

**CITY OF MADISON**  
**INTRA-DEPARTMENTAL**  
**CORRESPONDENCE**

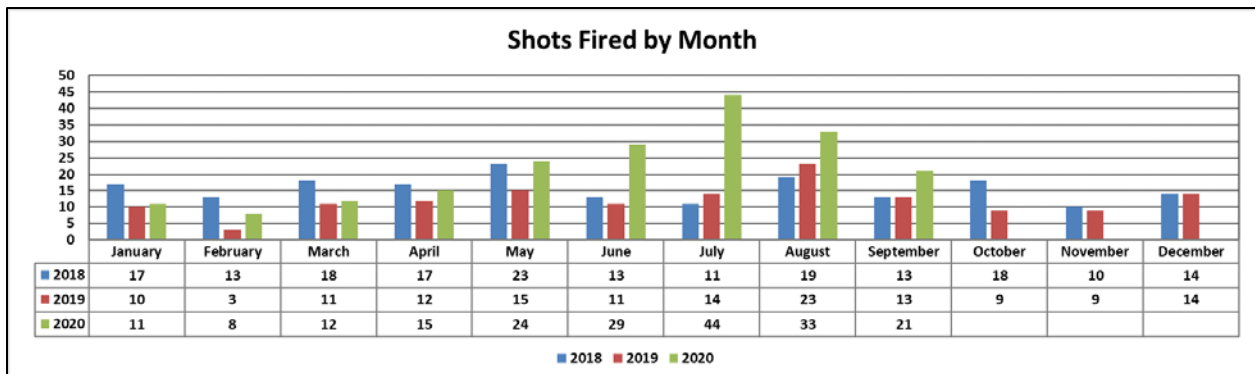
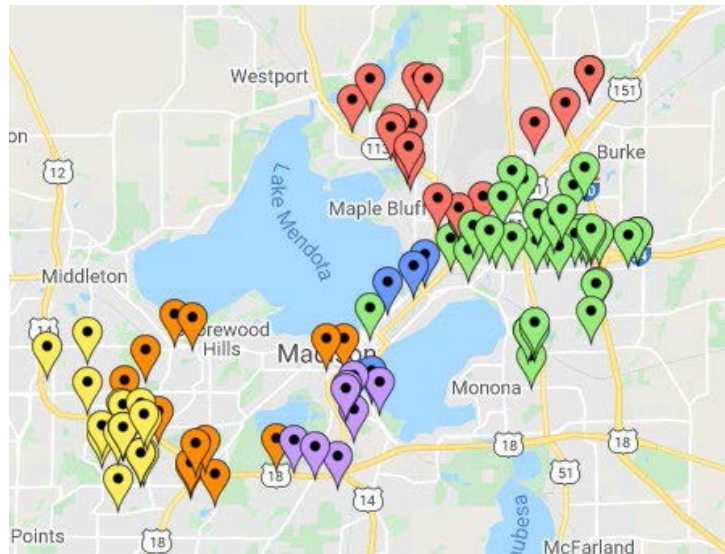
**DATE:** October 19, 2020

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

This document provides an update on selected MPD topics for the third quarter (July, August, and September) of 2020. **Please consider the data included in this update as preliminary, subject to modification.**

**Significant Incident Types**

*Shots Fired* – there were ninety-eight (98) shots fired incidents in the City from July 1<sup>st</sup> through September 30<sup>th</sup>. This is a **96%** increase from the third quarter of 2019. Forty-two (42) shots fired incidents were reported during the 4pm – midnight period; thirty-seven (37) were reported during the midnight – 8am time period; and nineteen (19) were reported during the 8am – 4pm time period.

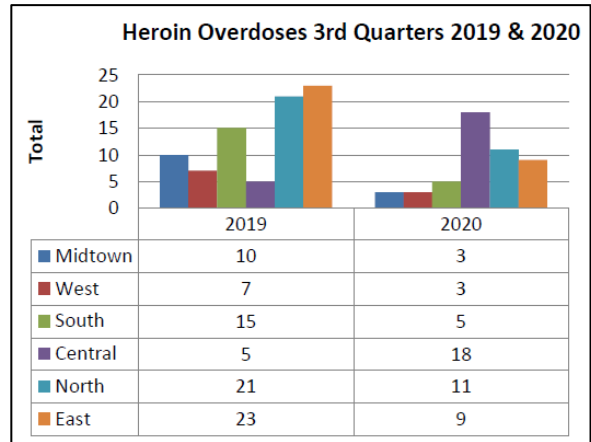
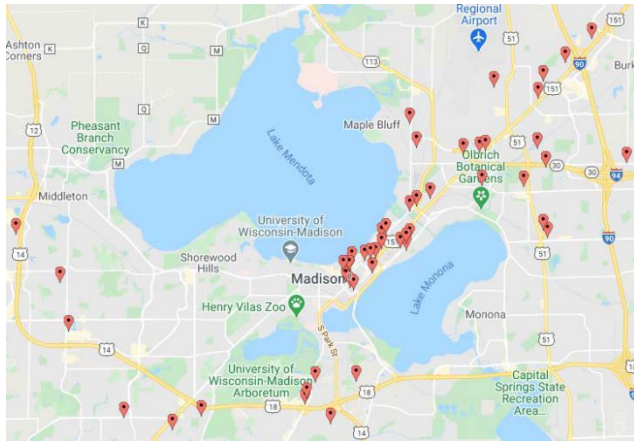


	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Total
<b>Property Damage</b>	6	27	47		80
<b>Subjects Struck by Gunfire*</b>	7	13	19		39
<b>Accidental Discharge</b>	4	1	1		6
<b>Self-Inflicted (intentional)</b>	2	3	3		8
<b>Casings Recovered</b>	70	202	565		837

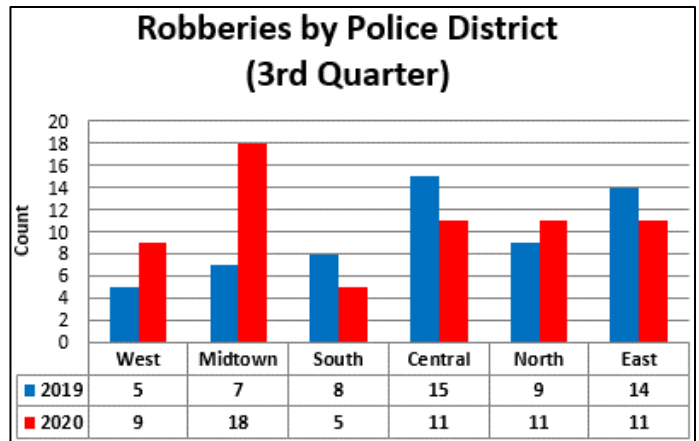
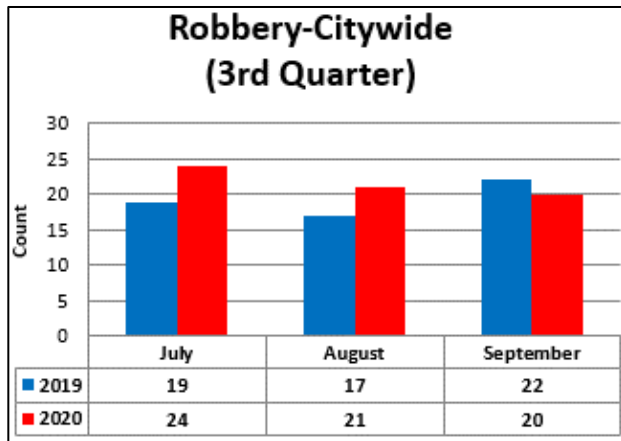
\*Excludes accidental discharge & self-inflicted

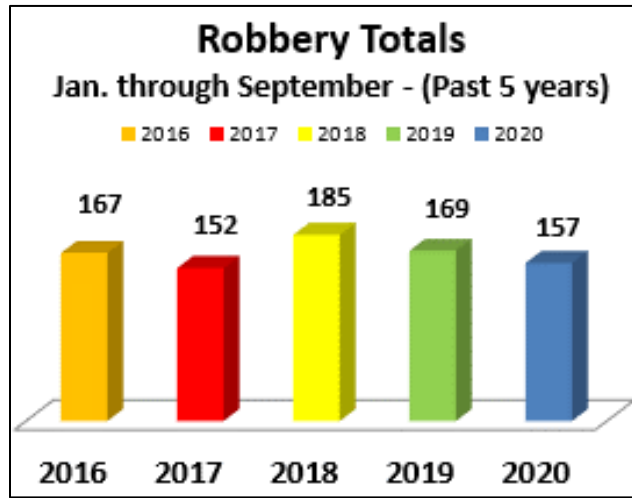
*Heroin Overdoses* – MPD responded to forty-nine (49) known heroin overdoses during the third quarter of 2020. This is a 40% decrease from the third quarter of 2019. Note that these figures refer to known overdoses...it is likely that many overdoses are occurring without any report to MPD or MFD.

There were nine (9) overdose deaths during the third quarter of 2020. This is a 50% increase from the third 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].

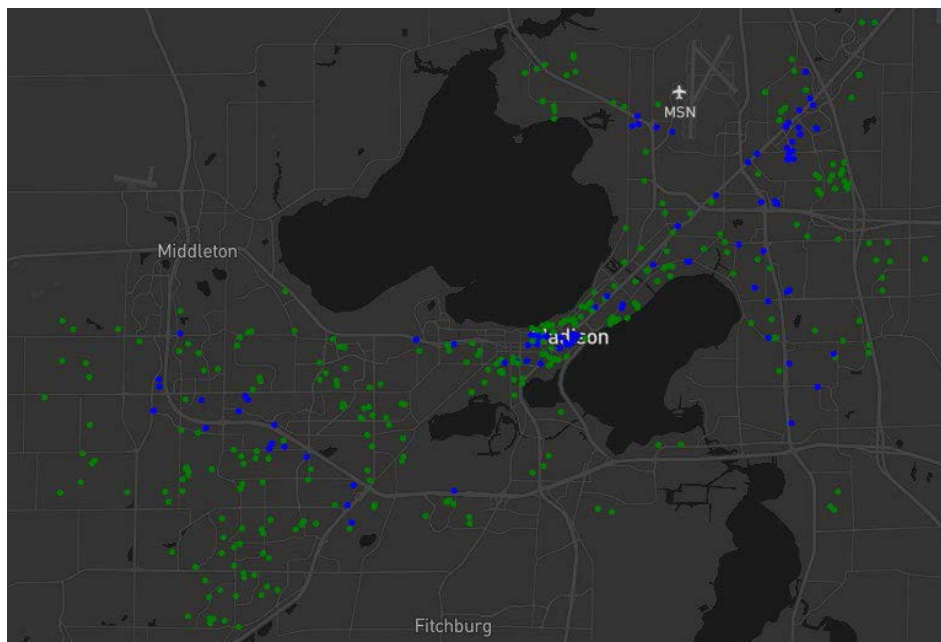
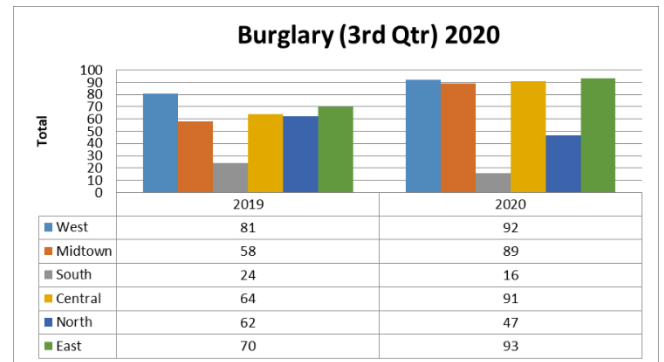
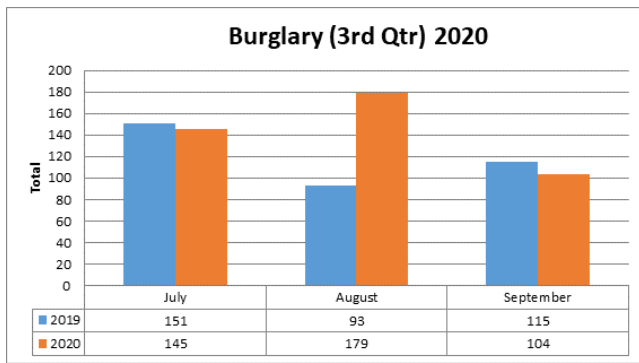


*Robberies* – Sixty-five (65) robberies occurred in the City during the third quarter of 2020. This is a 12% increase from the third quarter of 2019.

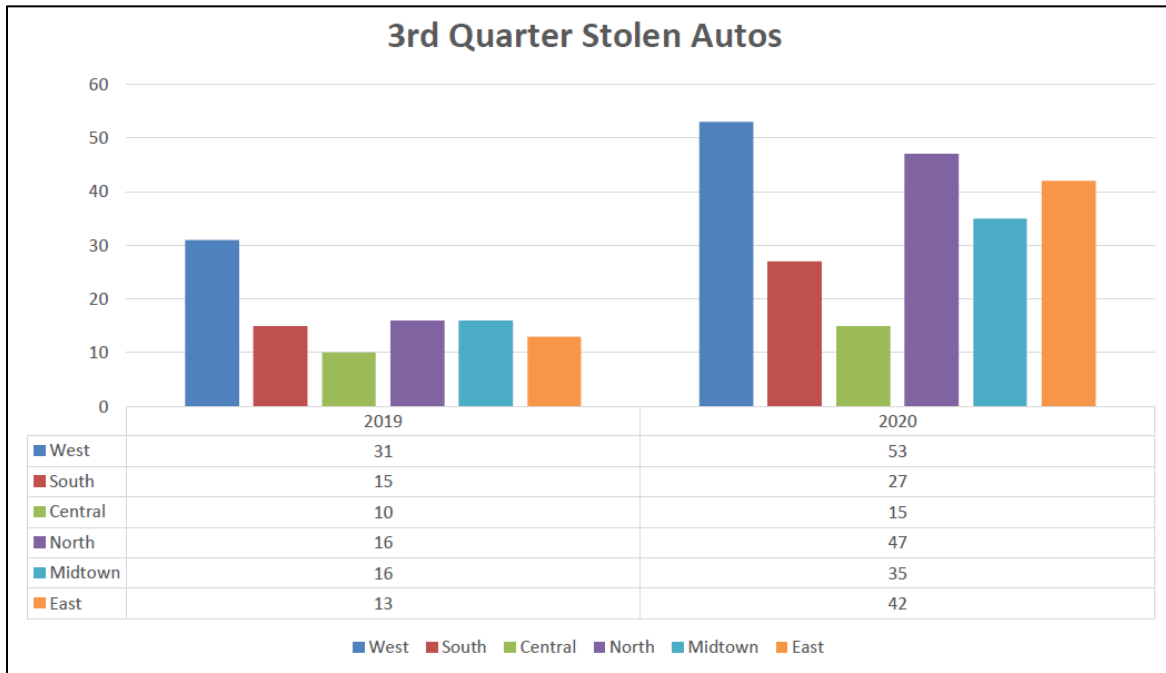




*Burglaries* – MPD responded to 428 burglaries during the third quarter of 2020. This is a 19% increase from the third quarter in 2019.



*Stolen Autos* – MPD investigated 219 stolen autos during the third quarter of 2020. This is a 116% increase from the third quarter in 2019.



### Arrest Data

Third quarter arrest data:

Sex	Q1	Q2	Q3	Q4	Total	%
Male	1,371	1,222	1,081		3,674	73.9%
Female	539	407	353		1,299	26.1%
Unknown	1	0	0		1	0.0%
<b>Total</b>	<b>1,911</b>	<b>1,629</b>	<b>1,434</b>		<b>4,974</b>	<b>100.0%</b>

Race	Q1	Q2	Q3	Q4	Total	%
Asian	28	27	14		69	1.4%
African-American	905	754	735		2,394	48.1%
Native American	7	10	9		26	0.5%
Other	38	42	22		102	2.1%
Caucasian	933	796	654		2,383	47.9%
<b>Total</b>	<b>1,911</b>	<b>1,629</b>	<b>1,434</b>		<b>4,974</b>	<b>100.0%</b>
<b>Hispanic</b>	<b>155</b>	<b>111</b>	<b>97</b>		<b>363</b>	<b>7.3%</b>

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

IBR Arrest Charges						
Group A Offenses	Q1	Q2	Q3	Q4	Total	%
Animal Cruelty	1	1	0		2	0.0%
Arson	0	1	4		5	0.1%
Assault Offenses	308	303	303		914	10.9%
Bribery	0	0	0		0	0.0%
Burglary	22	39	31		92	1.1%
Counterfeiting/Forgery	6	3	3		12	0.1%
Damage to Property	117	124	114		355	4.2%
Drug/Narcotic Offenses	235	212	113		560	6.7%
Embezzlement	4	0	4		8	0.1%
Extortion	1	4	1		6	0.1%
Fraud Offenses	24	16	14		54	0.6%
Gambling Offenses	0	0	0		0	0.0%
Homicide Offenses	0	1	8		9	0.1%
Human Trafficking Offenses	0	1	0		1	0.0%
Kidnapping/Abduction	13	13	13		39	0.5%
Larceny/Theft Offenses	233	172	129		534	6.4%
Motor Vehicle Theft	63	35	38		136	1.6%
Pornography/Obscene Material	2	2	1		5	0.1%
Prostitution Offenses	4	0	1		5	0.1%
Robbery	30	20	33		83	1.0%
Sex Offenses, Forcible	24	11	21		56	0.7%
Sex Offenses, Non-Forcible	0	1	2		3	0.0%
Stolen Property Offenses	6	9	15		30	0.4%
Weapon Law Violations**	38	47	39		124	1.5%
Group B Offenses	Q1	Q2	Q3	Q4	Total	%
Bad Checks	1	0	0		1	0.0%
Curfew/Loitering/Vagrancy Violations	11	36	1		48	0.6%
Disorderly Conduct	642	575	550		1,767	21.0%
Driving Under the Influence	132	92	105		329	3.9%
Drunkenness	0	0	0		0	0.0%
Family Offenses, Nonviolent	13	22	12		47	0.6%
Liquor Law Violations	91	21	32		144	1.7%
Peeping Tom	0	1	0		1	0.0%
Runaway	0	0	0		0	0.0%
Trespass of Real Property	165	133	99		397	4.7%
All Other Offenses	969	846	817		2,632	31.3%
<b>Total</b>	<b>3,155</b>	<b>2,741</b>	<b>2,503</b>	<b>0</b>	<b>8,399</b>	<b>100.0%</b>

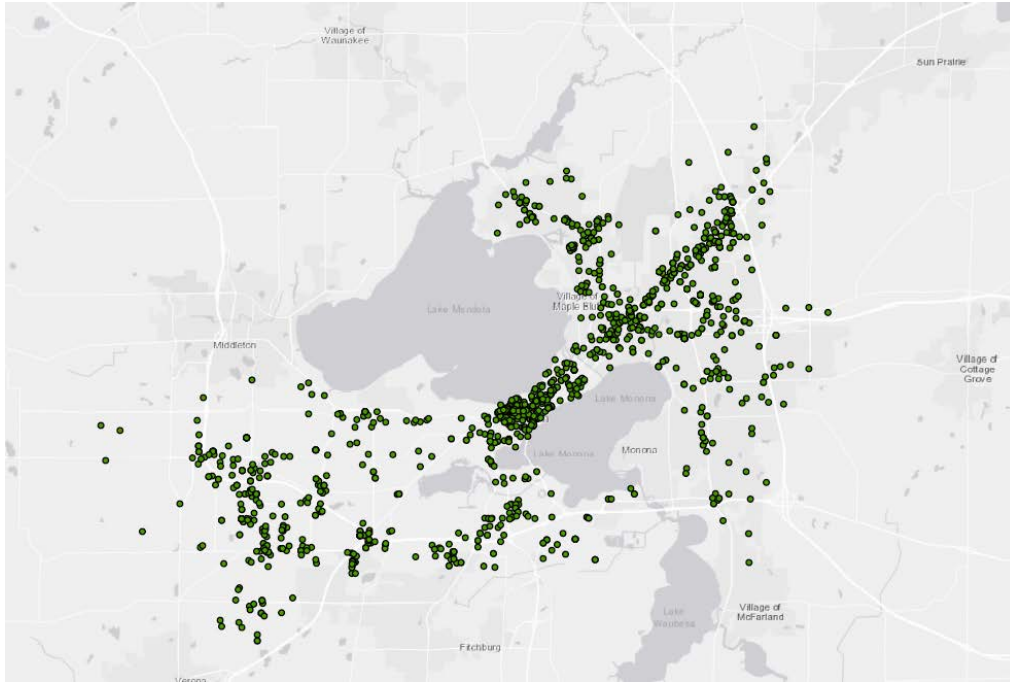
\* More than one charge may be connected to an arrest.

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

Also, there has been some historical variation in the offense categories that the department has used when reporting crime data, particularly after the transition to Incident Based Reporting (IBR). Moving

forward, the department will report all IBR categories using the designated IBR titles. This format will also be used in the MPD annual report and quarterly public releases.

Third quarter arrests reflected geographically:



Comparison of 2019 to 2020 third quarter arrest data:

<b>Sex</b>	<b>2019 (Q3)</b>	<b>2020 (Q3)</b>
Male	1,700	1,081
Female	664	353
Unknown	0	0
<b>Total</b>	<b>2,364</b>	<b>1,434</b>

<b>Race</b>	<b>2019 (Q3)</b>	<b>2020 (Q3)</b>
Asian	21	14
African-American	1,162	735
Native American	13	9
Other	32	22
Caucasian	1,136	654
<b>Total</b>	<b>2,364</b>	<b>1,434</b>

**Hispanic\*** **139** **97**

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

## Use of Force Overview

During the third quarter of 2020, MPD officers responded to 33,598 incidents. In that time, there were fifty-five (55) 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		96,421
Citizen Contacts Where Force Was Used	80	51	55		186
% of CFS Where Force Was Used	0.25%	0.17%	0.16%		0.19%
<b>Force</b>					
Decentralization/Takedown	59	44	38		141
Active Counter Measures	19	13	6		38
Taser Deployment	9	9	18		36
Hobble Restraints	13	10	11		34
OC (i.e. Pepper) Spray Deployment	12	3	5		20
Baton Strike	0	0	0		0
K9 Bite	0	1	0		1
Firearm Discharged Toward Suspect	0	0	0		0
Impact Munition	3	0	2		5
Specialty	0	0	0		0
<b>Total</b>	<b>115</b>	<b>80</b>	<b>80</b>		<b>275</b>
Firearm Discharged to Put Down a Sick or Suffering Animal	12	11	18		41

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

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

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

District*	Q1	Q2	Q3	Q4	Total	%
West	11	8	4		23	12.4%
Midtown	13	3	11		27	14.5%
South	5	4	2		11	5.9%
Central	23	15	14		52	28.0%
North	14	9	10		33	17.7%
East	12	12	13		37	19.9%
Out of County	0	0	0		0	0.0%
Within County - Assist Agency	2	0	1		3	1.6%
<b>Total</b>	<b>80</b>	<b>51</b>	<b>55</b>		<b>186</b>	<b>100.0%</b>

Time of Day/Patrol Shift	Q1	Q2	Q3	Q4	Total	%
1 <sup>st</sup> Detail (7am – 3pm)	13	7	14		34	18.3%
3 <sup>rd</sup> Detail (3pm – 11pm)	29	22	23		74	39.8%
5 <sup>th</sup> Detail (11pm – 7am)	38	22	18		78	41.9%
<b>Total</b>	<b>80</b>	<b>51</b>	<b>55</b>		<b>186</b>	<b>100.0%</b>



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

<b>Force</b>	<b>2019 (Q3)</b>	<b>2020 (Q3)</b>
Decentralization/Takedown	51	38
Active Counter Measures	13	6
Taser Deployment	11	18
Hobble Restraints	10	11
OC (i.e. Pepper) Spray Deployment	13	5
Baton Strike	0	0
K9 Bite	2	0
Firearm Discharged Toward Suspect	0	0
Impact Munition	0	2
Specialty (SWAT/SET)	0	0
<b>Total</b>	<b>100</b>	<b>80</b>

### Riots/Unrest

The City has experienced several nights of significant civil unrest this year. 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:

<b>Force</b>	<b>Q2</b>	<b>Q3</b>	<b>Total</b>
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
<b>Total</b>	<b>315</b>	<b>40</b>	<b>355</b>

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.

In early June, I asked the Quattrone Center for Impartial Justice (affiliated with the University of Pennsylvania Law School) for assistance on reviewing these events. One aspect of the work that the Quattrone Center does is the "sentinel event review," where an undesirable outcome is subject to a thorough review process. The 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 has started.



## Gun Violence

As indicated above, shots fired incidents increased significantly over the course of the third quarter. 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 (casings recovered, persons struck by gunfire, etc.) are also trending much higher. For example, 473 shell casings were recovered by MPD during all of 2019. Through the end of September 2020, MPD has recovered **837** casings.

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.

## Mental Health Related Workload

During the third quarter MPD personnel spent about **4,000** hours of work on cases/incidents involving the mentally ill. This is an average of about **43** hours per day. The bulk of this workload was handled by patrol officers.

This work includes fifty-five (**55**) emergency detentions. It took an average of about **twenty-one (21)** officer hours for each of these cases. MPD personnel also handled an additional **eighteen (18)** mental health commitment returns; these averaged about **seventeen (17)** officer hours each.

## Training

MPD's pre-service academy continued through the third quarter, with 49 new officers. Fall in-service started in September; all commissioned MPD personnel receiving 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.

## **Additional Updates**

*Priority/emergency call response* – During the third quarter, there were 131 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 131 instances occurred on seventy-four (74) dates (some days required limited call response multiple times); this means that at some point on **80%** of the days during the third quarter MPD patrol response was limited. The 131 instances spanned about 419 total hours of limited call response, an average of 3 hours per instance. In terms of total hours during the third quarter, MPD patrol response was limited to emergency and priority calls about **57%** of the time.

This reflects a significant increase in instances where MPD patrol response was limited to emergency and priority calls. **A community member calling for MPD service during the third quarter had a less than 50/50 chance that officers were available to respond to anything other than priority/emergency incidents.**

## *Promotions*

### 2020 – Third Quarter Promotions

Police Officer James Imoehl to Sergeant  
Police Officer Nicholas Eull to Sergeant  
Police Officer Caleb Keller to Detective

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

<https://www.cityofmadison.com/police/documents/psiaSummary2020JulSep.pdf>

<https://www.cityofmadison.com/police/documents/psiaRecognition2020JulSep.pdf>

## Updated/New SOPs for MPD: July-September, 2020

Emergency Vehicle Operations Guidelines: 07/20/2020

Officer Involved Deaths and Other Critical Incidents: 09/09/2020

Tours, Visitors and Ride-Alongs: 09/02/2020

Use of Tire Deflation Devices: NEW 07/20/2020



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Emergency Vehicle Operation Guidelines

Eff. Date: 01/14/2019-07/20/2020

**Purpose**

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

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

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

**Procedure**

**APPLICABILITY**

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

**DEFINITIONS**

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

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

**Channelization:** Channelization is not itself a technique that induces a fleeing driver to stop; it is used to divert a driver to a preferred location. The number of squads required depends on the number of alternative routes that must be blocked. Sufficient warning and adequate distance for the driver to avoid the blocked-off road and choose the preferred route should be given. As with a stationary roadblock, other traffic should be kept out of the area.

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

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

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

**Eluding/Fleeing:** §346.04(3): No operator of a vehicle, after having received a visual or audible signal from a

traffic officer, federal law enforcement officer, or marked or unmarked police vehicle that the operator knows or reasonably should know is being operated by a law enforcement officer, shall knowingly flee or attempt to elude any officer by willful or wanton disregard of such signal so as to interfere with or endanger the operation of the police vehicle, the traffic officer, the law enforcement officer, other vehicles, or pedestrians, nor shall the operator increase the speed of the operator's vehicle or extinguish the lights of the vehicle in an attempt to elude or flee.

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

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

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

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

§346.04(2t): No operator of a vehicle, after having received a visible or audible signal to stop his or her vehicle from a traffic officer, federal law enforcement officer, or marked or unmarked police vehicle that the operator knows or reasonably should know is being operated by a law enforcement officer, shall knowingly resist the officer by failing to stop his or her vehicle as promptly as safety reasonably permits.

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

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

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

## AUTHORIZED EMERGENCY VEHICLE SITUATIONS

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

## USE OF WARNING DEVICES

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

## USE OF OTHER SAFETY EQUIPMENT

All occupants of MPD vehicles shall use vehicle safety belts/restraint devices. (Exceptions: combative/oversize citizens.) This requirement does not prevent officers from removing restraint devices in limited circumstances when approaching an imminent tactical situation.

Parking Enforcement Officers acting under State Statute Sec. 347.48(2m)(dr) are not required to utilize safety harnesses, but are encouraged to do so whenever possible.

## CIVILIAN MEMBERS OF THE MADISON POLICE DEPARTMENT

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

## ASSESSMENT OF UNREASONABLE DANGER

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

Examples include:

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

## AUTHORIZED PURSUIT

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

1. Probable cause exists to believe that the vehicle driver and/or occupant(s) has recently committed, is committing, or is about to commit a violent felony

Officers will not initiate or engage in a pursuit (other than a "refusal to stop" pursuit) for a traffic, ordinance, or non-violent criminal offense.

Officers may initiate and engage in a "refusal to stop" pursuit for any offense. If a driver accelerates beyond a reasonable speed, engages in driving behavior indicating an attempt to evade officers, operates the vehicle in an unsafe manner, or otherwise meets the statutory elements of Eluding (§346.04(3)), pursuit is only authorized under section 1. above.

## ASSESSMENT OF UNREASONABLE DANGER

When determining whether to initiate or continue a pursuit, officers and supervisors must continually evaluate the circumstances surrounding the pursuit. **Any pursuit must be terminated when the risk created by the pursuit itself outweighs the need to immediately apprehend the vehicle's driver/occupant(s).** Examples of factors to be considered when making this determination include the following:

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

Examples include:

1. Severity of the suspected crime.
2. Severity and certainty of risk posed to the public by the suspect(s) if not apprehended immediately.
3. ~~Make/model, actions and speed of the vehicle being pursued.~~ Speed, evasive tactics, and driving behavior of suspect vehicle.
4. Geographic area of pursuit and its population density.
5. Time of day/day of week.
6. Vehicular and pedestrian traffic present in area.
7. Road and weather conditions.
8. Officer's familiarity with the area of pursuit.
9. ~~Severity of crime.~~
10. Necessity of pursuit.
11. Road configuration (divided/undivided; controlled/uncontrolled access; etc.).
12. Population density.
13. Lighting and visibility.
14. Type of squad being operated.
15. City events where large groups are likely to be gathered (i.e., farmers market, races, protests, etc.).
16. Ability to track vehicle location through other means (OnStar, etc.).

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

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



~~unreasonable danger of death or great bodily harm to the public, officers or the suspect. Or,~~

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

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

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

## TERMINATION OF PURSUIT

1. **Any pursuit must be terminated when the risk created by the pursuit itself outweighs the need to immediately apprehend the vehicle's driver/occupant(s).** ~~Any officer shall terminate a pursuit if the pursuit violates the SOP guidelines or creates an unreasonable danger to the public, officer, or suspect.~~ The following shall be accomplished as part of termination procedure:
  - a. Notify dispatch and secondary units of termination location and last known direction of travel for suspect vehicle.
  - b. Bring your vehicle to a complete stop or divert direction of travel away from suspect vehicle.
  - c. Deactivate visual and audible signals.
2. If specific location of the suspect becomes unknown, the pursuit shall be immediately terminated.
3. Once a pursuit has been terminated, other options should be explored to apprehend the suspect(s) prior to initiating another attempt to stop.

## NON-COMMISSIONED PASSENGERS

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

## UNMARKED SQUADS

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

## ROLES AND RESPONSIBILITIES

### 1. Primary Pursuing Officer

- a. Inform Dispatch that you are in pursuit.
- b. Radio communications may be delegated to another officer involved in the pursuit.
- c. Reasonably attempt to inform Dispatch of the following:
  - If your vehicle is unmarked.
  - Location and direction of pursuit.
  - Description of suspect vehicle, license plate number & and description of occupants.
  - Reason for pursuit.

- Estimated speed of suspect vehicle.
- Driver and occupant behaviors.
- d. Continually update Dispatch with:
  - Changes of direction.
  - Speed of vehicles involved.
  - Actions of the suspect(s) and vehicle.
- e. As soon as possible, ensure the lead pursuing unit is in a fully marked squad.
- f. Secondary police vehicles should not attempt to pass the primary pursuit vehicle and shall remain a safe distance back unless a coordinated change of lead needs to be made.
- g. Pursuits should be accomplished with a minimum number of vehicles. The number of vehicles directly involved may be adjusted to fit the situation.
- h. As a pursuit precedes proceeds through adjoining patrol districts, officers in these areas may parallel the pursuit so as to be available in the event their assistance is needed.
- i. If suspect vehicle is stopped:
  - Notify Dispatch of location and any additional resources needed.
  - Coordinate the high risk stop.

## 2. Supervisor

- a. A supervisor that is not actively pursuing will monitor the pursuit from the point of notification to its conclusion.
- b. Control, if appropriate, by directing and coordinating the police units involved in the pursuit.
- c. Terminate any pursuit, which in the supervisor's judgment, does not conform to the guidelines under "Authorized Pursuit."
- d. Ensure adherence to all MPD procedures.
- e. The supervisor shall complete a supplemental police report for all pursuits documenting their role and actions related to the pursuit. This includes both "refuse (slow) to stop pursuits" and "eluding/fleeing" pursuits.
- f. After reviewing the circumstances of the pursuit, the monitoring supervisor shall document the actions of the officers involved in the pursuit. This review will also extend to officers indirectly involved in the pursuit (i.e., responding officers, officers deploying tire deflation devices, etc.).
  - ~~The supervisor shall complete a Blue Team entry and attach a memo detailing their review of the pursuit within 7 days of the incident. The review will be forwarded to the lead EVOC Master Instructor Trainer as designated by the Captain of Personnel and Training. The EVOC MIT group, PSIA, and the involved officers' Unit/District Commander shall be carbon copied on the Blue Team entry.~~
  - ~~The lead EVOC MIT will then forward their review to the Unit/District Commander. The Commander will review the incident and make a recommendation as to whether the pursuit is within or outside of MPD Policy.~~
  - The supervisor shall complete a Blue Team entry and attach a memo detailing their review of the pursuit within seven (7) days of the incident. The review will be forwarded to Professional Standards and Internal Affairs (PSIA) for tracking. PSIA will forward the Blue Team entry to the lead Emergency Vehicle Operations Course Master Instructor Trainer (EVOC MIT). The EVOC MIT group shall be copied on the Blue Team entry.
  - All MPD initiated vehicle pursuits will be reviewed by EVOC MITs. EVOC MITs will meet regularly to review any known pursuits. The EVOC MITs will meet within 30 days of receipt of the pursuit review in Blue Team to complete a detailed review of the pursuit.

- The lead EVOC MIT will then forward their review to PSIA, who will forward it to the appropriate Unit/District Commander. The Unit/District Commander will review the incident and make a recommendation as to whether the pursuit and all involved personnel's actions are within or outside of MPD SOP.
- The Unit/District Commander will then forward the review to PSIA for additional policy compliance investigation if necessary.
- PSIA will then forward the review to the Field Operations Assistant Chief for final review and discussion regarding final recommended outcomes if necessary.

### 3. Officer In Charge (OIC)

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

## STOP TECHNIQUES

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

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

### 2. ROADBLOCKS

#### Emergency stationary roadblocks ~~with escape route~~

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

1. An emergency stationary roadblock is considered deadly force and shall only be used under deadly force circumstances.
2. Other reasonable means of apprehension/control have been exhausted or are not practical.
3. The roadblock can be established in a manner that the violator has sufficient opportunity to observe the roadblock and stop.
4. The roadblock does not create an unreasonable risk to uninvolved vehicles.

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

~~Whenever possible, an emergency roadblock with escape route should be set in a well-lit area, using all emergency visual aid equipment to further light up the roadblock such as:~~

~~Emergency lights activated.~~

~~Headlights and spotlights aimed away from the path of the suspect vehicle.~~

~~Takedown and alley lights (aimed away from path of the suspect vehicle.)~~

~~Flares (aimed away from path of the suspect vehicle.)~~

~~All officers shall position themselves outside of their vehicles and at a safe distance. This does not apply to a squad positioned in a safe and strategic location ready to assist if the pursuit continues.~~

~~Officers shall attempt to remove and/or isolate all non-involved persons from the danger area of the roadblock.~~

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

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

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

~~b. In a roadblock with no escape route, the roadway is completely blocked, and no alternate route is provided. If the suspect does not voluntarily stop, he or she will crash, with great potential for injury to the suspect and others in the area. For that reason, these guidelines must be applied:~~

- ~~• Other traffic must be diverted or stopped before reaching the roadblock area.~~
- ~~• The roadblock must be identified with emergency lighting to give warning.~~
- ~~• The suspect must have adequate sight distance and time to stop if he or she chooses to do so.~~
- ~~• Officers must communicate to ensure that their actions are coordinated and risk to officers is minimized.~~

~~c. An emergency roadblock with no escape route should be set in a well-lit area, using all emergency visual aid equipment to further light up the roadblock such as:~~

- ~~• Emergency lights activated.~~
- ~~• Headlights and spotlights aimed away from the path of the suspect vehicle.~~
- ~~• Takedown and alley lights (aimed away from path of the suspect vehicle.)~~
- ~~• Flares (aimed away from path of the suspect vehicle.)~~
- ~~• All officers shall position themselves outside of their vehicles and at a safe distance. This does not apply to a squad positioned in a safe and strategic location ready to assist if the pursuit continues.~~
- ~~• Officers shall attempt to remove and/or isolate all non-involved persons from the danger area of the roadblock.~~

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

~~e. An emergency stationary roadblock with~~

### **Emergency Moving Roadblocks**

Although the use of an emergency moving roadblock is discouraged as a tactical response, it may be authorized by a commissioned supervisor to stop a vehicle when a high probability exists that the suspect, if not immediately apprehended, will ~~may~~ cause death or great bodily harm. ~~or an unreasonable risk of harm to uninvolved citizens.~~ In this technique, the suspect vehicle is surrounded by three squad cars, traveling in the same direction as the suspect vehicle—one in front, one in back, and one to the side (just behind the driver door). Once in position, the squads gradually slow, bringing the suspect vehicle to a safe, gradual stop. This technique is only authorized with prior supervisor approval.

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

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

### 3. USE OF TIRE DEFLATION DEVICES

Refer to MPD Use of Tire Deflation Devices SOP.

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

### PURSUIT INTO ANOTHER JURISDICTION

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

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

- a. MPD will not ~~become actively involved~~ actively pursue the suspect vehicle in another jurisdiction's pursuit unless mutual aid is specifically requested by the agency involved and the circumstances of the pursuit (reason for pursuit, etc.) would permit MPD to initiate and to continue a pursuit under this SOP. Upon receiving a request of this nature, Dispatch will obtain and relay information to the officers and a supervisor regarding the request (including the reason for the pursuit).
- b. MPD involvement in an outside agency pursuit must meet the guidelines outlined in this SOP. If the outside agency reason for pursuit does not meet the guidelines outlined, mutual aid will not be granted for the pursuit and MPD officers will not get directly involved in the pursuit. This does not preclude officers from providing other assistance to the pursuing agency.
- c. When being requested to assist an outside agency with a pursuit, MPD personnel will request/determine the reason for the pursuit as soon as possible.
- d. If the circumstances of another jurisdiction's pursuit dictate that an MPD officer become involved prior to a request for mutual aid, the MPD officer must be able to clearly articulate the immediate need for their actions.
- e. Tire deflation device in support of another jurisdiction: officers may deploy in accordance with the Tire Deflation Devices SOP.
  - ~~• Officers may deploy tire deflation devices in accordance with this the Tire Deflation Devices SOP.~~
  - ~~• MPD officers may deploy tire deflation devices to stop vehicles fleeing from another agency that have entered the City of Madison without a specific mutual aid request. Deployment in these instances will only be done with a supervisor's approval, unless it is impractical to obtain such approval.~~

~~Outside agency officers involved in the pursuit will be notified prior to deployment if possible.~~

## **INVOLVEMENT IN POLICE ESCORTS**

### **See Vehicle Escorts SOP**

Original SOP: 02/25/2015

(Revised: 10/21/2015, 10/12/2016, 01/19/2017, 08/18/2017, 01/25/2018, 06/08/2018, 01/14/2019, 07/20/2020)

(Reviewed Only: 12/26/2018)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Officer Involved Deaths and Other Critical Incidents

Eff. Date ~~06/08/2018~~ 09/08/2020

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

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

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

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

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

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

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

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

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



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

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

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

#### C. Public Safety Statement

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

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

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

## E. Officer Involved Death: Duties of the OICI Commander

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

## F. Officer Involved Death: Outside Agency Lead Investigator

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

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

G. Officer Involved Death: Duties of OICI Investigation Team

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

H. Officer Involved Death: Duties of the Hospital Assignment

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

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

I. Officer Involved Death: Interviewing Involved Officers

1. Involved officer(s) will be given the opportunity to provide voluntary statements. The Outside Agency Lead Investigator or their designee will communicate with the officer(s)' Union Representative or legal counsel on this issue. No officer will be disciplined for declining to make a voluntary statement. If the officer(s) declines to provide voluntary statements, the criminal investigation will proceed without the officer(s)' statements.
2. Detailed interviews should be delayed to allow the involved officer(s) time to overcome the initial stress of the incident. Whenever practical, the involved officers should give one formal statement with all needed parties present.
3. Involved officers are not to file any reports.
4. Involved officers shall not participate in any group debriefings until they have completed their detailed interview.
5. If the interview is to be observed by personnel other than those directly involved, the officer and any representatives will be notified.
6. If audio and/or visual records are available, and are relevant to the involved officer's point of reference of the incident, the involved officer(s) may be allowed to review the recordings prior to or during their formal statement.
  - a. Generally, the formal statement should begin with the involved officer providing a statement based on his or her recollection of the incident. Relevant video/audio may then be reviewed (in the presence of a member of the OICI team) prior to the completion of the formal statement.
  - b. Deviation from this guideline is at the discretion of the OICI commander.
  - c. Interviews of MPD officers by an outside agency will be in accordance with the outside agency's standard procedures.
7. The involved officer will have an opportunity to review for accuracy the report detailing their statement before it is submitted.
8. All interviews of involved officers will be audio recorded unless impractical or the officer refuses.
9. The Assistant Chief of Investigative & Specialized Services (or designee), after consulting with the Assistant Chief of Operations (or designee), PSIA, and the OICI Commander, will determine whether the officer(s) will be ordered to provide statements. If the officer(s) are ordered to provide statements, adhere to the following procedure will be adhered to:
  - a. PSIA will order the officer(s) to provide a statement, and the order will be documented in writing.

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

J. Officer Involved Death: Scene Investigation

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

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

K. Officer Involved Death: Interviews of Citizen Witnesses

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

L. Officer Involved Death: Canvass

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

M. Officer Involved Death: Duties of the District

1. Ensure that involved personnel have had appropriate opportunities to contact family members, Union officials, and/or attorneys.
  2. Ensure that EAP services have been offered.
  3. Officers directly involved in the incident shall be placed on **Administrative Leave with Pay**. This leave is not a suspension and is no way to be construed as disciplinary action or any indication of wrongdoing on the part of the officer(s).
  4. Ensure that within 72 hours of the incident, the involved officer(s) are contacted by an MPD approved traumatic stress professional.
  5. Ensure that regular command updates are given to the Chief and **to the** Assistant Chief of Operations.
  6. If applicable, ensure that the Significant Exposure to Blood Borne Pathogens SOP is followed.
  7. Responsible for Community Care tasks.
  8. Ensure a Workers Compensation Accident Report is completed for each involved officer with the following language in the comment section:– “Reporting to document exposure to a critical incident event.”
- N. Officer Involved Death: Duties of Assistant Chief of Investigative & Specialized Services
1. Will make request for an outside agency lead investigator.
- O. Officer Involved Death: Duties of the Chief or Highest Ranking Officer
1. The Chief or highest ranking officer available should provide a press conference or briefing within **four (4)** hours of the case time when officer actions results in the death or great bodily harm to a member of the community or **to** a member of the Department.
- P. Officer Involved Death: District Attorney
1. Will have the option to view the scene (walk through).
  2. Observe the investigation from the Command Post.
- Q. Officer Involved Death: Lead Investigator’s Report
1. Per Wis. Stat. § 175.47(5)(a), “The investigators conducting the investigation under sub. (3)(a) shall, in an expeditious manner, provide a complete report to the district attorney of the county in which the officer-involved death occurred. (b) If the district attorney determines there is no basis to prosecute the law enforcement officer-involved in the officer-involved death, the investigators conducting the investigation under sub. (3)(a) shall release the report....”
  2. The **Outside Agency Lead Investigator** shall prepare a written report as required above. This report will summarize the entire investigation, including the actions performed by the **Outside Agency Lead Investigator**, as well as those actions performed by other investigators to whom those tasks were delegated.
  3. Prior to submitting their report, the **Outside Agency Lead Investigator** will gather and review all reports generated by other investigators, as well as other relevant reports such as the autopsy report, crime lab results, and medical records.
  4. A complete copy of all reports, photographs, audio/video recordings, and other records collected by the **Outside Agency Lead Investigator** will be given to the district attorney along with the **Outside Agency Lead Investigator’s** report.
  5. The **Outside Agency Lead Investigator**, along with a representative of the involved agency, shall meet with the district attorney at the conclusion of the investigation for a formal review of the incident.

**Other Officer Involved Critical Incident (OICI):** An event in which an officer is involved as a principal, a victim, or is the custodial officer, where significant injury likely to cause death occurs or when an officer



intentionally discharges his/her firearm at another person. In the event of an other officer involved critical incident involving an MPD officer as the principal officer, the Chief of Police will determine whether the criminal investigation will be handled by MPD or whether an outside agency will be requested. If an outside agency is requested, the investigation will be conducted consistent with the officer involved death investigation procedures in this SOP (except where inapplicable). If MPD conducts the investigation, a qualified observer from an outside agency will be requested to monitor the investigation.

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

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

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

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



### C. Public Safety Statement

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

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

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

### E. Other Critical Incidents: Duties of the OICI Commander

1. Contact Assistant Chief of Investigative & Specialized Services and make notification of the critical incident.
2. Ensure that services regarding the involved personnel have been provided.
3. Overall management of the case. Communicate and coordinate with the Violent Crime Unit (VCU) Supervisor as necessary. Make investigative assignments and coordinate investigative efforts:
  - a. Designate a lead detective
  - b. Designate a scene detective to oversee each scene
  - c. Designate a canvass detective

- d. Designate an involved officer detective
  - e. Designate a subject/decedent detective
  - f. Designate a detective to serve as a liaison to the subject/decedent family, if appropriate
  - g. Coordinate investigative response to the hospitals, if appropriate
4. Communicate with the OIC.
  5. Communicate with Command Staff.
  6. Make appropriate notifications as needed:
    - Chiefs
    - District Command
    - DA's office (if appropriate and in all homicide cases)
  7. Communicate with budget office staff for case number cost accounting.
  8. Designate case as "Extraordinary" for Telestaff/payroll purposes (if appropriate).
  9. Communicate with the Involved Agency
    - a. When MPD is the involved agency, facilitate the release of information to MPD personnel.
    - b. When MPD is the investigating agency, the OICI Commander may provide investigative status updates (i.e., progress, timeline, things completed) to the chief executive (or their designee) of the involved agency. Specific details regarding information obtained during formal interviews of the involved officer(s) may be shared with the involved agency after the completion of all formal interviews.
  10. Management of personnel (assignments, monitoring hours worked, etc).
  11. Managing overtime and arranging relief for staff.
  12. Evaluate need for support staff.
  13. Evaluate the need for the Focused Interruption Coalition (FIC).
  14. Notify Property Room staff and evaluate needs (if appropriate).
  15. Ensure phone calls made to the command post are answered and information recorded.
  16. Arrange for special equipment or needs of the investigation.
  17. Keep Chief and Assistant Chiefs apprised of investigation.
  18. Facilitate a walkthrough of the secure and intact scene for personnel from PSIA, and from the DA's office, and involved personnel, if appropriate. The purpose of this walkthrough is to give these representatives an understanding of the conditions and layout of the scene for future proceedings.
  19. Ensure that a copy of the criminal investigation is provided to the Dane County District Attorney's Office, to include all reports, attachments, and videos.
- F. Other Critical Incidents: Duties of the Outside Law Enforcement Agency Observer
1. Will view the scene.
  2. Will be partnered with the OICI Commander
  3. Will observe the investigation with the OICI Commander.
  4. Will report to their Executive Officer designee.
  5. Will do a summary memo to their Executive Officer on the integrity of the investigation. This should not be a summary of the facts of the case, but rather an overview as to whether the investigation was thorough, objective, impartial, and consistent with best practices relating to the investigation of law enforcement critical incidents.
  6. The Executive Commanding Officer or their designee will share the memo with the Chief of the Madison Police Department. The memo will become part of the case file.
- G. Other Critical Incidents: Duties of OICI Investigation Team
1. Review the Officer Involved Critical Incident Investigation Conflict of Interest Checklist and report to OICI Commander if there is the potential for a conflict of interest. See Attachment A for the checklist.
  2. Assist with the criminal investigation of incidents within the City of Madison and conduct OICI investigations outside the City of Madison as directed by the Chief of Police.

3. Detectives will be assigned a specific function by the OICI Commander which may include any of the following:
- a. Lead Detective - see major case protocol
  - b. Scene Detective - see major case protocol
  - c. Canvass Detective
    - i. Conduct canvass as directed by the OICI Commander. It is important that all citizen witnesses be located and thoroughly interviewed. These interviews may be conducted by police officers or detectives. All key citizen witnesses shall be audio recorded when possible. Detectives should be equipped with portable audio recorders for this purpose. Photographs should be taken from the vantage point of key witnesses.
    - ii. Utilize Canvass form and questions as a guideline for the canvass.
    - iii. Screen contacts for persons requiring more detailed interviews
    - iv. Consider documenting vehicle plates and descriptions from the area.
    - v. Consider documenting names on mailboxes if appropriate.
    - vi. Search for and document all video cameras within the canvass perimeter and notified the scene lieutenantLT.
    - vii. Share canvass results with scene lieutenantLT and OICI Commander and complete a report.
    - viii. When appropriate, work with the OICI Commander to designate a Video Detective. The Video Detective is responsible for ensuring that all video is collected as evidence according to best practices. The Video Detective shall write a report detailing the contents of all collected video.
    - ix. Work with the assigned Crime Analyst to ensure a complete canvass of the designated area.
  - d. Involved Officer Detective
    - i. Work with FSU Investigators to ensure that evidence on the involved officer is collected, and that needed photographs of the involved officer are taken.
    - ii. Ensure that an FSU Investigator retrieves and takes custody of the weapon(s) used by the officer(s) at the hospital if possible or at a neutral site. The supervisor of the OICI team shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the FSU Investigator shall take custody of the officer's weapon in a discrete manner and should be replaced with another weapon, or advise the officer that it will be returned or replaced at a later time as appropriate. (When processing an officer's personal weapon as evidence, consideration shall be given to marking the weapon with the necessary information as inconspicuously as possible.) FSU Investigators will also take needed photographs and collect evidence from the officer (s) involved at the scene, hospital, or neutral site.
    - iii. Inform the OICI Commander if the officer has suffered a Significant Exposure.
  - f. Suspect / Injured Party / Decedent Detective
    - i. Ensure the presence of an FSU investigator for appropriate evidence collection.
    - ii. Notify the Dane County DA's Crime Response Team
    - iii. If the injury is serious and / or incapacitating, confirm that a family member or next-of-kin has been contacted.
      1. Establish a rapport, provide notification of services, and provide required documents regarding victim rights.
      2. Establish a timeline for the Suspect / Injured Party / Decedent's activities for the recent past.
      3. Gather additional investigative information: Identify witnesses, suspects, evidence, or crimes
      4. Obtain the family's statements regarding Suspect / Injured Party / Decedent

- iv. Maintain communication with the family or next-of-kin throughout the investigative process, with attention paid to working with Dane County's Crime Response Program Team to explain the process and procedure to the next of kin while recognizing the unique emotional needs that may be present in an OICI incident.

H. Other Critical Incidents: Crime Analysts

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

I. Other Critical Incidents: Hospital Supervisor

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

J. Other Critical Incidents: Interviewing Involved Officers

1. Involved officer(s) will be given the opportunity to provide voluntary statements. The OICI Commander or Lead Detective will communicate with the officer(s)' Union Representative or legal counsel on this issue. No officer will be disciplined for declining to make a voluntary statement. If the officer(s) decline to provide voluntary statements, the criminal investigation will proceed without the officer(s)' statements.
2. Detailed interviews should be delayed to allow the involved officer time to overcome the initial stress of the incident. Whenever practical, the involved officers should give one formal statement with all needed parties present.
3. Involved officers are not to file any reports.
4. Involved officers shall not participate in any group debriefings until they have completed their detailed interview.
5. If the interview is to be observed by personnel other than those directly involved, the officer and any representatives will be notified.
6. If audio and/or video records are available, and are relevant to the involved officer's point of reference of the incident, the involved officer may be allowed to review the recordings prior to or during their formal statement.

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

K. Other Critical Incident: Duties of the District

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

9. Ensure a Workers Compensation Accident Report is completed for each involved officer with the following language in the comment section: "Reporting to document exposure to a critical incident event."
- L. Other Critical Incident: Duties of Assistant Chief of Investigative & Specialized Services
  1. Oversight of the criminal investigation.
  2. Coordinate media releases until such time that this responsibility is delegated back to the District.
  3. Will make the request from for an outside agency lead investigator, or outside agency observer.
- M. Other Critical Incident: Duties of the Chief or Highest Ranking Officer
  1. The Chief or highest ranking officer available should provide a press conference or briefing within **four (4)** hours of the case time when officer actions results in the death or great bodily harm to a member of the community or a member of the Department.
- N. Other Critical Incidents: District Attorney
  1. Will have the option to view the scene (walk through).
  2. Observe the investigation from the Command Post.
  3. All reports, attachments, videos, etc. involving the critical incident shall be submitted to the District Attorney's Office for review.

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

- A. Officer Involved Death and Other Critical Incidents: PSIA Lieutenant
  1. The PSIA Lieutenant will coordinate with the OICI commander and designate a supervisor to make the Use of Force Blue Team entry.
  2. Will determine which officers will be required to undergo an administrative blood draw.
  3. Will receive the results of the any administrative blood draw and will notify the officer of the results of any testing.
  4. Will notify the criminal investigation that blood results are available.
- B. Officer Involved Death and Other Critical Incidents: MPD Policy Compliance Review

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

  1. Professional Standards and Internal Affairs Unit (PSIA)
    - a. PSIA has the primary responsibility for conducting the internal investigation to ensure compliance with the MPD Policy, Procedures, Regulations, Work Rules, and Training and Standards.
    - b. PSIA may be present in the command post and at key steps in the investigation (scene walk through, interviews, etc.) as appropriate. The OICI Commander retains responsibility for directing the investigation.
    - c. PSIA may observe the interviews of involved officers conducted by OICI personnel.
    - d. PSIA shall have access to all reports and interview transcripts.
    - e. Additional supervisory personnel may be assigned to PSIA as needed.
    - f. **If the criminal investigation has not obtained a full account of the observations of the on-scene emergency medical providers, interview them as part of the administrative investigation**
    - g. The PSIA internal review/investigation of the incident shall be concluded as soon as practical.

- h. The PSIA findings of the incident may be utilized as the basis for future training.
  - i. PSIA will report the findings of the internal investigation directly to the Assistant Chief of Support Services.
  
- 2. Assistant Chief of Investigative & Specialized Services
  - a. Oversee all internal investigations resulting from the Officer Involved Critical Incident which results in death or serious injury.
  - b. Review administrative command decisions of the internal investigation.



## Officer Involved Critical Incident Mental Health Response

### DEFINITIONS

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

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

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

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

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

### Aftercare Response

- A. **Peer Support** – MPD SOP: Employee Assistance Program outlines the role of the Peer Support Officers in facilitating the CISM response, to include providing information about the stresses often induced by critical incidents, coordinating the defusing process immediately following the incident and prior to involved officers going home, and finally scheduling and facilitating any subsequent Critical Incident Debriefing. The role of the PSO in an OICI is to ensure that the MPD Employee Assistance Program SOP is observed and to facilitate our CISM protocol. Peer Support Coordinator will be responsible for the oversight/monitoring of the aftercare process.
- B. **Critical Incident Partner (CIP)** – The CIP is an officer pre-designated by the involved officer to be deployed to focus exclusively on the emotional welfare of the involved officer. Each officer will designate 1-2 officers in order of preference in advance of any involvement in a critical incident. Officers' pre-designated list of CIP officers will be housed confidentially in the OIC's office to be consulted and activated upon and officer's involvement in a critical incident. The form will be completed/updated annually at district/section in-service. The CIP will be pulled from their regular assignment and/or called in to work to support the involved officer. Guidelines for the role of the CIP are as follows:
  - The CIP will serve as a liaison for the involved officer and other MPD personnel throughout the investigative process.
  - The CIP may be put on Administrative Leave with Pay with the involved officer to whom they are assigned as support. The length of time that a CIP will be placed on

Administrative Leave with Pay will be evaluated on a case-by-case basis and approved through chain of command.

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

**C. Critical Incident Stress Management (CISM)** – Recognizing that officers involved in a critical incident are likely to experience compounded stress related to the incident and any ongoing investigation(s) into their actions, the MPD CISM response to officers involved in an OICI will include additional formalized support as outlined in this SOP beyond that which is covered in MPD Employee Assistance Program SOP. Support systems already in place under MPD Employee Assistance Program SOP include a mandatory Defusing and optional attendance at any subsequent Critical Incident Debriefings.

**D. Clinical Consultation** - Officers involved in a critical incident will be required to attend mandatory consultations with a Clinical Consultant. The first of these consultations will occur within 24-72 hours following the incident. Subsequent required sessions will be scheduled prior to the officer's return to work or at six (6) months post-incident; at one (1) year post-incident; and annually thereafter up to five (5) years post-incident (as indicated by the Clinical Consultant). The District/Unit Commander and the MPD Human Resource Coordinator will work with the involved officer(s) to schedule these mandatory consultations. Officers attending Clinical Consultation appointments outside of scheduled work hours shall make Telestaff entries that reflect the original case number and OT Extraordinary Event. ~~Earned overtime for the Clinical Consultation appointments will expand if the involved officer is on a day off, or the meeting is outside of regular work hours. It is not required that the involved officer continue working through the expanded overtime period in question.~~

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

**E. Administrative Leave with/Pay** – Officers involved in an OICI shall be placed on Administrative Leave with Pay for a minimum of two rotations, beginning with the first work day following the incident and will be placed on a Monday-Friday, 8 AM to 4 PM schedule. This leave is not a suspension and is in no way to be construed as disciplinary action or any indication of wrongdoing on the part of the officer. Officers on Administrative Leave with Pay should not be recognizable as police officers during contact with the public. They can go armed (including to court) as long as they received permission through the Training Division.

**F. Restricted Duty** - Involved officers may transition from Administrative Leave with Pay to a full or part-time restricted duty assignment. Officers on restricted duty should not be recognizable as police officers during any contact with the public. They can go armed (including to court) as long as they received permission through the Training Division.

- a. Before transitioning to a restricted duty assignment, the involved officer's District/Unit Command, the MPD Human Resource Coordinator, and the involved officer will ensure that:
  - The involved officer has a desire to return to work in a Restricted Duty capacity.
  - An agreed upon work schedule has been communicated to and approved by the appropriate Assistant Chief of Operations and Human Resource Coordinator.
  - The involved officer has a clearly identified supervising commander.
  - Work responsibilities and/or assignments are clearly defined and approved.
  - The involved officer has attended required meetings with the clinical consultant
  - Re-familiarization training has occurred before participation in activities that may require emersion into stressful scenarios, such as special team training or in-service.

- The involved officer has participated in a relevant re-familiarization training scenario/s as appropriate and depending on the circumstances surrounding the critical incident in which they were involved. For example, if an officer was involved in a critical incident that included the use of deadly force by use of a firearm, the officer would participate in a firearms course of fire facilitated by Personnel & Training staff. The purpose in this case is not to qualify the officer, but rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision making and weapons handling.
- Re-familiarization training scenarios will be coordinated by Training staff as needed and will be tailored to provide the officer with a useful opportunity for self-assessment based on their specific incident.
- District/Unit command is responsible for coordinating this re-familiarization training for the involved officer with the training team. After the re-familiarization/scenario based training has taken place, the District/Unit Commander shall ensure that the involved officer and the training team feel that restricted duty is appropriate/approved.

In addition, District / Unit Command must

- Attended required meetings with the clinical consultant.
  - District/Unit Command is responsible for contacting the clinical consultant to confirm that the involved officer has attended required meetings.
- Participated in a relevant re-familiarization training scenario/s as appropriate –depending on the circumstances surrounding the critical incident in which they were involved. For example, if an officer was involved in a critical incident that included the use of deadly force by use of a firearm, the officer would participate in a firearms course of fire facilitated by Personnel & Training staff. The purpose in this case is not to qualify the officer, rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision making and weapons handling. These re-familiarization training scenarios will be coordinated by Training staff as needed and will be tailored to provide the officer with a useful opportunity for self-assessment based on their specific incident.
  - District/Unit command is responsible for coordinating this re-familiarization training for the involved officer with the training team. After the re-familiarization/scenario based training has taken place, the District/Unit Commander shall ensure that the involved officer and the training team feel that restricted duty is appropriate/approved.
- 
- Officers on admin leave or restricted duty should not be recognizable as police officers during any contact with the public. They can go armed (including to court) as long as they received permission through the Training division.

- G. Return to Full Duty** – The Chief of Police must approve an involved officer's return to full duty. Before becoming eligible for return to full duty, the involved officer's District/Unit Command, the MPD Human Resource Coordinator, and the involved officer will ensure that:
1. The office of PSIA has completed their review of the incident and final dispositions have been determined by the Chief of Police.
  2. The investigation has been submitted to the District Attorney for review.
  3. The involved officer has attended required meetings with the clinical consultant.
  4. The involved officer has participated in a relevant re-familiarization training scenario/s as appropriate and depending on the circumstances surrounding the critical incident in which

they were involved. For example, if an officer was involved in a critical incident that included the use of deadly force by use of a firearm, the officer would participate in a firearms course of fire facilitated by Personnel & Training staff. The purpose in this case is not to qualify the officer, but rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision making and weapons handling.

- a. Re-familiarization training scenarios will be coordinated by Training staff as needed and will be tailored to provide the officer with a useful opportunity for self-assessment based on their specific incident.
- b. District/Unit command is responsible for coordinating this re-familiarization training for the involved officer with the training team. After the re-familiarization/scenario based training has taken place, the District/Unit Commander shall ensure that the involved officer and the training team feel that restricted duty is appropriate/approved.

5. The officer has met with their District/ Unit Captain or Lieutenant to establish a Return to Duty Plan.

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

Options to consider include:

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

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

Officers involved in an OICI will be afforded the option of using Administrative Leave with Pay on the one-year anniversary date of the incident, regardless of staffing levels. Officers should work with their chain of command to facilitate this leave if desired.

- ~~The officer has participated in a relevant re-familiarization training scenario/s as appropriate depending on the circumstances surrounding the critical incident in which they were involved. For example, if an officer was involved in a critical incident that included the use of deadly force by use of a firearm, the officer would participate in a firearms course of fire facilitated by Personnel & Training staff. The purpose in this case is not to qualify the officer, rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision-making and weapons handling. These re-familiarization training scenarios will be coordinated by Training staff as needed and will be tailored to provide the officer with a useful opportunity for self-assessment based on their specific incident.~~

- The office of PSIA has completed their review of the incident and final dispositions have been determined by the Chief of Police. The Chief of Police has approved the officer's return to full duty.
- Officers involved in an OICI will be afforded the option of using Administrative Leave Time with Pay (vacation, compensatory time or sick time) on the one-year anniversary date of the incident, regardless of staffing levels. Officers should work with their chain of command to facilitate this leave if desired.
- The officer has received the mandatory Defusing immediately following the OICI and optional attendance of any scheduled Debriefings related to the incident
- The initial consultation with a Clinical Consultant occurred within the first 24-72 hours following the incident
- The involved officer has met with a Clinical Consultant in accordance with this SOP

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

1. Coordinate Administrative Leave with Pay as appropriate and make all necessary Telestaff entries for this leave.
2. Establish a plan for regular contact with the officer while they are on administrative leave.
3. Work with the CIP to provide ongoing updates to the officer regarding the status of the investigation, DA, and internal administrative reviews.
4. Monitor the behavior of officers involved in critical incidents for symptoms of acute or prolonged stress.
5. Coordinate with the Human Resource Coordinator that clinical consultation appointments are scheduled in accordance with the timing outlined in this SOP.
6. Coordinate with the Captain of Training and his/her designee in identifying a training team member that will facilitate re-familiarization training.
7. Consult with the Clinical Consultant regarding "readiness" for either a return to Restrict Duty and/or a Return to Full Duty.
8. Meet with the officer and their CIP or other chosen support person to develop and document a Return to Duty Plan.

**I. Responsibilities of the Madison Police Department Training Captain:**

1. Assign an MPD training team member to provided a replacement handgun to the involved officer/s(s).
2. Ensure that an identified training team member is assigned to review incident specifics to identify any possible training concerns and to work with the officer to provide any necessary review or clarification.
3. Ensure that a training team member is assigned to the involved officer/s(s) to coordinate re-familiarization training, or scenario based training for the involved officer as they work through an identified return to duty plan. The purpose in this case is not to qualify the officer, rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision-making and weapons handling.
4. Ensure that a training team member is assigned to consult with PS&IA during their internal review of the incident.

**J. Responsibilities of MPD Human Resource Coordinator:**

1. Coordinate with the District/Unit Commander regarding all appropriate Telestaff entries.
2. Ensure that all clinical consultation appointments are scheduled and attended.
3. Ensure that Workers Comp Employee Injury Reports are completed and submitted.
4. Ensure that any invoices received for medical treatment of involved officer(s) are appropriately addressed.

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

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

A. **Initial Aftercare Response:**

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

2. **Critical Incident Partner (CIP)** – The CIP is an officer pre-designated by the involved officer to be deployed to focus exclusively on the emotional welfare of the involved officer. Each officer will designate 1-3 officers in order of preference in advance of any involvement in a critical incident. Officers' pre-designated list of CIP officers will be housed confidentially in the OIC's office to be consulted and activated upon an officer's involvement in a critical incident. The form will be completed/updated annually at district/section in service. The CIP will be pulled from their regular assignment and/or called in to work to support the involved officer. Guidelines for the role of the CIP are as follows:

- The CIP will serve as a liaison for the involved officer and other MPD personnel throughout the investigative process.
- The CIP may be put on paid Administrative Leave with the involved officer to whom they are assigned as support. The length of time that a CIP will be placed on paid Administrative Leave will be evaluated on a case-by-case basis and approved through chain of command.
- The CIP will review the "OICI Aftercare Information" packet outlining MPD expectations and procedures with the involved officer following the incident.
- The CIP will coordinate continued support and CISM care with the assigned PSO.
- Communications between the CIP and the involved officer regarding the critical incident are not privileged and therefore not confidential.

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

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

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

The involved officer shall remain on paid administrative leave until all of the following occurs:

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

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

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

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

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



- Return to regular assignment under close supervision.

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

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

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

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

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

Original SOP: 11/06/2013

(Revised: 04/24/2014, 07/15/2014, 11/23/2015, 6/10/2016, 06/06/2017, 12/21/2017, 06/08/2018, 09/08/2020)

(Reviewed Only: 02/25/2016, 01/30/2019)



## Attachment A

## Officer Involved Critical Incident Investigation Conflict of Interest Checklist

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

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

1. You are a direct relative or are related by marriage to the involved employee(s).
2. You have been involved in a romantic or sexual relationship with the involved employee(s).
3. A former spouse or domestic partner of yours is currently or has been involved in a relationship with the involved employee(s).
4. You have been involved in an internal investigation as a complainant or subject of an investigation involving the employee(s).
5. Any other possible conflict of interest that would create a potential appearance of unfairness in your ability to conduct an objective investigation (close friendship with the involved officer(s), etc.).

## Attachment B

## Post-Incident Alcohol/Drug Testing

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

1. The primary means of testing will be a blood draw, conducted at a medical facility. (In the event that a blood draw is not practical, urine may be used as an alternate test.) If it is not practical for the sample to be collected at a medical facility, an alternate means of collection—utilizing an appropriately trained professional—may be used.
2. The sample will be collected as soon as is reasonably practical after the incident, taking other needed post-incident tasks into account (collecting other evidence, medical treatment, etc.).
3. The sample should be collected in the presence of an FSU Investigator. The FSU investigator will ensure that the sample is handled, transported, and shipped in accordance with proper evidence handling practices. In the event that an Investigator is not available to monitor the sample collection within a reasonable time frame, the OICI Commander may assign an MPD supervisor or OICI Team Member to do so. The sample will be turned over to an FSU Investigator as soon as possible for further handling.
4. A sufficient sample will be collected to allow for additional testing in case of an initial positive test.
5. The sample will be sealed and transported to a testing facility using proper evidence handling practices. MPD will not retain any portion of the sample.
6. MPD will request a report from the testing facility that shows the presence and concentration of the following substances and derivatives:
  - a. Alcohol
  - b. Marijuana/THC
  - c. Cocaine
  - d. Opiates
  - e. Amphetamines
  - f. LSD
  - g. PCP
7. The test result report will be directed to the PSIA Lieutenant and will be placed in the internal investigative file. ~~Once the test results have been received, the OICI commander will be notified.~~ The OICI commander will notify the outside investigating agency (if applicable) and the District Attorney's office that the test results are available. The test result report will be provided to the outside investigating agency and/or to the District Attorney's office if requested.
8. The PSIA Lieutenant or designee will share the test results with the involved employee. A copy of the results will go in the PSIA investigation file. The lab will automatically destroy any remaining sample six (6) weeks after the test results become available. The involved employee may request additional testing with the remaining sample. In that event, it is the responsibility of the involved employee to notify the PSIA Lieutenant that the employee would like any remaining sample to be preserved by the lab.
9. Other testing protocols as permitted by policy, APM, or law remain in effect.



# CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



## Tours, Visitors and Ride-Alongs

Eff. Date ~~08/13/2018~~ 09/02/2020

### Purpose

Tours of police facilities will be conducted for approved groups who have expressed an interest in observing the functions of the Madison Police Department (MPD).

Most MPD facilities have areas within them that are secured and not accessible to the general public. We recognize that members of the general public and other law enforcement officials will have a need to enter into these secure areas from time to time. When doing so, all visitors will be expected to comply with all security measures put in place.

Unlike many jobs in today's society, the duties of a police employee are not easily described to persons outside the profession. Therefore, the purpose of allowing citizens to ride with police employees is to add to the public's knowledge and understanding of the problems and complexities of law enforcement.

### Procedure

#### TOURS OF POLICE FACILITIES

Tour screening and coordination will be the responsibility of the Public Information Office (PIO) and conducted by various volunteers of the MPD. All tour groups must be escorted at all times.

#### VISITORS OF POLICE FACILITIES

Visitors coming into any secure area of a police facility will need to be escorted by an employee of the MPD. Visitors must sign the MPD visitor log and must wear a visitor badge so that it is in plain view.

#### RIDE-ALONG PROCEDURE

##### Ride-Along Program Responsibility of PIO

The administration of the Ride-Along Program is the responsibility of the PIO and requests for permission to ride will be handled by this office unless the ride-along is a non-commissioned employee, intern or initiated by an officer. Eligibility of each applicant will be determined by the PIO. The PIO will be responsible for collecting the name, address, date of birth, and home phone number of each person requesting to ride. The MPD Records Section will conduct background checks on applicants. The Centralized Patrol Services Captain will disseminate viable applications to district commanders who schedule officers to accommodate ride-alongs. Each district will be asked to schedule a maximum of five applicants per month unless there is a larger group request, i.e., U.W. class.

Persons requesting to ride, who are applying for the position of Police Officer with the MPD, will be referred to the Recruiting Officer for placement and scheduling.

##### Ride-Along Database

A Ride-Along Database will be maintained electronically by the PIO. The data will contain a complete listing of those who have participated in the Ride-Along Program including the date of their ride and the employee with whom they ride.

Generally, a person taking part in the program may not ride-along for more than once a year unless the ride-along is a non-commissioned employee, intern, Police Explorer Cadet, or initiated by an officer.

---

## Voluntary Employee Participation

---

Employee participation in the ride-along program will be voluntary. Employees may wish to advise their commander of their willingness to participate in the program

---

## Waiver of Liability Form

---

The Waiver of Liability form must be completed by the person requesting to ride and the employee performing the ride-along prior to the beginning of the ride-along. A supervisor must also sign the approval of the waiver prior to the start of the ride. The completed waiver form will be forwarded to the PIO where they will be kept on file. These records will be purged in accordance to the MPD records retention schedule approved by the State Records Board.

---

## Duration of Ride-Along

---

It is suggested that the length of the ride-along period will be four (4) hours. The total time period of the ride-along is to be recorded on the Waiver of Liability form.

---

## Juvenile Ride-Along

---

All juvenile (ages 15-17) ride-along periods will be conducted between the hours of 7:00 a.m. and 7:00 p.m. The majority of the ride-alongs will be scheduled as early in the afternoon as possible. Extensions to 10:00 p.m. may be granted by the Officer-in-Charge (OIC). The extension and exact time of the ride-along shall be documented on the returned Waiver of Liability form. Requests for juveniles under the age of 15 must be approved by the Chief of Police.

Police **Explorers Cadets**, a program for youth ages 14-20, are exempt from the age and hour restrictions set in place for juveniles.

---

## Employee Initiated Ride-Alongs

---

MPD personnel will be allowed to initiate ride-alongs for relatives or friends. Employees should obtain the approval of their immediate supervisor or OIC on the waiver form for employee initiated ride-alongs.

The number of ride-alongs an employee will be allowed to take will be determined on an individual basis. Some criteria in making the determination will be:

1. The number of employee-initiated ride-alongs performed.
2. The effect of the ride-alongs on the employee's ability to perform assigned duties.
3. The time period involved.

This determination will be made in conjunction with the PIO and the officer's supervisor(s).

---

## Non-Commissioned Employee Ride-Alongs

---

Non-commissioned employees of the MPD may be authorized to ride-along (on duty time) more than once per year if their supervisor believes such action will increase the employee's understanding and performance of assigned duties.

---

## Intern Ride-Alongs

---

Persons working on projects involving the MPD may be granted permission to extend the ride-along period. Interns working with the MPD should complete the Internship Waiver of Liability form prior to the start of the internship, if the internship includes ride-alongs with MPD personnel. Police **Explorers Cadets** should complete the Police **Explorer Cadet** Wavier of Liability form at the beginning of each calendar year.

---

## Employee Participation

---

Employees on probation will not be allowed to participate in the ride-along program unless prior approval has been obtained from the employee's Commanding Officer.

Approval for probationary police officers from their Commanding Officers should only be given when the officer has demonstrated, at a minimum, a performance of "acceptable" according to the Field Training and Evaluation Program standard evaluation guidelines (#4 level). Ride-alongs should not be approved if the assignment would interfere with the progress of the officer or reflect negatively on the MPD.

---

## One Ride-Along Limit

---

There will only be one ride-along assigned to an employee at any given time unless approved by the OIC (e.g., camera crew for approved interview).

---

## Scene Guidelines

---

Officers shall adhere to the following guidelines when determining whether to allow a ride-along to enter a scene:

1. Ride-alongs may not accompany officers into private residences or into any other place not readily open to the public when the officer's legal basis for entering is not based upon consent (i.e., warrant execution, exigent circumstances, community caretaker, etc.).
2. Ride-alongs may accompany officers into private residences or into any other places not readily open to the public when:
  - a. The owner/resident or other person in control of the premises expressly consents to the ride-along's entry.
  - b. The ride-along is directly assisting the officer in the performance of the officer's duties, (example: intern assisting with searching or evidence collection during search warrant execution).
3. Ride-alongs may accompany officers any place that is open to the public, subject to state and local laws (i.e., underage persons not to enter taverns).
4. Ride-alongs may not exit the squad car during a traffic stop prior to the occupants being secured, unless it is necessary to insure their safety or approved by a supervisor.

---

## Ride-Along Personal Appearance

---

All ride-along participants are visible representatives of the City of Madison and its Police Department and as such, a neat, clean and professional appearance is required.

1. Clothing shall not be torn, frayed, stained, excessively faded, or sheer to the skin.
2. Clothing shall not be excessively loose or tight fitting and must not pose a safety hazard when accompanying officers on calls for service.
3. Clothing, buttons, badges, or pins shall not have political or potentially offensive words, terms, logos, pictures, cartoons, or slogans.
4. Shorts may be worn as long as they are knee length or longer and are professional in appearance.
5. Undergarments shall not be visible.
6. Footwear should consist of closed toed shoes. Sandals, open toed shoes or open back shoes could potentially be a safety hazard and shall not be worn.
7. Strapless, halter, spaghetti strap, low cut shirts, tank tops or muscle shirts shall not be worn unless worn under another shirt.
8. Sweatpants, bib overalls, lounge pants, and athletic pants and shorts are not acceptable.
9. Headgear shall be appropriate for the assignment. Scarves and head covers that are required for religious or medical purposes shall be allowed.

10. Police Explorers Cadets may not wear their Explorer Cadet uniform, Explorer Cadet t-shirt, or other Explorer Cadet or MPD apparel.

### **Restriction Applications**

---

The restrictions outlined in this SOP apply to all civilian ride-alongs, including interns, students, and non-commissioned MPD employees.

Original SOP: 02/25/2015  
(Revised: 02/12/2016, 11/09/2017, 08/13/2018, 09/02/2020)  
(Reviewed Only: 12/20/2016)



## CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



### USE OF TIRE DEFLATION DEVICES

---

Eff. Date: 07/20/2020

#### Purpose

The purpose of this standard operating procedure (SOP) is to establish guidelines on the safe use of tire deflation devices.

#### APPLICABILITY

This SOP governs the actions of MPD officers for MPD initiated response as well as MPD involvement in mutual aid requests for pursuit assistance coming into the City.

#### DEFINITIONS

**Tire Deflation Device:** These devices are spiked strips or sticks that are put down on the roadway to deflate the tires of any vehicle running over them. The tires lose air, making continued travel difficult or impossible. Timing is critical, requiring good communication and coordination among officers. When deploying tire-deflation devices, there should be adequate warning and sufficient distance to permit the suspect to stop before reaching the device. Proper training is necessary in order for officers to use this technique. Only tire deflation devices approved by the Madison Police Department are approved for use by Madison Police Department employees.

**Stationary Vehicle:** Any vehicle with four or more tires, which has the apparent ability to be driven away from the scene of an incident.

**Moving Vehicle:** Any vehicle with four or more tires, which is being operated in such a manner as to avoid the arrest of the occupant.

#### PROCEDURES

1. Only officers who have successfully completed training in the proper use and deployment techniques of the tire deflation device are authorized to deploy the system.
2. Only department issued tire deflation devices will be utilized.
3. The tire deflation device will not be deployed on two or three wheeled vehicles unless the use of deadly force is justified.
4. Prior to beginning each tour of duty, officers will determine if their squad is equipped with a tire deflation device and verify that it is in proper working order.

#### AUTHORIZED USE

##### Stationary Vehicle

1. A tire deflation device may be deployed when the possibility exists that a wanted or dangerous person may enter a vehicle and leave an area of containment (during an active police operation).
2. A tire deflation device may be utilized to contain a suspected impaired driver who refuses to exit a vehicle and may attempt to drive away after being stopped by an officer.

A tire deflation device may only be deployed on a stationary vehicle when a reasonable belief exists that the vehicle will be operated or occupied by an individual posing a risk to officers or to the public. Officers must maintain visual sight of a stationary vehicle after a tire deflation device has been deployed, and warn the driver of the devices prior to him/her operating the vehicle (if feasible).

### **Moving Vehicle**

1. A tire deflation device may be deployed during an active MPD vehicle pursuit.
2. MPD officers may deploy tire deflation devices to stop vehicles fleeing from another agency that have entered the City of Madison without a specific mutual aid request. Deployment in these instances will only be done with a supervisor's approval, unless it is impractical to obtain such approval. Outside agency officers involved in the pursuit will be notified prior to deployment if possible.
3. A tire deflation device may be deployed on a moving vehicle not being actively pursued with the approval of a supervisor only under these circumstances:
  - a. A reasonable belief exists that the vehicle has recently fled from officers attempting to stop it (whether an actual pursuit followed or not); or
  - b. Pursuit of the vehicle is not authorized, but the vehicle is or has recently been operating in an extremely unsafe manner that creates a risk to the public.

If a tire deflation device is deployed in this circumstance, officers should attempt to stop the vehicle once the tire(s) are deflated. Officers shall continue to follow the authorized pursuit guidelines of the Emergency Vehicle Operations Guidelines if the vehicle does not stop.

Prior to deploying the tire deflation device, the deploying officer will advise the pursuing officers of the location of the deployment. Once the suspect vehicle has passed over the device, the deploying officer will remove the device from the roadway.

### **USE CONSIDERATIONS**

1. Motor vehicle pursuits are inherently dangerous and attempts by officers to bring a pursuit to a safe conclusion, including the deployment of tire deflation devices, carry with them additional risks and dangers. In order to reduce the risks to officers deploying a tire deflation device, the following safety issues should be considered:
  - a. Officers should deploy the device from behind cover, which will provide them protection from a motor vehicle traveling at high speed (e.g. bridge abutment, overpass pillars, guardrail, concrete barrier, or large trees).
  - b. Deploying officers should not use a vehicle as cover when deploying the tire deflation device.
  - c. Deployment location should allow the officer to safely observe the suspect vehicle and other traffic as it approaches.
  - d. Deploying officers should always have an escape route available.
  - e. Although low-light and dark conditions can provide an officer with a level of concealment, it can make judging distance and the lane position of a vehicle difficult.
  - f. Deploying officers should allow for sufficient time for a proper tire deflation device deployment, as rushed deployments are often ineffective and dangerous.



- g. Deploying officers shall not enter the roadway, or lanes of travel, in order to remove the tire deflation device until such time when all vehicles involved in the pursuit have passed and it is safe to do so.

### **DEPLOYING OFFICERS**

Ensure that they communicate with the pursuing officers the exact location of the planned tire deflation device deployment. Monitor radio transmissions of the ongoing pursuit.

Deploying officers will re-pack the tire deflation devices and place back into squad car and prior to the end of shift the tire deflation device will be inspected and any missing spikes will be replaced at that time. The fully functional device will then be returned to the squad.

### **PURSUING OFFICERS**

1. Maintain communications with the deploying officer.
2. Pursuing officers will decrease vehicle speed as they approach the tire deflation device deployment location and proceed cautiously through the deployment area.
3. In the event the tire deflation device has not been removed from the roadway, officers involved in the pursuit should continue driving over the system. Do not attempt to swerve or come to an abrupt stop.

### **REPORTING REQUIREMENTS**

Officers deploying tire deflation devices will complete a supplemental report including all pertinent facts surrounding their use.