying, place money, receipt, warrant, and jacket in **Patrol CCB** ticket slot.

3. If defendant is taken to the Public Safety Building, place warrant and jacket in warrant tray.

PROCESSING PHYSICALLY ARRESTED ADULTS

1. Appropriate Booking Forms must be completed prior to processing an arrested person into jail.
2. Prior to transporting an arrested adult to jail, officers shall search the person as a routine security measure to ensure that weapons/contraband are not introduced into the jail environment.
3. When processing an arrested adult or 17 year old:
 - a. Conveyance should be made directly to the Dane County Jail UNLESS the arrest is one which requires additional processing, e.g., an intoximeter, an interrogation, a strip search, to obtain a City of Madison arrest warrant, an extended consultation with OIC reviewing charges.
 - b. Arresting officer should contact OIC via the telephone to approve charges and establish bail.
 - c. The OIC will confirm that the arrested person has been asked medical condition questions, and, where appropriate, direct officers to convey the prisoner to a medical facility for attention and medical release.
 - d. The arresting officer will ensure completion of booking forms to include specific charges and established bail if approved and will present this to jailers jail booking deputies along with the completed Probable Cause (PC) Affidavit.
 - e. When an arrested person must be medically treated prior to incarceration, officers must complete a Dane County Jail medical clearance form and attach the same to their report. After returning from leaving a medical facility, officers will convey the arrested person is conveyed to the Dane County Jail.
 - f. When an arrested person is taken to a detoxification facility prior to being taken to jail, the report shall be completed prior to the end of shift. The Booking Forms and PC Affidavit will be placed in the locked file cabinet at Detox. Officers shall complete the release notification form and leave that form with the nurse at Detox.
 - g. Copies of the Booking Forms received at the jail are to be returned to the Patrol Counter CCB for transfer to Data Control.
 - h. Seventeen-year-olds arrested only for ordinance violations shall not be incarcerated in the Dane County Jail.
 - i. Arresting officers will ensure the appropriate entries are made into the SharePoint Arrest log.
 - j. In the event that SharePoint is unavailable, the arresting officer will obtain a paper form from the OIC and will complete this paper form. The OIC will then forward that paper form to Records.
4. All reports dealing with an arrested person must be done prior to going back into service. (Exception: OIC approval).

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CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Arrest, Incarceration, and Bail – Youth

Eff. Date ~~09/09/2019~~ 12/04/2020

Purpose

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

Procedure

In interactions with youth, more than anywhere else in police work, officers have many options available as alternatives to arrest or citation and are given wide latitude to make judgments about what will create the best possible resolution. The following are general principles set forth to establish the philosophical parameters for decision-making and to satisfy the need for consistency and uniformity.

1. Officers shall be mindful of the constitutional rights guaranteed to all youth.
2. MPD recognizes that the primary responsibility for the upbringing of youth is vested in the family structure, although there may be instances where police intervention will occur
3. Alternatives to arrest and citation will be utilized in all situations in which officers are dealing with youth.
4. When youth are taken into custody or are the subject of a significant investigation the youth's parents or guardian shall be notified as soon as possible.
5. All investigative, enforcement, and security procedures, including interviewing, gathering evidence, and apprehension shall be carried out in a way that acknowledges that youth are psychologically, emotionally, and physically different than adults.
6. Every effort should be made to work cooperatively with other community agencies, schools, the juvenile court, and interested citizens, in a community-centered approach.

DEFINITIONS

Youth/Child/Juvenile

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

Adult

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

Parent

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

Taking Into Custody

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

Physical Custody

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

Legal Custody

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

Secure Custody Status - Confinement

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

Secure Detention Facility

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

Release

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

Juvenile Reception Center (JRC)

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

CUSTODY

Authority for Taking a Youth into Custody

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

1. A capias or warrant for the youth's apprehension has been issued in the state of Wisconsin or another state, or the youth is a fugitive from justice.
2. Probable cause exists that the youth is committing or has committed an act that is a violation of a state or federal criminal law.
3. The youth has run away from their parent, guardian, or legal or physical custodian, and officers have been informed of their status as having run away. The taking into custody is solely for the purpose of returning the youth to their parent, guardian, or legal or physical custodian.
4. The youth is suffering from illness or injury or is in immediate danger from his or her surroundings making removal from those surroundings necessary, or the threat of harm or danger by the youth makes being taken into custody necessary. The officer should identify an appropriate place to transport the youth to, utilizing community resources identified by the alternatives to arrest or citation training officers have received.

5. The youth has violated the terms of court-ordered supervision or aftercare supervision administered by the Department of Corrections or a county department, and those terms specify that the youth is to be taken into custody if a violation occurs.
6. The youth has violated the conditions of an order under Wis. Stat. 938.21(4) or the conditions of an order by an intake worker for temporary physical custody, and the order specifies that the youth is to be taken into custody if a violation occurs.
7. Probable cause exists that the youth violated a civil law or a local ordinance punishable by forfeiture. In that case, the youth shall be released immediately under Wis. Stat. 938.20(2)(ag) or as soon as reasonably possible under Wis. Stat. 938.20(2)(b) to (g).
8. An order of the judge demanding that the youth be immediately removed from his or her present custody for the welfare of the youth. The order shall specify that the youth be held in custody under Wis. Stat. 938.207.

Mandatory Detention of Juveniles Youth

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

“Offense” means any of the following:

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

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

Temporary Holding Facility (THF)

All police districts may be used as a THF for youth.

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

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

Youth who are taken to a THF or district facility shall be kept separate from adults in all areas of the THF and district facilities. There shall be no sight or sound contact with adult prisoners in any area of the lockup including entrances, booking areas, intake, elevators, staircases, cells, holding rooms, or any other area. Under no circumstances should district station interrogation rooms be used to hold youth that are in secure custody unless the youth is being interrogated and is accompanied by a detective/officer.

No youth shall be placed into any cell or any form of secure custody status until the youth has been completely processed (fingerprints and photographs). This means that the arresting officers/detectives shall physically

stay with all youth in their custody. If youth meet the criteria established for “cite and release,” every effort will be made to utilize this process without taking the youth into custody.

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

If a youth is placed in a cell, physical checks must be conducted at least four times an hour on an irregular schedule. These safety checks shall be staggered so as to not establish a noticeable routine that might allow the youth to hurt themselves, hurt the officer, or escape.

Youth shall not be held in secure custody status in THF for more than six hours. **This six-hour secure custody status time limit starts when the detained youth is placed in a secure custody status cell or handcuffed to a cuffing rail or other stationary object.** The six-hour requirement is mandated by the Federal Juvenile Justice Delinquency Prevention Act and is also required under Wis. Stat. 938.209 and DOC Administrative Code Chapter 349. Youth who have not yet been placed in secure custody status (e.g., those who remain with the arresting officer, are going through the booking, searching, fingerprinting, or photographing process, or those who are being interviewed by detectives) do not cause the clock to start as it pertains to the six-hour limit. These activities do not constitute secure custody status.

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

Youth shall not be placed into secure custody status if they are in custody for status offenses (e.g., missing, runaway, child in need of protective services). Youth who are stopped for status offenses shall be provided every opportunity for an alternative to arrest or citation.

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

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

Detention Facilities

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

Notification of Parent or Guardian

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

TRANSPORTATION OF YOUTH

Transport to District Station or JRC

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

custody. Youth will generally be transported in a squad car equipped with a safety shield. Youth shall be properly restrained in seat belts or child restraint systems during transportation, being mindful that this restraint is for safety, not restriction of movement.

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

Youth with Medical Issues or in Need of Medication

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

BOOKING

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

DISPOSITIONS

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

Disposition Alternatives

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

Procedural Guidelines

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

1. **Warn and Release:** a youth may be released with no further action, if the offense is minor in nature. This route shall be utilized as often as possible in alignment with MPD’s goal of utilizing alternatives to arrest and citation when coming into contact with youth. When going the route of warn and release, the options that should be utilized except in exigent circumstances are:
 - a. **Verbal warning** with no further action.
 - b. **Informal counseling** by the officer, focused on helping the young person recognize the consequences of his/her actions.

- c. **Release** to a parent, guardian, or other responsible adult.
 - d. **Referral** to an appropriate community social service or mental health agency.
 - e. **Referral** to an existing diversion program.
2. **Criminal Charge:** a youth may be released after being taken into custody for the commission of a crime. An Arrest Notification Form will be properly completed and disseminated. Fingerprints shall be taken. A photograph should be taken unless the youth already has a photograph, and their appearance has not significantly changed since the last photograph. The youth shall be released to a parent, guardian, legal custodian, or other responsible adult.
3. **Referral to Dane County Juvenile Reception Center:** the decision to refer a youth to the Reception Center for the purpose of detention or intake will be reviewed by the Officer-in-Charge under any of the following conditions:
 - a. Commission of a serious criminal offense;
 - b. A case involving the possession, use, or threatened use of a weapon.
 - c. The youth is unwilling to appear in court, and the parents or guardian will be unable to produce him/her upon proper notice;
 - d. The youth is likely to repeat behavior harmful to him/herself or others;
 - e. In incidents where a youth continues to resist, is uncooperative, and it appears that he or she will not submit to the control of parents or another responsible adult.

ADMINISTRATIVE RELEASE

When a youth has been properly taken into custody and investigation reveals that MPD is unable to pursue charges because the youth was not involved in the offense or there is insufficient evidence to adequately support the charge, the youth must be released. Every effort will be made to reveal this information as soon as possible after contact with the youth. The disposition shall be listed as “administrative release” and the reason for custodial detention and release will be documented in a report. A wanted check shall be conducted before release. The youth’s parents shall be notified and noted in the report.

REFERRAL TO JUVENILE RECEPTION CENTER (JRC)

1. Referral to the JRC shall take place in those misdemeanor cases where detention is not appropriate and an alternative to arrest or citation could not, due to exigent circumstances, be utilized.
2. When a youth is referred to the JRC for disposition, a minimum of 15 calendar days should be allowed between the date the youth was taken into custody and the date set for appearance.

DETENTION AT JRC

1. The decision to detain a youth shall be made by the OIC. The OIC may consult with the JRC intake worker when considering detaining a youth at the JRC. Only the JRC intake worker is authorized by state statute to make the decision to admit or release the youth. Under no circumstances shall a youth be detained as a means of punishment, because it enhances pending investigations, or because he or she is a material witness, unless so ordered by a judge of the children’s court. If there is a need for secure custody of a youth, the officer taking the youth into custody shall complete a reporting documenting the need.
2. Detention is mandatory when one or more of the following conditions or circumstances exist:
 - a) The offense is a felony.

- b) The offense is a misdemeanor involving a weapon or resulting in injury or harm to others or a threat to public safety.
 - c) The offense is one of a series of offenses that were previously handled without being referred to the JRC, not identified as an instance where an alternative to arrest or citation attempt should be utilized.
3. If the youth is hospitalized, all paperwork shall be filed and secured in the OIC's office until the youth is medically cleared and ready to be discharged.

REPORTS

General Information

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

Arrest/Detention Report Required

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

FINGERPRINT REQUIREMENT

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

1. Indicate in the narrative portion of the citation how the youth was identified (e.g., fingerprint or valid picture identification card).
2. A fingerprint is not mandatory in those instances where the violator has valid picture identification. This must be a Wisconsin operator's license or identification card, a passport or passport card, or state or federal government issued picture identification.

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

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

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

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

ARRESTS OF YOUTH

Serious Offenses

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

Aftercare Violators (Previously Probation & Parole Violators)

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

Capias or Apprehension Request

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

Taking Into Custody on School Property During School Hours

An officer may take a student into custody during school hours if the officer has probable cause to arrest the student for a misdemeanor or felony crime, or pursuant to an arrest warrant or juvenile apprehension order and an alternative to arrest or citation cannot be utilized. The school principal or his/her designee and the School Resource Officer (SRO), when applicable, shall be informed of all arrests made on school grounds during school hours.

Procedural Guidelines

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

Responding to Truancy

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

Procedural Guidelines

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

When Processing an Arrested Youth for JRC

1. Conveyance should be made directly to the City County Building unless release in the field is approved by a supervisor.
2. The arresting officer shall consult with the OIC to approve charges and shall make an entry into the SharePoint Arrest log. In the event that SharePoint is unavailable, the arresting officer will obtain a paper form from the OIC and will complete this paper form. The OIC will then forward that paper form to Records.
3. The Temporary Physical Custody Request Form should be completed prior to transporting the youth to JRC. A copy of this form should be forwarded to the Criminal Intake Unit (CIU).

4. Youth who are to be taken to JRC shall be photographed, fingerprinted, and a required DNA sample taken for the arrest of listed violent felonies. Exception: If there is a recent photo on file and there are no changes in appearance, a new photograph is not required.

Use of Youth as Paid Undercover Personnel

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

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

Photographing, Fingerprinting, and DNA Collection for Youth

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

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

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

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

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

2. When an arrested youth is brought into the station for photographs and fingerprinting, the following is required (runaways are excepted):
 - a. Two (2) green fingerprint cards with palm and rolled impressions, which are signed by the person printed and the person doing the printing.
 - b. One (1) set of palm prints.
 - c. A front and profile photograph. If glasses are worn, one set with and one set without glasses.
 - d. The forwarding of all reports and fingerprint cards to the juvenile court detective in CIU.

3. Photographs, two green fingerprint cards, and palm prints of youth taken into custody will be the responsibility of the arresting officer. The camera in the Central District Intake Area (GR-55) will be utilized for photographs. Instructions on the camera operation are maintained at that location, as are fingerprint cards.

Recordkeeping

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

Confidentiality of Records

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

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

9. Victim-Witness Coordinator;
10. Fire Investigator investigating an arson;
11. The involved youth when they reach the age of 18.

Original SOP: 11/09/2015

(Revised: 02/10/2016, 04/02/2018, 09/09/2019, 12/04/2020)

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



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Barricaded Person Incidents

Eff. Date ~~12/20/2019~~ 11/30/2020

Purpose

Establish standard procedure for **Madison Police Department (MPD)** response to incidents involving barricaded subjects or suspects.

Policy

The objectives of this department in dealing with barricaded person, hostage and active shooter incidents are:

1. Preservation of life.
2. Apprehension of perpetrator(s) using a reasonable amount of force.
3. Securing available evidence to assist in the appropriate disposition of the perpetrator(s).

SAFETY PRIORITIES

The basis for operational and tactical decisions will be based on the following safety priorities:

1. Hostages and citizens
2. Law enforcement personnel
3. Suspects and subjects

If a barricaded subject/suspect situation involves dangerous or assaultive behavior directed towards citizens or officers, involves a risk to public safety, or involves suspects wanted for serious felony crimes, officers—including **Special Weapons and Tactics (SWAT)** personnel, if needed—will respond and resolve the situation. In other barricaded subject/suspect situations, the benefits of forcing the suspect/subject from the location will be weighed against the potential costs (resources, impact on neighboring community, risks involved with tactical interventions, etc.).

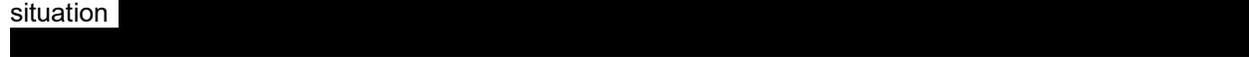


Definitions

Barricaded Suspect: A criminal suspect who has taken a position in a physical location, most often a structure or vehicle, that does not allow immediate police access—whether fortified or not—and who is refusing police orders to exit. A barricaded suspect may be known to be armed, thought to be armed, have access to weapons in the location, or **be in have** an unknown weapons status.

Barricaded Subject: A person who is not suspected of committing a crime, but **who** is the focus of a legitimate police intervention effort—most often involving threats of suicide or mental illness—who has taken a position in a physical location, most often a structure or vehicle, that does not allow immediate police access—whether fortified or not—and who is refusing police orders to exit. A barricaded subject may be known to be armed, thought to be armed, have access to weapons in the location, or **be in have** an unknown weapons status.

Resolution Techniques: Primary police action geared toward resolving a barricaded suspect or subject situation



Resolution Tactics: Secondary police action geared toward resolving a barricaded suspect or subject situation [REDACTED]

Triggering Point: Specific predetermined circumstances that will justify the initiation of direct action to prevent or terminate a particular course of suspect or subject behavior.

Inner Perimeter: A close proximity boundary [REDACTED]

Outer Perimeter: A boundary outside the inner perimeter maintained by patrol officers and designed to prevent unauthorized persons from entering the area of the critical incident.

Positive progress in a barricade resolution effort shall be defined as developments that increase the probability that the suspect or subject will be safely taken into custody, as opposed to the mere passage of time.

Response Procedures

INITIAL RESPONSE

Personnel initially responding to a barricaded subject/suspect incident will assess the situation and request the appropriate resources. The initial priorities are to:

[REDACTED]

STABILIZATION

Once the scene is stabilized, patrol personnel shall conduct a secondary assessment and consider what has occurred and whether there is legal standing to intercede. It is especially important to determine:

1. Whether a crime has been committed;
2. Whether the person inside is a suspect in the crime;
3. Whether there is probable cause for his/her arrest; and
4. Whether the need to apprehend the suspect at that moment outweighs the challenges associated with compelling the suspect or subject to submit to police authority.

In the absence of a crime or under circumstances where there is no legitimate risk of death or serious injury, the best course of action may be to stand down.

RESOLVING THE SITUATION

If the decision is made to attempt to resolve the barricade situation, the scene supervisor shall ensure that the appropriate specialized resources have been requested (SWAT, Crisis Negotiation Team (CNT), paramedics, etc.). The scene supervisor shall ensure that a variety of tasks are addressed while awaiting the arrival of SWAT, including but not limited to the following:

1. Establish an outer perimeter and initiate the evacuation and handling process for those inside. Special consideration must be given to the handling of those who refuse to be evacuated.
2. Establish a command post location [REDACTED]

3. [REDACTED]
4. [REDACTED]
5. Select a location for media response and designate a person to interact with them prior to the arrival of the agency public information officer.
6. [REDACTED]
7. [REDACTED]
8. Establish and maintain a log that documents the activities that have occurred and the location and identification of the assigned personnel.
9. Ensure that the appropriate personnel have been notified and briefed (OIC, District Command, etc.).
10. Brief the SWAT and negotiations teams upon their arrival (if applicable).
11. Assist the SWAT team as it relieves the officers responsible for inner perimeter containment personnel (if applicable).
12. Ensure that all officers relieved report to the command post for reassignment.

SWAT RESPONSE

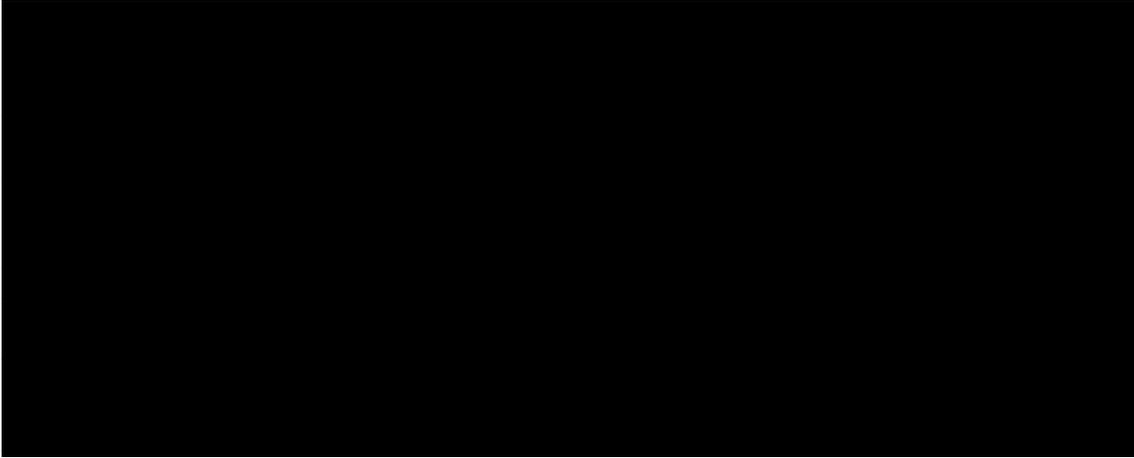
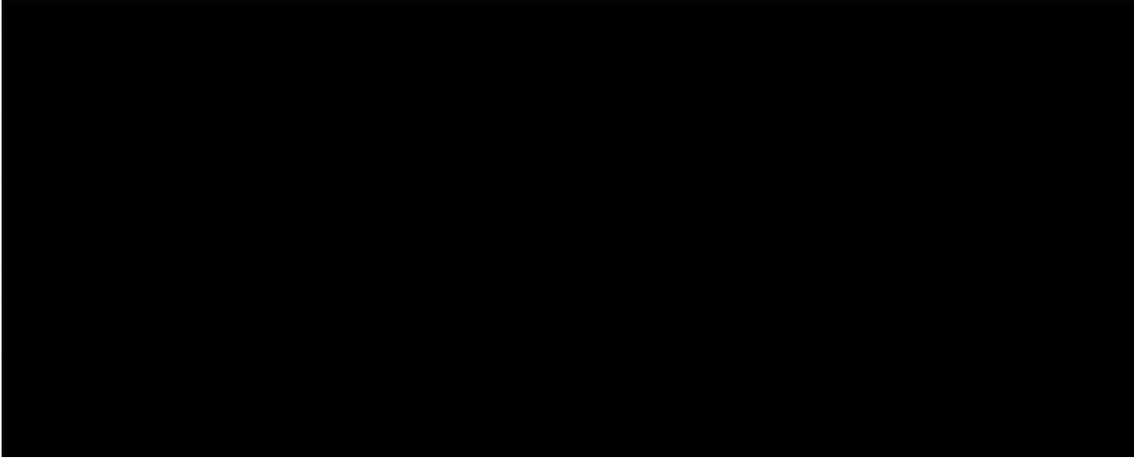
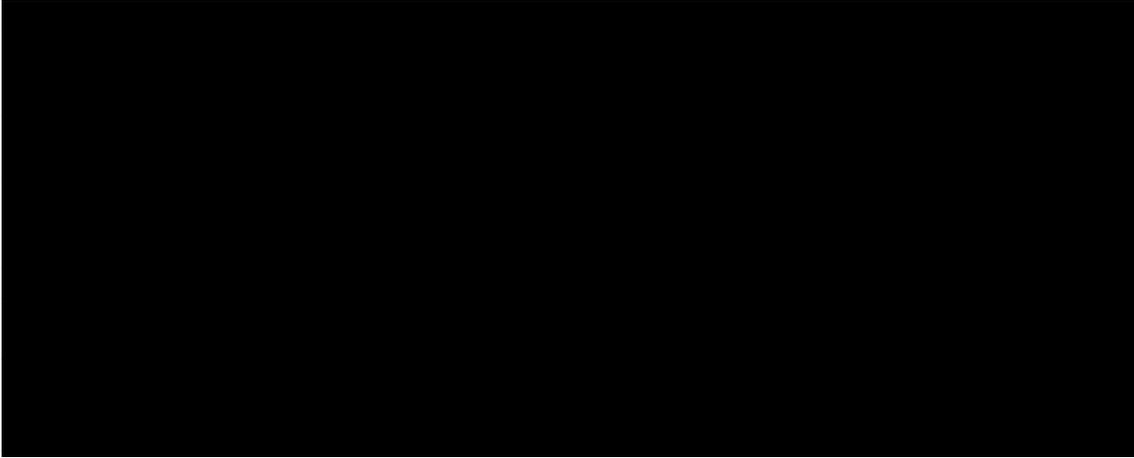
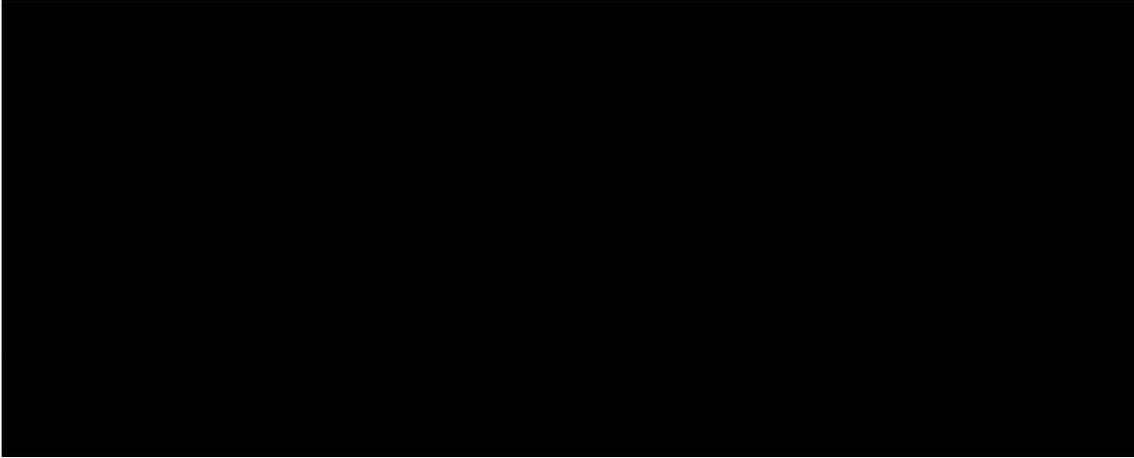
SWAT shall be activated for barricaded person situations involving suspects/subjects believed to be armed. SWAT may also be activated when circumstances exist that may pose risks beyond the capacity of patrol to safely resolve. Initial requests for SWAT activation should be made to the SWAT tactical team lieutenant. A full-team SWAT activation should generally be approved by the SWAT Commander and designated Assistant Chief. However, SWAT use may be approved by any MPD supervisor if no SWAT commander/supervisor can be contacted, or in case of extraordinary emergency where command approval would be impractical. The SWAT commander will be notified as soon as possible of any SWAT usage that did not have prior authorization.

On-duty SWAT personnel may respond to assist with tactical situations as needed. Where possible, a SWAT supervisor will respond to the scene to oversee the utilization of SWAT personnel. If used for on-duty tactical situations, SWAT personnel will only be used in a manner that is consistent with the Team's training and standard operating procedures.

The actions of SWAT will be consistent with MPD's Code of Conduct, standard operating procedures, and with standard professional practices in the area of police tactical response.

Once SWAT has arrived on scene and assumed responsibility for the incident, SWAT command will fill the role of the overall incident commander. Resolution efforts in most situations generally involve the following:

1. Ensure that all appropriate steps have been taken prior to SWAT arrival (inner perimeter, intelligence gathering, etc.).
2. Patrol/district personnel will have responsibility for the outer perimeter, traffic control, media contacts, etc.
3. [REDACTED]
4. [REDACTED]

5. 
6. 
7. Maintain a log to document incident activity.
8. The CNT commander will oversee the negotiation function and the gathering of all relevant intelligence. Information will be shared with perimeter units as appropriate, and CNT activity will be documented consistent with the SWAT Manual.
9. 
10. 
11. 
12. 
13. 
14. 
15. 
16. 
17. Ensure that appropriate legal authority exists prior to using tactics to enter the dwelling. Judicial authority to enter (a search warrant for the target location, an arrest warrant or commitment order for the subject known to be inside, and so on) is preferred.
18. Use a combination of techniques and tactics, in a manner consistent with approved training, until the situation is brought to a successful conclusion.

Original SOP: 08/18/2014
(Revised: 02/05/2016, 11/02/2016, 01/20/2017, 12/20/2019, 11/30/2020)
(Reviewed Only: 12/26/2017, 01/30/2019)



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Canine Use

Eff. Date ~~01/15/2020~~ 12/21/2020

Purpose

Subject to the provisions of this ~~policy~~ standard operating procedure (SOP), **Madison Police Department (MPD)** K9s trained in patrol applications may be utilized for area searches, building searches, tracking, evidence searches, narcotics detection, bomb detection, suspect apprehensions, handler protection, and community presentations.

The K9 handler is at all times responsible for the control of his or her dog. If there is a dispute on the manner in which a K9 team is to be used, the final decision will be made by the handler.

Procedure

SEARCH AND APPREHENSION

Deploying a K9 off lead to search for or apprehend a subject is considered a use of force and must be reasonable and consistent with MPD's Use of Non-Deadly Force SOP. MPD K9s may be used as an application of force to:

- Assist in the arrest or prevent the escape of serious or violent subjects;
- Conduct building or area searches for what are reasonably believed to be serious or violent subjects;
- To overcome violent or assaultive behavior or its threat, if the officer reasonably believes that the subject poses an articulable threat of harm to officers or others and that a lesser degree of force would be insufficient or impractical;
- To control a subject to prevent him or her from harming themselves or others, if a lesser degree of force would be insufficient or impractical.

Verbal warnings shall be issued prior to the deployment of the K9 unless circumstances exist that make such warnings impractical or unsafe. Officers will also consider the potential risk of a K9 deployment to officers or uninvolved subjects prior to deployment.

Searches of populated areas should be done on lead until the dog locates a subject. The dog may then be deployed off lead in accordance with this SOP. The K9 handler shall not allow his or her dog to engage a subject ~~that who~~ has voluntarily submitted to arrest or ~~who~~ is in physical custody.

If a K9 engages a subject, the K9 shall be commanded to disengage as soon as the person is subdued and under control. The appropriateness of deploying a K9 for an apprehension may vary during the course of an incident and the K9 handler must continually evaluate the circumstances when determining the reasonableness of a K9 apprehension.

INJURY CAUSED BY K9

Once a K9 has engaged a subject and control has been achieved, the subject will be evaluated for injury. If a patrol K9 injures a person, the K9 handler will request that a field supervisor respond to the scene immediately, consistent with the Use of Force Data Collection and Review SOP. The K9 handler will also ensure that the K9 supervisor is notified.

NARCOTICS DETECTION

K9s trained in narcotics detection will be used in accordance with their training.

BOMB DETECTION

K9s trained in bomb detection will be used in accordance with their training.

MUTUAL AID REQUESTS

Madison Police Department (MPD) K9 units will, when possible, assist other agencies pursuant to a mutual aid request. Mutual aid requests should be vetted and approved by the OIC. MPD K9 handlers assisting other agencies will act in accordance with this policy SOP at all times.

K9 HANDLER VEHICLE

1. Each handler will be assigned a squad for their his or her exclusive use. Handlers are allowed to keep their squads at their residence, and to use them as follows:
 - a. Driving to and from work.
 - b. During the handler's normal tour of duty.
 - c. Taking the K9 to the veterinarian.
 - d. Picking up dog food or other required K9 equipment.
 - e. Driving to work-related K9 training.
 - f. Any other work-related transportation.
2. When the handler is away from his or her vehicle and the dog is in the vehicle, the vehicle shall be locked and appropriate ventilation will be provided.
3. Patrol K9 handlers will have an exposed bite sleeve available in the trunk of their vehicle at all times.
4. When operating the squad (on- or off-duty), handlers will be armed with their duty weapon, will have handcuffs available, and will have police identification—including a badge—with them.

K9 HANDLER ASSIGNED K9 CARE

1. Each K9 handler will have an assigned K9 to keep at their his or her residence. K9 handlers are responsible for the care of their assigned K9 as follows:
 - a. Provide regular food and water as needed.
 - b. Ensure routine vet care is provided and ensure prompt vet care for health changes or injury.
 - c. Notify a K9 supervisor when the K9 is being cared for by anyone other than the assigned handler. Ensure the person caring for the K9 has the K9 sergeant's contact information.
 - d. Notify the K9 sergeant of any changes in the K9's health or of any injury as soon as possible.

K9 TRAINING

1. New handlers and dogs will undergo initial training prior to being certified for active duty. Each team will obtain an independent certification by an organization recognized in patrol, narcotics, and/or bomb detection use prior to active duty.
2. Each K9 team will engage in regular maintenance training and periodic re-certification as necessary.
3. The K9 supervisor is responsible for ensuring that each K9 team receives adequate training and maintains appropriate certification.

RECORDS

1. Each handler is responsible for maintaining records of all K9 related calls for service and K9 training.
2. The K9 supervisor is responsible for maintaining overall MPD K9 records and for verifying that individual handlers are maintaining appropriate records.

Original SOP: 02/25/2015
(Revised: 02/24/2016, 01/15/2019, 01/15/2020, 12/21/2020)
(Reviewed Only: 11/01/2016, 12/26/2017)



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



Changes to Code of Conduct and Standard Operating Procedures

Eff. Date ~~01/03/2020~~ 10/12/2020

Code of Conduct

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

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

Standard Operating Procedures (SOP)

SOP REVIEW

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

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

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

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

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

MID-YEAR ADJUSTMENTS

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

PROCESS FOR CHANGES

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

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

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

Non-substantive changes to an SOP (such as edits to grammar, punctuation, or word usage) that do not have an operational impact are not required to go through the formal change process.

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

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

Original SOP: 04/08/2015
(Reviewed Only: 03/01/2016, 01/09/2017)
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CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Court Overtime

Eff. Date 04/17/2020 10/06/2020

Purpose

To clarify the contractual compensation and payroll entries associated with court testimony in person and via telephone as well as court cancellation provisions.

Procedure

WHEN AN EMPLOYEE IS SUBPOENAED FOR COURT DURING NON-DUTY TIME

- Employees who are under subpoena and physically appear in court to provide testimony will use the overtime code **OT Court**.
- Effective January 2019, the Court Standby MOU with the MPPOA codified that employees who are under subpoena and directed to provide testimony by telephone will be compensated pursuant to standard contract provisions as if they had reported for duty to testify.
- When employees are asked to meet in-person with the prosecutor to prepare in advance of subpoenaed testimony, the work code is OT General and the detail code is TRP (or PTRP).

RDO, Bereavement, or Vacation Day:

- If court attendance is on an RDO, bereavement leave day, or vacation day, the correct detail code is CRDO or PCRDO.

Regularly Scheduled Work Day (including leave usage other than Vacation and Bereavement Leave) or COA Day

- For any shift beginning before 8:00 PM (1st, 2nd, or 3rd detail personnel), the appropriate detail code is either COU or PCOU.
 - For any shift beginning 8:00 PM or later (4th or 5th detail personnel), the appropriate detail code is COU3 or PCOU3.
 - If an employee is scheduled for court during regular work hours when leave time (other than vacation or bereavement leave) is used, no overtime is earned. Instead, the leave time will be reduced to accommodate court attendance during regularly scheduled work time.
 - Examples of leave types other than vacation and bereavement leave include the following: sick, exigent, administrative, FMLA, City-paid parental leave, military, earned time, worker's comp, and FTO.
- Phone calls are covered under Article VIII, E, 5 of the MPPOA contract that covers payment for off-duty phone calls regarding testimony. When contacted by phone from the prosecutor, for trial prep or scheduling, the employee is eligible for overtime if the call is longer than 10 minutes. The employee enters the exact duration of the phone call as follows:
 - The appropriate overtime code is OT Misc OT Pay. The detail code is TRP (or PRTP), either COU (or PCOU), COU3 (or PCOU3), or CRDO (or PCRDO) depending on work shift and/or whether the phone call occurred on a regular day off (refer to information above).
 - The employee is paid for the exact time of the phone call only - no minimum call back to duty times apply.
 - If an employee is under subpoena but placed on "stand-by" (not required to physically appear for the duration of the subpoena but must be available during certain periods), the correct overtime code is **OT Standby – Court**. The detail code is STB (or PSTB).
 - a) Officers will receive a minimum two (2) hours of pay or compensatory time at the rate of time-and-one-half their regular rate of pay for each calendar day that they are under subpoena and put on "stand-by". ("Stand-by" time periods may not directly reflect the time periods on the written subpoena).

- b) If an officer is on “stand-by” for a period that extends beyond two (2) hours, the officer is entitled to an additional one-third (1/3) of an hour of compensation (rate of time-and-one-half their regular rate of pay) for each hour that they are under subpoena and on “stand-by”. If the officer is not contacted and released from their “stand-by” status, they are presumed to be released at 4:30pm - unless specifically directed otherwise.
- c) If an officer is under subpoena and on “stand-by” and is then called to physically appear, standard contractual compensation provisions will apply. The officer will receive hourly compensation under (b) for time on “stand-by” prior to court appearance, but will not receive the two (2) hour minimum compensation mentioned above under (a).
- d) If an officer is under subpoena and on “stand-by” during a time period immediately before or after their regular shift for a period of two (2) hours or less, they will not receive the minimum compensation under (a), but will receive compensation only for the actual time on “stand-by” (rate of time-and-one-half their regular rate of pay).
- e) Employees receiving compensation for “stand-by” are not eligible for court cancellation compensation.
- f) If an officer is under subpoena and is directed to provide testimony by telephone, they will be compensated pursuant to standard contract provisions as if they had reported for duty to testify. This only applies to testimony provided by telephone pursuant to a subpoena and does not apply to other telephone communication (trial preparation, scheduling, etc.).
- g) An OT Standby – Court entry will need to be entered in TeleStaff by an officer for each calendar day directed to be on “stand-by”. The work code defaults to the hours 08:00 to 16:30, requires a detail code, a case number and name in the note field, and will need to be approved by a supervisor.

LESS THAN 24 HOUR NOTICE OF COURT CANCELLATION

- If an employee is subpoenaed to attend court and is later notified they will be testifying by phone, they can enter overtime for court cancellation if the notification was less than 24 hours notice. (Note: an employee is only eligible for court cancellation overtime, if court was scheduled outside of normal working hours, on a regular day off, or on a vacation or bereavement leave day.)
- If an employee has a court cancellation and then testifies by phone, they can only enter one type of overtime. Either they are paid the minimum 2 hours for a court cancellation or they are paid the time of the phone testimony - the employee cannot request both.
- Court cancellations are as follows:
 - The work code is OT Court and the detail code is COL or PCOL.
 - An employee is eligible if they are notified that court has been canceled less than 24 hours before they are scheduled to testify. If the start time for court is moved, but the appearance remains on the same date originally scheduled, then the employee is not eligible for court cancellation overtime.
 - If court is scheduled to start during an employee's regular work shift, even if that is the end time for the work shift, then the employee is not eligible for court cancellation overtime.
 - The overtime entry should be made with a start time that is the same date and time that appears on the subpoena or, when required, 30 minutes prior for a meeting with the City Attorney. The entry is always for 1 hour, unless the 1 hour overlaps the start of a work shift. In that situation, the end time is the start of the shift to avoid overlapping.

MPPOA Earned Time Off cannot be used during the time an employee is subpoenaed for court.

Original SOP: 06/10/2014
(Reviewed Only: 02/22/2016, 01/09/2017, 12/26/2017)
(Revised: 04/17/2020, 10/06/2020)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Critical Incident Stress Management (CISM)

Eff. Date 12/22/2016-11/30/2020

Purpose

The Madison Police Department (MPD) recognizes that even though stress is inherent in policing, occasionally employees will become involved in incidents, which place them under such great emotional strain, and that characteristic symptoms of psychological distress may develop.

While members of the MPD may react differently to the same situation, all members play an important role in recognizing such events and ensuring that the procedures outlined herein are followed for the welfare of their fellow employees.

Procedure

DEFINITIONS

Assessment: A review of the circumstances of a critical incident, officer involvement and subsequent support needs to determine appropriate response and follow-up.

Defusing: An initial small group response to a critical incident that is often conducted within 12 hours of a crisis event by the Employee Assistance Program (EAP)/Critical Incident Stress Management (CISM) Provider and a Peer Support Officer when available. Defusing is designed to provide an initial forum for ventilation, support, and information exchange. A defusing provides an opportunity for assessment and is sometimes followed by a Critical Incident Stress Debriefing.

Debriefing (CISD): A structured, group crisis intervention facilitated by a mental health professional (EAP/CISM Provider) and/or EAP Administrator to facilitate psychological closure and reconstruction. A debriefing is a group discussion where participants are encouraged, but not required, to discuss the critical incident and their reactions to the incident. Suggestions are provided for coping and stress management. Peer support is welcomed and encouraged, when appropriate.

Employee Assistance Program (EAP): The City of Madison Employee Assistance Program provides 24-hour professional and confidential assistance, information, resource referral, and support. EAP services are available at no cost to all current and retired City of Madison employees, families of employees, and significant others of employees.

EAP/CISM Provider: A select group of EAP and other mental health professionals that provide Critical Incident Stress Management services in response to critical incidents. These services may include, but not be limited to, assessment, defusing, debriefing, follow up and outreach to affected family members/significant others.

Peer Support Officer (PSO): An MPD Officer that has been selected by his/her peers to be available as a resource for other Officers. The PSO is trained to provide assistance to co-workers through listening, understanding and providing appropriate referrals when necessary. In addition, PSO's will serve as the first point of contact for the OIC when a critical incident has occurred. Upon notification, the PSO reviews the incident, coordinates contact between the involved employees and the responding EAP/CISM Provider, and makes arrangements for follow up as appropriate. Selected and trained commissioned personnel who confidentially support all MPD employees (civilian and commissioned), MPD retirees, and their families, who are confronting challenging stressors of everyday life. Peer Support Officers will also ensure that MPD's Critical Incident Stress Management (CISM) process is activated in the aftermath of a critical incident and will work with Critical Incident Partners (CIP) to provide aftercare to involved officers in a critical incident.

GUIDELINES FOR DETERMINING A CRITICAL INCIDENT

A critical incident is a situation faced by personnel that causes them to experience unusually strong emotional and/or physical reactions that have the potential to interfere with their ability to function either at the scene or later. A situation does not have to be a major disaster to be classified as a critical incident.

The following are examples of critical incidents:

- The serious injury or death of any MPD personnel in the line of duty.
- The serious injury or death of a member(s) of the public while an employee(s) is performing regular duties or functions. Special attention should be given to incidents that involve a child(ren), a family member, friend, neighbor, or where an association to these can occur.
- A suicide or homicide of an employee.
- Any incident in which there is unusual media coverage.
- Any incident that can be considered a serious physical or psychological threat to an employee in the line of duty.
- Loss of life that follows extraordinary and prolonged expenditures of physical and emotional energy in a rescue attempt.
- A series of incidents that may have cumulative effects.
- An incident in which the circumstances are so unusual or so distressing as to produce immediate or delayed emotional reactions that surpasses normal coping mechanisms.

CHARACTERISTIC SYMPTOMS FOLLOWING A CRITICAL INCIDENT MAY INCLUDE

- Being unable to talk about the event and the feelings associated with it.
- Feeling detached and withdrawn; keeping emotional distance from family and friends.
- Avoiding recreational or work activities that are reminders of the incident.
- Experiencing recurring and intruding memories and feelings about the incident; this may occur during sleep.
- Feeling preoccupied, and experiencing impaired memory and concentration, and having difficulty completing tasks.
- Feeling hyper-alert, startling easily, having difficulty sleeping, eating, coping, parenting, etc.

While these symptoms are characteristic of several emotional disorders, their development after a psychologically traumatic event represents a fairly common and normal response.

Involvement in a critical incident requires some adjustment by all persons, and the development of the symptoms in no way indicates weakness or mental illness in an employee. If, however, an employee suppresses, denies, or in any other way fails to work through the normal psychological pain associated with a stress reaction, the potential for development of a serious emotional disorder exists.

PROCEDURAL GUIDELINES

To assist personnel in adjusting to a critical incident, the MPD has developed the following procedure:

1. Any MPD member recognizing an employee's involvement in a potential critical incident shall immediately inform the Officer-in-Charge (OIC) if the event has occurred during the shift, a Peer Support Officer, or the Peer Support Program (PSP) Coordinator (in any instance that when the PSP Coordinator (or Co-Coordinator) is unavailable, the PSP Administrator should be contacted). The OIC shall review the facts surrounding the event and make a determination as to whether it falls within the guidelines of a critical incident. In addition, the OIC should evaluate if there are known aspects about the involved employee's life experience that could adversely compound the employee's reaction such as:
 - a. Recent exposure to a similar situation.
 - b. Recent death of a family member.
 - c. Family member who sustained serious injury as a result of similar incident.

- d. The victim of the critical incident is personally known to the employee.
- e. Other circumstances not described above but are determined to have a significant impact.

2. If the OIC determines that the incident falls within the definition of a critical incident, the OIC shall immediately notify an on-duty Peer Support Officer, and/or the Peer Support Program Coordinators and the Command Staff of the involved employee(s) or the District where the incident occurred in the case of multiple District employees.

The OIC or primary on-scene supervisor shall give the PSO or Program Coordinator pertinent information to include case number, time the event occurred, employees involved and each of their roles in the incident, and the nature of the incident.

When the critical incident has occurred during the shift, and a PSO or Program Coordinator (or Co-Coordinator) is not immediately available, the OIC or Commander may contact the EAP/Critical Incident Stress Management (CISM) Provider directly. In some cases, the PSP Coordinator may contact a Peer Support Officer to respond in order to coordinate contact between the involved employees and the responding EAP/CISM Provider. If a Peer Support Officer is not available, the OIC, Commander, and/or PSP Coordinator will designate a supervisor or other officer outside the Peer Support Program to coordinate this contact. Coordination of contact shall include determining the location for the defusing, ensuring involved officers respond to the defusing, and assisting the EAP/CISM Provider as needed.

3. The PSO/PSP Coordinators, upon notification of a critical incident, shall review the circumstances and contact the EAP/CISM Provider. The PSO shall respond to coordinate the contact between the involved employees and the responding EAP/CISM Provider.

The PSO/PSP Coordinator shall coordinate, as needed, with the EAP/CISM Provider to provide additional debriefings or follow up for involved employees or their families.

4. Employees with significant involvement in a critical incident are mandated to take part in one defusing or assessment. A defusing may take place in the same shift as the incident or an assessment may be scheduled at a later time.
5. Subsequent to a critical incident, the Peer Support Coordinator or the OIC may authorize administrative leave for involved employees for the remainder of that work shift. Assistant Chiefs and Captains have the authority to grant up to three (3) days of administrative leave with pay for their impacted employees. More than three (3) days would need to be approved by the Chief.
6. Employees may experience a reaction due to involvement in a critical incident that does not come to the attention of a Commander or OIC. In cases such as this, it shall be the responsibility of the involved employee to contact the Employee Assistance Program, Peer Coordinator Supervisor or a Peer Support Officer to discuss a confidential referral.
7. All individual referrals and the content of a defusing or debriefing session shall remain strictly confidential. The only exception is when, under extraordinary circumstances, an employee is believed to be an imminent threat to the safety of him/herself or others.

Original SOP: 02/25/2015
(Reviewed Only: 02/15/2016, 12/26/2017, 01/30/2019, 01/31/2020)
(Revised: 06/13/2016, 12/22/2016, 11/30/2020)



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Deadly Force – Use of

Eff. Date: ~~01/15/2020~~ 11/02/2020

Purpose

Consistent with our Mission and Core Values, the Madison Police Department (MPD) is committed to valuing and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the Department’s fundamental objective and the primary duty of all MPD employees. The application of deadly force is a measure of last resort, only to be employed when an officer reasonably believes all other options have been exhausted or would be ineffective.

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

As used in this Standard Operating Procedure (SOP), deadly force refers to the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

DE-ESCALATION

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

DUTY TO INTERCEDE

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

Procedure

DEADLY FORCE AUTHORIZED

The use of deadly force is only authorized when, under any of the following circumstances, an officer reasonably believes a lesser degree of force would be insufficient:

1. To protect another person or persons from what is reasonably believed to be an imminent threat of death or great bodily harm.
2. To protect the officer from what is reasonably believed to be an imminent threat of death or great bodily harm.
3. To prevent the escape of a fleeing subject when all of the following are present:
 - a. The officer has probable cause to believe that the person has committed or has attempted to commit a felony involving the use or threatened use of deadly force.
 - b. The officer reasonably believes the subject presents a continuing imminent risk of great bodily harm or death to the officer or another subject if not immediately apprehended.

4. To protect the officer or another from an animal which an officer reasonably believes may cause great bodily harm if not immediately controlled, or to end the suffering of an animal gravely injured or diseased after considering public view, safety, and other reasonable dispositions.

As used in this SOP, the word "imminent" means "about to happen." An imminent threat is an immediate threat.

VERBAL WARNING

Before using deadly force, officers shall, if reasonably possible, identify themselves and order the subject to desist from unlawful activity.

DEADLY FORCE IS NEVER AUTHORIZED

Deadly force is never authorized:

1. As a warning shot.
2. From a moving vehicle, unless deadly force is justified and the consequences of not acting to stop the threat outweigh the risk created by the use of deadly force.
3. At a moving vehicle unless:
 - A. A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or
 - B. The vehicle is operated in a manner that reasonably appears deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle. To prevent the threat of being struck by a vehicle, officers should avoid intentionally putting themselves in the path of any moving vehicle, and when such positioning is unavoidable, move out of the vehicle's path as soon as practical.
4. When its use unreasonably risks the lives of innocent bystanders.

PROHIBITED TECHNIQUES

The following techniques create a substantial likelihood of death or great bodily harm and are prohibited (except if deadly force is authorized and all other reasonable means of defense have been exhausted or are not present or practical):

1. Intentional punching or striking of the throat/trachea.
2. Intentional continued restriction of the carotid neck arteries.
3. Intentional application of pressure to the windpipe or throat with an arm or other object.

USE OF FORCE TECHNIQUES/INSTRUMENTS

~~The intentional punching or striking of the trachea creates a substantial likelihood of death and is therefore considered deadly force and shall be used only in accordance with this SOP.~~

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention.

INVESTIGATION OF THE USE OF DEADLY FORCE

See Madison Police Department Standard Operating Procedure regarding "Officer Involved Critical Incidents".

Original SOP: 03/23/2015

(Revised: 03/26/2015, 05/26/2016, 07/10/2017, 12/06/2017, 03/01/2019, 01/15/2020, 11/02/2020)

(Reviewed Only: 12/22/2016)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Departmental Awards and Recognition

Eff. Date ~~01/13/2017~~ 10/19/2020

Purpose

The Madison Police Department (MPD) on an annual basis hosts a ceremony where MPD personnel and members of the public are recognized for ~~actions and efforts performance and/or behavior that is are~~ deemed exemplary.

The purpose of this procedure is to clarify the definitions and criteria under which an employee or ~~community member citizen~~ may receive such recognition and the underlying process to recommend and select those individuals.

In no way does the lack of formal recognition through this process intend to dismiss the hard work, sacrifice and dedication that our employees and our public routinely display. Rather, this process also honors their efforts in our collective service to the City of Madison and our ~~constituents citizens~~.

Definitions/Criteria

DEPARTMENTAL AWARDS

The number of awards given are not restricted to a certain number (i.e., only one Lifesaving Award, etc.). **However, the Awards Committee will make the determination as to how many people will receive a particular award.**

- 1. Medal of Valor:** The Medal of Valor is the highest recognition of achievement presented by the Madison Police Department. The Medal of Valor shall be awarded to department personnel who distinguish themselves with extraordinary individual acts of bravery or heroism above and beyond which is normally expected in the line of duty at extreme, life-threatening, personal risk. Personnel must have displayed extreme courage by placing their own safety in immediate peril in the pursuit of their duties. The actions must clearly be so outstanding that it clearly distinguishes above the call of duty from lesser forms of bravery. If a ~~department~~ member uses poor judgment or procedures which created the necessity for ~~their his/her~~ action, they will not be eligible for this award. **Recipients of the Medal of Valor will receive a medal, certificate suitable for framing signed by the Chief of Police, and uniform ribbon (pin).**
- 2. Meritorious Conduct Medal:** The Meritorious Conduct Medal shall be awarded to department personnel who distinguish themselves by meritorious achievement or meritorious service. Meritorious actions are those which clearly surpass that which is normally required or expected. The degree of merit need not be unique but must be exceptional and superior. Acts of courage which do not meet the voluntary risk of life requirements for the Medal of Valor may be considered for the Meritorious Conduct Medal. **Recipients of the Meritorious Conduct Medal will receive a medal, certificate suitable for framing signed by the Chief of Police, and uniform ribbon (pin).**
- 3. Meritorious Lifesaving Award:** The Meritorious Lifesaving Award shall be awarded to department personnel or a community member for saving a human life under circumstances in which the recipient exposed themselves to either personal risk and/or significant or prolonged hardship. **Recipients of the Meritorious Lifesaving Award will receive a medal, a challenge coin, certificate suitable for framing, and uniform ribbon (pin). Community member recipients of a Meritorious Lifesaving Award will receive a challenge coin, along with a certificate that is suitable for framing signed by the Chief of Police.**
- 4. Lifesaving Award:** The Lifesaving Award shall be awarded ~~Awarded~~ to recognize the actions of department personnel or a ~~citizen~~ community member that resulted in the saving or preservation of human life that otherwise would have been lost without the involvement of the department member/community member. ~~for saving a human life under circumstances in which the recipient~~

- exposed himself or herself to either personal risk and/or significant or prolonged hardship. Lifesaving efforts which did not involve this kind of risk or hardship (for example, basic CCR of limited duration until paramedic arrival) should be considered for a Chief's Citation for Lifesaving. **Recipients of the Lifesaving Award will receive a medal, a challenge coin, certificate suitable for framing signed by the Chief of Police, and uniform ribbon (pin). Citizen Community member recipients of a Lifesaving Award will receive a challenge coin from the Department instead of the medal/uniform ribbon/pin, along with a certificate that is suitable for framing signed by the Chief of Police.**
5. **Blue Star Award:** The Blue Star shall be awarded to department personnel who receive an injury of a degree necessitating hospitalization or the immediate care of a physician. This injury must be a serious nature, capable of causing death or extended disability. To qualify for this award, the injury must be attributable to the deliberate actions of another, directed toward the recipient or another person, or during the commission of a crime or attempted apprehension of the perpetrator, or in an attempt to save a human life placing oneself in immediate peril. **Recipients of the Blue Star Award will receive a medal, certificate suitable for framing signed by the Chief of Police, and uniform ribbon (pin).**
 6. **Citizen Community Member Recognition Award:** The Community Member Citizen Recognition Award is awarded for acts of service to the department and community under circumstances involving bravery, personal risk, or significant hardship on the part of a community member citizen. Subject to approval by the Chief of Police, the Awards Committee may, in lieu of the Citizen Recognition Award, recommend a Chief's Citation, a Lifesaving Award, Outstanding Support Award, or Medal of Valor if the criteria is met. **Recipients of the Community Member Citizen Recognition Award will receive a challenge coin and a certificate suitable for framing signed by the Chief of Police.**
 7. **Outstanding Service Award:** Outstanding service represents performance by a department employee during a period of 12 months or more which demonstrates a quality and/or quantity of work clearly and significantly exceeding the requirements of a position. This would also include work-related act(s) by an employee which results in exceptional performance on a special project, or occurrences in which the employee has demonstrated exceptional knowledge, skills or ability within the scope of assigned duties and responsibilities. An employee who has demonstrated sustained community service, either on or off duty, is eligible for this award, including an employee who has shown exceptional creativity, initiative and/or determination in finding solutions to a problem utilizing a problem solving approach. Problem-Solving efforts that will be recognized through this award will have had a significant impact on either the community and/or the Madison Police Department. **Recipients of the Outstanding Service Award will receive a challenge coin and a certificate suitable for framing signed by the Chief of Police.**
 8. **Outstanding Support Award:** This award is intended for an individual who is not employed by the Madison Police Department, but who in their his/her profession has supported the Madison Police Department in an extraordinary effort. This would include, but not be limited to, other police agencies, Probation and Parole, Human Services, or other agencies that through a collaborative effort work with the police department. Individuals who volunteer their time to the Madison Police Department are eligible for this award. **Recipients of the Outstanding Support Award will receive a challenge coin and a certificate suitable for framing signed by the Chief of Police.**

CHIEF'S CITATIONS

There are circumstances when an employee or community member citizen engages in behavior or activity that does not meet the criteria for a departmental award, but exceeds the level and scope of conduct normally acknowledged through a supervisory commendation or performance recognition. Those occurrences should be submitted to the Chief and Awards Committee for consideration for a Chief's Citation. The following four three categories are the most common application of the Chief's Citation, although other circumstances may be considered at the discretion of the Chief of Police.

1. **Lifesaving Citation:** Lifesaving efforts which do not involve personal risk, prolonged direct exposure or significant hardship still have a dramatic impact on those constituents citizens who are recipients of that assistance, and should be recognized. Those department members and/or community members

- citizens** who engage in lifesaving efforts that do not meet the criteria for a Lifesaving Award should be considered for a Chief's Citation for Lifesaving. **Recipients of the Chief's Citation for Lifesaving will receive a certificate, suitable for framing, signed by the Chief of Police.**
2. **Community Member Citizen Assistance Citation:** **Community Member Citizen** action which does not meet the criteria for a **Community Member Citizen** Recognition Award or other MPD award, but still involves a significant level of assistance by a **community member citizen** that benefits the community and the department, should be considered for a Chief's Citation for **Community Member Citizen** Assistance. **Recipients of the Chief's Citation for Community Member Citizen Assistance will receive a certificate, suitable for framing, signed by the Chief of Police.**
 3. **Problem-Solving Citation:** Awarded to a Madison Police Department employee who has shown creativity, initiative and/or determination to find solutions to a problem utilizing a problem solving approach to identify and effectively deal with a problem(s) that if not addressed, would continue to negatively impact the department and/or community. **Recipients of the Chief's Citation for Problem-Solving will receive a certificate, suitable for framing, signed by the Chief of Police.**
 4. **Exemplary Performance Citation:** Awarded to a Madison Police Department employee who has demonstrated exemplary performance in **their his or her** service to the department and/or the community through work on a specific project(s) or performance during a specific incident(s). This citation should be considered when the employee's contributions do not meet the criteria for an Outstanding Service Award or Meritorious Conduct Medal. **Recipients of the Chief's Citation for Exemplary Performance will receive a certificate, suitable for framing, signed by the Chief of Police.**

COMMENDATIONS/RECOGNITIONS

There are occasions when **community members citizens**, co-workers, supervisors and commanders recognize the work and performance of commissioned and civilian employees.

When this occurs, an Employee **Commendation/Recognition** form should be completed. If the personnel listed should be considered for an award, the checkbox on the employee recognition form to be considered for an award shall be checked. This will route the recognition form to the awards committee through the Public Information Officer. ~~A copy of this form should also be forwarded to the employee's Captain or Civilian Manager. Should the action be recommended for or if the Captain or Civilian Manager believes that the incident meets the criteria for either a Departmental Award or Chief's Citation, a Nomination Form must be completed and the related process followed as prescribed below.~~

Should a **Community Member Citizen** Commendation meet the criteria for either a Departmental Award or Chief's Citation, a **Departmental Award/Chief's Citation** Nomination Form must be completed and the related process followed as prescribed below.

~~**Recipients of the Employee Commendation/Recognition will receive the original acknowledged form from the Chief of Police with a copy placed in their Employee File. Citizen Commendation Letters will be mailed to the recognized party.**~~ A copy of the letter, with explanation of the award/recognition, will be placed in the employee's personnel file.

Procedure

ELIGIBILITY

Any commissioned or non-commissioned member of the MPD is eligible for a Departmental Award or Chief's Citation, except the **Community Member Citizen** Recognition Award and the Outstanding Support Award. A recipient can only obtain one award for each recognized event, except for the Blue Star Award. The recipient should be given the highest award for which **they are she/he is** eligible.

Community members—Citizens—are eligible for the Community Member Citizen Recognition, Meritorious Lifesaving, Lifesaving and Outstanding Support Awards. Community members—Citizens may also be eligible for a Chief's Citation for Lifesaving and Community Member Citizen Assistance.

Any MPD employee is eligible for an Employee Commendation/Recognition. Community members—Citizens may be issued a Commendation letter in those circumstances where a Chief's Citation is not appropriate.

NOMINATION PROCESS

A nomination can come from any source. However, if a supervisor/commander becomes aware of an event or performance that would make an individual eligible for a Departmental Award or a Chief's Citation, that supervisor/commander shall complete a nomination form or direct a person with the most direct knowledge of the event to submit a nomination form with assistance from the supervisor/commander. follow the process noted below.

A captain (or higher ranking commander) or a civilian manager are responsible for reviewing all employee and citizen commendations/recognitions to assure that the incident has been or is being recommended for the highest appropriate form of recognition (Departmental Award or Chief's Citation).

If any employee feels that the actions or performance of another employee or citizen merits recognition at the level of a Departmental Award or a Chief's Citation, the nominating employee should forward that recommendation to his/her Captain or Civilian Manager. **Generally, it will be the responsibility of the Captain (or higher ranking commander) or Civilian Manager to review all necessary information to assure that the recommendation is in compliance with MPD award/citation definitions.** On occasion, this responsibility may fall to the Captain (or higher ranking commander) or Civilian Manager responsible for the district or section that was more widely impacted by the employee's actions. Recommendations that do not appear to comply with relevant Departmental Award and Chief's Citation definitions will be noted accordingly and forwarded with any relevant documentation to the Awards Committee for further review.

Should that recommendation appear to be supported by procedures, the Captain/Civilian Manager shall complete the "Nomination Form" and forward same with any relevant documentation to the Public Information Officer for collection. It will be the sole responsibility of the Awards Committee to make a determination as to whether the recommendation will be forwarded to the Chief of Police. The Chief of Police makes all final decisions.

NOMINATION COMMITTEE

Each year, the MPD Human Resources Coordinator Lieutenant of Personnel or Chief's designee will be responsible for selecting members of the Nomination Committee. The committee will be comprised of at least twelve ten (10 12) members as designated below. Additional members can be added to assure the integrity of the selection process. The purpose of the committee is to review all nomination forms collected by the Public Information Officer. The MPD Human Resources Coordinator Lieutenant of Personnel will select all the members of the Nomination Committee, except for the MPPOA Representative, who will be designated by the MPPOA President.

There will be a minimum of a three-year term for all committee members, except for the MPD Human Resources Coordinator Lieutenant of Personnel or Chief's designee. The MPD Human Resources Coordinator Lieutenant of Personnel will assure "continuity of experience" when establishing the committee.

The committee will meet once twice a year (or as needed if appropriate) to make recommendations as to which individuals qualify for the above-mentioned awards. All vetted recommendations. The Chief of Police has final approval rights. forwarded to the Chief for final approval.

The MPD Human Resource Coordinator Public Information Officer will contact the nominator Captain/Civilian Manager of the individual(s) who were not selected for a Departmental Award and advise why recommendation(s) were not approved. After notification, the decision can be appealed within a ten (10) day

period. That appeal should be sent to the Chief of Police and to the Administrative Assistant to the Chief of Police. *The Chief of Police will have final decision on the appeal.*

The awards presentation will coincide with National Law Enforcement Week in May of each year. The **Awards Nomination** Committee will consist of:

1. Officer Advisory Committee Representative
2. MPPOA **Board** Representative
3. Public Information Officer
4. **Lieutenant of Personnel**, **MPD Human Resources Coordinator** (or Chief's designee)
5. Community Representative
6. Local 6000 member of MPD
7. Civilian Advisory Committee Representative
8. Sergeant
9. Detective
10. **Lieutenant**
11. **Civilian member of MPD**
12. Civilian Supervisor
13. Alternate Member (**optional**)

The **MPD Human Resources Coordinator**, **Lieutenant of Personnel** will make every effort to assure that the Awards Committee has a diverse membership, consistent with other MPD processes.

WEARING OF RIBBONS

An officer has the option to wear the approved uniform ribbon (pin) for the Medal of Valor, **Meritorious Lifesaving Award**, Lifesaving Award, Meritorious Conduct Medal and the Blue Star Award.

NOMINATION FORM

A specific form (**Departmental Award/Chief's Citation Nomination Form**) has been developed to be utilized by all personnel for the purpose of recommending an employee or **community member** ~~citizen~~ for either a Departmental Award or Chief's Citation. An Employee Recognition form could alternatively be completed and the checkbox on the employee recognition form to be considered for an award shall be checked. This will route the recognition form to the awards committee through the Public Information Officer. Both forms can be located on MPD's intranet.

Original SOP: 04/08/2015
(Revised: 03/04/2016, 04/07/2016, 01/13/2017, **10/19/2020**)
(Reviewed Only: 12/26/2017, 01/31/2020)



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Digital Forensics

Eff. Date ~~12/13/2017~~ 12/28/2020

Purpose

Enhance the capabilities of Madison Police Department (MPD) personnel in the investigation and prosecution of crimes that involve the use of computers, tablets, cellular phones or other data storage devices.

Goals

1. Properly investigate and assist in the prosecution of cases involving digital evidence.
2. Preserve the integrity of seized digital evidence.
3. Provide expert testimony in court.
4. Act as an educational and training resource for the MPD and the community.

Function

The function of digital computer forensics includes the investigation of crimes committed involving the use of computers, cellular phones and other data storage devices which may include:

1. Use of electronic devices to commit or facilitate a crime.
2. Any crime outlined in Wisconsin State Statute 943.70 or computer crimes defined by federal code.
3. Perform forensic analysis of digital evidence in felony cases where evidence or information pertinent to an investigation may be stored.
4. Provide technical assistance and guidance in the proper safeguarding and collection of evidence stored in electronic form.

Collection of Devices with Digital Evidence

DESKTOP COMPUTERS

If the computer is shut down, **do not** turn it on. If the computer is powered **on up**, **do not** shut it down. Check the monitor to determine if there is any information that may require photographic documentation and request an investigator for photos if necessary. Unplug the power cable from the rear of the computer, **not from the wall outlet**. Collect the computer tower. There is no need to collect the power cable **unless** the computer is an Apple product. Please collect the power cable for all Apple computers.

LAPTOP COMPUTERS

If the laptop is shut down, **do not** turn it on. If the laptop is powered **on up**, **do not** shut it down. Check the screen to determine if there is any information that may require photographic documentation and request an investigator for photos if necessary. Unplug the power cable from the rear of the computer, **not from the wall outlet**. If the laptop stays powered on after the cable is removed, remove the laptop battery, if possible. If not, close the laptop and leave it powered on. Collect the laptop computer and the power cable for all laptops.

CELL PHONES / TABLETS / MOBILE DEVICES

Once it is determined that the device will require examination, **do not** allow anyone other than L.E. personnel to handle or manipulate the device. If the device is shut down, **do not** turn it on. If the device is powered **on up**, shut it down. Collect the device. If the device is going to be examined on consent, complete the "Consent to Search Cell Phone" form and have the cell phone owner sign the form. Do not forget to ask if the phone has a pass code security lock and indicate the pass code number or pattern on the consent form.

THE HANDLING OF DIGITAL DATA INVOLVING KNOWN OR SUSPECTED CHILD PORNOGRAPHY:

When MPD staff comes across evidence that includes known or suspected child pornography extreme measures must be taken to ensure that this evidence is safely maintained and stored so that it can never be viewed outside of the official scope of the investigation. MPD staff shall also follow federal legislation regarding child pornography prevention, (The Adam Walsh Child Protection and safety act, HR-4472) and Section 3509 of title 18, United States code:

“(m) PROHIBITION ON REPRODUCTION OF CHILD PORNOGRAPHY.—“(1) In any criminal proceeding, any property or material that constitutes child pornography (as defined by section 2256 of this title) shall remain in the care, custody, and control of either the Government or the court.”

“(2)(A) Notwithstanding Rule 16 of the Federal Rules of Criminal Procedure, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography (as defined by section 2256 of this title), so long as the Government makes the property or material reasonably available to the defendant.”

MPD personnel shall adhere to the following operating procedures:

1) MPD personnel not assigned to the ~~Computer Forensics Shared Resources Partnership office (S.R.P) Digital Forensics Unit (DFU) or the Special Victims Unit (SVU)~~ shall never copy or reproduce in any manner items that contain known or suspected child pornography. If MPD investigative personnel, prosecuting attorney's staff or attorneys or subject matter experts for the defense need to view the material for investigative or trial preparation purposes, arrangements shall be made with the computer forensic investigators assigned to the ~~DFU S.R.P.~~ for viewing to take place in the ~~DFU S.R.P.~~ office with ~~relevant all of the~~ parties present.

2) MPD personnel assigned to the ~~DFU S.R.P.~~ may copy or reproduce and distribute items that contain known or suspected child pornography only at the request of a government agency or for submission to a government agency such as the National Center for Missing and Exploited Children (NCMEC). In such situations the copied material must be delivered by MPD personnel directly to a government agent or delivered in the manner directed by the agency's submission guidelines.

3) If MPD personnel not assigned to the ~~DFU S.R.P.~~ receive evidence of known or suspected child pornography during the course of an investigation that evidence should be clearly identified as child pornography when packaged and entered into the MPD property system. Digital files such as images and videos should be placed on digital media and labeled clearly on the digital media "CHILD PORNOGRAPHY DO NOT DUPLICATE."

Investigation

During the course of their investigation, MPD personnel are strongly discouraged from interacting directly (or allowing victims or witnesses to do so) with computers or other electronic devices that will subsequently be seized as digital evidence, unless they have been specifically trained to do so or there are exigent circumstances requiring such interaction. All activities on a computer or cell phone ~~may will~~ be reflected in a forensic examination, and interacting with the device may overwrite or alter digital evidence or otherwise complicate a forensic examination. If it is necessary to interact with the digital evidence, document the date, time and activity involved. All examination, retrieval and analysis of digital evidence is to be done by FSU forensics examiners unless otherwise authorized by command staff.

Transport all devices to a district property intake room and package the item in the manner described in the Evidence Packaging Manual. If the device is going to be transported and released directly to a forensic examiner, the device must have an assigned property tag number prior to the examiner taking custody of the device.

Examination and Analysis of Electronic Evidence

EVIDENCE INTAKE

1. All evidence submitted to the DFU computer forensics must have a property tag and must be accompanied by an electronic lab request.
2. The forensic examiner will verify and document by description, serial number and condition, any evidence submitted.
3. The forensic examiner will ensure the legal authority for the search of the evidence is in place and documented; a complete copy of the search warrant or consent form shall be submitted during intake.

PRESERVATION OF EVIDENCE

1. Digital evidence in the custody of digital computer forensic examiners will be handled in a manner consistent with the preservation of evidence.
2. Digital Computer forensic examiners shall ensure the chain of custody of any evidence submitted for forensic examination is maintained and documented during the examination process. Evidence will be properly secured while in the custody of digital computer forensic examiners.

DIGITAL EVIDENCE ACQUISITION

1. Whenever possible, write-blocking tools are to be used during the acquisition of forensic images to prevent original evidence from being modified.
2. All analysis (beyond a forensic preview using write-blocking tools) shall be conducted using a forensic copy of the drive. In some circumstances, including the acquisition of data from mobile devices and solid state hard drives, changes to the original evidence may be unavoidable due to the nature of these devices.
3. Forensic copies shall be obtained using hardware and software specifically designed to capture a forensic copy of the original media. When it is not possible to obtain a validation hash, the digital computer forensic examiner will document the circumstances in their report.
4. All items may not need to be forensically imaged provided the media has been previewed and no evidence was found. Lack of a forensic copy will be documented in the examiner's report.

ARCHIVING OF EVIDENCE

All forensic case data image files containing data of evidentiary value shall be archived. Archived media shall be maintained with the same level of security as the original evidence.

Archived case data may be permanently destroyed or deleted from the Digital Forensics Unit (DFU) server if the lead investigator notifies the MPD Property Section of the case evidence disposition or at the direction of an authorized entity (e.g. the City of Madison Attorney's Office).

RELEASE OF EVIDENCE

Evidence released from digital computer forensic examiners will be done in accordance with MPD policies. No media shall be released from law enforcement custody which contains contraband (child pornography).¹

Prosecution

The case detective shall provide direction to the forensic examiner regarding the preparation and presentation of electronic evidence throughout the prosecution process.

¹ Any evidence recovered during a child pornography investigation should be property tagged and placed in evidence—no photocopies of any images, emails, etc. should be sent to Records as attachments.

The forensic examiner shall assist in the presentation and preparation of digital evidence for court to include training and an explanation of the findings to the assigned District Attorney.

Regarding release of information as part of the discovery process:

1. The forensic examiner shall, at the direction of the lead investigator, prepare evidence to be released or presented to the defense (copies of media, evidence files, cell phone extraction reports, EnCase reports, etc.).
2. The forensic examiner shall coordinate with the MPD Records Section or the Prosecutor's Office case detective regarding access or release of evidence and other information to the defense.
3. Contraband, child pornography images, or 3rd party information in any format, written or electronic, shall not be released to the defense without a valid court order. Access to this type of data, or forensic examination of the evidence by the defense, can be arranged by appointment through the forensic examiner.

Reporting

MPD personnel shall document all actions and observations in regard to the handling of computer or electronic evidence, consistent with MPD procedures relating to reporting, such as:

1. Collection of computers and electronic evidence.
2. Any specific actions related to interaction with digital evidence.
3. Chain of custody.

Original SOP: 02/25/2015

(Revised: 01/19/2017, 12/13/2017, 12/28/2020)

(Reviewed Only: 01/30/2019, 01/31/2020)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Foot Pursuits

Eff. Date ~~11/19/2019~~ 12/21/2020

Purpose

To facilitate the safe apprehension of a subject who flees on foot and to prevent injuries to all involved parties.

Definitions

Foot Pursuit: A situation in which an officer, on foot, chases a subject in an effort to detain or arrest that individual, when the subject is avoiding police contact by fleeing from the officer.

Subject: Includes any individual who a police officer has a lawful reason to detain.

Procedure

Whenever an officer decides to engage, or continue to engage, in a foot pursuit, a quick risk assessment must take place. Officers must evaluate the risk involved to themselves, other officers, the subject, and the community to balance that risk with the need to pursue and immediately apprehend the subject.

1. Factors to consider when initiating a foot pursuit:
 - a. Whether the subject is armed or dangerous
 - b. The reason for detaining the subject
 - c. Risk to officers and/or the community posed by the subject
 - d. Environmental risks (low light, dangerous structures, officer's familiarity with the area, officer's ability to keep sight of suspect, etc.)
 - e. Ability to apprehend the subject at a later date
 - f. Communications (ability to transmit location, radio coverage, etc.)
 - g. Physical ability of the officer to:
 - i. Apprehend the subject (officer/subject factors, available equipment, etc.)
 - ii. Communicate effectively with dispatch
 - iii. Be readily identifiable as an officer (uniform or plain clothes)
 - h. Availability of backup units to assist
2. If possible, officers should consider the feasibility of the following strategies or tactics prior to initiating foot pursuits:
 - a. Area containment
 - b. Surveillance
 - c. Obtaining additional officers
 - d. Canine search/track
 - e. Unmanned Aircraft Systems (UAS)
3. Pursuing officer(s) responsibility:
 - a. Once the foot pursuit has been initiated (and as soon as practical, considering the difficulty in transmitting under the circumstances), the officer should broadcast the following information:
 - i. Location
 - ii. Direction
 - iii. Description of subject
 - iv. Whether the subject is armed
 - v. Reason for foot pursuit
 - b. Dispatch will notify a supervisor of the pursuit circumstances, if they are unaware, and any other relevant information.

- c. The pursuing officer will coordinate with other officers to establish a perimeter in the area to contain the subject. K9 use should be considered if the subject is believed to be in a confined area.
 - d. If possible, officers should consider the feasibility of the following strategies or tactics prior to initiating foot pursuits:
 - i. Area containment
 - ii. Surveillance
 - iii. Obtaining additional officers
 - e. Officers shall terminate a foot pursuit if ordered by a supervisor. If the officer believes that the risk to officers or the public outweighs the necessity for immediate apprehension of the subject, they should terminate the foot pursuit. If the subject's identity is known and the subject does not pose an immediate threat to the safety of the public or other officers, consideration should be given to terminating the pursuit and apprehending the suspect at a later date.
 - f. After termination of the foot pursuit, officers will notify Dispatch with the last known location of the subject or point of apprehension.
4. Supervisor's role:
- a. The supervisor's role is to monitor a foot pursuit and appropriately direct resources to safely apprehend the subject.
 - g. The supervisor should coordinate with involved officers to establish a perimeter. K9 use should be considered if the subject is believed to be in a confined area.
 - b. The supervisor will terminate a foot pursuit at any time if it is determined the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension of the subject.

Original SOP: 05/03/2016

(Revised: 09/06/2018, 09/11/2018, 11/19/2019, 12/21/2020)

(Reviewed Only: 12/22/2016, 12/26/2017, 01/30/2019)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



General Duties and Expectations of Employees

Eff. Date ~~04/27/2017~~ 11/09/2020

Purpose

The purpose of this Standard Operating Procedure (SOP) is to provide general expectations as to the duties and responsibilities of all employees of the Madison Police Department (MPD). This document does not encompass all aspects of an employee's specific job description.

Procedure

EXPECTATIONS FOR ALL PERSONNEL

Actively support the Mission and Core Values of the MPD.

Know, understand and comply with provisions of the Code of Conduct, SOPs, Field Manual, and departmental memorandums.

Familiarize yourself with all possible aspects of your assignment and strive for excellence in performing the duties so assigned through active participation and training.

While on duty, members of the MPD shall engage in business of the MPD. Incidental business of short duration is allowable, so long as it does not interfere with the duties of the employee.

Work to build functional cultural norms that are consistent with departmental values to help build a strong work environment. Respectfully challenge those behaviors, systems, or processes whose influence is contrary to this goal.

Be accountable to your chain of command or supervision.

Strive to improve working conditions for maximum efficiency and morale.

Actively participate in team meetings and provide feedback as appropriate.

Promote teamwork through effective relationships.

Submit reports to your team leader or to another supervisor, in prescribed form and detail, as may be required to actively reflect the problems, services and activities of your assigned area.

~~If practical, Personnel shall~~ make an effort to check City email, mailboxes, and ~~voicemail~~ ~~voice mail~~ systems once per shift. At a minimum, all staff shall check these communication sources once per week. Responses to supervisory staff requests should be completed as indicated in the message.

Commissioned personnel will maintain a valid Wisconsin driver's license, maintain certification with the State of Wisconsin as a law enforcement officer, and have the ability to effect a forcible arrest.

Support the Constitution of the United States, the Constitution of the State of Wisconsin, and the Charter of the City of Madison.

EXPECTATIONS FOR SUPERVISORY PERSONNEL

Provide active and visible leadership to the MPD.

Be responsible for implementing operational plans developed to achieve the goals of the MPD as envisioned by the Chief of Police.

Identify personnel training needs or deficiencies and facilitate appropriate training.

Be informed of the affairs and status of your team and communicate with subordinates and supervisors as appropriate.

~~Engage in activity to~~ Coach, consult and guide MPD personnel of the MPD.

Direct, supervise and hold accountable the personnel assigned to your command.

Assist members of the MPD by providing sound advice and interpreting procedures of the MPD.

Supervisory staff shall not knowingly allow members of the MPD to violate any criminal law, or provisions of the Code of Conduct.

SOPs are the prescribed method of action for MPD personnel. ~~It is recognized that~~ Situations may be encountered, where based on the totality of the circumstances, deviation from an SOP would not be inconsistent with the MPD Code of Conduct, values, and laws. Supervisory staff may authorize deviation in limited circumstances, and shall be accountable for decisions that allow a member to deviate from a prescribed SOP.

Routinely meet, both formally and informally with subordinate staff.

Recognize and reward outstanding personnel performance.

Discover existing weaknesses within your area of responsibility and address inadequacies to see that corrective action is taken.

Hold employees accountable and verify that subordinate officers discharge their full duties and responsibilities.

Conduct personnel evaluations and investigations as required.

~~Monitor for the~~ Ensure proper and economical use of MPD property and equipment.

Know and abide by the provisions of applicable employee contracts and the City Employee Handbook.

Original SOP: 04/30/2015
(Revised: 03/04/2016, 01/13/2017, 04/27/2017, 11/09/2020)
(Reviewed Only: 12/26/2017, 01/30/2019)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Handling of Evidence, Contraband, Found or Lost Property

Eff. Date ~~04/06/2020~~ 12/28/2020

Purpose

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

Responsibility

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

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

Property Intake Rooms

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

LOCKERS

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

Tagging and Packaging Property

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

Temporary Evidence Storage

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

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

Safe Handling of Drugs

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

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

Firearms

1. A Seized Property Receipt shall be provided to all owners of confiscated firearms.
2. **No Loaded Firearms** of any type should be property tagged and stored in the Property Room. Proper unloading procedures are described in the Wisconsin State Crime Lab Handbook and an Investigator will assist with the unloading of any weapon which is to be checked for **DNA and/or** fingerprints.
3. **All ammunition must be packaged separately from firearms.**

4. All firearms, including facsimile, should be placed in a gun box with the case number, tag number, date, employee name/IBM number, weapon description, and serial number on the outside.

RECEIVING RECOVERED STOLEN FIREARMS FROM OUTSIDE AGENCIES

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

BACKGROUND OF FIREARMS FOR RELEASE

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

Med Drop

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

1. Med Drop Bins are located at East and West Police District lobbies and are available for public medication deposits Monday through Friday 8am-4pm.
2. The keys for the locked med drop receptacles will be kept within the control of the district captain or their designee.
3. Instructions and baggies will be provided for the public at the Med Drop receptacles.
4. A case number shall be generated at the beginning of each calendar year for each Med Drop bin location (East PD and West PD) and all reports reference Med Drop collection will be documented under this case number.
5. Packaging materials are provided by the Department of Justice and ordering of the materials will be coordinated by the Police Property Supervisor.
6. On a weekly basis, or as needed, the bucket/ box contained within the drop bin will be inspected by two commissioned personnel for capacity. If the bucket/box is not full, the receptacle shall be closed and secured and the key returned to the respective commander from which it was obtained. If the bucket/box is full, the two commissioned personnel shall collect, safely sort (to determine if there are prohibited items in the bins), weigh and package the prescription medications within the box in accordance with the Property Packaging Procedures. The Med Drop collection bucket/box will be

replaced with a new bucket/box and bin shall be secured. The key used shall be returned to the respective commander from which it was obtained.

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

Liquid Evidence

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

Collection of Standard Blood Sample in Criminal Investigations

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

BLOOD DRAW

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

PROCEDURAL GUIDELINES

1. **Packaging Blood Samples.** Within two hours, if possible, after each blood sample tube has been properly sealed and marked with the case number, date, name of subject withdrawn from, employee's name witnessing drawing, and sample tube number, the individual tubes should be packaged in such a way that the glass tube is protected from breaking. The blood kit box should also be properly sealed and marked on the outside with the date, case number, tag number, employee name, suspect name, and offense.
2. **Refrigeration of Samples (never freeze liquid blood before testing).** For proper analysis of blood samples, it is best practice that the samples be refrigerated as soon as possible after it is drawn. It is important to keep the samples away from extreme temperatures. The sample(s) should be property

- tagged and be placed in the refrigerator located in the Property Intake Room. If the refrigerator is locked, the key for the refrigerator can be obtained from the OIC or designee.
3. **Disposition of Evidence in Sexual Assault Cases Where no Suspect is Known.** Where there is no suspect identified, all blood samples (victim, suspect, or other) shall be turned over to the State Crime Lab for analysis as soon as possible, or until the sample is no longer of evidentiary value. The Crime Lab will analyze the blood samples even though specific suspect is not identified. The follow-up officer shall periodically monitor the value of maintaining other biological evidence in the property room.
 4. **Reporting Evidence Chain.** Transportation or disposition of any evidence shall be documented in reports by any officer involved in the evidence chain.

COLLECTION OF WHOLE BLOOD IN TRAFFIC-RELATED CASES

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

Deceased Animals

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

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

Latent Evidence

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

Vehicles

VEHICLE STORAGE

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

A vehicle should be towed to the VIF when a vehicle has been determined to be evidence of a crime and needs to be processed. An MPD vehicle tow card must be completed for all vehicles towed to the VIF. The tow card must be completely filled out. The pink copy is given to the tow truck driver and the other copies should be placed in the box in the VIF intake office.

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

Officers are required to make any entries into LERMS.

Two Options are Available to Release a Vehicle from the VIF

1. Utilizing MPD's Contracted Tow Company:

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

This email should include the following information:

Please release vehicle:

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

The Property Room Staff will arrange release of the vehicle by contacting the contracted tow company and completely filling out the MPD vehicle tow card. The appropriate tow code for releasing a vehicle is "6". The name of the releasing officer will be annotated in the tow card left margin. When the tow company arrives, the driver must sign in utilizing the VIF log if releasing vehicle from the inside storage area. The vehicle will then be removed and the driver will sign out. The pink copy of the tow card will be given to the tow driver; the remaining two copies (goldenrod and white) will be forwarded to Records.

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

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

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

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

This email should include the following information:

Please release vehicle:

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

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

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

Air-Drying

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

Chain of Custody

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

Refusal of Property

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

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

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

The employee will notify Property via email that the deficiencies have been corrected and the item is ready for pickup. The employee will submit a supplemental report outlining the deficiency, the circumstances surrounding the opening of the locker, the correction, and the re-securing of the evidence. The Clerk, when picking up the packaged property, will verify that the cut red evidence zip tie is indeed theirs and the property has been corrected in accordance with MPD SOP. In the event the indicated deficiency is not corrected within a reasonable amount of time of refusal, the Clerk will send a second email notification to the employee. The Police Property Supervisor will take the necessary steps to facilitate correction of the indicated deficiencies.

Release of Sensitive Evidence/Property

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

DESIGNATED EVIDENCE/PROPERTY

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

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

AUTHORIZATION

Temporary or permanent release of any of the property/evidence listed above must have documented authorization by a Lieutenant (to include OIC), Captain, or Chief.

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

DOCUMENTATION

The temporary or permanent release of any of the designated sensitive evidence/property shall be documented on a "Property Release/Receipt Form" from the authorizing Commander which includes the same information as this form.

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

Disposition of Property Requirements

UNCLAIMED PROPERTY

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

ITEMS NOT TO BE SOLD AT AUCTION

It is required that items such as firearms, beer, liquor, fireworks, and flammables be destroyed after it is determined it is not necessary to retain the item.

BICYCLES FOR DONATION

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

1. Bicycles shall be held by the Madison Police Department Property Section for 45 days before being considered for donation.
2. All requests for bicycle donations must be made with the "Bicycle Donation Form" (found at <https://www.cityofmadison.com/police/support/bicycleDonation.cfm>) which is to be reviewed by the Police Property Supervisor and the Captain of Specialized Services - Property. The Police Property Supervisor will notify all requesters of the approval/denial of their requests. If approved, the Police

Bicycle Recovery Specialist will be in contact with the requester to schedule a pick-up date and time for the requested bicycles.

3. Requests should be made at least 30 days in advance from when the organization would like to receive the bicycles.
4. Donations shall be limited to charitable non-profit organizations. Such organizations must provide proof of their non-profit government status, (subsequent applications may reference these materials as "on file" with the Police Property Room) and assurances that the bicycles will be used as part of a charitable program sponsored by the organization.
5. Bicycles shall only be for the use of clients of requesting organizations and not for the employees or directors of such organizations. Bicycles may not be sold to raise revenue for any purpose. By accepting a bicycle under this program, the applicant grants permission to the City of Madison Police Department to audit its use of said bicycles in accordance with these guidelines.
6. Organizations wishing to request an ongoing supply of bicycles are required to submit a separate request on each occasion when a donation is desired. Bicycle donations are subject to availability, as determined by the Police Department. Organizations may receive no more than 20 bicycles at one time. Once all requests have been filled, an organization may receive additional bicycles.
7. Organizations receiving donated bicycles must sign a liability waiver and provide for the removal of the bicycles.
8. The Madison Police Department Property Supervisor will maintain the following: copy of the approved request form, date the donation form was filled, and number of bicycles received by the organization.

EXPLOSIVES

Items capable of exploding such as dynamite, nitroglycerin, pipe bombs, or any Class A explosive, including M-80s and other powerful fireworks, will be handled by the Dane County Bomb Disposal Squad and will not be placed in the Property Room.

FIREARMS AND AMMUNITION

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

SEIZED ITEMS

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

OTHER PROPERTY RELEASED TO OWNER

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

Property Room Controls

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

Original SOP: 02/25/2015

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

(Reviewed Only: 01/30/2019)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Hostage Situation Incidents

Eff. Date ~~12/20/2019~~ 11/30/2020

Purpose

Establish standard procedure for **Madison Police Department (MPD)** response to incidents involving hostage situations.

Policy

The objectives of this department in dealing with barricaded person, hostage, and active shooter incidents are:

1. Preservation of life.
2. Apprehension of perpetrator(s) using a reasonable amount of force.
3. Securing available evidence to assist in the appropriate disposition of the perpetrator(s).

SAFETY PRIORITIES

The basis for operational and tactical decisions will be based on the following safety priorities:

1. Hostages and citizens
2. Law enforcement personnel
3. Suspects and subjects

The department will respond and take necessary steps to free innocent persons who are endangered and being held illegally against their will. Officers may take direct and immediate action—up to and including deadly force—in situations where a hostage is at imminent risk and the officers' reasonable actions have a high probability of neutralizing the deadly force threat or preventing the situation from escalating.

Definitions

Hostage Situation: A scenario in which a person is being held against his or her will by an armed, potentially armed, or otherwise dangerous suspect.

Triggering Point: Specific predetermined circumstances that will justify the initiation of direct action to prevent or stop a particular course of suspect behavior (such as physical or sexual assault on the hostage or setting the structure on fire).

Inner Perimeter: A close proximity boundary [REDACTED]

Outer Perimeter: A boundary outside the inner perimeter maintained by patrol officers and designed to prevent unauthorized persons from entering the area of the critical incident.

Positive progress in a hostage situation shall be defined as shall be defined as developments that increase the probability of the safe release of the hostages, as opposed to the mere passage of time. While it is true that the passage of time may increase the opportunity for such developments, it is also true that a viable rescue opportunity presented and ignored may be lost forever.

Response Procedures

INITIAL RESPONSE

Personnel initially responding to a hostage situation will assess the circumstances and request the appropriate resources. The initial priorities are to:

- Establish an inner perimeter and staging area.
- Isolate communications through use of a dedicated [REDACTED] radio channel and keep dispatch apprised of all relevant actions.
- Ensure that a supervisor is assigned to the incident.
- [REDACTED]
- Gather intelligence/information on the situation.
- Evacuate any uninvolved citizens who might be at risk and otherwise stabilize the scene.
- Ensure that the appropriate specialized resources have been requested (Special Weapons and Tactics (SWAT), Crisis Negotiation Team (CNT), paramedics, Rescue Vehicle, etc.).

The scene supervisor shall continuously evaluate the situation and determine whether the opportunity and need exists for immediate intervention [REDACTED]

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]

SECONDARY RESPONSE

SWAT should be activated for any confirmed hostage situations. Initial requests for SWAT activation should be made to the SWAT tactical team lieutenant. A full-team SWAT activation should generally be approved by the SWAT Commander and designated Assistant Chief. However, SWAT use may be approved by any MPD supervisor if no SWAT commander/supervisor can be contacted, or in case of extraordinary emergency where command approval would be impractical. The SWAT commander will be notified as soon as possible of any SWAT usage that did not have prior authorization.

On-duty SWAT personnel may respond to assist with tactical situations as needed. Where possible, a SWAT supervisor will respond to the scene to oversee the utilization of SWAT personnel. If used for on-duty tactical situations, SWAT personnel will only be used in a manner that is consistent with the Team's training and standard operating procedures.

The actions of SWAT will be consistent with MPD's Code of Conduct, standard operating procedures, and with standard professional practices in the area of police tactical response.

The scene supervisor shall ensure that a variety of tasks are addressed while awaiting the arrival of SWAT and negotiations negotiators, including but not limited to the following:

1. Establish an outer perimeter and initiate the evacuation and handling process for those inside. Special consideration must be given to the handling of those who refuse to be evacuated.

2. Establish a command post location [REDACTED]
3. Initiate an investigation to determine exactly what has occurred and locate, isolate, and debrief any witnesses.
4. [REDACTED]
5. Select a location for media response and designate a person to interact with them prior to the arrival of the agency public information officer.
6. Select a location for those responding on behalf of the hostage(s) or suspect and designate an officer to interact with them. Make outer-perimeter personnel aware of the presence of those responders and consider that they may attempt to enter the barricade location.
7. [REDACTED]
8. Establish and maintain a log that documents the activities that have occurred and the location and identification of the assigned personnel.
9. Ensure that the appropriate personnel have been notified and briefed (OIC, District Command, etc.).
10. Brief the SWAT and negotiations teams upon their arrival (if applicable).
11. Assist the SWAT team as it relieves the officers responsible for inner perimeter containment personnel (if applicable).
12. Ensure that all officers relieved report to the command post for reassignment.

SWAT RESPONSE

Once SWAT has arrived on scene and assumed responsibility for the incident, SWAT command will fill the role of the overall incident commander. In situations that do not demand immediate intervention, primary focus should be on the following:

1. Ensure that all appropriate steps have been taken prior to SWAT arrival (inner perimeter, intelligence gathering, etc.).
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. Maintain a log to document incident activity.
11. [REDACTED]
12. [REDACTED]

13. Initiate negotiations using the most appropriate communication method. The CNT commander will oversee the negotiation function and the gathering of all relevant intelligence. Information will be shared with perimeter units as appropriate, and CNT activity will be documented consistent with the SWAT Manual.
14. Continue negotiations as long as positive progress is being made.
15. Evaluate the viability, necessity, and appropriateness of a tactical resolution—including the long rifle option—in situations where negotiations prove unproductive and a tactical resolution would be reasonable and justified based on the totality of circumstances
16. Use a combination of techniques and tactics, in a manner consistent with approved training, until the situation is brought to a successful conclusion.

Original SOP: 08/18/2014

(Revised: 02/05/2016, 11/02/2016, 01/20/2017, 12/20/2019, 11/30/2020)

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



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE
Personnel File Contents and the
Process for Accessing These Records



Eff. Date ~~01/15/2020~~ 12/28/2020

Purpose

The Madison Police Department (MPD) maintains information on all current and past employees, commissioned and civilian, pursuant to State of Wisconsin Statutes and City of Madison Ordinance.

The purpose of this standard operating procedure is to identify and clarify specific categories of personnel information and to establish criteria to assure that this information is maintained and protected, allowing access only when provided by law. Accordingly, not all portions of an employee's employment file will be available to the employee. In addition, there may be a reasonable charge for providing copies of records.

The following categories are considered sections of an employee's overall Personnel File Record and the documents identified represent typical types of records that may be stored within. The documents listed within each category are not inclusive.

Files/Definitions

EMPLOYEE FILE (GREEN)

(Maintained by the Human Resources Coordinator)

This file is stored in the Master File room in the CCB in a green file folder. File contents are typically related to:

- Letter to Offer Position to Candidate
- Letter of Acceptance
- Letters of Recommendation (if turned in after employment began)
- Standards of Conduct Pledge
- Employee Status Information (rank, address, education, assignment)
- Commendations and Awards (Employee Recognition Form(s), Citizen Recognition Letters, Departmental Awards)
- Evaluations
- Employee Feedback Forms
- ~~Disciplinary Notice/Findings~~
- Employee Notification of Grant Funded Position

MEDICAL FILE (BLUE)

(Maintained by the Human Resources Coordinator)

This file is stored in the Master File Room in the CCB in a blue file folder. File contents are typically related to:

- Doctors Documents
- Workers Compensation Documents
- OSHA
- Any Medical Related Documents
- Family Leave Form
- Fitness to Use a Respirator
- Drug Test Results (Post-Employment Offer)

TRAINING

(Maintained by the Training Section)

These files are stored electronically by the Program Assistant assigned to the Training Team. Files earlier than 2013 are currently housed in a Green File Folder. File contents are typically related to:

- In-Service Specialized Training
- Remedial Training (non-discipline related)
- Field Training Officer/Sergeant
- Specialized Unit Training
- District/Section Training
- HR 218

PROFESSIONAL STANDARDS AND INTERNAL AFFAIRS¹

(Maintained by the Lieutenant of PS&IA)

Prior to 2014, some of the below listed files are stored in the Master File Room in the CCB and secured in a separate locked storage cabinet. After that date, all PS&IA files are stored electronically within the IA management software program designated by the Madison Police Department. File contents are typically related to:

- Internal and External Complaints
- Investigations by PSIA and District Command of SOP and Codes of Conduct Violations
- Documentation of Sanctions (discipline and non-discipline)
- Existing and expired Work Rules/Performance Improvement Plans
- Historic Disciplinary Records
- Pursuit Reviews
- Squad Crash Reviews, Arbitrator, MDC messages, Emails and Sick Leave Use Audits
- Disciplinary Notice/Findings
- Probationary Officer Extension Memos Crafted by District Captains (if not related to performance, an inquiry only file will be created)

PRE-SERVICE ACADEMY TRAINING FILE (YELLOW)

All pre-service records remain at the Training Center under the direction of the Lieutenant of Training until transferred to the Master File Room at Headquarters. The maintenance of these files is then the responsibility of the Human Resources Coordinator. Documents related to tests and performance measures of probationary commissioned personnel while attending the MPD Police Academy are housed electronically or on microfilm; certain paper files may also be housed in the Master File Room located at Headquarters.

FIELD TRAINING FILE (ORANGE)

Documents related to performance measures of probationary commissioned personnel while participating in MPD's Field Training and Experience program are housed electronically or on microfilm and maintained by Training until the employee is deployed to a field assignment. Certain paper files may also be housed in the Master File Room located at Headquarters.

¹ These files have restricted access. Access to portions of these files may be denied due to exceptions noted in Wisconsin State Statutes §§19.31-19.39 and §103.13.

PROMOTIONAL PROCESS FILE

(Maintained by the Human Resources Coordinator/Chief's Administrative Assistant)

Certain process documents, including those that are generated as the result of candidate interviews with the Chief, will be stored in the Master File Room. These documents are specific to the commissioned promotional process.

Rules and Guidelines

CRITERIA

- A current or former employee may review their personnel records once per calendar year, upon request. A review form indicating date of review and signature of employee will be maintained within the file.
- Employees must be notified and/or sign off on new documents placed within their personnel file pertaining to performance issues.
- All file entries should include the following specific dates when appropriate: the date the information was added to the file and/or the date the information was received by PS&IA.
- Documentation should occur each time someone accesses an employee personnel file. This documentation should consist of a short memo indicating the date of the review, who conducted the review, the reason for the review, and what sections of the personnel file were accessed. This memo shall be placed within the employee file.
- Personnel files are all to be housed within the locked Personnel File Room located at Headquarters. However, certain Pre-Service Field Training Files are stored electronically. In addition, certain PS&IA files are kept in this room through 2013 but are otherwise electronic (see above).
- Personnel Files are available to the employee, the employee's representative when involved in a grievance, an employee's physician (per medical record exception) and decision-maker (Human Resources Coordinator or their Commanding Officer).
- Employees may add to their files; i.e., when they receive direct commendations from the public.
- Copies. The right of the employee or the employee's representative to inspect records includes the right to copy or receive a copy of records. The employer may charge a reasonable fee for providing copies of records, which may not exceed the actual cost of reproduction.

RETENTION OF RECORDS

- No records are to be removed or purged at an employee's request. If an employee believes a record exists in error or disagrees with the content of a record, the employee can submit a memo stating they dispute the record and why. This memo will be stapled to the disputed record.
- All documents listed above that are placed in an employee's permanent file will be stored for at least eight (8) years after separation from service.

Wisconsin State Statutes §§19.31-19.39 and §103.13 clearly articulate exceptions related to employee access of their Personnel Records. These exceptions include:

- Records relating to the investigation of possible criminal offenses committed by that employee.
- Letters of reference provided through the background process.
- Any portion of a test document, except that the employee may see a cumulative total test score for either a section of the test document or for the entire test document.
- Materials used by the employer for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management

bonus plans, promotions and job assignment or other comments or ratings used for the employer's planning purposes.

- Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- An employer who does not maintain any personnel records.
- Records relevant to any other pending claim between the employer and the employee, which may be discovered in a judicial proceeding.

RECORDS APPEAL PROCESS

- Review processes initiated by the employee shall be in writing describing the disputed information and directed to the authority responsible for maintaining the record in question.
- The authorities designated to maintain the specific record will be responsible for the review process and may delegate the review to his/her designee. The designated authority will make a determination on the record in dispute. Appeals to this decision are to be directed to an Assistant Chief.
- The final decision on the disposition of the appeal shall be the responsibility of an Assistant Chief.
- If an agreement is not reached through the appeal process, an employee may submit a response to their written dispute articulating the employee's position. That response is to be attached to the original disputed document.

Original SOP: 05/11/2012

(Revised: 02/25/2015, 06/10/2015, 02/12/2016, 03/21/2016, 02/03/2017, 12/21/2017, 01/15/2020, 12/28/2020)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Professional Standards and Internal Affairs Complaint Investigation

Eff. Date ~~05/31/2019~~ 11/06/2020

Complaint Acceptance and Investigation

1. General Purpose

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

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

2. Employee's Responsibility

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

3. Supervisory Responsibility

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

4. Guideline for Complaint Acceptance

All citizen complaints will be reviewed and/or investigated as appropriate. Where a significant time delay has elapsed from the time of the incident to the time of the complaint, the complaint will be reviewed/investigated as best as possible given the available information (witness recollection, physical evidence, etc.).

5. Prompt Disposition of Complaints

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

6. False Complaints of Police Misconduct

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

Responsibility For Accepting/Referring Complaints

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

Methods Available For Receiving Citizen Complaints

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

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

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

Responsibility of Supervisor Receiving Citizen Complaints

1. Supervisors receiving citizen complaints will obtain the nature of the complaint and a description of the events in question.
2. If the incident in question can be readily resolved because there are no disputed facts, and there is not an allegation of a significant Code of Conduct violation (i.e., alleged criminal conduct, excessive use of force, or other violations that if sustained would result in a letter of reprimand or more severe disciplinary action), the supervisor may document the circumstances, and forward their investigative documentation/recommendation to their command staff for review. Command staff will review the investigation and forward to PSIA for final disposition.
3. A supervisor taking a complaint with an allegation of significant misconduct shall document the nature and description of the allegation, as well as the contact information for witnesses. This will be submitted to PSIA by entering it into the PSIA records system. The supervisor should then follow the appropriate command notification protocol.

Allegations of Criminal Activity, Serious Misconduct and Critical Incidents

1. In all cases where a felony or other serious misconduct is alleged, the following individuals will be contacted as soon as possible:
 - a. The Chief of Police.
 - b. The PSIA Lieutenant.
 - c. The employee's commanding officer.
2. The investigation into significant allegations will begin as soon as possible upon receipt of the complaint.
3. Employee statements will generally not be compelled until after review by the District Attorney's Office in any case with the potential for criminal liability.
4. If the investigating supervisor determines that there may be probable cause for a criminal violation, the case shall be forwarded to the District Attorney's Office for review. This does not preclude an immediate physical arrest if there is a threat to public safety.
5. Allegations of criminal conduct that are unclear may be taken to the District Attorney's Office for informal review at the investigator's discretion.
6. The same legal standards regarding Miranda warnings shall be applied to employees as would be applied to individuals not employed by the MPD.
7. Employees involved in significant misconduct, which could result in discipline, termination or criminal charges, shall be offered services from the City's Employee Assistance Program (EAP). This does not preclude offering employee assistance services in other disciplinary matters

Investigative Responsibility

1. PSIA will review, document and assign complaints.
2. PSIA will ensure that the Chief of Police and the employee's commanding officer have been notified of significant complaints.
3. **Category A** (as listed in PSIA Discipline Matrix (Matrix)) allegation investigations will generally be assigned to the employee's assigned work group supervisor or district command for investigation. Upon completion of the investigation, the investigating supervisor will contact PSIA to ensure consistency with similar investigations and that matrix guidelines have been followed.
4. **Category B** (as listed in the Matrix) allegation investigations **may** be sent to the assigned employee's work group supervisor or district command for investigation. PSIA will confer with the employee's commanding officer or supervisor to determine the most appropriate venue for investigation.
5. PSIA will typically investigate all **Category C, D and E** (as listed in the Matrix) allegations.
6. When the PSIA investigator is unavailable or unable to conduct an investigation, a commanding officer assigned by the Chief of Police or his/her designee will be responsible for the investigation.
7. The Chief of Police reserves the right to request PSIA investigate allegations at any category level when circumstances merit.
8. Notification of the involved employee will be completed at the discretion of the investigating supervisor in order to protect the integrity of the investigation.
9. In cases where citizen complaints are filed against arresting officers, the investigation of an allegation will generally be conducted promptly. However, the investigation may be suspended, only at the discretion of the Chief of Police, until the court proceedings are completed. In these cases, a notice will be placed in the case file and the involved employee and their commanding officer shall be notified.
10. In cases of potential criminal conduct when it is necessary to assign additional investigators, the PSIA unit will be kept informed as to the progress and details of the investigation and assigned investigators.
11. When there are allegations of insubordinate or disrespectful behavior towards a supervisor, the commanding officer of the involved employee will designate someone other than the directly involved supervisor to investigate. In other instances when the appearance of an interpersonal conflict exists, the commanding officer of the involved employee may designate a non-involved supervisor to conduct the investigation.
12. The investigating supervisor will forward the file to the employee's commander for review. PSIA will review all complaint investigations/dispositions, and brief the Chief (or designee) of final disposition.
13. For all internal investigations, PSIA will ensure that:
 - a. The investigation was conducted in a fair, dignified and thorough manner in accordance with Chapter 164 and Sec. 62.13, Wis. Stat.
 - b. All documents of a completed investigation shall be forwarded through the chain of command to the PSIA office for review and entry into the PSIA records system.
 - c. The investigation was completed within the allowable time period.

Steps in a Complaint Investigation

1. Complaint received.
2. Complaint entered into the PSIA records system. Contact PSIA to discuss the case and determine investigative venue.
3. Conduct investigation. Interview witnesses, review police reports, etc.
 - a. In all cases, the investigator shall review available information to determine if a Code of Conduct violation occurred. When a complainant or witness fails to follow through with the investigating supervisor, the attempts to contact the complainant/witness shall be documented in the record.
 - b. Interview notice should be sent to the employee(s) alleged to have committed the violation with at least 48 hours notice, when appropriate. An employee must be allowed to contact a representative in any interview if desired. Interview notice is not required for coaching, mentoring, training, feedback, interviews of employee witnesses or basic fact finding.
 - c. In cases where the allegations, if proven true, would likely result in discipline, interviews with the officer(s) alleged to have committed the violation will be audio recorded. This does not apply to instances where the factual circumstances of the incident are clear and undisputed, or if recording the interview is impractical. Interviews may also be recorded at the employee's request or if other circumstances indicated that recording is appropriate.
 - d. The decision to audio record interviews with victims, witnesses or complainants will take the following factors into account:
 - i. The severity of the allegation.
 - ii. The complexity of the allegation.
 - iii. The location of the interview.
 - iv. The relevance of the interview to the investigation/allegation.
 - v. The willingness of the interviewee to have the interview recorded.

When the allegations, if proven true, would likely result in discipline, complainant interviews should be recorded unless it is impractical to do so or the complainant declines to have the interview recorded.
 - e. Interviews of key witnesses in significant investigations should be recorded when possible.
 - f. Employees should be informed and referred to the City's EAP.
 - g. Employees may be ordered to not discuss their involvement in an investigation with others. Such an order should only be imposed for the length of time reasonably necessary. It is not the MPD's intent to restrict employee rights to prepare a defense to a complaint filed against them.
4. If the preliminary finding is a sustained SOP or Code of Conduct violation that may result in discipline, a pre-determination hearing will be scheduled.
 - a. A pre-determination notice should be sent to the employee (and representative if a representative has previously been involved) at least one (1) week before the hearing.
 - b. In lieu of a personal appearance/hearing, the employee can opt to submit a written response. **A written response may be submitted in addition to the hearing, but must be submitted before**

or at the time of the hearing. The employee is allowed to have a representative present during the hearing if so desired.

- c. Pre-determination findings should document any mitigating or aggravating factors that employee discussed in pre-determination response.
5. The district/section Captain of the employee shall conduct a command review of the final investigation. The Captain will review the investigation and may direct further investigative steps if warranted. Once reviewed, the district/section Captain will forward the investigation and recommended finding to PSIA for final review with the Chief.
6. A discipline meeting will be held with PSIA, the employee's command staff and the Chief of Police.
7. The Chief of Police has final authority on all discipline decisions.
8. The employee will be notified in writing of any discipline. The complainant will be notified of the final outcome of the case as well (in the manner in which they prefer to be contacted).
9. If a complainant is not satisfied with the outcome of the investigation, they should be advised that they have the option to pursue their complaint to the Police and Fire Commission.

Complaint Disposition

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

1. Exonerated: The alleged incident occurred, but was lawful and in accordance with MPD Code of Conduct and standard operating procedures.
2. Unfounded: The evidence shows that the alleged conduct did not occur.
3. Not Sustained: The allegation is not supported by a preponderance of evidence.
4. Sustained: A preponderance of evidence shows that the action of the employee was not consistent with MPD Code of Conduct, standard operating procedure or City of Madison Administrative Procedure Memoranda (APM).

Seven Tests For Just Cause

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

1. Whether the subordinate could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.
2. Whether the rule or order that the subordinate allegedly violated is reasonable.
3. Whether the Chief of Police, before filing the charge against the subordinate, made a reasonable effort to discover whether the subordinate did, in fact, violate a rule or order.
4. Whether the effort described under sub. 3 was fair and objective.
5. Whether the Chief of Police discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate.
6. Whether the Chief of Police is applying the rule or order fairly and without discrimination against the subordinate.

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

Police Bill of Rights

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

- (1) *If a law enforcement officer is under investigation and is subjected to interrogation for any reason which could lead to disciplinary action, demotion, dismissal or criminal charges, the interrogation shall comply with the following requirements:*
 - (a) *The law enforcement officer under investigation shall be informed of the nature of the investigation prior to any interrogation.*
 - (b) *At the request of any law enforcement officer under interrogation, he or she may be represented by a representative of his or her choice who, at the discretion of the officer, may be present at all times during the interrogation.*
- (2) *Evidence obtained during the course of any interrogation not conducted in accordance with sub. (1) may not be utilized in any subsequent disciplinary proceeding against the law enforcement officer.*

Civilian Employees

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

Cooperation With Investigations Required Notice

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

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

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

Suspension

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

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

Notification/Documentation

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

Notification of Decision

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

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

Professional Standards & Internal Affairs Records

1. PSIA will maintain secure, electronic records of:
 - a. All PSIA complaints.
 - b. All received complaints, including dispositions.
 - c. Complaints against civilian employees.
 - d. Expired work rules/performance improvement plans.
 - e. Documentation of verbal and documented counseling.
2. A record of dispositions of investigations finding a sustained violation resulting in a letter of reprimand or greater sanction will be maintained in an employee's personnel file.
3. No records of complaints resulting in the dispositions of unfounded, exonerated or not sustained will be maintained in an employee's personnel file.
4. PSIA records will not be released from the MPD without approval from the Chief of Police.

Administration of Sanctions/Discipline

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

Role of the EAP

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

PSIA Summaries

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

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

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

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(Reviewed Only: 02/15/2016, 01/30/2019, 01/31/2020)

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



Professional Standards and Internal Affairs Discipline Matrix

Eff. Date ~~01/09/2020~~ **10/26/2020**

Purpose

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

Procedure

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

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

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

Sanction Categories

Category A	Category B	Category C	Category D	Category E
<p>Conduct violation in a single incident that has a minimal negative impact on the operations or reputation of the MPD. Sanctions listed in the below categories are not considered discipline. Sanction guidelines may include:</p> <ul style="list-style-type: none"> • Verbal Counseling • Mediation • Documented Counseling <p>A single sanction or a combination of the above listed sanctions may be deemed appropriate.</p> <p>Training and/or Work Rules can also be ordered in conjunction with any sanctions listed above.</p>	<p>Violations that have more than minimal impact on the operations or reputation of the MPD or that negatively impacts relationships with other officers, agencies, or the public. This includes repeated acts from Category A within time frames listed below. Sanction guidelines may include:</p> <ul style="list-style-type: none"> • Verbal Counseling • Mediation • Documented Counseling • Letter of Reprimand (First Level of Discipline) <p>A single sanction or a combination of the above listed sanctions may be deemed appropriate.</p> <p>Training and/or Work Rules can also be ordered in conjunction with any sanctions listed above.</p>	<p>Violations that have a pronounced negative impact on the operations or reputation of the MPD or on relationships with employees, other agencies, or the public. This includes repeated acts from Category B within time frames listed below. Sanction guidelines may include:</p> <ul style="list-style-type: none"> • Letter of Reprimand • Suspension without pay for one to five days <p>A single sanction or a combination of the above listed sanctions may be deemed appropriate. Training and/or Work Rules can also be ordered in conjunction with any sanctions listed above.</p>	<p>Violations that are contrary to the core values of the MPD or that involve a substantial risk of officer or public safety. This includes repeated acts from Category C within the time frames listed below. Sanctions guidelines may include:</p> <ul style="list-style-type: none"> • Suspension without pay for five to fifteen days <p>Training and/or Work Rules can also be ordered in conjunction with any sanctions listed above.</p>	<p>Violations that are contrary to the core values of the MPD. This includes acts of serious misconduct or acts of criminal conduct. This also involves any conduct that will effectively disqualify an employee from continued employment as a law enforcement officer. Sanction guidelines may include:</p> <ul style="list-style-type: none"> • Suspension without pay for fifteen days or more • Reduction in rank • Separation from service <p>Training and/or Work Rules can also be ordered in conjunction with any sanctions listed above.</p>

Repeated Acts

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

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

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

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

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

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

Discipline Matrix

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

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

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

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

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

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

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

Sanction Options in Internal Investigations

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

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

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

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

Employees receiving formal discipline are not eligible for promotion or selection to a closed position for a period of one year from the date of the incident leading to discipline.

Restorative Performance Initiative

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

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

- No prior sustained cases resulting in discipline and no recent (last five years) sustained violations
- Offered at the Letter of Reprimand level of discipline.
- Officer will attend training in a field related to what Code of Conduct, Standard Operating Procedure, or City APM was violated.
- Officer will provide a written summary of the training attended and demonstrate knowledge learned.

- No additional Code of Conduct, Standard Operating Procedure, or City APM violations that result in discipline within one year from date of agreement.

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

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

Multiple Violations

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

Police and Fire Commission (PFC)

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

Rights of the Chief of Police/Right of Deviation

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

The Chief of Police or designee will approve all discipline.

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

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

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

EXAMPLES OF MITIGATING AND AGGRAVATING FACTORS

Mitigating factors include but are not limited to:

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

Aggravating Factors include but are not limited to:

- Inappropriate use of force.
- Personal motive.
- Intoxication.
- Conspiracy.
- Criminal conduct.
- Deception.
- Intentional act.

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

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

Civilian Employees

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

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

Probationary Police Officers

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

Original SOP: 02/27/2015

(Revised: 02/29/2016, 03/21/2016, 01/06/2017, 06/15/2017, 07/06/2017, 12/06/2017, 06/08/2018, 05/31/2019, 01/03/2020, 01/09/2020, 10/26/2020)

(Reviewed Only: 01/30/2019)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Recording Suspect Interviews

Eff. Date ~~01/03/2020~~ 11/30/2020

Purpose

The purpose of this ~~policy standard operating procedure~~ is to establish guidelines for recording interviews of suspects. ~~It is the policy of the~~ The Madison Police Department (MPD) ~~to use~~s electronic recording systems to provide accurate documentation of events, actions, conditions, and statements made during law enforcement interviews. The use of ~~the~~ electronic recording systems shall be in accordance with applicable laws and MPD standard operating procedures.

Procedure

WHEN RECORDING IS REQUIRED

All custodial interviews of adults suspected of committing a felony shall be recorded. ~~All custodial interviews of juveniles shall be recorded when feasible, and without exception when questioning occurs at a place of detention. Any police facility, including MPD District Stations, the Juvenile Reception Center and any in-patient treatment facility, will be considered a "place of detention."~~ The MPD recognizes that in some circumstances, victim/witness statements may be electronically recorded. ~~If electing to do so, officers shall adhere to MPD standard operating procedures.~~

~~The recording may be audio, or both audio and video. Interviews requiring recording may occur in the field or in MPD facilities. Miranda warnings shall be provided in accordance with MPD policy.~~

All custodial interviews of juveniles shall be recorded when questioning occurs at a place of detention. Any police facility, including MPD District Stations, MPD vehicles equipped with in-car video systems, the Juvenile Reception Center, and any in-patient treatment facility will be considered a "place of detention." If a custodial interview of a juvenile occurs in the field and is not recorded, the officer shall document in a report the reason the interview was not recorded.

~~The recording may be audio only, or both audio and video. Interviews requiring recording may occur in the field or at MPD facilities. Miranda warnings shall be provided in accordance with MPD policy.~~

The law does not require that officers recording a custodial interview inform the subject that the questioning is being recorded. If asked, officers should ordinarily disclose whether recording is occurring.

Once a recording of an interview begins, the recording should not be stopped. ~~Recordings, reasons for any interruptions/microphone muting, and times of the break(s) and resumed recordings shall be documented within official reports or narratives of citations. If a break in the interview occurs, record the time the break starts and the time the interview resumes. Any stopping or resuming of recordings shall be articulated in the officer's report.~~

Custodial interviews taking place in an MPD facility can be recorded using the dictation ~~Winscribe~~ system (with either a handheld ~~walkabout~~ device, or a landline speakerphone, or cell phone) or using the electronic video and audio recording systems available in the interview rooms. Upon completion of a recording in an interview room, it is necessary to preserve the interview video as evidence by completing a Lab Request Status Report and forwarding that report to the PD Lab Request email group.

Custodial interviews conducted within a squad car can be recorded using the squad's in-car ~~data capture~~ video system. Officers shall refer to the In-Car Video System SOP for protocols related to that system. Upon completion of a recording in a squad car using the in-car video system, **officers shall select the applicable classification tag** from the available menu of the Arbitrator program. Officers or sergeants shall not close the recording window on the MDC without making a selection from the classification choices.

Noncustodial interviews of suspects may be recorded in accordance with this policy.

EXCEPTIONS

The following are exceptions to the recording requirements listed above:

1. The suspect refuses to provide a statement if it is recorded. The officer must audibly record the refusal and/or document the refusal in a report.
2. The statement was part of routine prisoner processing.
3. The recording equipment did not function properly.
4. The statement was made spontaneously and not in response to questioning.
5. Exigent circumstances prevented recording or made recording not feasible.
6. The officer, at the outset of the interview, reasonably believed that the offense being investigated was not a felony.

Custodial interviews taking place in an MPD facility can be recorded using the Winscribe system (with either a handheld walkabout, landline speakerphone, or cell phone) or using the electronic video and audio recording systems available in the interview rooms. Custodial interviews conducted within a squad car can be recorded using the in-car data capture system. Officers shall refer to the In-Car Video System SOP for protocols related to that system.

Original SOP: 02/25/2015

(Reviewed Only: 01/22/2016, 11/01/2016)

(Revised: 11/09/2017, 01/03/2020, 11/30/2020)



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Search Warrant Service

Eff. Date ~~11/27/2018~~ 12/01/2020

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

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

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

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

Unknown Risk and High-Risk No-Knock Warrants

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

High-Risk Warrant Service

The following factors should be considered when evaluating whether service of a particular warrant is high-risk:

- Presence of firearms at the location to be searched
- Presence of other weapons posing a risk to officers at the location to be searched
- History of firearm possession/use on the part of suspects or others who may be present at the location to be searched
- History of possession/use of other weapons on the part of suspects or others who may be present at the location to be searched

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

If a warrant is deemed to be high-risk and if reasonable suspicion exists that knocking and announcing prior to entry would be dangerous, futile, or would inhibit the effective investigation of the crime (by allowing for the destruction of evidence, for example), a no-knock warrant should generally be requested.

Even when serving a high-risk warrant for which a no-knock entry has been approved, officers will identify themselves and announce their presence prior to breaching an exterior door or entering a dwelling (unless officers reasonably believe that immediate entry without announcement is required to address an imminent safety risk to officers or others). This requirement can be fulfilled by knocking and announcing at the exterior door or by making an amplified announcement using a public address device.

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

- Presence of firearms at the location to be searched
- Presence of other weapons posing a risk to officers at the location to be searched
- History of firearm possession/use on the part of suspects or others who may be present at the location to be searched
- History of possession/use of other weapons on the part of suspects or others who may be present at the location to be searched
- History of violence on the part of suspects or others who may be present at the location to be searched (includes any history demonstrating a risk/threat to officers)
- History of resisting officers on the part of suspects or others who may be present at the location to be searched
- Presence of dangerous dogs at location to be searched
- Fortifications
- Look outs
- Other specific dwelling issues (size of dwelling, location, etc.)
- Video Surveillance

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

Unknown-Risk Warrant Service

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

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

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

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

Original SOP: 03/04/2015
(Reviewed Only: 02/17/2016, 11/08/2017, 01/31/2020)
(Revised: 01/19/2017, 11/27/2018, 12/01/2020)



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Sexual Assault Investigations

Eff. Date ~~05/02/2018~~ 10/05/2020

Purpose

To outline the procedure for investigating sexual assault and their attempts. To provide guidelines and expectations for the Madison Police Department response to Sexual Assault Investigations involving adult and child victims. Consistent with our MPD Core Values and Mission Statement, we strive to deliver the highest service possible while following a victim-centered, trauma-informed approach to the investigation of these crimes.

Sexual Assault allegations will be investigated in an unbiased manner, free of assumptions and stereotypes about victims. Personnel investigating sexual assault allegations will keep in mind that victims of these crimes may present with a wide range of potential reactions to sexual assault, some of which may not be in line with an officer's investigative objectives.

When investigating sexual assault allegations, officers should work to build rapport with the victim, use trauma-informed and victim-centered practices, treat the victim with respect and dignity, and document the victim's statement as provided by the victim, using exact quotes when possible.

Definitions

Victim-Centered: Placing the crime victim's priorities, needs, and interests at the center of the investigation. Ensuring that restoring victims' feelings of safety and security are a priority and safeguarding against practices that may inadvertently re-traumatize victims.

Trauma-Informed: Investigations are conducted with an understanding of the effects of trauma on survivors, including the many and varied emotional *and* physical responses victims may *or may not* have to a traumatic experience. Priority is placed on restoring the survivor's feelings of safety, choice, and control.

Procedure

INVESTIGATING CASES INVOLVING ADULT VICTIMS OF SEXUAL ASSAULT

1. Adults victims should be offered trauma-informed and culturally competent services and supports when possible
 - a. The initial responding officer shall advise the victim they may request to be interviewed by an officer of the gender of their choice. Should the victim request an officer of the gender opposite the initial officer, the officer shall immediately notify a supervisor and a reasonable attempt will be made to honor the victim's request.
 - i. Once follow up has been assigned to a Detective, the case will remain with the Detective regardless of gender.
~~Once follow up has been assigned to a Detective, the case will remain with the Detective regardless of gender.~~
 - b. If the victim has Limited English Proficiency (LEP), the initial responding officer shall take reasonable steps to provide free language assistance services to that victim in accordance with MPD's Language Access Services SOP.
 - i. Interviews of victims, particularly of sensitive crimes, should be done in the victim's primary language.
 - ii. Children or other family members or friends of the victim should not be used to interpret the victim's statement.
 - iii. Victim Advocates and Dane County Social Workers should not be used to interpret the victim's statement, as that may run contrary to their professional mission and ethos.
 - c. The initial responding officer shall, as soon as is practicable, offer to contact an advocate from the

Rape Crisis Center to respond to support the victim throughout the reporting and evidence collection process.

- b. d. In the event of a fresh occurrence, where a public danger exists, the initial responding officer shall make a reasonable attempt to obtain suspect, officer safety, and other relevant information to relay to other officers as soon as possible.
- e. e. The officer conducting the victim interview shall:
 - i. Spend time building rapport with the victim, assuring their physical safety and getting them medical care as soon as practicable. Interview the victim using open ended, narrative inviting questions.
 - ii. Allow the victim to provide their statement with as little interruption as possible. The officer should utilize natural breaks in the victim's statement to ask follow-up questions, recognizing that victims may not provide statements in chronological order due to the effects of trauma.
 - iii. Notify the Officer in Charge (OIC) of the circumstances of the incident. The OIC will determine if the incident is a 1st or 2nd degree sexual assault or if additional investigative resources or advice is needed, and if so, will ensure that the On Call Detective Lieutenant (if after normal business day) or District Detective Lieutenant is notified of the circumstances. The exception to notification is an incident involving consensual sex between teenagers within 3 years of age.
 - iv. Ensure the collection of evidence from the victim and scene(s), (e.g., photos, clothing, biological items, etc.), and also medical forensic hospital exam evidence if the assault occurred no more than 120 hours prior to the time it is reported. Meriter Hospital's Forensic Nurse Examiner (FNE) program should be used for collection of biological evidence from the victim.
 1. Any time an officer is dispatched for a sexual assault and the victim is reporting; the Officer should stand by outside the room while the exam is being done, in case the nurse needs to communicate with the Officer, and to then take the evidence for processing.
 2. Please see the SOP on Searches, specifically the Strip Search section for further details on the collection of evidence from the suspect.
 3. An Investigator, at the request of the interviewing officer or a supervisor, shall process the scene(s) of a sexual assault for evidence, including photos.
 4. All FNE evidence kits collected as part of sexual assault investigations will be transported to WSCL. All sexual assault FNE kits shall be physically or electronically submitted to the Wisconsin State Crime Lab (WSCL). The submission form can found on the WSCL website: <https://www.doj.state.wi.us/dfs/evidence-submission-information>.

The form is titled DFS Transmittal and can be electronically submitted via email to the Forensic Case Manager, Division of Forensic Sciences for WSCL (presently mahnkeka@doj.state.wi.us). Please call WSCL Milwaukee at 414-382-7500 with any submission questions.

Electronic submissions are permissible when the complexities and/or facts of the case may require WSCL input prior to transport. If submitted electronically and WSCL will accept the kit for analysis, the kit will then be physically submitted.

If WSCL denies the FNE kit, whether physically or electronically submitted, WSCL will provide the submitter a letter of refusal stating why the FNE kit is not being accepted. This letter shall be scanned as an attachment into the case file and a report shall be completed by the submitter.

This SOP does not pertain to FNE kits collected in any other type of criminal investigation (e.g. strangulation).

5. Even if the assault occurred more than 120 hours prior to the time of the report, victims should be told of the existence of the Meriter FNE program, specifically that the victim can be tested for sexually transmitted infections and/or treated for other injuries.

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

1. The primary officer shall notify Dane County Human Services (DCHS) within 12 hours of the report of a sexual assault of a juvenile per state statute 48.981(1)(2)&(3).
The primary officer shall notify the parents or guardians, if appropriate, of the juvenile victim within 24 hours.
2. When investigating a sexual assault of a child under the age of 16, the investigating officer shall collect as much information as possible without interviewing the victim. The officer shall notify the OIC of the circumstances. The OIC shall contact the On Call Detective Lieutenant (if after normal business day) or District Detective Lieutenant prior to conducting a detailed interview or physical exam. The subsequent investigation will be at the direction of the Detective Lieutenant or Detective assigned to the case.
3. When the investigating officer or detective for cases involving child victims determines that probable cause exists that the suspect has committed crimes in violation of the statutes listed below, the cases will routinely be referred to the district attorney for criminal prosecution:
 - a) Sexual intercourse or sexual contact under s. 940.225, 948.02, 948.025 or 948.085
 - b) Sexual exploitation of a child under s. 948.05
 - c) Permitting, allowing or encouraging a child to violate s. 944.30 (Prostitution)
 - d) Causing a child to view or listen to sexual activity s. 948.055
 - e) Causing a child to expose genitals or pubic area s. 948.10
1. Child victims should be offered trauma-informed and culturally competent services and supports when possible.
 - a. As with adult victims, if the child victim has Limited English Proficiency (LEP), the initial responding officer shall take reasonable steps to provide free language assistance services to that victim in accordance with MPD's Language Access Services SOP.
 - b. Family members, friends, Victim Advocates and Social Workers should not be used to interpret the child victim's statement.
2. The primary officer shall notify Dane County Human Services (DCHS) within 12 hours of the report of a sexual assault of a juvenile per state statute 48.981(1)(2)&(3).
3. The primary officer shall notify the parents or guardians, if appropriate, of the juvenile victim within 24 hours.
4. When investigating a sexual assault of a child under the age of 16, the investigating officer shall collect as much information as possible without interviewing the victim. The officer shall notify the OIC of the circumstances. The OIC shall contact the Special Victims Unit Lieutenant (if after normal business day) or Special Victims Unit Detective Sergeant prior to conducting a detailed interview or physical exam. The subsequent investigation will be at the direction of the SVU Lieutenant or Detective Sergeant assigned to the case.
5. When the investigating officer or detective for cases involving child victims determines that probable cause exists that the suspect has committed crimes in violation of the statutes listed below, the cases will routinely be referred to the district attorney for criminal prosecution:
 - a) Sexual intercourse or sexual contact under s. 940.225, 948.02, 948.025 or 948.085
 - b) Sexual exploitation of a child under s. 948.05
 - c) Permitting, allowing or encouraging a child to violate s. 944.30 (Prostitution)
 - d) Causing a child to view or listen to sexual activity s. 948.055
 - e) Causing a child to expose genitals or pubic area s. 948.10

INVESTIGATIONS INITIATED BY HUMAN SERVICES**Officer-in-Charge Information**

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

OIC Considerations

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

Responding Officer/Field Supervisor Considerations

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

INVESTIGATIONS CONDUCTED WITHOUT CPS PRESENT

- A CPS worker will not respond out to the field to make contact with a child victim in every case. In order to assist CPS in determining whether or not a worker will respond to the field, the responding officer should attempt to obtain as much collateral information as possible from parties other than the child to inform CPS' decision to respond or not. Gathering this collateral information from other sources will also allow the officer to make an educated decision as to whether or not an interview of the child victim in the field is necessary should CPS not respond.
- The responding officer should collect collateral information from the reporting party, the non-offending parent (if possible), any third parties that may have pertinent information (teachers, counselors, friends, etc.), and any witnesses to the alleged abuse.
- After collecting this collateral information from sources other than the child, the officer should make phone contact with the on-call CPS worker and provide all collateral information gained from these sources. The responding officer should ask the CPS worker to share any other pertinent information CPS may have regarding the child victim or other involved parties. The responding officer should inquire with CPS if there are current open cases involving this child victim and/or the alleged offender, or if there were prior cases and/or screen-outs involving this child victim and/or the alleged offender.

The responding officer should obtain any pertinent identification and contact information for the alleged offender and others involved in the present investigation.

- If, after this information sharing with the on-call CPS worker, the CPS worker indicates they will respond to the field, the responding officer shall wait to continue their investigation with the CPS worker. If the CPS worker responds, follow the considerations listed above. If the CPS worker advises they will not respond to the field, the responding officer must consider whether or not to interview the child.
- To assess the need to interview the child in the field, the responding officer must evaluate whether or not they have corroborated information of abuse, neglect, or that the child witnessed a serious crime (domestic violence, weapons offense, homicide) from their collateral information sources and their contact with CPS.
- If the responding officer has corroboration that the child is a victim of abuse or neglect, the officer must ensure the preservation and collection of pertinent evidence. The responding officer, in consultation with the OIC or the SVU Lieutenant/Detective Sergeant, should ensure that an FNE exam is done if circumstances warrant it. The responding officer must also ensure that photographs are taken that capture any visible injuries, whether they appear fresh or to have healed. The responding officer should ensure that any weapons or implements alleged to have been used to injure the child are seized as evidence.
- The responding officer should determine if the child is in need of immediate medical treatment and work with the non-offending parent or caregiver to obtain that treatment for the child. The officer should also make an assessment if the child is safe in its present placement situation.
- If the officer believes, based on their investigation, that the child victim is at risk of manipulation, threats, or pressure to recant their initial disclosure, or the officer can articulate that future access to the child victim may be limited by others, the officer may decide to interview the child in the field. If the officer determines an interview of the child in the field is necessary, the officer shall contact the OIC and provide them with the basis for this decision. The OIC shall contact the SVU Lieutenant for consultation and consideration of detective resources being called in.
- Should the responding officer interview the child in the field, the officer should not do a "truth/lie" assessment, nor should they use any body diagrams/drawings. The "truth/lie" assessment is only necessary for a recorded forensic interview, which a field interview is not. Body diagrams/drawings should only be used post-disclosure by a trained interviewer.
- The officer must use open ended questions that allow the child to answer in narrative form, in their own words. An officer should spend some time building rapport with the child prior to transitioning to the topic of concern. The officer can ask the child questions like: "Tell me all about it?" and "Do you know why I'm here to talk to you today?" The use of "tell me" questions will allow the officer to obtain the elements of the crime, identify potential evidence, determine jurisdiction, and identify any witnesses. If the "tell me" questions, coupled with collateral information have not given the timeframe of the incident, the responding officer should attempt to ascertain "when" from the child. The responding officer should attempt to determine timeframe using developmentally appropriate words and open ended questions.
- Officers should understand that a child's ability to sequence events and provide timelines varies based on their developmental abilities, their chronological age, and whether or not they encoded that detail of the abuse. Officers should not ask a child to guess as to timelines of events. If the child provides information that the incident was not recent enough to raise evidentiary concerns (i.e. the need for an FNE, visible injuries, scene preservation), an estimate by the child is sufficient.

- Responding officers can refer to the purple First Responder Contact Without CPS reference card for guidance when out in the field. The above information is summarized in the below outline, which is located on that reference card.

FIRST RESPONDER CONTACT WITHOUT CPS REFERENCE CARD OUTLINE

- Collateral Information Collection from Others.
 - Reporting Party.
 - Non-offending parent (if possible).
 - 3rd Parties with information (teachers, counselors, friends, etc.).
 - Witnesses.
- CPS Contact.
 - Provide CPS information obtained from #1.
 - Determine other collaborative information from CPS.
 - Other open/prior cases with subjects.
 - Identification/contact information for offender and others.
 - Will CPS come out?
 - Yes - wait to continue investigation with CPS.
 - No - proceed to #3.
 - If CPS responds, determine who will lead the interview (Officer or DCHS worker).
 - If CPS leads the interview, officer should take *detailed* notes of interview.
 - Officer *can and should* ask questions pertaining to their investigation if those questions are not asked by CPS.
 - Officer must ensure they have explored the elements of alleged crime.
 - CPS is ultimately responsible for conducting a safety assessment for the child (making sure the child is safe).
- Factors to Determine if Officer Should Conduct Child Interview.
 - Do we have corroborated information of abuse, neglect, or that child witnessed (CRIME) obtained by #1 and #2? No need for officer to interview child.
 - Preserve/collect pertinent evidence.
 - SANE exam/photos/weapons/implements/etc.
 - Determine if child is in need of immediate medical treatment.
 - Determine if the child is safe in its present placement.
 - Even if 3.a. is present, officer articulates need for immediate child interview (manipulation of child's testimony, family dynamics/pressure, etc.).
- Contact Sgt/OIC.
 - Provide information obtained from #1, #2, and #3.
 - Determine if on-call Det. Lt. will be contacted (and presumably a detective called in).
- Officer Interview of the Child.
 - General guidelines.
 - Do NOT do truth/lie.
 - Do NOT use body diagrams.
 - Must use open-ended questions (i.e., "tell me all about it").
 - "Tell me *what* happened?" (elements of crime).
 - "Tell me *how* it happened?" (evidence - weapons, DNA).
 - "Tell me *where* it happened?" (jurisdiction).
 - "Tell me who else was there?" (witnesses).
 - If the "tell me" questions, coupled with collateral information, have not given the "*when*," attempt to ascertain "*when*" from the child.
 - Developmentally appropriate words.
 - If not recent enough to raise evidentiary concerns, close is good enough.

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

Original SOP: 11/18/2015

(Revised: 04/05/2016, 12/06/2017, 05/02/2018, 10/05/2020)

(Name change only: 05/03/2016)

(Reviewed Only: 01/09/2017, 01/30/2019)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Stop & Frisk

Eff. Date ~~11/19/2019~~ 10/27/2020

Purpose

It is the policy of the Madison Police Department (MPD) that field interrogations will be conducted in a manner which not only promotes public safety and safeguards law enforcement officers from harm, but also holds invasions of personal rights and privacy to a minimum.

Procedure

STOPS

A “stop” is the temporary detention of a person for investigation. A “stop” occurs whenever an officer uses his/her/their authority to make a person halt, or to keep a person in a certain place, or to compel a person to perform some act. If a person is under a reasonable impression that they are not free to leave or ignore the officer’s presence, a “stop” has occurred.

Basis for a Stop

An officer may stop a person in a public place, after having identified her/himself as a law enforcement officer, if s/he/they reasonably suspects that a person has committed, is committing, or is about to commit a criminal offense or ordinance violation. Both pedestrians and persons in vehicles may be stopped.

Reasonable Suspicion

The term “Reasonable Suspicion” is not capable of precise definition; however, it is more than a hunch or mere speculation on the part of an officer, but less than the probable cause necessary for an arrest. Every officer conducting a stop must be prepared to cite the existence of specific facts in support of that officer’s determination that a “reasonable suspicion” was present.

Police Conduct During a Stop

Proper justification for a stop does not permit unreasonable conduct during the stop. Every phase of the detention must be reasonable, for the United States Supreme Court has stated in *Terry v. Ohio*, 392 U.S. 1, 28 (1968), that the manner in which stops and frisks are conducted is “as vital a part of the inquiry as whether they were warranted at all.”

1. Identification

Officers conducting a stop, if not in uniform, shall clearly identify themselves as police officers by announcing identity and displaying MPD badge/ID.

2. Duration of Stop

A person stopped pursuant to these rules may be detained at or near the scene of the stop for a reasonable period of time. Officers should detain a person only for the length of time necessary to obtain or verify the person’s identification, or an account of the person’s presence or conduct, or an account of the offense, or otherwise determine if the person should be arrested or released.

3. Explanation to Detained Person

Officers shall act with courtesy towards the person stopped. At some point during the stop the officer shall, in every case, give the person stopped an explanation of the purpose of the stop.

4. Rights of Detained Person

The officer may direct questions to the detained person for the purpose of obtaining their name, address and an explanation of the conduct. The detained person may not be compelled to answer questions or to produce identification documents for examination by the officer; however, the officer may request the person to produce identification and may demand the production of an operator's license if the person has been operating a vehicle.

5. Effect of Refusal to Cooperate

Refusal to answer questions or to produce identification does not by itself yield probable cause to arrest, but such refusal may be considered along with other facts as an element adding to probable cause.

6. Use of Force

An officer may use only the amount of non-deadly force that is reasonably necessary to stop and detain a person pursuant to these guidelines. MPD's Non-Deadly Force Guidelines shall be followed. If an officer is attacked, or circumstances exist that create probable cause to arrest, the officer may use that amount of force necessary for defense or to effect a full-custody arrest.

Stopping Witnesses Near the Scene of a Crime

A police officer who has probable cause to believe that any violent crime has just been committed, and who has probable cause to believe that a person found near the scene of such offense has knowledge of significant value to the investigation of the offense, may order that person to stop. The sole purpose of the stop authorized by this section is the obtaining of the witness' identification so that the witness may later be contacted by the officer's agency. Officers shall not use force to obtain this information, and will effect the detention with minimal intrusiveness.

Stopping Vehicle at Roadblocks

If authorized to do so by a commanding officer, a police officer may order the drivers of vehicles moving in a particular direction to stop. Authority to make such stops may be given only in those situations where such action is necessary to apprehend the perpetrator of a crime who, if not apprehended, poses a significant and imminent public safety threat, or to discover the victim of a crime whose physical safety is presently or potentially in danger. Roadblocks established for this purpose will only be implemented in limited geographic areas (where there is a reason to believe the suspect/victim will be discovered) and for a reasonable period of time. Once a vehicle is stopped pursuant to this section, it may be searched only to the extent necessary to determine if the perpetrator or victim is present in the vehicle, and such search shall be made as soon as possible after the stop.

FRISKS

A frisk is a limited protective search for concealed weapons or dangerous instruments.

When to Frisk

A police officer may frisk any person whom that officer has stopped when the officer reasonably suspects that the person is carrying a concealed weapon or dangerous instrument. The frisk may be conducted at any time during the stop if reasonable suspicion develops.

Reasonable Suspicion for Frisk

“Reasonable suspicion” for a valid frisk is more than a vague hunch and less than probable cause. If a reasonably prudent police officer under the circumstances would be warranted in believing anyone in the vicinity was in danger, a frisk is justified. Every officer conducting a frisk must be prepared to cite the existence of such factors in support of the determination that “reasonable suspicion” for a frisk was present.

General Procedure

1. The officer should begin the frisk at the area of the person’s clothing most likely to contain a concealed weapon or dangerous instrument. Usually, an officer should begin the frisk with a pat-down of the outside of the person’s outer clothing, and the officer should not reach inside the clothing unless an object is felt which the officer reasonably believes to be a weapon or dangerous instrument. If the outer clothing is too bulky to allow the officer to determine if a weapon or dangerous instrument is concealed underneath, then the outer clothing may be opened to allow a pat-down directly on the inner clothing. If the officer has a reasonable belief, based on reliable information or personal knowledge and observations, that a weapon or dangerous instrument is concealed at a particular location on the person, such as a pocket, waistband, or sleeve, then the officer may reach directly into the suspected area. This is an unusual procedure and any officer so proceeding must be prepared to cite the precise factors which led the officer to forego the normal pat-down procedure.
2. An officer may also frisk those areas that the person could reach to obtain an object that could be used to harm the officer, if the officer reasonably suspects personal harm should the object not be obtained. This includes vehicles. If an officer possesses reasonable suspicion that a vehicle driver or passenger is armed, the “frisk” may be extended to the vehicle. This “frisk” is a protective search and is limited to places in the vehicle’s passenger compartment that could contain a weapon.
3. If during the course of a frisk, the officer discovers an object which is a container capable of holding a weapon or dangerous instrument and if the officer reasonably believes that it does contain such an item, the officer may look inside the object and briefly examine the contents.
4. An officer may use only the amount of non-deadly force that is reasonably necessary to effect a frisk pursuant to these guidelines. MPD’s Non-Deadly Force Guidelines shall be followed. If an officer is attacked, or circumstances exist that create probable cause to arrest, the officer may use that amount of force necessary for defense or to effect a full-custody arrest.

Discovery of Weapon, Instrument, or other Property

If a frisk or search discloses a weapon or instrument, or any other property, possession of which the officer reasonably believes may constitute the commission of a crime, or which may constitute a threat to personal safety, the officer may take it and keep it until the completion of the questioning, at which time it shall either be returned, if lawfully possessed, or seized by the officer.

Discovery of Incriminating Evidence

If, while conducting a frisk, an officer feels an object which is reasonably believed not to be a weapon or dangerous instrument, but the officer does believe it to be a seizable item, the officer may not—on the basis of the officer’s authority to frisk—take further steps to examine the object. However, if the nature of the object felt—alone or in combination with other factors—provides probable cause to arrest, the officer should tell the person they are under arrest. The officer may then conduct a full-custody search incidental to arrest, but must not take any step to examine the object before making the arrest. If a seizable item is not found, the person should be released.

Procedure Following Unproductive Frisk

If the frisk discloses nothing justifying removal or seizure, and nothing providing probable cause for arrest, an officer may continue to detain while concluding the investigation.

RECORDKEEPING

Adequate records of stop and frisk activity will serve to ensure the proper exercise of police authority. They will also greatly enhance an officer's ability to reconstruct what occasioned a stop or frisk, and what took place during this contact. Such records are vital, not only when the stop and frisk results in immediate arrest; they also may be valuable as "leads" in other investigations. Further, such records serve as protection against groundless civil suits.

1. Recording

Officers must file a report any time there is a stop and subsequent frisk to protect themselves, the MPD, and the community.

2. Stop Based on Informant's Tip

If the stop or frisk was based in whole or partly upon an informant's tip, the officer making the stop or frisk shall make every reasonable effort under the particular circumstances to obtain and record the identity of the informant. Further, the officer shall record the facts concerning such tip, e.g., how it was received, the basis of the informant's reliability, and the origin of the informant's information.

Original SOP: 03/04/2015
(Revised: 02/05/2016, 11/19/2019, 10/27/2020)
(Reviewed Only: 01/09/2017, 12/26/2017, 01/30/2019)



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



System Audits

Eff. Date ~~04/02/2018~~ 11/20/2020

Purpose

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

Procedure

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

- City email
- Mobile Data Computer (MDC) communications
- Arbitrator squad video/audio
- Property/evidence
- Juvenile arrest custody data
- K9 training aids
- Dane County Narcotics Task Force (DCNTF) training aids
- Federally regulated materials
- Recordable force database entries
- City enterprise camera system

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

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

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

Original SOP: 04/28/2017
(Reviewed Only: 12/26/2017)
(Revised: 04/02/2018, 11/20/2020)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Uniform Standards

Eff. Date ~~10/08/2019~~ 10/19/2020

Purpose

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

Procedure

MILITARY STYLE UNIFORM GUIDELINES

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

12. Officers who have received certain awards (Valor, Meritorious Conduct, Meritorious Lifesaving, Blue Star, Lifesaving) may wear the approved award pin with the military uniform. If only one award pin is worn, the pin will be worn centered above the highest other pin (name tag, Field Training, SET or SWAT). If two award pins are worn, the pins will be worn side-by-side, above the name tag or Field Training pin (if worn), but below the SET or SWAT pin (if worn).
13. Service bars may be worn on long-sleeve uniform shirts, jackets and coats. One bar is authorized at the completion of each four years of service. (See Addendum A for correct placement.)
14. Approved footwear worn with the military style uniform will be black and must be kept clean and polished.
15. When long uniform pants are worn, socks should also be worn that cover the ankle, specifically at least a mid-calf or crew sock. Shorter socks such as anklets, no-show, or low cut are only authorized to be worn with uniform shorts. Socks shall be black or navy in color, except when a medical waiver is granted and approved by the Chief of Police.
16. Wearing of the uniform hat is optional, unless a commanding or supervisory officer requires that a hat be worn for a particular assignment. An approved MPD baseball cap, trooper hat, or stocking cap may also be worn.
17. Officers may wear an authorized outer jacket with the military style uniform. Chevrons and bars will be worn on the epaulets, not the collar. MPD raid jackets approved for plainclothes use will not be worn with the military style uniform.
18. When a uniformed officer directs traffic, the safety vest or reflective side of the spring/fall jacket shall be worn, whether in an on-duty or special employment status. The department-issued raincoat, with the reflective side out may be worn instead of the traffic vest.
19. The following supplemental equipment is required while wearing the military style uniform:
 - a. A plain black belt with gold or silver closure.
 - b. Authorized weaponry as per the Police Weaponry Policy.
 - c. Authorized leather or nylon goods.
 - d. Any equipment as may be required by the officer's commander.
20. The full military style uniform will be classified as follows:

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

21. Officers with the rank of Police Captain and above shall maintain a Class "A" Dress uniform. Officers with the rank of Police Lieutenant shall have the option of maintaining a Class "A" Dress uniform. Dress Class A uniforms shall be worn at official ceremonies of the MPD (e.g. funerals, memorial services, graduations), or as directed by the Chief of Police.
22. Officers should wear a Class A uniform to all court appearances (including probation and parole revocation hearings), to special assignments, or any other time as directed by a supervisor. It is expected that officers who have court scheduled during their regular work hours will wear a Class A uniform to the court appearance, though it is understood that in limited circumstances it may not be possible to change into a Class A uniform prior to the court appearance. The Class A uniform is required for uniformed personnel testifying at a jury trial unless it is impractical to do so or upon specific request from the prosecuting attorney.
23. Officers shall have the option of wearing Class A or Class B uniforms for their daily assignments unless otherwise directed by MPD policy or a MPD Supervisor.
24. Rank Insignia
 - a. Rank insignia shall be worn on the epaulets of the outer most garment (including Dress Blouse), except rainwear.
 - b. All insignias shall be worn on the shirt collar.
25. The approved Honor Guard uniform may only be worn by Honor Guard members or auxiliary team members, as approved by Honor Guard Command.
26. Bike Uniform

Officers may wear the approved bike uniform only when assigned to ride MPD bicycles for the duration of their shift. The bike uniform will consist of:

 - a. Approved MPD bicycle shirt.
 - b. Approved athletic shorts, pants, shoes, and black or navy blue socks.
 - c. Protective helmet.
 - d. Full duty belt, including weaponry as required in the Police Weaponry guide.
 - e. Approved MPD bicycle jacket.
 - f. Officers may also wear the military style uniform while using the bicycle, but in that situation must wear a protective helmet and yellow reflective vest over their uniform for greater visibility. With supervisor's approval for tactical reasons, an officer may refrain from wearing the yellow reflective vest.
27. Mounted Patrol Uniform

Mounted Patrol officers may wear the Mounted Patrol uniform while assigned to Mounted Patrol activities. The Mounted Patrol uniform will consist of:

 - a. Approved MPD Mounted Patrol shirt. The approved Class A MPD uniform shirt may be worn for ceremonial activities.
 - b. Approved MPD riding pants.
 - c. Approved MPD riding boots.
 - d. Approved MPD Mounted Patrol jacket.
 - e. Protective helmet.
 - f. Full duty belt.
28. Canine Officer Duty Uniform

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

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

are not a substitute for the standard uniform, and may only be worn for specific assignments/activities with the approval of the Chief.

31. External Body Armor Carrier

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

An approved medical/load-bearing external body armor carrier may be worn over the uniform shirt with the Class B or Class C uniform. Officers electing to wear the medical/load-bearing external body armor carrier will have their equipment carrying configuration approved by the Training Section prior to field deployment.

The medical/load-bearing external body armor carrier should appear as similar to the standard uniform shirt as possible, though a single "Police" patch may be worn on the rear of the carrier. All other uniform requirements (visible badge, approved name tag, collar brass, etc.) apply when the medical/load-bearing external body armor carrier is worn.

IN-SERVICE DRESS/EMPLOYEE DEVELOPMENT

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

SPECIAL DUTY JOB

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

BODY ARMOR

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

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

HEAVY BODY ARMOR

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

1. Only approved heavy body armor and accessories will be utilized. Heavy body armor carriers will indicate "POLICE" on the front and back, and may not be modified without approval of the Captain of the Personnel and Training Team.
2. Officers will ensure that their individually owned heavy body armor is properly maintained and regularly inspected.
3. Officer must complete training and firearms qualification (as established by the Captain of the Personnel and Training Team) while wearing heavy body armor prior to using it in the field. All use of supplemental heavy body armor will be in accordance with departmental training.

4. Supplemental heavy body armor is not authorized for full-time wear. It may be utilized anytime an officer reasonably believes the potential for a deadly force threat from a firearm exists.
5. Officers will not utilize heavy body armor not assigned to them unless exigent circumstances are present.

BADGES

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

PARKING ENFORCEMENT OFFICER UNIFORM

1. Parking Enforcement Officers shall wear the prescribed uniform while on duty, unless their assignment allows otherwise. The prescribed uniform shall consist of items that have been authorized by the Chief of Police.
2. The uniform shall be kept neat and clean at all times. MPD Command Staff shall determine the wearability of the uniforms.
3. The uniform will consist of authorized pants, shorts, short- or long-sleeve polo shirts, short- or long-sleeve military style shirts, authorized jackets or sweaters and approved footwear and headgear.
4. Long- and short-sleeve uniform shirts may be worn open at the collar, with all but the top button buttoned.
5. When any authorized uniform shirt is worn open at the collar, officers may wear approved undershirts. These undershirts shall be black, white or navy blue in color. It is not authorized to wear long-sleeve undershirts with short-sleeve gray uniform shirts.
6. Authorized uniform sweaters (with MPD patch) may be used as an acceptable outer garment over an approved undershirt (turtleneck).
7. A Madison Parking Enforcement authorized ANSI Safety Vest must be worn as the outer most garment at all times. When wearing uniform jackets and coats the ANSI Safety vest must be worn and it is required that a uniform shirt, uniform sweater, or authorized turtleneck be worn underneath at all times.
8. The approved footwear shall consist of black boots or shoes, when wearing uniform pants, and must be kept clean and polished. Approved footwear when wearing uniform shorts shall consist of gray shoes with black or white socks; or black shoes with black socks.
9. Parking Enforcement Officers wishing to purchase tennis shoes for duty use may do so. These shoes must be gray or black in color, free of bright colors, overly graphic designs or lights; must be made from an approved vendor (if purchased with uniform account funds); and must be an approved brand (Nike, Brooks, Asics, New Balance, Adidas, or Reebok). The purchase and exact shoe model must be pre-approved by the parking supervisor.
10. Wearing authorized headgear is optional.
11. Any items that Parking Enforcement Officers wish to incorporate into the approved uniform list must be brought to the attention of the Parking Uniform Committee.

UNIFORM ACCOUNT

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

Original SOP: 02/25/2015

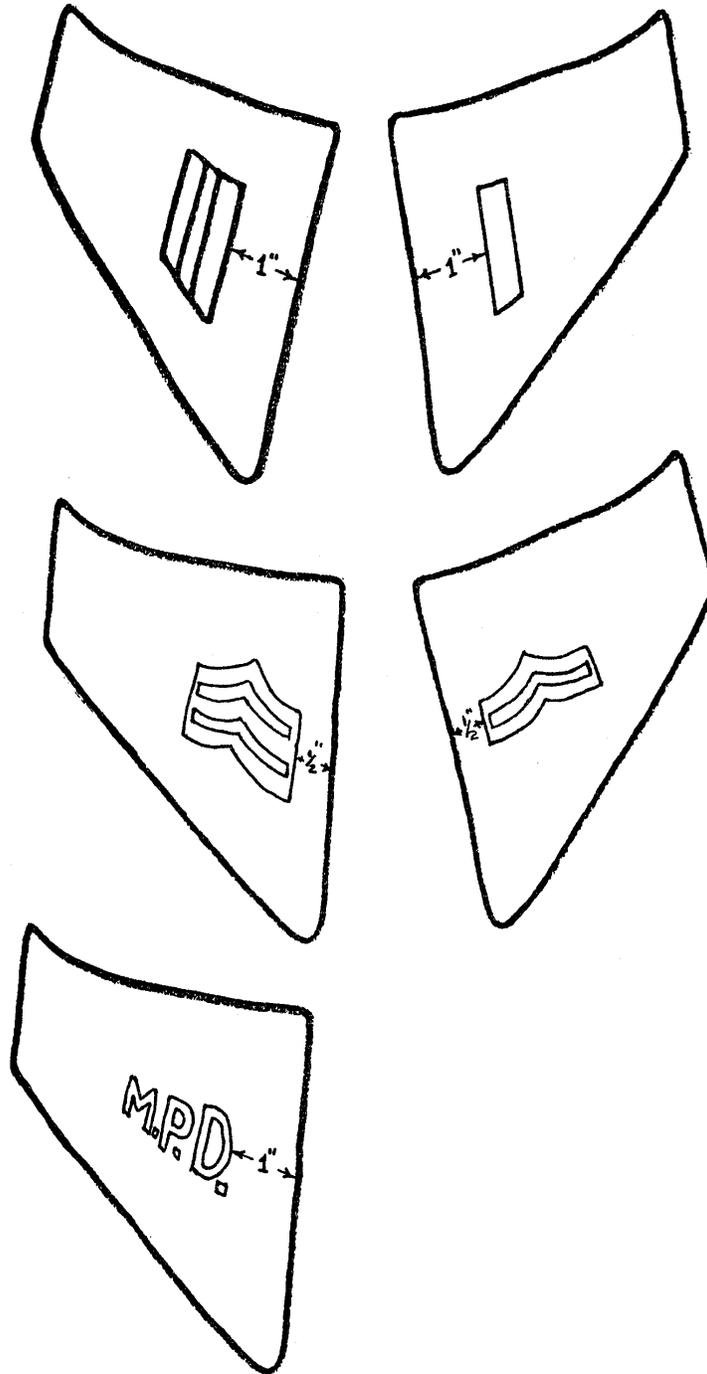
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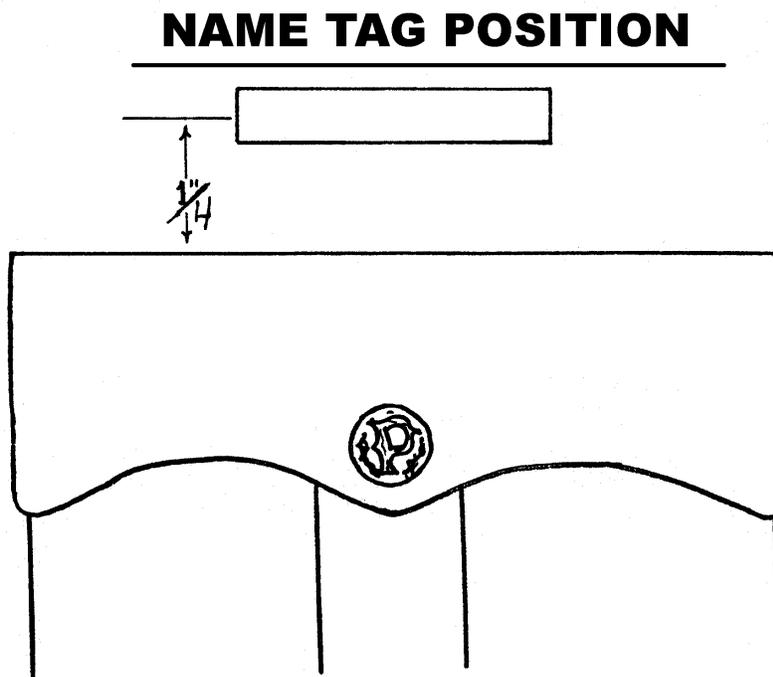
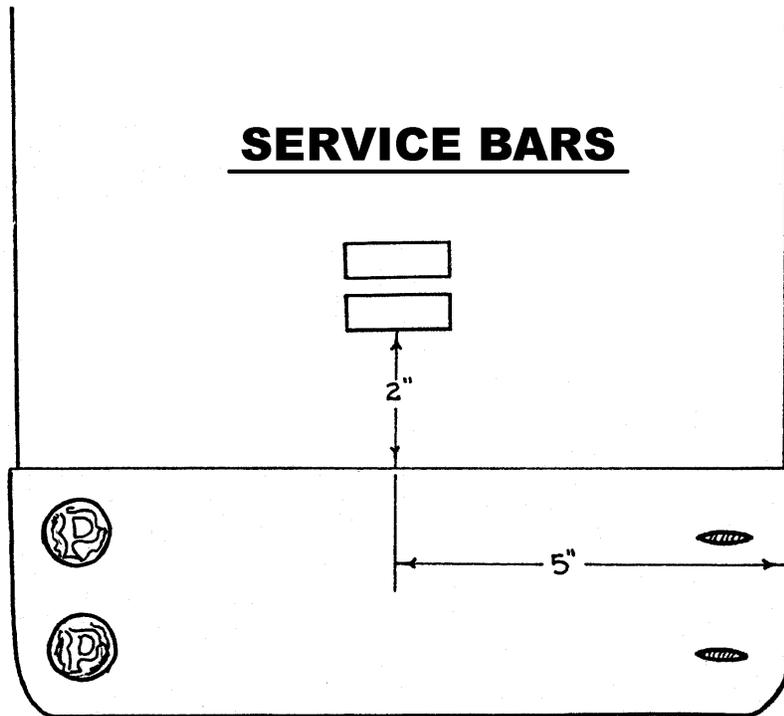
(Revised: 09/13/2016, 02/18/2018, 04/16/2018, 4/30/2019, 10/08/2019, 10/19/2020)

ADDENDUM A

COLLAR INSIGNIAS

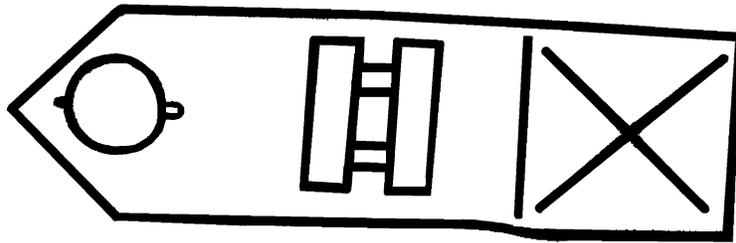
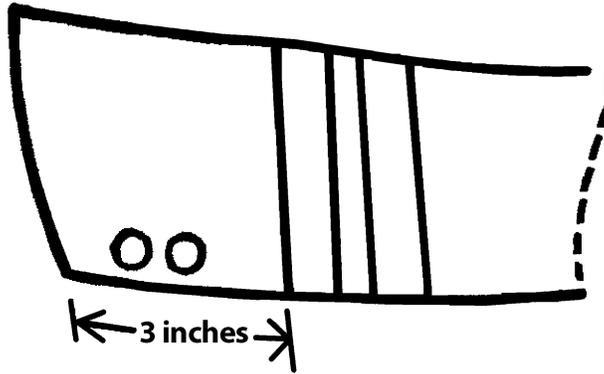
All insignias are to be centered between top and bottom of collar.





COMMANDER'S OVERCOAT

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





CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Video and Audio Surveillance

Eff. Date ~~10/09/2018~~ 10/09/2020

Purpose

The Madison Police Department (MPD) recognizes the use of video and audio surveillance technology can significantly aid MPD investigative efforts and promote greater public safety in our community. Yet the use of surveillance technology must also be balanced with the need to protect the privacy rights of the public and MPD employees when and where applicable. MPD use of surveillance technology will be consistent with any applicable City of Madison APMs and ordinances.

MPD routinely utilizes the City Enterprise Camera System. MPD will also deploy and utilize other, stand alone, covert video or audio surveillance technology when appropriate. These deployments are generally limited in duration and part of an on-going investigation of specific criminal activity for purposes of collecting evidence necessary for criminal prosecution.

Use of City of Madison Enterprise Camera System

All commissioned employees are authorized to use the City Enterprise Camera System as outlined in this SOP. Civilian employees may be authorized by the Chief to access the system where there is a job-related need. No employee will access or utilize the system prior to receiving training in its use.

MPD Information Management and Technology (IMAT) is responsible for administration and maintenance of appropriate user/access lists. Any complaints about use of the system will be routed through Professional Standards and Internal Affairs (PS&IA), consistent with department SOP.

Signage will be posted at appropriate MPD locations alerting the public to the use and deployment of video recording.

Authorized Use

Employees are only permitted to access the City Enterprise Camera System for official law enforcement business, under any of the following conditions:

- To assist with the investigation of criminal or otherwise unlawful activity.
- Internal investigations as appropriate by the Chief or designee.
- To protect and secure MPD/City facilities.
- To maintain order during planned and unplanned events.
- Proactive review of a tactical incident, or for internal training opportunities with prior supervisory approval.
- To remotely monitor environmental conditions or other non-investigative circumstances necessary to perform an employee's duties (i.e., weather or traffic conditions, safety hazards, management of resources, etc.).
- To preserve previously-discovered items or view/retrieve preserved evidence.

Prohibited Uses

MPD use of the City Enterprise Camera System is intended to monitor publicly available spaces. Employees will not use the system to view any area where a reasonable expectation of privacy exists (i.e., through a window into a private residence) without a warrant or other lawful justification (i.e., exigent circumstances).

Employees will not utilize the system to track or surveil any individual or vehicle without a specific and articulable law enforcement purpose. Cameras will not be accessed for any personal use.

MPD use of the City Enterprise Camera System is subject to audit, consistent with the *System Audits* SOP.

Retention/Evidence

City Information Technology (IT) is responsible for maintenance of the City Enterprise Camera System and for storage of video captured by the system. Video is generally retained for fourteen (14) days, unless a recording is requested under the Wisconsin Public Records law, it contains evidence, or is determined to have other value in being preserved. Cameras on the City Enterprise Camera System deployed to sensitive areas within MPD facilities are retained for a one-year period.

Requests to preserve video on the City server should be directed to the Forensic Services Unit (FSU). The request shall be completed in a timely manner and include case number(s), camera name(s), date(s), and time frame(s) to be preserved for evidentiary purposes. This information shall also be documented within an official police report.

If a record is created through the preservation of video from the City Enterprise Camera System, that record will be maintained in accordance with MPD's records retention schedule. If the video contains evidence of unlawful activity, it will be maintained in accordance with MPD's digital evidence policies and procedures.

The capture and preservation of video stills ("screen shots") is permissible in instances where the full video is not necessary or required for evidentiary purposes or to supplement retention of the video. Video stills are not an equivalent substitution for proper video evidence identification and retention.

Pursuant to the State's "Recording Custodial Interrogations" statutes (Wis. S.S. 938.195 and 968.073), MPD has installed in all district stations video and audio recording equipment for purposes of recording custodial interrogations of individuals under seventeen years of age and of adults involved in felonious incidents. MPD in-car audio/video systems may also be used to record custodial interrogations when necessary. All video and audio records associated with custodial interviews are maintained in accordance with applicable MPD departmental procedure.

Any requests to add or move cameras on the City Enterprise Camera System will be forwarded to the Chief's office.

MPD Video/Audio Systems

MPD deploys additional video/audio systems on a regular basis (in-car video, body worn cameras, unmanned aircraft systems, etc.). MPD personnel will only utilize or access those systems for official law enforcement purposes. Video/audio collected through those systems will be retained for 180 days unless a recording is requested under the Wisconsin Public Records law, it contains evidence, or is determined to have other value in being preserved.

Use of Other Video/Audio Surveillance Systems

MPD may deploy additional surveillance technology (i.e., covert cameras) as part of an active investigation. Such deployment will be of a limited duration and only done with approval as outlined below. MPD will not reveal the deployment or location of covert surveillance technology used in conjunction with criminal investigations unless the harm to the integrity and success of the investigation is outweighed by other public interests (i.e., the identification and apprehension of a fugitive). Access to covert video/audio surveillance deployed as part of an active investigation is limited to personnel authorized by the MPD commander in charge of the investigation.

MPD personnel may be provided with access to third-party video systems. MPD personnel will only utilize third-party systems for official police business.

The procedures outlined below serve to clarify and establish guidelines for further deployment of video and audio surveillance technology by MPD. As noted earlier, MPD uses overt and covert surveillance strategies depending upon the situation. Overt surveillance for purposes of this SOP shall be defined as video or audio

surveillance where the subject(s) being recorded are aware they are being recorded. Covert surveillance is defined as video or audio surveillance where the subject(s) is not aware they are being recorded.

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

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

Type of Surveillance	To be Authorized by
Covert video (only) surveillance related to criminal investigations	Chief of Police with Commander recommendation
Covert audio (only) surveillance related to criminal investigations (e.g., suspect telephone recording, etc.)	Chief of Police with Commander recommendation
Covert video or audio surveillance related to any internal, PS&IA employee investigation	Chief of Police Only
Access to third-party video systems	Command approval; notice to Chief of Police

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