

**CITY OF MADISON  
INTRA-DEPARTMENTAL  
CORRESPONDENCE**

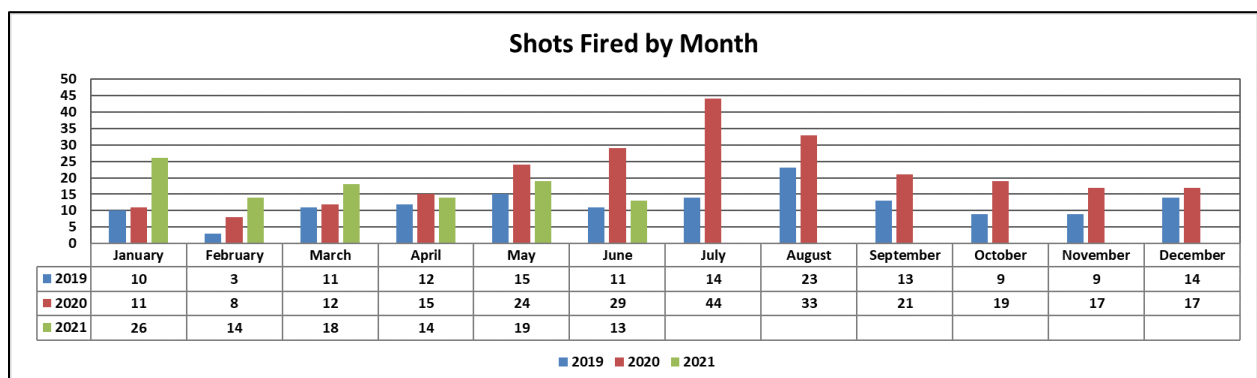
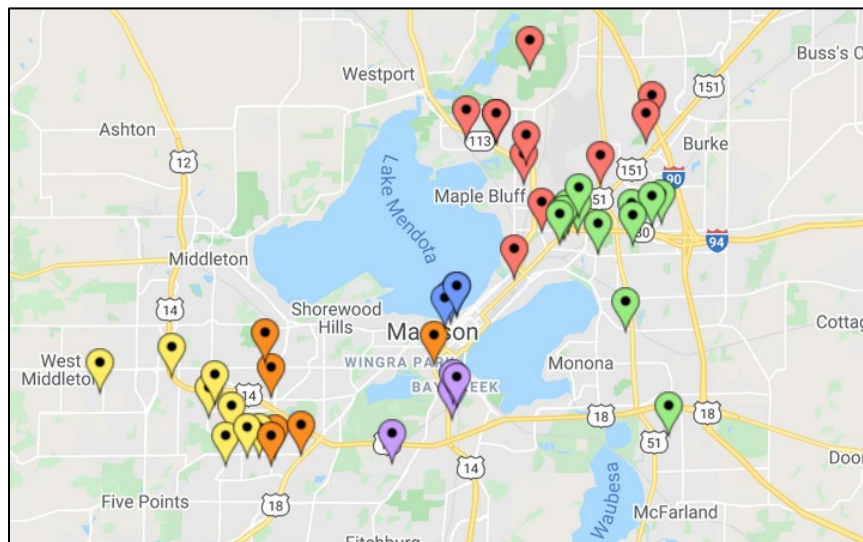
**DATE:** July 20, 2021

**TO:** All Alders  
**FROM:** Shon F. Barnes, Chief of Police  
**SUBJECT:** Quarterly Report

This document provides an update on selected MPD topics for the second quarter (April, May, and June) of 2021. **Please consider the data included in this update as preliminary and subject to modification.**

**Significant Incident Types**

*Shots Fired* – there were forty-six (46) shots fired incidents in the City from April 1<sup>st</sup> through June 30<sup>th</sup> (2021). This is a **32%** decrease from the second quarter of 2020. Twenty (20) shots fired incidents were reported during the 4pm – midnight period; seventeen (17) were reported during the midnight – 8am time period; and nine (9) were reported during the 8am – 4pm time period.

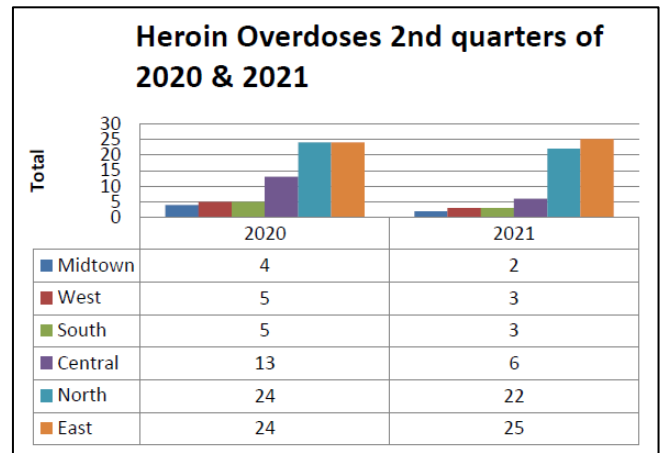
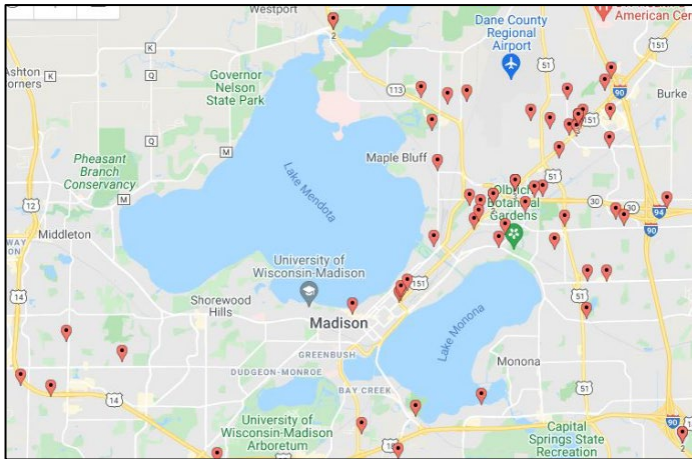


	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Total
<b>Property Damage</b>	15	22			37
<b>Subjects Struck by Gunfire*</b>	9	8			17
<b>Accidental Discharge</b>	0	1			1
<b>Self-Inflicted (intentional)</b>	4	3			7
<b>Casings Recovered</b>	124	231			355

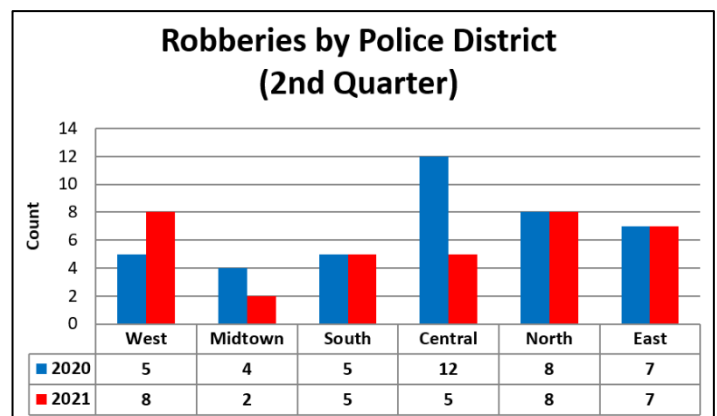
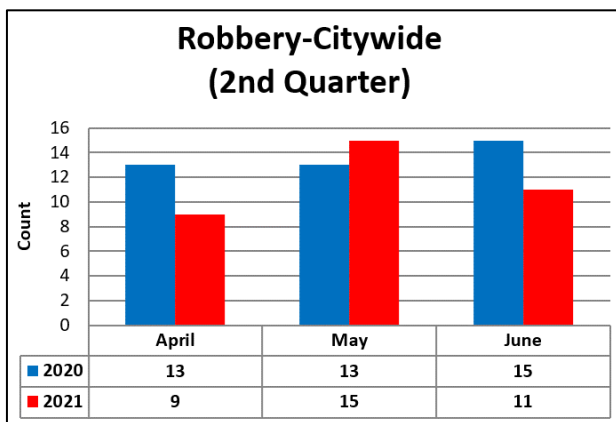
\*Excludes accidental discharge & self-inflicted

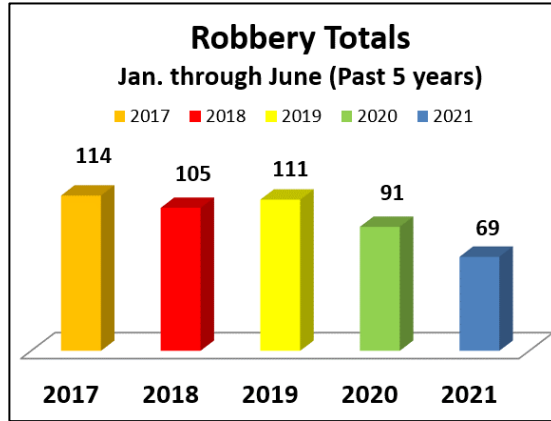
*Heroin Overdoses* – MPD responded to sixty-one (61) known heroin overdoses during the second quarter of 2021. This is a 19% decrease from the second quarter of 2020. Note that these figures refer to known overdoses...it is likely that many overdoses are occurring without any report to MPD or MFD.

There were seven (7) overdose deaths during the second quarter of 2021. This is a 30% decrease from the second quarter in 2020 [note that these figures only include overdose deaths with police involvement and clear evidence of an overdose; the actual figure may be higher].

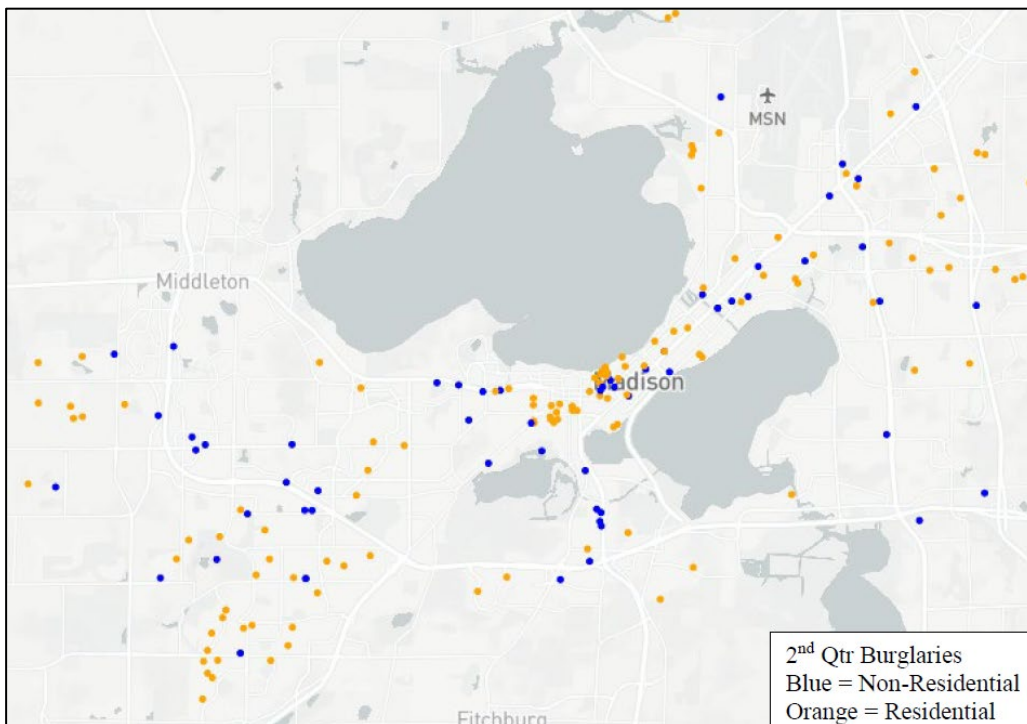
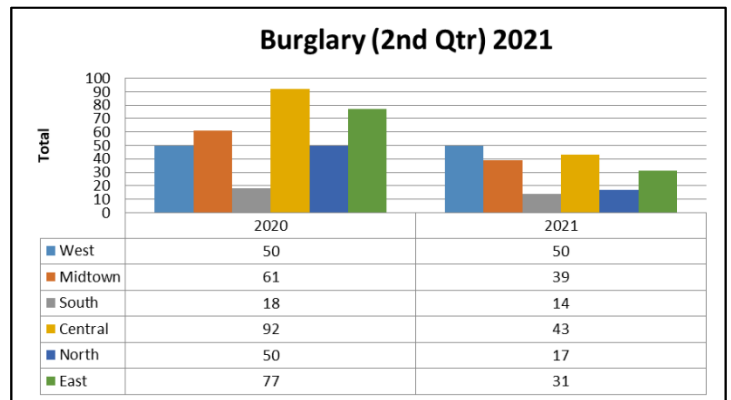
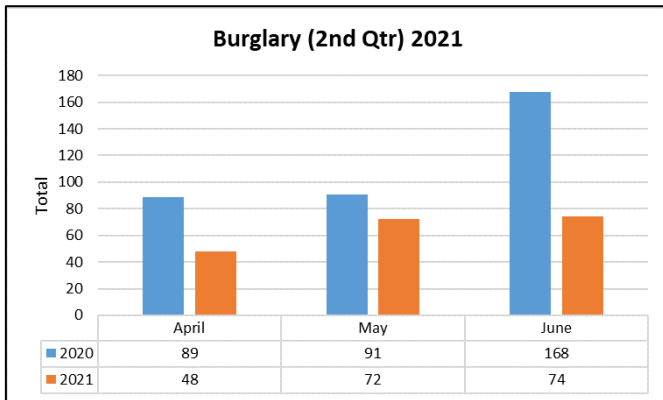


*Robberies* – Thirty-five (35) robberies occurred in the City during the second quarter of 2021. This is a 15% decrease from the second quarter of 2020.

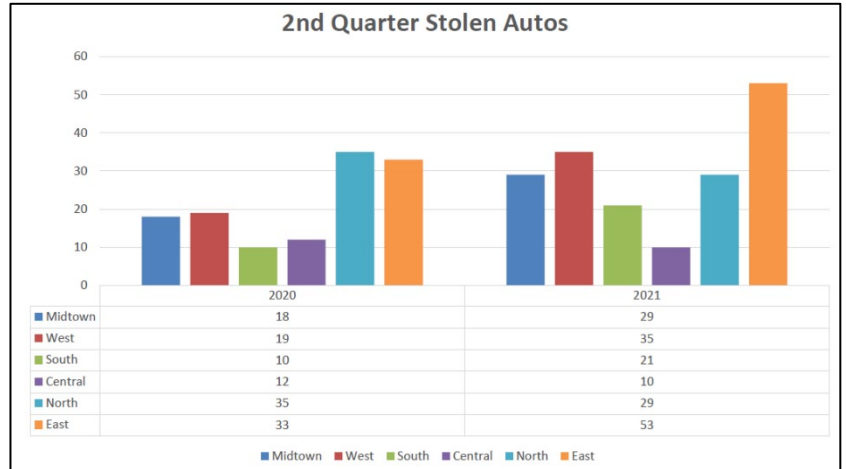




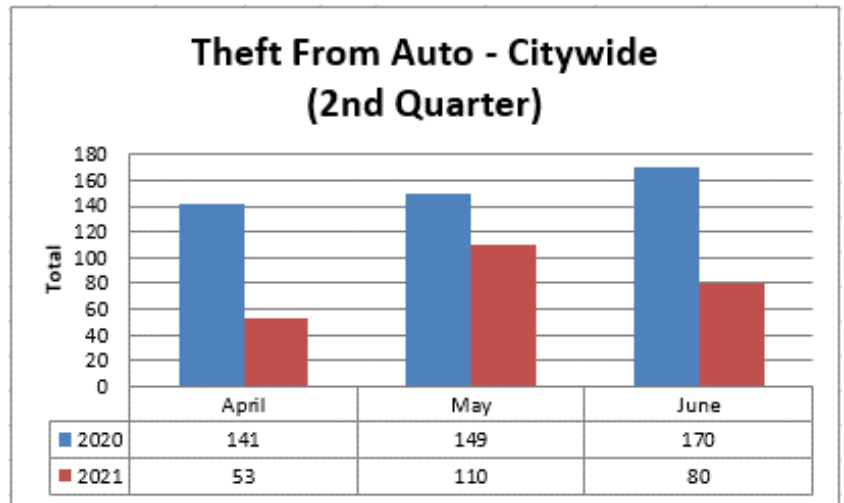
*Burglaries* – MPD responded to 194 burglaries during the second quarter of 2021. This is a 44% decrease from the second quarter in 2020.



*Stolen Autos* – MPD investigated 177 stolen autos during the second quarter of 2021. This is a 39% increase from the second quarter in 2020.



*Thefts from Vehicles* – MPD investigated 293 thefts from vehicles during the second quarter of 2021. This is a 47% decrease from the second quarter in 2020.



### Arrest Data

Second quarter arrest data:

Sex	Q1	Q2	Q3	Q4	Total	%
Male	980	1,118			2,098	74.7%
Female	310	402			712	25.3%
Unknown	0	0			0	0.0%
<b>Total</b>	<b>1,290</b>	<b>1,520</b>			<b>2,810</b>	<b>100.0%</b>

Race	Q1	Q2	Q3	Q4	Total	%
Asian	21	19			40	1.4%
African-American	683	736			1,419	50.5%
Native American	10	8			18	0.6%
Other	24	23			47	1.7%
Caucasian	552	734			1,286	45.8%
<b>Total</b>	<b>1,290</b>	<b>1,520</b>			<b>2,810</b>	<b>100.0%</b>
Hispanic*	90	100			190	6.8%

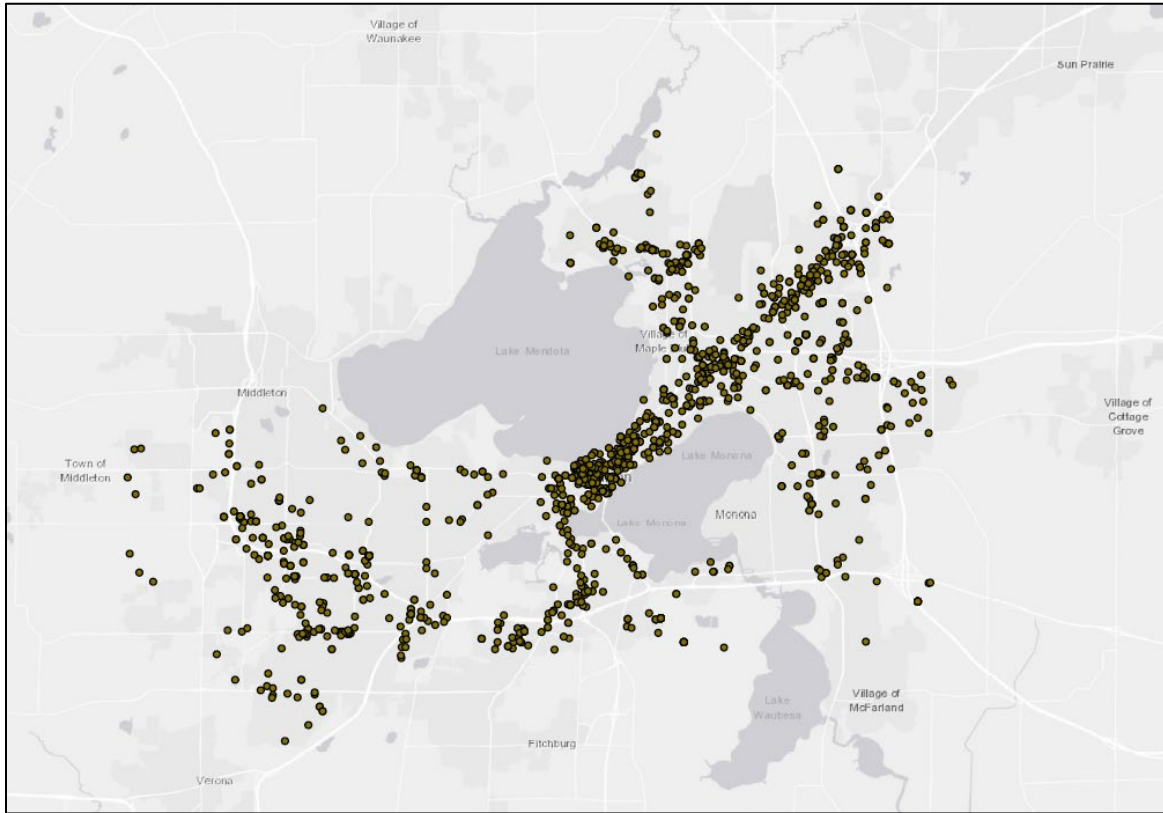
\*“Hispanic” is not a racial designator used for UCR/IBR crime reporting purposes. However, it is an ethnicity collected and tracked in MPD’s records management system, in addition to race. These arrest figures are based on that data. Each arrested person with a Hispanic ethnicity will also have a race 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	2			3	0.1%
Arson	0	2			2	0.0%
Assault Offenses	262	290			552	11.5%
Bribery	0	0			0	0.0%
Burglary	14	16			30	0.6%
Counterfeiting/Forgery	6	3			9	0.2%
Damage to Property	79	99			178	3.7%
Drug/Narcotic Offenses	138	126			264	5.5%
Embezzlement	5	2			7	0.1%
Extortion	2	1			3	0.1%
Fraud Offenses	16	25			41	0.9%
Gambling Offenses	0	0			0	0.0%
Homicide Offenses	1	1			2	0.0%
Human Trafficking Offenses	0	1			1	0.0%
Kidnapping/Abduction	23	16			39	0.8%
Larceny/Theft Offenses	131	134			265	5.5%
Motor Vehicle Theft	41	26			67	1.4%
Pornography/Obscene Material	3	2			5	0.1%
Prostitution Offenses	0	0			0	0.0%
Robbery	18	13			31	0.6%
Sex Offenses, Forcible	15	31			46	1.0%
Sex Offenses, Non-Forcible	0	2			2	0.0%
Stolen Property Offenses	7	2			9	0.2%
Weapon Law Violations	33	35			68	1.4%
Group B Offenses	Q1	Q2	Q3	Q4	Total	%
Bad Checks	0	2			2	0.0%
Curfew/Loitering/Vagrancy Violations	0	0			0	0.0%
Disorderly Conduct	462	581			1043	21.7%
Driving Under the Influence	104	106			210	4.4%
Drunkenness	0	0			0	0.0%
Family Offenses, Nonviolent	15	13			28	0.6%
Liquor Law Violations	11	45			56	1.2%
Peeping Tom	0	0			0	0.0%
Runaway	0	0			0	0.0%
Trespass of Real Property	111	78			189	3.9%
All Other Offenses	764	889			1653	34.4%
<b>Total</b>	<b>2,262</b>	<b>2,543</b>	<b>0</b>	<b>0</b>	<b>4,805</b>	<b>100.0%</b>

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

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

Second quarter arrests reflected geographically:



Comparison of 2020 to 2021 second quarter arrest data:

Sex	2020 (Q2)	2021 (Q2)
Male	1,222	1,118
Female	407	402
Unknown	0	0
<b>Total</b>	<b>1,629</b>	<b>1,520</b>

Race	2020 (Q2)	2021 (Q2)
Asian	27	19
African-American	754	736
Native American	10	8
Other	42	23
Caucasian	796	734
<b>Total</b>	<b>1,629</b>	<b>1,520</b>

<b>Hispanic*</b>	<b>111</b>	<b>100</b>
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\*"Hispanic" is not a racial designator used for UCR/IBR crime reporting purposes. However, it is an ethnicity collected and tracked in MPD's records management system, in addition to race. These arrest figures are based on that data. Each arrested person with a Hispanic ethnicity will also have a race indicated (from the above options) and reflected in MPD's crime reporting.

## Use of Force Overview

During the second quarter of 2021, MPD officers responded to 35,754 incidents. In that time, there were forty-seven (47) citizen contacts in which officers used recordable force during the encounter. Each of these force incidents was reviewed for compliance with MPD standard operating procedures.

Description	Q1	Q2	Q3	Q4	Total
Calls for Service	28,637	35,754			64,121
Citizen Contacts Where Force Was Used	55	47			102
% of CFS Where Force Was Used	0.19%	0.13%			0.16%
<b>Force</b>					
Decentralization/Takedown	49	40			89
Active Counter Measures	6	4			10
Taser Deployment	7	12			19
Hobble Restraints	4	4			8
OC (i.e. Pepper) Spray Deployment	0	1			1
Baton Strike	0	0			0
K9 Bite	1	2			3
Firearm Discharged Toward Suspect	1	0			1
Impact Munition	1	0			1
Specialty	0	0			0
<b>Total</b>	<b>69</b>	<b>63</b>			<b>132</b>
Firearm Discharged to Put Down a Sick or Suffering Animal	10	16			26

\*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>

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

District*	Q1	Q2	Q3	Q4	Total	%
West	6	6			12	11.8%
Midtown	6	5			11	10.8%
South	6	5			11	10.8%
Central	8	6			14	13.7%
North	12	14			26	25.5%
East	16	11			27	26.5%
Out of County	0	0			0	0.0%
Within County - Assist	1	0			1	1.0%
<b>Total</b>	<b>55</b>	<b>47</b>			<b>102</b>	<b>100.0%</b>

Time of Day/Patrol Shift	Q1	Q2	Q3	Q4	Total	%
<b>1<sup>st</sup> Detail (7am – 3pm)</b>	10	16			26	25.5%
<b>3<sup>rd</sup> Detail (3pm – 11pm)</b>	32	20			52	51.0%
<b>5<sup>th</sup> Detail (11pm – 7am)</b>	13	11			24	23.5%
<b>Total</b>	<b>55</b>	<b>47</b>			<b>102</b>	<b>100.0%</b>

Comparison of second quarter 2020 with second quarter 2021 use of force data:

<b>Force</b>	<b>2020 (Q2)</b>	<b>2021 (Q2)</b>
Decentralization/Takedown	44	40
Active Counter Measures	13	4
Taser Deployment	9	12
Hobble Restraints	10	4
OC (i.e. Pepper) Spray Deployment	3	1
Baton Strike	0	0
K9 Bite	1	2
Firearm Discharged Toward Suspect	0	0
Impact Munition	0	0
Specialty (SWAT/SET)	0	0
<b>Total</b>	<b>80</b>	<b>63</b>

Note: use of force incidents associated with civil unrest in 2020 were counted separately and are not reflected here. 2020 data showing these totals can be located here:

<https://www.cityofmadison.com/police/data/archived-quarterly-data.cfm>

More information is also available in the MPD 2020 Accountability Report:

<https://www.cityofmadison.com/police/documents/AccountabilityRpt2020.pdf>

## **Training**

MPD's new recruit class started pre-service training on June 1<sup>st</sup>. Eighteen new officers are in the early stages of training; they will complete the academy this fall and move on to several months of field training.

All MPD personnel completed in-service training during the second quarter. One of the topics was the Police Executive Research Forum (PERF) ICAT (Integrating Communications, Assessment, and Tactics) training. This is a nationally recognized curriculum to improve officers' response to critical incidents. The training focuses on critical thinking, communications, and tactics to improve opportunities for positive outcomes in use-of-force encounters. ICAT is being introduced to all personnel during this training, and an additional session (focusing on scenario training) will follow later this year. Providing ICAT training to all MPD commissioned personnel was a recommendation from the Madison Police Department Policy & Procedure Review Ad Hoc Committee.

## **SOP Updates**

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

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



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

MPD did not acquire any property through DLA/LESO during the second quarter of 2021.

### **Priority/emergency call response**

During the second quarter, there were eighty (80) 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 eighty (80) instances occurred on sixty (60) dates (some days required limited call response multiple times); this means that at some point on about **66%** of the days during the second quarter MPD patrol response was limited. The eighty (80) instances spanned about **148.3** total hours of limited call response, an average of 1.9 hours per instance. In terms of total hours during the second quarter, MPD patrol response was limited to emergency and priority calls about **7%** of the time.

### *Promotions*

#### 2022 – Second Quarter Promotions

Police Officer Joseph Weberpal to Sergeant  
Sergeant Daniel Perez to Lieutenant  
Police Officer Amanda Poli to Sergeant  
Police Officer Ricardo Franco to Sergeant  
Police Officer Justin Nelsen to Sergeant  
Detective Paul Bauman to Lieutenant  
Police Officer Christopher Keys to Sergeant

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

<https://www.cityofmadison.com/police/documents/psiaSummary2021AprJun.pdf>

<https://www.cityofmadison.com/police/documents/psiaRecognition2021AprJun.pdf>

## Updated/New SOPs for MPD: April-June, 2021

Civilian Hiring Process: 04/02/2021

Enforcement of Marijuana Laws: 04/02/2021 - NEW

In-Car Video System: 04/09/2021

Departmental Awards and Recognition: 05/28/2021

Donation of Vacation and Compensatory Time: 06/01/2021

Domestic Abuse: 06/14/2021



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Civilian Hiring Process

Eff. Date ~~06/08/2018~~ 04/02/2021

## Purpose

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

## Procedure

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

1. When a Captain/Manager is notified of a civilian retirement or resignation and would like to hire to fill that opening, they should:
  - a. Contact the Finance Manager for information regarding salary savings.
  - b. Contact the Assistant Chief of Support and Community Outreach with request for authorization to hire.
  - c. Contact the Department's Civil Rights Coordinator (~~Lieutenant of Personnel~~ Human Resources Coordinator) to assure compliance with the Department's Equitable Workforce Plan and RESJI process.
2. The Assistant Chief of Support and Community Outreach determines when to submit the "Request to Fill Vacancy."
3. If approved, the Captain/Manager completes the:
  - a. "Request to Fill Vacancy" form – Detailed information used in filling out this form can be obtained from the MPD Payroll Clerk.
  - b. Position Description – A new Position Description document must be completed each time, even if previously done for a position. A prior Position Description document can be used in updating for a new hire.
  - c. Once these are completed they should be forwarded to the MPD Payroll Clerk with an email request to enter the forms into the NEOGOV system. This email should also include the name of the Hiring Manager, who is the person coordinating the hire and the Department's Civil Rights Coordinator (~~Lieutenant of Personnel~~ Human Resources Coordinator).
4. The Hiring Manager will receive a notification from City Human resources identifying the City Human Resources contact for the hiring process. The Hiring Manager should contact the ~~Lieutenant of Personnel~~ Human Resources Coordinator (as the Department's Civil Rights Coordinator) to assure compliance with the Department's Equitable Workforce (Affirmative Action) Plan.
5. The Captain/Manager or the Hiring Manager will contact the City Human Resources contact to finalize the following information:
  - a. Whether the process will be open/competitive or restrictive. Generally the decision will be based on the skill set needed for the position, the anticipated candidate pool, and any requirements related to the current employee handbook. City Human Resources has the final say on the process.
  - b. How the position will be advertised – If there is a financial cost for the advertising plan, approval for the expenditure must be obtained from the Finance Manager prior to moving forward.
  - c. Dates of opening and closing for receipt of applications.
  - d. Date and type of examination – The Hiring Manager should review any City examinations to determine the appropriateness of the questions in relation to the position.

- e. The Hiring Manager will be contacted by the City Department of Civil Rights if the position is underrepresented. This will then be discussed and taken into consideration during the hiring process.
6. City Human Resources posts the job announcement on the City of Madison website. City Human Resources does not accept paper applications and all applications must be completed online.
7. After the application period closes, minimally qualified candidates will move to the testing phase, which is conducted by City Human Resources. A list of referred candidates will be made available through the NEOGOV system. Every referred candidate must be offered an interview.
8. The Hiring Manager develops an interview panel with approval of the Captain/Manager.
  - a. The interview panel must be balanced and diverse (gender, race, and commissioned/non-commissioned) and usually has at least three people on it.
  - b. The names of the panel members should be kept confidential until the candidates appear for the interview. The Hiring Manager should remind the panel members the names of the people that appear before them are confidential and should not be discussed until after the process.
  - c. A list of job-related interview questions should be established along with benchmarks for scoring candidate responses.
  - d. All panel members should interview each candidate. However, if a panel member feels they cannot provide an impartial evaluation of a candidate due to a personal relationship with the individual, they should recuse themselves from that particular interview and any panel discussion of this candidate at the conclusion of the interview process. It is best to avoid any perception of impropriety in the selection process.
9. The interview panel ranks the top candidates for the position based on their responses to the interview questions and established benchmarks.
10. The Hiring Manager meets with the Captain/Manager to determine the number of backgrounds to be completed and whether there will be second interviews.
11. Background checks should be performed on those candidates who are to be considered for a final interview with the Captain/Manager. The Captain/Manager shall review the background check to determine if a candidate will be given a second interview.
12. The second interview may be less formal, and consist of the Captain/Manager and at least one other person. This less structured interview is a final check for alignment with MPD Mission, Values and Goals.
13. The Hiring Manager and Captain/Manager determine the recommendation for hire.
14. The Captain/Manager provides the recommendation to the Assistant Chief of Support and Community Outreach, who shares the recommendation with the Chief of Police. The Chief of Police then determines whether to approve the hire.
15. Upon approval, the Hiring Manager contacts the prospective hire with the official job offer.
  - a. The job offer must include the proposed start date, which should coincide with the first day of a pay period.
  - b. Any potential start date which is after November 1 must be discussed with the Finance Manager prior to making the job offer.
16. Once the candidate accepts the job offer, the Hiring Manager:
  - a. Completes the hiring personnel action form in the NEOGOV system.
  - b. Contacts City Human Resources to schedule the City Orientation training.

- c. Contacts the MPD Human Resources Coordinator Lieutenant of Personnel to schedule the MPD Orientation training.
  - d. Completes the New Employee Setup Information form on the intranet. It is preferred that this form be completed at least two weeks before the new employee starts. Information from this form is routed by the Chief's Office to set up the employee's payroll, TeleStaff, email account, seniority information, IBM, and add the employee to the internal phone list. This form is then placed in the employee's personnel file.
17. The Hiring Manager mails or emails ~~(not email)~~ rejection letters to candidates not selected. Refer to and utilize the Civilian Hiring Process Orientation Checklist. When appropriate, the Civil Rights Coordinator should be consulted to assure compliance with the Department's Equitable Workforce Plan.
  18. When a vacancy occurs at a Manager level, the Assistant Chief of Support and Community Outreach is the ultimate hiring authority and will follow the above steps as would a Captain/Manager.

Original SOP: 07/25/2012

(Revised: 03/26/2015, 04/08/2015, 03/04/2016, 01/13/2017, 12/21/2017, 06/08/2018, 04/02/2021)



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



**Enforcement of Marijuana Laws**

Eff. Date: 04/02/2021

**Madison City Ordinance**

Madison General Ordinance 23.20 prohibits possession of marijuana under certain circumstances:

- Possession of more than twenty-eight (28) grams of marijuana
- Possession of marijuana (any amount) by someone under the age of eighteen
- Possession of marijuana (any amount) within 1,000 feet of a school
- Possession of marijuana (any amount) on a school bus
- Possession of marijuana (any amount) on property open to the public without the permission of the property owner, landlord, or tenant
- Smoking marijuana anywhere smoking is prohibited (bars, restaurants, etc.)
- Consuming marijuana in a motor vehicle which is in operation

While simple possession of marijuana remains illegal under state law, the Dane County District Attorney's Office will not prosecute simple possession cases unless extenuating circumstances are present (see below).

The City ordinance prohibiting possession of drug paraphernalia now excludes marijuana-related paraphernalia, and the Dane County District Attorney's Office will not prosecute these cases.

**Investigative Expectations**

The following guidelines apply to marijuana-related investigations (using marijuana as reasonable suspicion or probable cause):

- Investigative action (contacts, stops, arrests, etc.) should not be taken when an officer simply has suspicion that someone is in possession of marijuana under circumstances permitted by City ordinance.
- Investigative action (contacts, stops, arrests, etc.) should not be taken when an officer simply has suspicion that someone is in possession of marijuana-related drug paraphernalia.
- If circumstances provide suspicion that an individual is possessing or consuming marijuana in a manner not permitted by City ordinance (near a school, etc.) then appropriate investigative steps are permitted.
- If circumstances provide suspicion that an individual is possessing or consuming marijuana under circumstances permitted by City ordinance, but that person is engaged in additional behavior impacting public safety or creating a significant nuisance or disturbance, appropriate investigative steps are permitted (based on violation of state law).
- If circumstances provide suspicion that an individual is in possession of a large amount of marijuana, is in possession of marijuana with intent to deliver, or has delivered marijuana (as prohibited by state law), appropriate investigative steps are permitted.

These expectations apply when the basis for an investigative action (contact, stop, arrest, etc.) is marijuana-related. Reasonable suspicion of other unlawful activity permits investigative actions consistent with Madison Police Department Standard Operating Procedures.

**Enforcement Expectations**

Officers may only issue City ordinance citations for marijuana-related offenses consistent with ordinance changes as described above. State criminal charges related to marijuana should only result in arrest or referral under the following circumstances:

- Delivery or possession with intent to deliver charges.
- Simple possession when a significant quantity (50+ grams) is located, and when there is another criminal charge being referred or when the possession is directly related to behavior impacting public safety.

Officers should not make arrests or issue citations for marijuana-related drug paraphernalia.

**Contraband**

Officers may encounter marijuana during the course of a marijuana-related investigation (as outlined/approved above) or during the course of some other investigation. If marijuana is located but criteria for a marijuana-related arrest or citation is not met, the marijuana should not be returned but must be seized and property tagged for destruction.



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



In-Car Video System

Eff. Date ~~11/30/2017~~ 04/09/2021

**Purpose**

Madison Police Department (MPD) in-car video system utilization can provide accurate documentation of events, actions, conditions, and statements made during law enforcement contacts. The use of the in-car video system shall be limited to trained employees and be in accordance with applicable laws and MPD procedures. All video files recorded by MPD in-car video systems are official police records subject to Wisconsin Open Records laws. Officers are required to select a video type in the Classify Tag field and enter the correct case number (or "none" when applicable) in the Case File Number field of the video recording window after an in-car video has been recorded.

For the purpose of this Standard Operating Procedure (SOP), the term "officer" means any MPD commissioned employee who has been trained in the use of the in-car video system installed in MPD vehicles.

**Procedure**

**USE AND CARE OF IN-CAR VIDEO EQUIPMENT**

1. Officers shall be responsible for the proper care and operation of the in-car video equipment installed in MPD vehicles and of individually assigned wireless microphone(s).
2. Officers shall not remove, dismantle, or tamper with in-car video equipment and/or microphone(s).
3. At the beginning of each shift or assignment, officers operating a squad equipped with an in-car video system shall ensure the in-car video equipment is functioning properly by completing the following procedures:
  - a. System power up upon starting the vehicle.
  - b. Confirm the correct date and time in the in in-car video application.
  - c. The officer shall be logged into the in in-car video application throughout the duration of the shift.
  - d. If assigned a wireless microphone, it shall be properly charged and Ssynchronized the wireless microphone to the in in-car video system. In the event two officers are assigned to a single squad (i.e. Field Training, Special Events), only one officer will be is required to synchronize their his or her wireless microphone.
  - e. The officer shall Wwearing the synchronized wireless microphone (and optional lapel microphone) in a position where it can effectively record audio throughout the duration of the shift.
  - f. Confirm video and audio recording.
4. Officers who are operating a squad in a non-operational capacity (training, etc.) where they are not logging into Mobile/Computer Aided Dispatch (CAD) are not required to utilize the in-car video system.
5. When previously undocumented problems with the in-car video system arise, officers are required to do the following to report the issue:
  - a. Call the Information Management and Technology (IMAT) support line Monday-Friday 0800-1630 8:00am-4:30pm at 261-9655 or send an email containing the vehicle number and problem to the IMAT support email address: [imat@cityofmadison.com](mailto:imat@cityofmadison.com).
  - b. Record the squad number and problem on the appropriate Police District vehicle dry marker board.

Officers may operate squads with non-functional in-car video systems when no other squad is reasonably available, provided that if the issues have been properly documented as outlined above.



## OPERATION OF THE IN-CAR VIDEO SYSTEM

1. Video recordings (including a 30 second video only pre-event) are initiated when:
  - a. The squad's emergency lights are activated.
  - b. The wireless microphone's record (REC) button or auxiliary (AUX) button is depressed.
  - c. The record button is depressed on the back of the front camera.
  - d. The record button is selected in the in-car video software on the **Mobile Data Computer (MDC)**.
  - e. The vehicle crash sensor is triggered.
  - f. The vehicle speed trigger threshold has been exceeded.
2. In-car video equipment shall be used to record the following:
  - a. All emergency vehicle operations.
  - b. All traffic stops.
  - c. All transports of persons **either in or out of** custody.
  - d. All interviews as required by Wisconsin State Statutes when other established recording facilities are not available, practical, or preferred.
  - e. **When approaching an individual the officer reasonably anticipates may be taken into custody.**
3. In-car video equipment may also be utilized to record ~~the following:~~ any other official police contacts beyond those listed in point #2 above. An officer should make reasonable efforts to begin recording any police contact as soon as the officer believes the contact may turn into a criminal investigation or ordinance violation.
  - a. ~~Official police contacts.~~
  - b. ~~Person(s) the officer reasonably suspects has committed, is committing, or is about to commit a criminal offense or ordinance violation.~~
  - c. ~~When transporting persons not in custody.~~
4. Officers should make every reasonable effort to position the front **squad** camera to accurately capture events.
- ~~5. Officers may temporarily mute audio recording of conversations between police personnel when such discussions involve strategy, tactics, or supervisor's directives.~~
- ~~6-5.~~ Once initiated, video and audio recordings should not be terminated until the **incident or event is complete** ~~except~~ has concluded or until deactivation is permissible. The conclusion of an incident or event has occurred when any arrest(s) related to the incident have been made and arrestee(s) have been transported, after a stopped motor vehicle driver is released from a traffic stop, or when no further law enforcement action is likely to occur related to the incident or event. Deactivation of video and audio recordings prior to the conclusion of the incident or event is permissible:
  - a. **When the incident or event is of such duration that recording needs to be deactivated to conserve power or storage capacity and the officer is not directly involved in activity relating to the incident or event (i.e., blocking traffic at a position not near the scene of an incident)**
  - b. **When an officer reasonably believes there is no evidentiary value in collecting further video and audio; officers shall document in a police report their assessment for the cessation of any recording, or**
  - c. **When a supervisor authorizes the cessation of the recording, or,**
  - d. ~~When, in the officer's assessment, there is no evidentiary value in collecting further video; officers shall document in a police report their assessment for the cessation of any recording.~~
- ~~7-6.~~ Officers may temporarily mute audio recording of conversations between police personnel for administrative reasons including, but not limited to, the following:
  - e. Employee to employee training (e.g., during Field Training, incident debriefings, etc.);
  - f. Officer to supervisor discussions about incident dispositions and/or charging decisions;
  - g. Employee to employee discussions involving response strategy or tactics; or
  - h. Personal conversations unrelated to the incident or event being investigated
- ~~8-7.~~ Reasons for any interruptions/microphone muting during video recordings shall be audibly noted prior to the muting and then further documented within official reports or narrative sections of citations. After the purpose of a temporary mute of an audio recording has concluded, officers shall reactivate the audio recording.
- ~~9-8.~~ Upon completion of a recording, **the officer shall select the applicable classification tag** from the available menu **options listed in the "Classify Tag" field of the recording window.** Officers shall not close the

recording window on the MDC without making a selection from the classification choices. The current classification tag options include the following: Non-Evidence, Traffic Stop, Arrest/Transport, OWI, Evidence, and Crash/Pursuit.

10-9. ~~Officers shall will enter the case number in the appropriate~~ ensure that the “Classify Tag” and “Case File Number” fields of the recording window are filled out properly for each recording. If there is no case number associated with the recording, officers shall type “none” in the Case File Field. ~~It is highly recommended to that officers~~ Officers should enter any additional information (e.g., license plate, name, suspect information, etc.) deemed pertinent to the investigation in the “Note” field. The classification tag, case file number, and additional information entered by the officer, will serve as the initial selection for the duration of video retention of each video recording.

## VIDEO TRANSFER AND DOCUMENTATION

1. Officers are responsible for ensuring that video recording(s) are transferred at least once during the course of each work shift. Exceptions to this must be approved by the OIC or other supervisor. Transfer of video may be accomplished by:
  - a. Wireless transfer at any MPD district stations, ~~other identified wireless~~ or other identified wireless access points.
  - b. Wired transfer at any of the download stations available at MPD district download stations.
  - c. If the video recorded during the shift is more than two hours in length, then wired transfer is recommended. If video does not transfer, call the contact IMAT through the support line Monday-Friday 0800-1630 8:00am-4:30pm at 261-9655 or send an email containing the vehicle number and problem to the IMAT support email address: [imat@cityofmadison.com](mailto:imat@cityofmadison.com).
2. Officers must ensure that video recording(s) deemed to be evidence of a crime are transferred prior to the end of their shift. If the video transfer process requires the employee to be on overtime, the officer shall ~~contact~~ obtain prior approval for the overtime from a supervisor or from the OIC ~~to obtain approval~~.
3. ~~In-car video recordings and reasons for any interruptions/microphone muting shall be documented within official reports and citations.~~

## IN-CAR VIDEO MANAGEMENT

1. Evidentiary recording submitted by officers will be maintained on a secure server within the City of Madison computer network until the case has been adjudicated and/or in accordance with existing MPD policies and procedures for the handling and disposition of evidence. Secondary images or video of any recordings shall not be captured at any time through any other application, system or device.
2. Recordings will be maintained based upon the retention schedule designated for each classification tag.
3. Designated members of the Forensic Services Unit (FSU) and IMAT will be responsible for system administration of all captured and stored recordings.
4. Video recording may be placed on an administrative hold, preventing their disposal by:
  - a. The Chief of Police or his/her designee.
  - b. Professional Standards and Internal Affairs Lieutenant.
  - c. A Command Officer.Any later removal of this hold must be submitted in writing to FSU.
5. If upon receipt of a complaint concerning the conduct of an officer or other employee, the supervisor receiving the complaint determines that the event in question has been recorded, that information shall be forwarded to the District Command Officer, and the Professional Standards and Internal Affairs Lieutenant outlining the details of the complaint.

All in-car video system recordings are subject to Wisconsin Open Records Law.

Original SOP: 02/25/2015  
(Reviewed Only: 02/04/2016)  
(Revised: 12/22/2016, 06/15/2017, 11/30/2017, 04/09/2021)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Departmental Awards and Recognition

Eff. Date ~~10/19/2020~~ 05/28/2021

## Purpose

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

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

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

## Definitions/Criteria

### DEPARTMENTAL AWARDS

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

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

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

## CHIEF'S CITATIONS

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

1. **Lifesaving Citation:** Lifesaving efforts which do not involve personal risk, prolonged direct exposure, or significant hardship still have a dramatic impact on those constituents who are recipients of that assistance, and should be recognized. Those department members and/or community members who engage in lifesaving efforts that do not meet the criteria for a Lifesaving Award should be considered for a Chief's Citation for Lifesaving. **Recipients of the Chief's Citation for Lifesaving will receive a certificate, suitable for framing, signed by the Chief of Police.**
2. **Community Member Assistance Citation:** Community Member action which does not meet the criteria for a Community Member Recognition Award, but still involves a significant level of assistance by a community member that benefits the community and the department, should be considered for a Chief's Citation for Community Member Assistance. **Recipients of the Chief's Citation for**

- Community Member Assistance will receive a certificate, suitable for framing, signed by the Chief of Police.**
3. **Problem-Solving Citation:** Awarded to a Madison Police Department employee who has shown creativity, initiative, and/or determination to find solutions to a problem utilizing a problem solving approach to identify and effectively deal with a problem(s) that if not addressed, would continue to negatively impact the department and/or community. **Recipients of the Chief's Citation for Problem-Solving will receive a certificate, suitable for framing, signed by the Chief of Police.**
  4. **Exemplary Performance Citation:** Awarded to a Madison Police Department employee who has demonstrated exemplary performance in their service to the department and/or the community through work on a specific project(s) or performance during a specific incident(s). This citation should be considered when the employee's contributions do not meet the criteria for an Outstanding Service Award or Meritorious Conduct Medal. **Recipients of the Chief's Citation for Exemplary Performance will receive a certificate, suitable for framing, signed by the Chief of Police.**

## COMMENDATIONS/RECOGNITIONS

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

When this occurs, an Employee Recognition form should be completed. If the personnel listed should be considered for an award, the "Consider for Department Award" area of checkbox on the employee recognition form should to be considered for an award shall be completed checked. Completing this portion of the form This will route the recognition form to the awards committee through the Public Information Officer.

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

A copy of the letter, with explanation of the award/recognition, will be placed in the employee's personnel file.

## Procedure

### ELIGIBILITY

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

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

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

The incident that is being nominated for an award/citation must have taken place in the calendar year prior to the awards ceremony (example: incident occurred January 1-December 31, 2019, is only eligible for nomination in the 2020 process).

### NOMINATION PROCESS

A nomination can come from any source. However, if a supervisor/commander becomes aware of an event or performance that would make an individual eligible for a Departmental Award or a Chief's Citation, that

supervisor/commander shall complete a nomination form or direct a person with the most direct knowledge of the event to submit a nomination form with assistance from the supervisor/commander.

## NOMINATION COMMITTEE

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

Committee members will serve between three and five years, There will be a minimum of a three year term for all committee members, except for the MPD Human Resources Coordinator or Chief's designee. The MPD Human Resources Coordinator will ensure assure "continuity of experience" when establishing the committee.

The committee will meet once a year (or as needed) to make recommendations as to which individuals qualify for the above-mentioned awards. The MPD Human Resource Coordinator will provide the committee's recommendations to the Assistant Chief of Support and Community Outreach for review. The Assistant Chief of Support and Community Outreach will take any necessary declined awards/citations to the Chief of Police for their final review. The Chief of Police has final approval rights.

The MPD Human Resource Coordinator will contact the nominator of the individual(s) who were not selected for a Departmental Award after they have been provided the approved recommendations from the Chief. The nominator and will be advised why recommendation(s) notified their nomination was were not approved. After notification, the decision can be appealed within a ten (10) day period. That appeal consists of an email should be sent to the Chief of Police and to the Administrative Assistant to the Chief of Police. The Chief of Police will have final decision on the appeal.

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

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

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

## WEARING OF RIBBONS

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

## NOMINATION FORM

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

Original SOP: 04/08/2015

(Revised: 03/04/2016, 04/07/2016, 01/13/2017, 10/19/2020, 05/28/2021)

(Reviewed Only: 12/26/2017, 01/31/2020)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Donation of Vacation and Compensatory Time (Civilian Process)

Eff. Date 01/13/2017-06/01/2021

## Purpose

On occasion, there may be situations where fellow employees are ill or have other pressing personal issues, but do not have adequate paid leave to cover their absence from work. To allow employees to assist fellow employees in their time of need, the City supports the use of this benefit to non-commissioned allow all employees of the Madison Police Department (MPD) in proposing that any civilian member be allowed to donate earned vacation or compensatory time (depending on your compensation group) to another member of the MPD or to a general membership pool as prescribed below.

## Procedure

### NOTIFICATION/DOCUMENTATION

Any civilian member of the MPD may, on a strictly voluntary basis, be permitted to donate earned vacation or compensatory time (depending on your compensation group) to either a department general membership pool or to other department members who have exhausted all of his/her accrued time off paid leave, including sick leave, due to a situation falling within the parameters of contractual use of paid leave.

Each donation form is limited to a minimum of four (4) hours up to a maximum not to exceed five (5) work days per calendar year, for any single donating employee. The amount of leave time available for distribution through this program will be based on the dollar amount of the time donated. When on said leave, employees will continue to be eligible for and earn all paid leave entitlements consistent with being on paid leave.

A civilian manager Any MPD employee, after assuring ensuring compliance with City APM 2-30, will notify the MPD Human Resources Coordinator Lieutenant of Personnel of the name(s) of civilian employees requiring assistance. The MPD Human Resources Coordinator Lieutenant of Personnel will be responsible for coordinating the process, including the announcement of the need for leave donations. All donation forms are to be forwarded to the MPD Human Resources Coordinator Lieutenant of Personnel for approval review. Once reviewed approved, donation forms will be forwarded to PD Payroll personnel for processing. Donations, once processed and approved, will not be refunded to the donating employee. At the end of a calendar year, unused donated time (vacation) will be transferred to or will remain in a City general membership pool (by specific compensation group) if not fully utilized by the affected employee.

Employees will not be permitted to draw wage insurance benefits for the same time period covered by this program. Individual employees will always retain the right to refuse benefits under this program without penalty. Hourly and seasonal employees are not eligible for this program. Utilization of this, or any other paid leave, is subject to approval consistent with current leave and/or staffing guidelines.

Disputes arising from the administration of this program are not subject to review through the grievance procedure.

Please refer to City APM 2-30, Donation of Earned Vacation or Compensatory Time, for additional details: [www.cityofmadison.com/mayor/apm/2-30.pdf](http://www.cityofmadison.com/mayor/apm/2-30.pdf).

Refer to and utilize the Donation of Vacation and Compensatory Time form (see below).



**DONATION OF EARNED VACATION & COMPENSATORY TIME**

APM 2-30 allows an employee to donate accrued vacation and compensatory time to another employee. The donations are limited to a minimum of four (4) hours and a maximum of five (5) days. Once processed, donations are non-refundable to the donating employee.

Employee Donating Leave: \_\_\_\_\_

Work Unit: \_\_\_\_\_

I elect to donate leave to the following employee (Please list first & last name): \_\_\_\_\_

I authorize the transfer of the following leave donations from either my vacation or compensatory time balance:

\_\_\_\_\_ Hours of Vacation (Civilian, AMPS & MPPOA)  
\_\_\_\_\_ Hours of Compensatory Time (MPPOA only)

I understand that once processed, this donation is non-refundable.

**SIGNATURE OF EMPLOYEE DONATING LEAVE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

FOR ADMINISTRATIVE USE ONLY

Leave donation balance verified in Telestaff: (VU \_\_\_\_\_ / CU \_\_\_\_\_)

Previous amount of leave donated (total hours) within current year: (\_\_\_\_\_)

Transfer approved by: \_\_\_\_\_  
COORDINATOR LIEUTENANT OF PERSONNEL MPD HUMAN RESOURCES DATE

Zero leave balance verified: (VU \_\_\_\_\_ / CU \_\_\_\_\_ / SI \_\_\_\_\_)

City Finance Payroll to \_\_\_\_\_  
Process: \_\_\_\_\_  
MPD PAYROLL CLERK DATE

Original SOP: 04/16/2015  
(Revised: 03/04/2016, 01/13/2017, 06/01/2021)  
(Reviewed Only: 12/26/2017)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



**Domestic Abuse**

Eff. Date ~~01/15/2021~~ 06/14/2021

**Purpose**

This outlines procedures to be used for conducting investigations of domestic abuse pursuant to Wisconsin State Statute 968.075(1)(a).

**Procedure**

**MANDATORY ARREST (WI STATE STATUTE 968.075)**

The officer ~~will~~ **shall** arrest and take a person into custody if ALL of the following apply:

1. The officer, after investigating the incident, has **probable cause\*** to believe that the person's actions constitute the commission of a crime, and
2. The relationship is considered domestic under the law:
  - Spouse
  - Former spouse
  - Adults residing together
  - ~~Adults formerly residing together~~ Any adults who have EVER lived together
  - Adults with children in common; and
3. The suspect's acts constitute **DOMESTIC ABUSE**:
  - Intentional infliction of physical pain, physical injury, or illness **OR**
  - Intentional impairment of physical condition **OR**
  - 1st, 2<sup>nd</sup>, or 3rd Degree Sexual Assault **OR**
  - A physical act that may cause the other person reasonably to fear imminent engagement in the conduct described under subs 1, 2, or 3.
4. The officer has evidence of PHYSICAL INJURY to a victim or reasonably believes there is a likelihood of continued abuse.
5. Crime was reported within 28 days of its occurrence.

\*Probable Cause can be used interchangeably with "reasonable grounds" and justify an arrest without a warrant when an officer in good faith believes that a crime has been committed and that the person in question committed it; and when the officer's belief is based on grounds which would induce an ordinarily prudent and cautious person, under the circumstances, to believe likewise. Mere "suspicion" alone is never sufficient to authorize an arrest without a warrant

***In circumstances meeting the mandatory arrest requirements, the suspect SHALL be taken to the Dane County Jail (DCJ) for booking if the suspect is present. Citations shall NOT be issued in these cases. If officers have a question about whether an arrest is mandatory, they shall contact a supervisor.***

**AT LARGE SUSPECTS**

1. Officers should attempt to locate and take domestic abuse suspects into custody.
2. If the suspect cannot be located, then the officer shall complete a probable cause affidavit, booking sheet, and 72-Hour No Contact Provision. The date and time of arrest should be left blank on the 72-Hour No Contact Provision if the suspect is not in custody.
3. The PC affidavit, booking sheet, and 72-Hour No Contact Provision shall be forwarded to the OIC's office.

4. When the suspect is taken into custody, the officer will read the probable cause affidavit and attempt to interview the suspect regarding the incident. If probable cause still exists after this interview, the suspect shall be taken to the Dane County Jail (DCJ) and booked into jail.
5. Once the suspect is taken into custody, the date and time of arrest should be completed on the 72-Hour No Contact Provision. The victim should be notified of the date and time of arrest, and this notification should be documented on the 72-Hour No Contact Provision. If unable to contact victim to make this notification, then the officer should document the attempt to contact the victim in the officer's police their report.

### ARREST FACTORS

1. An officer's decision not to arrest under this section may not be based solely upon the absence of visible indications of injury or impairment.
2. Additionally, the victim's consent, willingness to engage in prosecution, or relationship with the suspect are NOT factors in the arrest decision.

### DISCRETIONARY ARREST (INTIMATE PARTNER VIOLENCE)

1. Madison Police Department (MPD) officers are encouraged to take a pro-arrest approach when officers are investigating Intimate Partner Violence between adults, but have not met the State's mandatory arrest requirements established a confirmed domestic relationship exists, as outlined above.
2. The following factors should be considered when making this decision:
  - a. Probable Cause exists that a crime of violence has occurred,
  - b. Physical injury exists, or
  - c. The officer reasonably believes there is a likelihood of continued abuse.
3. In cases of Intimate Partner Violence (IPV) and when a physical arrest is made, officers shall also complete the Danger Assessment form and Law Enforcement Advocate Program (LEAP) Referral form.

### REPORT REQUIRED WHERE NO ARREST

1. Officers shall complete a report on all domestic violence-abuse calls for service. The report shall be completed prior to the end of their shift unless a supervisor approves for the report to be held. Calls for service dispatched as a domestic abuse incident shall not be changed to a call type that requires no report without the authorization of a supervisor.
2. The domestic abuse arrest law requires a law enforcement officer who does not make an arrest in a domestic abuse incident, but has probable cause to make an arrest, to prepare a written report prior to the end of his or her tour of duty stating why the person was not able to be taken into custody.
3. The report will be sent to the Dane County District Attorney's Office for review to determine whether the person involved in the incident should be charged with the commission of a crime.
4. Please refer to the "AT LARGE SUSPECTS" portion for procedure.
5. While Wisconsin State Statute 968.075 (Domestic Abuse Incidents) compels reasonable efforts to locate and arrest suspects who have committed acts of domestic abuse, there will be limited instances when this is not possible (hence, the need to forward a copy of the officer's incident report to the Dane County District Attorney's Office). Examples where an arrest may not be immediately plausible include the following:
  - a. Reasonable efforts to locate and arrest the suspect are unsuccessful.
  - b. The suspect is located, but due to incapacitation from alcohol and/or drug use, the suspect is placed under protective custody and is conveyed to Detox.
  - c. The suspect has been committed under the standard for an emergency detention.
  - d. The suspect has received injuries necessitating an overnight admission to a hospital. Consult with the Officer-in-Charge (OIC) to determine whether a guard should be posted.
6. When probable cause exists to arrest a domestic abuse suspect who is at large, the reporting officer will:
  - a. Enter suspect information and charges into SharePoint.

- b. Complete a probable cause affidavit and **consider having if practical**, a sergeant or commander review the probable cause affidavit. **The OIC is to be contacted to review the charging decision and the incident will be posted in the OIC Notes if the suspect remains at large.**
- c. Complete the 72 Hour No-Contact paperwork.
- d. Complete a Dane County Booking form.
- e. Complete the required LEAP Referral Form and Danger Assessment Form in instances of Intimate Partner Violence (IPV) (See below).
- f. Forward the Booking form and Probable Cause Affidavit to the OIC.

## MUTUAL DOMESTIC ABUSE

When the officer has **probable cause** to believe that persons in a domestic relationship are committing or have committed domestic abuse against each other, the officer should not arrest both persons, but should only arrest the predominant aggressor.

**Predominant Aggressor** means the most significant, but not necessarily the first, aggressor in a domestic abuse incident. In determining who is the predominant aggressor, an officer should consider **the following**:

1. The intent of the law to protect victims of domestic violence;
2. The relative degree of injury or fear inflicted on the persons involved;
3. Any history of domestic abuse between these persons, if that history can reasonably be ascertained by the officer;
4. Statements of witnesses; and
5. Whether either party acted in self-defense or in defense of any other person.

**Self-defense**: A person may use force against another for the purpose of preventing or terminating what the person reasonably believes to be an unlawful interference with his or her person.

## PAPERWORK

When a DOMESTIC ABUSE arrest occurs, officers shall complete a 72-Hour No Contact Provision and provide the victim with a Victim Rights Information (VRI) Form. In cases of Intimate Partner Violence (IPV), officers shall also complete the Danger Assessment and Law Enforcement Advocate Program (LEAP) Referral.

## 72-HOUR NO CONTACT PROVISION

1. Unless there is a waiver by the **alleged domestic abuse** victim, during the 72 hours immediately following an arrest for a domestic abuse incident, the arrested person is required to:
  - a. Avoid the residence of the **alleged domestic abuse** victim of the domestic abuse incident and, if applicable, any premises temporarily occupied by the **alleged domestic abuse** victim; and
  - b. Avoid contacting or causing any person, other than law enforcement officers and either party's attorney to contact the **alleged domestic abuse** victim.
2. At any time during the 72-hour period specified above, the **alleged domestic abuse** victim may sign a written waiver of the 72-hour No Contact Provision. The Madison Police Department (MPD) will have Change of Status forms available for this purpose. Copies of the 72-hour No Contact Provision and the Change of Status forms shall be provided to the suspect, Dane County Communication Center, Dane County Jail, and MPD Records.
3. The officer responsible for the arrest of a person for a domestic abuse incident will ensure that the **alleged domestic abuse** victim is notified of the No Contact Provision.
4. **A 72-hour No Contact Provision form should be completed even if the domestic abuse crime occurred outside of the 28-day mandatory arrest timeframe.**

## VIOLATION OF 72-HOUR NO CONTACT PROVISION

1. Violation of the 72-Hour No Contact Provision is a new crime. If an officer has probable cause to believe the 72-Hour No Contact Provision has been violated (968.075(5)(a)2), the offender shall be arrested and taken to the Dane County Jail.
2. A new case number is required for the new violation.
3. A new 72-Hour No Contact Provision should be completed by the investigating officer.
4. If the Danger Assessment and LEAP were completed following the initial arrest, those forms do not need to be completed again.
5. If there is new domestic abuse crime (see definition above) within the 72 hours, that new crime has a felony enhancer of 939.621. Furthermore, a NEW 72-hour No Contact Provision form should be completed. This felony enhancer applies even if there is a different domestic abuse victim of the new domestic abuse crime and not just for new domestic abuse crimes against the original victim.

Arrest for a Violation of 72-Hour No Contact is mandated by Wisconsin State Statute 968.075.

## NOTIFICATION TO VICTIMS-VICTIM RIGHTS' INFORMATION FORM

These requirements are mandated by Chapter 950 of the Wisconsin State Statutes.

If law enforcement has reasonable grounds to believe that a person is committing or has committed domestic abuse, they must inform the victim of the following:

1. The availability of all shelters and services dealing with domestic violence and sexual assault issues in the victim's community.
2. Providing the victim with a statement that reads substantially as follows: "If you are the victim of domestic abuse, you may contact a domestic violence victim service provider to plan for your safety and to take steps to protect yourself, including filing a petition under 813.12 of the Wisconsin Statutes (domestic abuse or harassment injunction)."
3. Provide victims with written notice of their Chapter 950 rights within 24 hours of contact.
4. Chapter 950 of the Wisconsin State Statutes also allows law enforcement to share information with victim service organizations.

***These mandated requirements are met by providing victims with a Victim Rights Information Sheet (VRI). Notification to victims should be documented in the report.***

## LEAP REFERRAL

Law Enforcement Advocate Program (LEAP) referrals should be made for victims of Intimate Partner Violence (IPV). IPV can be physical, sexual, or psychological harm involving by a current or former spouses/significant others, individuals who have a child in common, and/or stalking victims. This type of violence can occur among heterosexual or same-sex couples and does not require sexual intimacy.

1. If there is probable cause to make an arrest for an intimate partner domestic violence incident, the LEAP Referral Form should be completed.
2. At the end of the arresting officer's shift, the LEAP referral form should be placed in the LEAP mailbox in the arresting officer's their respective district. A Domestic Abuse Intervention Services (DAIS) advocate will contact the victim as soon as possible after DAIS receives the referral the next business day following a weekend or holiday.
3. The district Police Report Typist (PRT) will scan the LEAP form to the LEAP folder on the O:\network drive. The scanned LEAP form will be forwarded by the Executive Section PRT to the DAIS Crisis Response Advocate and to the Crisis Intervention Services Manager by the Executive Section LEAP PRT.
  - a. A District Detective Lieutenant will retain possession of the LEAP referral form for 30 days, or until acknowledgement from DAIS advocate that the referral form has been received. Once acknowledgement is received, the LEAP referral form will be destroyed.

## DANGER ASSESSMENT

A Danger Assessment Form should be completed for victims of Intimate Partner Violence (IPV). IPV can be physical, sexual, or psychological harm involving by a current or former spouses/significant others, individuals who have a child in common, and/or stalking victims. This type of violence can occur among heterosexual or same-sex couples and does not require sexual intimacy.

The Danger Assessment is a predictor of lethality for the victim and the relationship. The more behaviors noted by the victim, the higher the danger is for the victim. The five questions at the top are the highest predictors of lethality.

1. The completed Danger Assessment Form will be included with the arresting officer's original report as an attachment.
2. The Danger Assessment Form will be forwarded to the Dane County District Attorney's Office along with the case intake.
3. The responses on the Danger Assessment should be taken into consideration by detective lieutenants reviewing the case to determine appropriateness of case assignment.

## INCREASED PENALTY FOR CERTAIN DOMESTIC ABUSE OFFENSES 939.621

If a person commits an act of domestic abuse as defined in Wisconsin State Statute 968.075 (1)(a) and the act constitutes the commission of a crime, the maximum term of imprisonment for that crime may be increased by not more than two years if the crime was committed during the 72 hours immediately following an arrest for a domestic abuse incident, as set forth in Wisconsin State Statute 968.075 (5)(c). The victim of the domestic abuse crime does not have to be the same as the victim of the domestic abuse incident that resulted in the arrested person's original arrest. The penalty increase under this section changes the status from a misdemeanor to a felony.

## CHILDREN PRESENT DURING DOMESTIC ABUSE CRIMES

If children are present during domestic abuse crimes, officers shall:

1. Note the names, ages, custodial parents, and addresses of all children and whether they were present when the domestic incident occurred.
2. Interview children. Children should be interviewed as potential witnesses and ask the children about the current incident, history of abuse, and abuse toward any other members of the household.
3. If the disposition of a ~~dispute~~ domestic abuse incident leaves minors in the home without a responsible adult, the officers are to contact the Dane County Department of Human Services for temporary child placement arrangements.
4. Due to the high correlation between domestic violence and child abuse, officers children should be checked the children for signs of child neglect or abuse. In the event that a minor child appears to be the victim of physical and/or sexual abuse, it is the responsibility of the officer to take immediate action, including notifying the Dane County Department of Human Services (261-KIDS) within 12 hours of report of the incident per Wisconsin State Statute 48.981(3).

## WEAPONS SEIZURE

1. Weapons used in the commission of a crime should always be seized as evidence.
2. Weapons shall be seized from any individuals prohibited from possessing a firearm.
3. Possession of a firearm by a convicted felon is prohibited by Wisconsin State Statute 941.29 and Federal Regulation 18USC 922(g).
4. Possession of a firearm by a domestic abuse or child abuse respondent is prohibited for the duration of the injunction. If a respondent is in possession of a firearm, this is a felony offense. The respondent should be arrested for Possession of a Firearm (941.29 (1m)(f)) and the weapon should be seized and photographed.

5. Safekeeping: If the officer is you are on the scene of a domestic and no weapons were used in the commission of a crime, you the officer should still ask about access to weapons. If the victim is a spouse of the suspect, the officer should ask if they would like you officers to take the weapons (marital property) for safe-keeping while the case is pending.
6. Possession of a firearm OR ammunition by a person prohibited from possession by federal regulations. (See below)

## FEDERAL GUN VIOLATIONS

It is a federal offense for a person, **convicted** of a crime classified as a crime of domestic violence, to possess a firearm; Federal Regulations 18USC911 (g)(9).

Under this law, qualifying domestic violence crimes are those where:

- There was use or attempted use of physical force
- There was threatened use of a deadly weapon
- It is a crime against a partner in a domestic relationship
- It is a child abuse crime

The law was effective September 30, 1996 and convictions are retroactive from that date.

Mandatory arrest does not apply to violations of the federal gun regulation. If the officer has information that the subject has been arrested for a crime prohibiting possession of a firearm and is in possession of or owns a firearm, the officer should:

1. Document evidence of the previous domestic violence conviction in their report.
2. Seize the weapon IF the officer has legal access to the weapon.
3. Document evidence that the subject knowingly possessed the firearm.
4. Photograph the firearm that was seized.

A copy of the report should be forwarded to the appropriate federal agency.

## LAW ENFORCEMENT INVOLVED DOMESTIC VIOLENCE

The following procedure shall be adhered to when investigating domestic abuse that involves law enforcement personnel.

Responding to domestic abuse incidents involving law enforcement personnel poses increased dangers to responding officers due to the involved personnel's potential access to firearms, as well as knowledge by the potentially involved law enforcement personnel regarding police tactics and the law.

When responding to domestic abuse incidents involving law enforcement, the following procedures shall be followed:

1. Once officers arrive on scene of a domestic abuse incident involving law enforcement, the officer should contact dispatch and request a supervisor, regardless of the involved officer's jurisdiction.
2. A supervisor of higher rank than the involved officer(s) should respond to the scene.
3. When an officer is arrested, the supervisor shall attempt to seize firearms.
4. If the incident involves the chief of police, an outside agency should be contacted to take lead on the investigation.
5. In responding to domestic violence incidents where the victim is a law enforcement officer, standard domestic violence response and investigation procedures should be followed.

## TEMPORARY RESTRAINING ORDERS AND INJUNCTIONS (WI STATE STATUTE 813.12)

There are four different types of injunctions that can be granted in Dane County: Domestic Abuse, Harassment, Child Abuse, and Individuals at Risk.

Domestic Abuse injunctions are typically granted for four years, but can be granted up to ten years. Ten-year injunctions are granted where the petitioner has presented a preponderance of evidence that there is a substantial risk that the respondent may commit 1<sup>st</sup> or 2<sup>nd</sup> Degree Homicide, or 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> Degree Sexual Assault, or 1<sup>st</sup> Degree or 2<sup>nd</sup> Degree Sexual Assault of a Child against the petitioner.

Knowingly violating a Temporary Restraining Order (TRO) or Injunction is a misdemeanor under Wisconsin law and the police officer should:

1. Verify that the TRO/injunction exists, either through Dane County Public Safety Communications (PSC) Data Operator or DCJ records.
2. Determine whether the TRO/injunction has been served. This information can be obtained through the PSC Public Safety Communication Center Data Operator or Spillman jail records.
3. Determine the specific restriction(s) granted in the TRO/injunction.
4. Serve the TRO/injunction to the suspect if it has not been served, noting date, time of service, and officer name on the back of the TRO copy. Additionally, notify dispatch of the date and time of service. Attach a copy of this form to your report. The victim's copy of the TRO/Injunction can be used to serve notice to the suspect.
5. CONSTRUCTIVE KNOWLEDGE: In cases where the suspect was served with the TRO and failed to show for the injunction hearing, the injunction is automatically granted. If the suspect had been served with the TRO, then the suspect has constructive knowledge that an injunction was granted. Therefore, the suspect should be considered on notice of the injunction and shall be arrested for any violations.
6. The officer will make an arrest for a violation of the order when there is an order in existence, when the order has been served, and when there is probable cause to believe that it was knowingly violated.
7. If the officer is arresting a suspect for the violation of a Domestic Abuse Injunction, this constitutes a new domestic abuse crime under Wisconsin State Statute 968.075, so a 72-Hour No Contact Provision shall be completed.
8. If an officer has probable cause to believe the injunction has been violated more than once, then a charge of stalking should be considered. The officer should obtain a new case number and offer the Danger Assessment and LEAP forms.
9. A Violation of a TRO or injunction may or may not constitute a new crime under Wisconsin State Statute 968.075. If the nature of the contact is benign, then it might result in only a violation of the injunction or TRO. If the nature of the contact involves additional crimes, then the Mandatory Arrest procedure shall be followed.

## STALKING (WI STATE STATUTE 940.32(2))

If an officer develops probable cause that a stalking has occurred and mandatory arrest requirements are met, then an arrest shall be made in accordance with Wisconsin State Statute 968.075. Stalking behaviors are an indication of high lethality of the relationship and should be taken seriously.

## STALKING WARNING LETTER

In cases where mandatory arrest does not apply, a Stalking Warning Letter may be issued to the suspect. The Stalking Warning Letter can be issued by other jurisdictions or by telephone. Officers shall document in the report that the Stalking Warning Letter was issued and a copy should be attached to the officer's report.

It is **NOT** necessary that the Stalking Warning Letter be issued prior to an arrest for Stalking.



The safety of the victim should be considered when determining to make an arrest or not for an offense of Stalking.

Officers shall document and collect any and all evidence related to the stalking behavior, including but not limited to, text messages, emails, voicemails, social media posts, letters, cards, gifts, and video.

Other offenses related to, or potentially involved in Stalking, include, but are not limited to, Criminal Damage to Property, Unlawful Use of the Telephone or Computerized System, Intimidation of a Victim, Harassment, Representations Depicting Nudity, Invasion of Privacy, and Violation of a Domestic Abuse Injunction.

### **STRANGULATION/SUFFOCATION (WI STATE STATUTE 940.235)**

In cases of Strangulation that meet the mandatory arrest criteria, officers shall make an arrest. Officers should consider that consent is not a criminal element of Strangulation.

#### **Procedure**

1. Victims of strangulation should be encouraged to respond to Meriter Hospital Emergency Room (ER) for medical assistance and for a Forensic Nurse Exam (FNE). Strangulation injuries are often not visible, so medical care is important for the victim's well-being. The forensic exam is important for prosecution of offenders. Officers shall assist transporting victims to Meriter ER if needed.
2. Visible injuries should be documented and photographed. Ligatures, or any other type of physical evidence used in the commission of a Strangulation or Suffocation, should be collected.
3. Documentation of all signs and symptoms of strangulation is critical due to the lack of visible injuries in the majority of strangulation cases. A list of signs and symptoms of strangulation can be found on the back of the Danger Assessment. This guide can be used to facilitate a detailed interview of the victim.
4. If the suspect is present on scene and willing, a buccal standard should be obtained from the suspect when it is known that the victim will be responding to Meriter ER for an FNE.
5. Officers sent to Meriter to collect a strangulation FNE kit should place the kit into MPD property according to the MPD property room guidelines.

### **MANDATORY DOMESTIC ARREST AND EMERGENCY DETENTION**

#### ***Responsibilities of the Investigating officer/detective:***

When officers are investigating crimes of domestic abuse and mental health appears to be a contributing factor to the crimes alleged, officers should:

1. Determine if the probable cause exists for a crime of domestic abuse as outlined above.
2. Evaluate/Assess the potential for an Emergency Detention (see Mental Health Incidents/Crises SOP).
3. If probable cause exists for an otherwise mandatory arrest for a crime of domestic abuse and Journey Mental Health supports an Emergency Detention for the suspect/patient, officers shall:
  - a. Process the Emergency Detention and transport the suspect/patient to the appropriate medical facility.
  - b. If the underlying offense for which probable cause exists is a mandatory arrest under Wis. Stat. 968.075, the disposition of the subject must be an emergency detention, protective custody, or arrest (voluntary admissions are not an option).
  - c. Complete the required domestic paper work to include the Probable Cause affidavit, the 72-hour No Contact Provision, the Domestic Violence Danger Assessment Form, and the LEAP referral.

- d. Complete the necessary paperwork and police report before the end of the officer's tour of duty, unless an MPD commander approves the reports being held.
- e. Request that the destination facility where the subject is conveyed contact MPD when the subject is released to facilitate conveyance/booking.

**Responsibilities of the Criminal Intake Unit:**

When officers or detectives working within the Madison Police Department Criminal Intake Unit (CIU) are made aware of a mandatory arrest under Wis. Stat. 968.075 which resulted in an Emergency Detention, the following shall occur:

1. Complete the electronic criminal intake referral and note that the suspect is located at a secured mental health medical detention facility.
2. Monitor/Review the Dane County District Attorney's criminal intake return for a charging decision.
3. Communicate with the Office of the Dane County District Attorney and the "hospital discharge planner" for Journey Mental Health, regarding the criminal intake referral and the potential transport of the suspect/patient to the Dane County Jail for a booking.
4. If the Office of the Dane County District Attorney issues criminal charges for crimes of Domestic Abuse as outlined under Wis. Stat. 968.075 and requests a booking into the Dane County Jail, then arrangements shall be made for transport of the suspect to the Dane County Jail by the Madison Police Department.
5. If the Office of the Dane County District Attorney issues criminal charges and chooses to summons the offender/patient to Court, then transport to the Dane County Jail is not required.
6. If the Office of the Dane County District Attorney declines criminal charges, then the Madison Police Department should remove the Probable Cause Affidavit from the OIC's office and notify the secure medical facility in question that MPD will not be transporting the offender/patient to the Dane County Jail.

**Responsibilities of the Officer-In-Charge:**

When notified by the MPD Criminal Intake Unit, Journey Mental Health, or any secure mental health facility such as Winnebago Mental Health Institute (WMHI) that a patient is to be released and outstanding criminal charges exist that necessitate transport to the Dane County Jail, the Officer-in-Charge shall assist in coordinating MPD's transportation response plan.

When notified by an investigating officer that probable cause exists for a crime of domestic abuse and the suspect/patient is being medically admitted to a hospital, the Officer-in-Charge shall determine if MPD will continue to guard the suspect/patient until the suspect's/patient's release from the hospital (see Guard Duty SOP).

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