

Madison Police Department

RESPONSE To OIR Report UPDATE



SUBMITTED BY:

Madison Police Department

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INTRODUCTION

In December of 2017 the OIR Group released its report on the Madison Police Department. The full report is viewable here:

www.cityofmadison.com/mpdstudy/documents/MadisonOIRGroupReportMadisonPD.pdf

The department reviewed the report, and released a comprehensive response on January 31, 2018. That report can be viewed here:

www.cityofmadison.com/police/documents/OIRresponse.pdf

Since then, the department has been working to further review and research the OIR Group's recommendations, and has made significant progress on implementing a number of changes in response to the OIR report.

This document serves as a progress report to update the community on MPD's work responding to the OIR report. While the department's original response addressed every one of the OIR recommendations, this update will focus on areas where OIR recommended changes and where the department has made progress implementing those recommendations.

Some of the recommendations are similar or have related responses; these will be grouped together for ease of review.



Coffee with a Cop.



USE OF FORCE

The OIR report included a number of recommendations about MPD's use of force practices and SOP's. The report recognized many MPD strengths with respect to use of force issues:

- "[T]he Department's force use is limited in volume and primarily minor in nature."
- "[T]he way in which MPD officers write their case reports is exceptional. The level of detail in their descriptions of the circumstances justifying the force, their account of the type and manner of force used, and the organizational structure of their reports demonstrates a commitment to excellent report writing beyond what we see in other law enforcement agencies."
- "The use of force reports involving Tasers we reviewed did not reveal a concerning pattern of overuse of the device, and officers seem to be appropriately limiting their deployment."



MPD officers use force infrequently and appropriately. Through the first nine months of 2018, officers used recordable force in only a small proportion of incidents (165 out of 109,187 incidents, or about .15%). We view many of the OIR recommendations related to use of force as ways to improve a department strength.

RECOMMENDATION 79: MPD should amend its force reporting protocols so that, for certain categories of force, supervisors are required to conduct a separate investigation meeting basic investigative standards sufficient for a thorough and complete review of the incident and the events leading up to it.

RECOMMENDATION 80: MPD should adopt policy requiring a supervisor to evaluate whether each use of force was within policy, as well as compliance with any other policies implicated such as the foot pursuit or de-escalation policies, with a supporting analytical narrative that also demonstrates a holistic review of all the circumstances surrounding the use of force.

RECOMMENDATION 81: In evaluating force incidents, MPD should go beyond a determination of whether the use of force met a Constitutional standard or was in consistent with Department policy, to also identify any tactical or other performance issues, and determine whether additional remedial action – such as discipline, training, or debriefing – is appropriate.

Department SOP has been amended to address these recommendations. Changes include:

- Changing the title of the SOP from "Use of Force Data Collection" to "Use of Force Data Collection and Review."
- Clarification of expectations for officers who use recordable force.
- A requirement that a field supervisor respond to the scene when certain types of force have been used or where significant injury has occurred. The SOP outlines a series of investigative steps required of the field supervisor.
- Clarification to expectations for the MPD use of force coordinator. These changes include outlining a variety of factors that the use of force coordinator should assess during review of recordable force incidents.

The updated SOP is included in the appendix to this report.

All MPD field supervisors were provided training in application of the new SOP prior to formal implementation of the new procedures (November 2018).

RECOMMENDATION 86: MPD should consider when it is appropriate to begin employing documented accountability measures for officers and sergeants who fail to comply with the requirement for entering force incidents into the use of force database.

This change has been made. The MPD use of force coordinator regularly audits entries into the use of force database, and occasionally finds incidents that have been appropriately reported but have not been entered into the use of force database. A process has been established to address these occurrences in a manner consistent with other MPD audit processes. The use of force database is also now included in MPD's SOP on System Audits (included in the appendix to this report).



RECOMMENDATION 87: MPD should further break down its published use of force data by district and shift to ensure that Department leaders are focused on where and when officers use force most frequently.

This change has been made. District and shift information is shared internally and is included in the use of force data that MPD provides to the public on a quarterly basis. An example can be viewed here:

www.cityofmadison.com/police/documents/UseOfForceAprJun2018.pdf

MPD's use of force coordinator presents an overview of department force applications to the Chief and Assistant Chiefs every two weeks; this includes district and shift information.

RECOMMENDATION 89: MPD should modify its use of force policies to more clearly instruct officers on the duty to employ tactical alternatives to force, and to make clear the Department's expectation that officer follow tactical principles of officer safety.

Language to this effect has been added to MPD's De-Escalation SOP (included in the appendix to this report).

All MPD personnel will receive training on this updated SOP, along with the Use of Deadly Force SOP and Use of Non-Deadly force SOP, in early 2019. The updated SOPs will be officially implemented as that training occurs. While formal implementation of the updated SOP awaits that training, these are not new concepts for MPD. These principles are incorporated into multiple aspects of MPD's pre-service training curriculum, and were included in the de-escalation training all personnel received in 2016.

RECOMMENDATION 90: MPD should publicize to its officers and its community its commitment and willingness to go beyond the Graham v. Connor standards when it further refines its policies relating to the use of force.

MPD's initial response to the OIR report addressed this issue; OIR has recognized that response as an appropriate and sufficient response to this recommendation.

RECOMMENDATION 91: MPD should amend its Electronic Control Device Use SOP to limit ECD use to circumstances involving violent or assaultive subjects, or to prevent subjects from harming themselves or others.

RECOMMENDATION 92: MPD should modify its ECD guidelines to prohibit ECD use on women obviously pregnant, elderly individuals, obvious juveniles, individuals on stairwells, rooftops, or other elevated positions, and bicyclists.

RECOMMENDATION 93: MPD should modify its ECD guidelines to require officers to re-assess the threat posed by an individual prior to any successive ECD application.

RECOMMENDATION 94: MPD should modify its ECD guidelines to preclude officers from deploying more than three ECD applications on an individual, or a prolonged single application lasting longer than five seconds

RECOMMENDATION 95: MPD should modify its ECD guidelines to preclude multiple officers from simultaneously deploying their ECDs on an individual.

MPD's initial response to the OIR report addressed these issues in more detail; the key points:

- OIR misunderstood the core requirement of the SOP language addressing when an ECD may be used. For years, MPD training and SOP have required that there be violent/assaultive behavior or its threat and that the subject pose an articulable threat of harm to an officer or another person before ECD use is appropriate.
- Absolute prohibitions of the type recommended in the OIR report are unwise and can lead to unintended consequences, including the need for higher uses of force.
- MPD training has consistently recognized the potential for increased risk from an ECD deployment under certain circumstances (subject in an elevated position, repeated cycles, etc.) and officers have acted in accordance with this training (as required by SOP).

With this as context, MPD's Use of Non-Deadly Force SOP has been amended to address the recommendations identified above. This additional SOP language is consistent with how MPD officers have been trained in ECD use and should not have any impact on decision-making, but the changes will reinforce the importance of these issues.

The SOP language has been finalized and is included in the appendix to this report. These changes – along with changes to the Use of Deadly Force SOP and De-Escalation SOP – will require training prior to implementation. This is scheduled to take place in early 2019, and the new SOPs will be formally enacted as that training occurs.

The review process also led to several other modifications that improve the SOP but are not related to a specific OIR recommendation.



RECOMMENDATION 98: MPD should amend its use of deadly force policy to eliminate authorization for shooting to prevent escape, or in any situation that does not present an imminent threat of death or great bodily harm to identifiable officers or third parties.

RECOMMENDATION 99: MPD should modify its prohibition on shooting at moving vehicles to make it clear that discharging a firearm at a moving vehicle is prohibited unless an individual in the car poses an immediate threat of death or serious bodily harm by means other than the vehicle, and that officers have a duty to move out of the path of a moving vehicle.

The department has been working throughout the year to identify appropriate language that addresses these two issues. Updated SOP language has been finalized and is included in the appendix to this report. The new SOP:

- Will permit the use of deadly force to prevent escape only if there is a continuing imminent risk of death or great bodily harm to the officer or another subject.
- Will restrict officers from shooting at a moving vehicle unless someone in the vehicle is threatening the officer or another with deadly force by means other than the vehicle or in cases where it reasonably appears that the vehicle is being operated in a manner intended to deliberately strike an officer or another person.

Language related to preventing escape was developed after reviewing policies from a number of other agencies as well as the State of Wisconsin Defense and Arrest Tactics (DAAT) training curriculum. Language related to shooting at moving vehicles is consistent with the National Consensus Policy on Use of Force (a model policy created through a collaborative effort among a number of national police organizations, including the International Association of Chiefs of Police (IACP), the National Organization of Black Law Enforcement Executives (NOBLE) and the Commission on Accreditation for Law Enforcement (CALEA)).

As with the Use of Non-Deadly Force SOP, training will be required prior to formally implementing these changes. This training will take place in early 2019 and the new SOP will be enacted as that training occurs.

The review process also led to several other modifications that improve the SOP but are not related to a specific OIR recommendation.



MPD In Service Training.



Find Your Blue Calling.



COMMUNITY INPUT/FEEDBACK

A number of the OIR recommendations spoke directly to increasing opportunity for community input and feedback on the performance of MPD. This feedback can be related to MPD in general, or to specific officers/employees. While MPD has a long history of soliciting feedback and working with the community, moving forward with the improvements described below will allow the department to receive improved and more focused feedback. The department is committed to reviewing community input and using it to improve operations, practices and policies when appropriate



RECOMMENDATION 16: MPD should devise additional ways to solicit and encourage feedback from all of its communities regarding the performance of the Department.

RECOMMENDATION 17: MPD should devise a feedback loop for its criminal justice partners regarding the performance of its officers and the Department as a whole including the District Attorney, Sheriff, Judges, Public Defenders, Juvenile Justice Administrators, Probation Officers, and Social Workers.

RECOMMENDATION 30: Consistent with this Report, MPD should routinely seek input from community stakeholders and professionals regarding the performance of officers assigned to specialized units.

RECOMMENDATION 41: MPD should regularly seek input from City stakeholders and representatives of the community in evaluating the performance of its Neighborhood Officers on at least an annual basis.

RECOMMENDATION 51: MPD should regularly seek input from school stakeholders and juvenile justice partners in evaluating the performance of its EROs on at least an annual basis.

RECOMMENDATION 101: MPD should engage in regular internal assessments (such as surveys) and other feedback opportunities, to ensure that issues relating to minority status within the Department are not adversely affecting individuals or groups, and to continue seeking potential remedies and reforms when such dynamics arise.

MPD has been working with the National Police Foundation throughout the year to develop mechanisms for obtaining improved feedback/input on MPD performance. The Police Foundation assists police agencies across the country with internal and external surveys. The department anticipates moving forward with a number of initiatives – in partnership with the Police Foundation – in 2018 and 2019:

- For years MPD has conducted community/district surveys. In 2018, we will continue this practice but with a complete revision of the survey itself. The new survey will use a Police Foundation template as its core, which will allow the department to compare survey results with other agencies, while also examining department-specific trends. Some additional questions have been added to the Police Foundation template, but the new survey is still considerably shorter than the survey MPD has been using for years. We hope that this will lead to more completed surveys, and anticipate using this new survey for the 2018 MPD community survey process (to be initiated before the end of the year).



PO Dexheimer Attends Safe Routes to School walk at Mendota Elementary School.

- In partnership with the National Police Foundation, MPD has also created a survey specifically for the District Attorney's Office to provide annual feedback on MPD. We anticipate moving forward with this process before the end of 2018. Future consideration will be given to expanding this process to other partner agencies.
- In partnership with the National Police Foundation, MPD has also created surveys to solicit community feedback on individual neighborhood officers and educational resource officers. These differ from the community surveys in that they are asking for feedback on a specific officer rather than on MPD as whole. Distribution of the education resource officer surveys should be fairly simple (with the assistance of MMSD); distribution of the neighborhood officer surveys will be more challenging. We anticipate moving forward with this process before the end of 2018 or in early 2019.
- MPD has also worked with the National Police Foundation to develop a process to seek direct feedback from individuals who have had contact with an MPD officer (as a witness, victim, suspect, etc.). A random sample of these individuals will receive a text message asking them to take a short survey about their interaction with MPD. We will provide raw data from our records management system to the Police Foundation, and the Police Foundation will select the random sample, distribute the surveys and provide us with the results. This process was recently initiated; community members have been receiving text messages and completing surveys about their interactions with MPD.
- Finally, MPD will be working with the National Police Foundation to administer several internal surveys. Like the community surveys, these are based on a core Police Foundation survey, with some additional MPD-specific questions added. Working with the Police Foundation and using their core survey will allow MPD results to be compared with national averages and those of other agencies. In addition, MPD has worked with the Police Foundation to create an internal survey for civilian employees. The internal survey process has already started.

Implementing these efforts will significantly improve the quality and depth of feedback we receive from the community on MPD's performance. As a cautionary note, however, the Police Foundation assistance is being provided at no cost to MPD. Continuing support is dependent on the Police Foundation receiving appropriate, ongoing funding. If the Police Foundation loses the ability to provide this assistance at some point in the future, MPD would need additional budgetary support (personnel and technology) to continue these processes.

RECOMMENDATION 29: Consistent with this Report, MPD should develop formal mechanisms whereby a broader group of community stakeholders are brought into the selection process for special assignment officers.

RECOMMENDATION 36: In selecting neighborhood officers, MPD should broaden its selection process to include City stakeholders and representatives of the community.

RECOMMENDATION 50: In selecting EROs, MPD should broaden its selection process to include faculty, juvenile justice partners, and student leaders.

MPD has long been committed to these principles, and outside stakeholders have regularly been involved in selection processes for closed positions. In 2018, the department and Madison Professional Police Officers Association (MPPOA) updated the agreement governing the selection of officers for specialized positions. The new agreement encourages the inclusion of a community member on the interview panel involved in the process. All of the selection processes for specialized positions that took place in 2018 (with the exception of that for undercover officer) have included a community member on the interview panel.



PO Levett with a community member.

RECOMMENDATION 31: With input from the community, each specialized MPD unit that has not already done so should devise a mission statement setting out the core objectives of the unit.

This work is nearly done. Each MPD unit that did not already have a mission statement has created one. The department is in the process of seeking community input on the statements, through the Public Safety Review Committee. Once the mission statements are finalized, they will be posted to the MPD website.

RECOMMENDATION 114: MPD should engage community members at the interview stage of its promotional process.

The promotional process for the ranks of detective, investigator and sergeant are governed by collective bargaining agreement with the MPPOA, and the existing processes do not have a traditional interview stage. Instead, the primary component of the promotional process is an assessment center, focusing on technical skills/abilities. The department has been engaging the MPPOA to incorporate community members into the existing process, and we hope to implement an adjustment to the 2019 assessment center. We anticipate that this process would incorporate community members with subject matter expertise in relevant areas as evaluators.

Due to extenuating circumstances, a modified promotional process for the rank of detective was necessary in the Fall of 2018. The process was agreed to via memorandum of understanding with the MPPOA, and included a traditional interview process with a community member on the interview panel.

Promotional processes for command ranks are at the discretion of the Chief. Currently the processes do not include a traditional panel interview. However, the promotional process for the rank of Captain in 2018 involved a scored scenario with four community members serving as participants and evaluators.



PO Vang with community members.



MENTAL HEALTH UNIT

RECOMMENDATION 58: The Mental Health Team should develop guidelines or protocols for periodically reviewing mental health safety bulletins and associated alerts to assess whether they should be amended or purged from the system.

The Mental Health Unit has completed migrating these documents to an internal database that makes managing and updating information much easier. In addition, the unit is in the process of reviewing all existing bulletins to ensure they are updated and that those that are not current are stored in an area not readily available to field officers. This balances our legal requirement to retain these documents as public records with the privacy interests of those noted in the bulletins. Moving forward the process will include automatic periodic reviews of bulletins and alerts.

RECOMMENDATION 60: MPD should devise methods to fully document the daily activity of MHOs, in part to facilitate a larger internal and external discussion about whether those activities are necessarily or best handled by police officers.

The Mental Health Unit has implemented a process to capture daily activity. The process tracks nineteen distinct categories of activity, noting actual work hours for eight categories. Development of the process and types of activity to capture was created with the assistance of staff from the University of Wisconsin. Data showing Mental Health Unit activity is included in the unit's annual report:

www.cityofmadison.com/police/documents/MHOYearEndRpt2017.pdf

The Mental Health Unit continues to work in partnership with a number of external providers/stakeholders, and discussions about appropriate roles and missions will be informed by this data.



RECOMMENDATION 61: MPD should quickly fill the position of Mental Health Team sergeant and should maintain funding for this position to ensure effective supervision of the team.

This position was filled mid-year and is now built into MPD's authorized staffing.

RECOMMENDATION 65: MPD should look for innovative ways to fill the critical gaps in its efforts to collect data on mental health contacts with police.

The Mental Health Unit continues its long-standing and innovative data collection and analysis practices, including:

- A study on voluntary and involuntary hospitalizations
- An ongoing study on emergency detentions
- An evaluation of the unit's efficacy, evaluating a large data set and numerous data points (including police contacts and arrests)
- Tracking patrol and jail diversions

These efforts will continue, and the unit will continue to collaborate with other community stakeholders when appropriate.

RECOMMENDATION 67: The MPD Mental Health Team should work to integrate its volunteer assistants with Department resources in a way that provides consistency in data gathering and analysis tasks.

The Mental Health Unit has benefited greatly from partnerships with University of Wisconsin criminal justice program interns and from the valuable technical contributions of a data scientist from a local organization who volunteers his time in offering analytical assistance to the unit. The unit continues to seek further community partnerships as appropriate to improve analysis capabilities.



INTERNAL PROCESSES & ACCOUNTABILITY

RECOMMENDATION 37: MPD should ensure an effective transition between the outgoing and newly-assigned neighborhood officers.

RECOMMENDATION 54: MPD should develop a Field Training Officer program for its newly assigned EROs in order to foster transfer of skills and orientation of high functioning outgoing officers.

The department recently finalized the transition/cross-training process for both the ERO and NPO positions. While newly assigned educational resource officers (EROs), neighborhood resource officers (NROs) and neighborhood police officers (NPOs) have always gone through cross training, the process is now formalized. Newly selected officers moving into these positions will now have lists of required assignments to complete and topics to review during the transition process. These include discussion topics, introductory meetings, etc. Officers will also have be required to spend time working with the outgoing officer as part of the transition. This newly formalized process will be utilized for newly assigned EROs, NROs and NPOs starting in January 2019.

RECOMMENDATION 70: MPD should review DCI protocols regarding contact with family members after an officer-involved shooting and integrate them into its own officer-involved critical incident protocols.

This change has been made; the updated SOP is included in the appendix to this report.

RECOMMENDATION 113: MPD should regularly seek input from its contract psychologists about ways to improve the background investigation process, both with respect to particular individuals' applications and more broadly on a systemic basis.

This change has been made. While the psychiatrists involved in the hiring process have routinely provided feedback on individual background investigations in the past, moving forward the annual process will include solicitation of input/feedback on the overall process/system.



Halloween Party at Wexford Ridge with MPD Mounted Patrol.

RECOMMENDATION 116: MPD should study whether the Academy class ranking system has a disparate impact on persons from diverse backgrounds.

RECOMMENDATION 117: MPD should consider whether using Academy class rank for purposes of seniority places outsized importance on such criteria, or whether there are alternatives for determining the “seniority” of students from the same class.

The City of Madison’s Racial Equity & Social Justice Initiative (RESJI) seeks to “establish racial equity and social justice as a core principle in all decisions, policies and functions of the City of Madison.” One mechanism utilized by the City to further this objective is the RESJI tool. The purpose of the RESJI tool is “to facilitate conscious consideration of equity and examine how communities of color and low-income populations will be affected by a proposed action/decision of the City.” The City’s RESJI efforts are facilitated by Madison’s Department of Civil Rights.

The MPD Equity Team utilized the RESJI tool to analyze the pre-service academy scoring/ranking system. The analysis concluded that the current system does not create any disproportionate impact on communities of color or low-income communities. However, the Equity Team noted that one minor aspect of the scoring system (awarding merit points to recruit officers) provided too much room for subjectivity, introducing the potential for bias. This component of the system will be reviewed and improved, consistent with the Equity Team’s recommendations.

RECOMMENDATION 118: MPD should regularly solicit the Madison community for topics to be presented at the pre- service Academy or during in-service training.

MPD regularly receives suggestions/input for training topics. These are currently collected by the Training Captain, and reviewed for applicability and feasibility. Moving forward, the department will work to increase community input on training topics in several ways:

- A direct link will be added to the MPD Training Section website to solicit and accept input on training topics.
- District command staff will be encouraged to seek input on training topics from the public at community meetings and from their Captain’s Advisory Groups.
- The Training Team will solicit input from MPD Community Academy attendees.
- The Public Safety Review Committee will be encouraged to provide input on training topics.

RECOMMENDATION 121: MPD should seek, encourage, and provide additional training opportunities outside the Department, particularly leadership training for first level supervisors.

The department is moving forward on this recommendation. All MPD sergeants and newly promoted lieutenants received leadership training provided by Virtus Leadership in November of 2018. This training focused on coaching, mentoring and resiliency. A workgroup is also exploring additional training opportunities/ processes for MPD’s first level supervisors, and MPD will continue to send newly promoted supervisors to the Wisconsin Department of Justice front-line supervision course.



Unconscious Bias presentation.

RECOMMENDATION 122: MPD should provide accessible literature at its stations encouraging feedback regarding the performance of its officers, including blank complaint and commendation forms.

MPD supports this and makes these forms available online, at district stations and Madison public libraries. The feedback form was updated in 2018.

RECOMMENDATION 123: MPD should remove the 90- day limit from its SOP on investigation of complaints and investigate all complaints that allege a violation of rules.

RECOMMENDATION 124: MPD should expressly codify its current practice by indicating in its SOP that it is committed to investigating anonymous complaints.

RECOMMENDATION 125: MPD's SOPs should be revised so that every complaint alleging a policy violation should receive a PSIA number.

RECOMMENDATION 126: MPD should change its policy so that all interviews of victims, witnesses, or complainants to internal investigations that could result in discipline are recorded unless the situation proves impossible or if a civilian witness declines.

MPD's SOP on the Professional Standards Complaint Process has been modified to address these issues. The new SOP does not require recording all Professional Standards & Internal Affairs (PSIA) interviews, as that could have significant cost, workload and timing consequences (due to transcribing the interviews). However, the updated SOP provides additional clarity on which interviews should be recorded, with a focus on allegations that – if proven true – would result in discipline. The new SOP is included in the appendix to this report.

RECOMMENDATION 129: MPD should expand its restorative justice disciplinary program to authorize and address courtesy violations or other low-level violations involving police/civilian contacts.

The restorative performance process remains an option for courtesy and low-level violations, and continues to be considered as an outcome when appropriate during the disciplinary process.

RECOMMENDATION 131: PSIA should continue and build upon its current practice of post-investigation complainant outreach, including the evaluation of cases for possible informal discussion opportunities with involved parties.

MPD's PSIA unit has continued this practice in 2018. When complaints are resolved, the PSIA Lieutenant or Sergeant regularly will contact and engage the complainant regarding the disposition of the case. These discussions will include efforts to educate and provide transparency into the complaint process and reasons for the disposition. In several instances, complainants or witnesses were invited to view relevant video after the resolution of the complaint, in an attempt to help explain the outcome (though not all invitations were accepted).



Recruiting efforts.



MISCELLANEOUS

RECOMMENDATION 7: The CORE Team should take advantage of its centralized role in sponsoring and monitoring MPD outreach, and should work to provide rigorous analysis of individual initiatives as to their relative impact and effectiveness.

MPD's Community Outreach and Resource Education (CORE) team has been maintaining a database to capture MPD outreach/engagement efforts. The unit has started analyzing long-term effectiveness of outreach efforts, through the use of pre- and post-engagement surveys with participants and staff. The surveys measure youth perceptions of police and trust. CORE also captures testimonial evaluations to document the impact of MPD outreach efforts on youth behavior in schools and the community. Results of these analyses will be included in an annual CORE report, to be published on the MPD website starting in 2019.

CORE personnel are continuing to explore sources of external support for assistance in data collection and analysis.

RECOMMENDATION 10: MPD should consider implementing the 21st Century Policing Task Force's Action Item to make all department policies available for public review.

The department currently has approximately 130 SOPs posted on the MPD website. At the time the OIR report was completed, eight SOPs were not posted publicly. MPD reviewed these and determined that two of them were appropriate for public posting on the website (Dignitary Protection and Life Threat Emergency at Facility Public Windows). These two SOPs have been posted and are now viewable by the public.

The department has determined that the remaining SOPs should not be fully posted to the MPD website. These SOPs contain information that could jeopardize criminal investigations or adversely impact tactical response during high-risk incidents. Restricting public access to sensitive SOPs is a common practice for police agencies, and the department is further examining these SOPs to determine if they might be suitable for partial release or release with redactions.



Midtown District Open House.

RECOMMENDATION 11: As part of its ongoing and constructive support of an innovative program, MPD should dialogue with its criminal justice partners to consider whether restorative justice programs available for controversial high media profile incidents can be made available for similar incidents that do not rise to the same level of media attention.

MPD is continually reviewing the Community Restorative Court (CRC) project, and evaluating possible improvements. There are a number of other criminal justice stakeholders involved in the program, and any significant changes require their support.

MPD coordination for CRC was moved from the South District in June of 2018 and is now centrally coordinated by our CORE team. We anticipate that our internal communication and capacity to increase referrals to the CRC will steadily improve with CORE (as a centralized team) coordinating our citywide efforts. Each MPD district has officers trained in the current process (primarily community policing team officers), and candidates for the CRC are referred weekly from all areas of Madison. MPD plans to provide updated training in 2019 to all patrol officers on how direct referrals to the CRC can be made at the time of arrest. We anticipate that this will increase MPD referrals. While MPD has been the main referral source for the CRC during the initial 3.5 years, the program is focused on expanding throughout all of Dane County. Fitchburg and the Town of Madison currently participate; Sun Prairie, Middleton and the University of Wisconsin police departments began to do so in mid-2018.

The program's growth has been deliberately slow to allow for thoughtful analysis as capacity increases. By design, the scale and scope have been kept small (though they are steadily increasing). The OIR report indicated that as of mid-2017 there were only twenty-five offenders actively participating. While this accurately describes the cases that were open and active at one moment, there have been well over 150 cases completed so far by the CRC (most referred by MPD) and the MPD has taken steps to increase referrals.

As a pilot program, participating agencies opted to accept some cases outside of the regular selection criteria. These cases challenged the program and will help shape it moving forward. All participating agencies – including MPD – are committed to equitable access to the CRC, and are working towards that end.



Chief Koval PIO DeSpain and ERO Franco podcasting.

RECOMMENDATION 13: MPD should conduct town halls and listening sessions after all critical incidents, including officer-involved shootings as follows:

- *In the first few days subsequent to an incident, MPD should be empathetic to any resulting death or serious injury, explain the investigative and review process, and listen to any expressions of upset or concern.*
- *After the conclusion of the investigation, MPD should provide a public debriefing of the incident, highlighting any performance issues that were identified for improvement and reform.*

On September 1, 2018 an MPD officer involved shooting occurred in the North District. The Wisconsin Division of Criminal Investigation (DCI) was the lead investigative agency. The DCI reports have been provided to the Dane County District Attorney's Office for review.

In response to this recommendation, North District command staff hosted a community meeting a few weeks after the incident to provide information and listen to community concerns about the incident. The meeting took place at a church and was co-hosted by a neighborhood association. Six community members attended.



Bike Rodeo.

RECOMMENDATION 18: MPD should revise policy discouraging the use of family, friends, or bystanders to serve as translators, except when MPD or City resources are not available and the situation is exigent. In cases in which civilians are used as translators, the non-availability of other MPD resources should be documented.

RECOMMENDATION 19: MPD should devise policy instructing its officers not to request social workers to provide translation services unless there is a pre-existing understanding with the social services agency that they agree to do so.

The department's SOP on Language Access Services has been updated in response to these recommendations. The modified language incorporates the OIR recommendation (related to family, friends or bystanders) while allowing for circumstances where a limited English proficiency (LEP) individual who is not the subject of a criminal investigation requests that a third party assist with interpretation, and the third party is willing to assist.

Language was also added to the SOP that addresses the use of external professionals (social workers, medical staff, etc.) for interpreting assistance. MPD also communicated with Dane County Human Services (DCHS) – the agency most likely to have social workers in contact with MPD officers – and reached agreement on utilization of DCHS social workers for interpreting assistance.

The updated SOP is included in the appendix to this report.

RECOMMENDATION 22: MPD should continue to expand its efforts to create local Captain's Advisory Groups.

MPD's districts have been moving forward with these efforts, and all districts other than Midtown have implemented groups similar to the Captain's Advisory Group piloted by the South District. The exact format and membership varies somewhat, in order to meet the particular needs of the individual district.

The Midtown station opened in September of 2018, and command personnel have been focused on the requirements of initiating operations out of a new building. Creating a Midtown Captain's Advisory Group will be a priority in early 2019.

RECOMMENDATION 23: MPD should continue to dialogue with the City's Rapid Response Team to further develop a productive working relationship, and to assist in the Team's overarching objective of enhancing trust and providing additional services to the community victimized by a major crime.

In early 2017, the Mayor convened a Rapid Response Team consisting of City of Madison, Dane County and community stakeholders in order to respond to the increase in violence in our community. Through a series of meetings the following needs were identified and recommended to the Mayor:

- Identify and work with individuals and families who are at risk for future violence or those who have been involved in violence through multi-disciplinary teams that can offer services and assistance in an effort to interrupt violence and retaliation.
- Funding requests to support a peer support violence interruption program that included direct funding requests for emergency needs. This program would consist of peer support and resources for those impacted by the violence.

Over the course of 2017, MPD participated in the development of the Rapid Response Team and worked directly with the Focused Interruption Coalition (FIC). Representatives of MPD's Violent Crime Unit and FIC worked collaboratively over 2017 on relationship building and protocol development in order to enhance the effectiveness of this new peer support violence interruption program.

In 2018, the Rapid Response Team added additional core team members and evolved into the Community Safety Intervention Team (CSIT). MPD played a leadership role within CSIT in 2018 as the group worked to develop a cohesive multi-agency response to critical incidents of violence occurring in Madison. This work culminated with a day of asset mapping, protocol development and discussion at the MPD Training Center. These efforts led to the development of the CSIT Community Incident Response Protocol, with the following objectives:

- To coordinate a response and provide services to those in need from city and county departments as well as community service providers in the aftermath of a critical incident.
- To provide necessary intervention services following a critical incident.



MPD Explorers.

- To identify the needs of the community and be able to address those needs efficiently and effectively.
- To restore safety and security to the neighborhoods while preventing further violence.
- To communicate the safety risks across government agencies and with community partners.

As 2018 comes to an end, MPD continues to serve as a CSIT Core Response Group member and participates in regularly scheduled monthly meetings with the group. The Community Incident Response Protocol is in use and continues to be refined in partnership with MPD, FIC, MMSD, UW Health, DA Crime Response, Joining Forces for Families, Public Health Madison and Dane County, DCHS's Neighborhood Intervention Program and the Mayor's office. In 2019, the Community Safety Intervention Team will shift focus from violence response to violence prevention. MPD will continue to play an integral role in the collaborative community approach to violence.



MPD Pride.

RECOMMENDATION 25: MPD should implement the Special Community/Police Task Force Recommendation to train detectives and officers in the use of trauma-informed interviewing skills.

This has occurred; all MPD detectives received trauma-informed interview training in the fall of 2018.

RECOMMENDATION 32: With community and City stakeholder input, MPD should devise a media release policy setting out objective parameters regarding when information about arrests of persons will be proactively publicly released.

This change has occurred. MPD's SOP on News Media Relations has been updated, with input from local media members/stakeholders. The SOP is included in the appendix to this report.

RECOMMENDATION 33: In publishing information about "shots fired" calls, MPD should include whether the call led to an arrest, revealed corroborating information, or had no further corroboration beyond the initial call.

Daily blog entries including information about shots fired incidents have varying degrees of detail, a consequence of the quick turnaround from incident to posting. MPD has been reporting quarterly information on shots fired incidents, and has expanded the information routinely provided in an attempt to provide additional context. This information is included in the Chief's quarterly updates to the Common Council and is available on the MPD website.

RECOMMENDATION 42: MPD should devise ways to consistently publicize the community policing activities of its patrol officers as well as special assignment personnel.

MPD continues to make efforts to publicize the department's community policing and engagement efforts. Social media has become a much more critical component to this work, and the department adjusted the title and job responsibilities of the crime prevention officer position mid-year to reflect this. The position is now titled the MPD Crime Prevention/Social Media Director, with a part-time focus on utilizing social media to share MPD's community policing efforts. Some of the position's crime prevention work will shift to district personnel to accommodate this change.

RECOMMENDATION 47: MPD should have the CPT officers prepare daily logs of their activity.

The department has modified/improved the logs used to track community policing team activities. Community Policing Teams have started to use these logs as a pilot, and after several months the department will evaluate them. In addition, we are exploring additional incident types/codes that can be used to improve tracking of all officer work through the CAD.

RECOMMENDATION 49: MPD should work with school district administrators to ensure congruity of purpose with regard to mission and responsibility of EROs in the school setting.

RECOMMENDATION 52: MPD should collaborate with the school district in better communicating to the public the range of services it provides in the individual high schools.

RECOMMENDATION 53: MPD should closely review arrest and citations issued by EROs to ensure that officers appropriately use their discretion and do not unnecessarily enter juveniles into the criminal justice system.

MPD works closely with MMSD, at both the district and school level, to ensure that our EROs are working effectively in the schools. The Madison School Board has been engaging in a lengthy analysis of EROs in Madison's four primary high schools, and it appears that MMSD and MPD will continue the ERO agreement moving forward. As a result, the department will be engaging with MMSD before the end of 2018 to renew the ERO contract. This will provide an additional opportunity for MPD and MMSD to formalize a shared vision of the EROs' mission.

In 2018, MPD performed an analysis of ERO arrest and citation data. We are working with MMSD and anticipate releasing the data before the end of 2018. We also anticipate improving the way in which MPD and MMSD share information about ERO activities with the public. Historically, each ERO has completed an individual report related to their activities and one particular high school. Starting in 2019, MPD and MMSD will complete and release one comprehensive report on ERO activity at all four high schools.

RECOMMENDATION 55: MPD should consider specialized training for its EROs in the arena of dealing with students who have identified behavioral/emotional issues.

All MPD EROs attended trainings in 2018 responsive to this recommendation. These trainings include adolescent mental health training, trauma informed practices and non-violent crisis intervention training.



PO Dzick with community members.

RECOMMENDATION 64: MPD should amend its SOP on Mental Health Incidents/Crises by breaking it into separate policies that would address separate topics, and would specifically include the tactical principles the Department trains and expects its officers to employ in addressing situations involving individuals in mental health crisis.

As indicated in MPD's original response, the current SOP is of a reasonable length and it seems appropriate to maintain it as a single document. Tactical response to these types of incidents is addressed in a separate SOP (Response to Persons with Altered State of Mind). This is a stand-alone SOP because it applies to a broader set of circumstances than just those involving mental health crises.

The OIR report recommended removing the term "abnormal behavior" from the SOP. This change has been made; the updated SOP is included in the appendix to this report.

RECOMMENDATION 73: MPD should automatically conduct an administrative investigation of all officer-involved shootings and other critical incidents separate from any criminal investigation, including, at a minimum, re-interviewing involved and witness officers.

MPD's PSIA unit responded to the scene of the September 1st officer involved shooting. PSIA reviewed the full DCI investigation after it had been submitted to the Dane County District Attorney, and determined that some additional investigation – including interviews of the primary officers – related to department policy was needed.

RECOMMENDATION 97: MPD should amend its SOP on Foot Pursuits to fully address the safety concerns associated with chasing a suspect without communicating with dispatch, solo foot pursuits, pursuing in unfamiliar areas or after losing sight of the suspect, and chasing a suspect while not in full patrol uniform and gear.

Changes addressing these recommendations have been made, the revised SOP is included in the appendix to this report.



MPD Youth Academy.

RECOMMENDATION 75: MPD should develop a robust review process after a critical incident such as an officer-involved shooting that examines the incident through the lenses of performance, training, supervision, equipment and accountability. The review process should consider pre-incident decision making and tactics, the use of force, and post-incident response, including the provision of medical care and communication with family members. The review process should include the development of a corrective remedial plan designed to identify and address any issues identified.

The department has had some preliminary discussions with the Quattrone Center on this subject. The Quattrone Center, affiliated with the University of Pennsylvania Law School, focuses on preventing errors in the criminal justice system. One aspect of their work involves root cause analysis (or “just culture” review) with agencies. In 2019, the department will further explore the parameters of how a post-critical incident review process might look and whether it is feasible to work with The Quattrone Center moving forward.

RECOMMENDATION 88: MPD should proactively seek input from City stakeholders and the public before completion and implementation of any new policies or changes to its existing policies.

We anticipate establishing a process to allow for review/input on SOP changes in early 2019.

RECOMMENDATION 105: MPD should reinstitute an officer performance evaluation system that collects and incentivizes progressive policing activity.

RECOMMENDATION 134: MPD should press forward toward full implementation of its Early Intervention System.

The software for early intervention is in place, and appropriate SOPs are being drafted and modified. We anticipate implementing early intervention in 2019. The department has also been continuing to move forward with exploring a performance evaluation/employee feedback process; we hope to implement a process in mid to late 2019.



POs with Bucky.



SUMMARY

The department has focused considerable time and energy in reviewing and responding to the OIR report's recommendations. This update reflects tangible actions that MPD has taken in response to **sixty-five** of the OIR recommendations. We are continuing to review remaining recommendations and expect to implement or address others in 2019.



Rolling Meadows Neighborhood Association Ice Cream Social.

SOP Changes

- Use of Force Data Collection and Review
- System Audits
- De-Escalation
- Non-Deadly Force – Use of
- Deadly Force – Use of
- Officer Involved Deaths and Other Critical Incidents
- Professional Standards and Internal Affairs Complaint Investigation
- Language Access Services
- News Media Relations
- Mental Health Incidents/Crises
- Foot Pursuits



Sock donation drive for the Detox Center.



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Use of Force Data Collection and Review

Eff. Date 11/19/18

Purpose

The Madison Police Department (MPD) has implemented procedures to ensure that use of force data is being collected by the agency in a **usable** format **and that use of force incidents are reviewed for compliance with the department's Code of Conduct and Standard Operating Procedures**, ~~that is useful to drive intelligence led and evidence-based decision-making~~. Properly managed data can be the backbone of an early warning system that identifies at-risk officers, dangerous activities, necessary training, and policy gaps that require immediate mitigation.

The definition of recordable force is only relevant to distinguish those applications of force that must be documented in MPD's use of force database. All use of force must be documented in a police report as outlined in MPD's Code of Conduct and SOP's on use of deadly and non-deadly force.

Definitions

RECORDABLE FORCE

For statistical purposes, recordable force includes takedowns, active countermeasures, OC spray, impact weapons, hobble restraints, less lethal projectiles, ECD deployments, K9 apprehensions and use of deadly force (including dispatching animals). **This Recordable force excludes the following: pain compliance techniques, escort holds, handcuffing, threats or displays of the above types of force, pointing of firearms at subject(s)/suspect(s).**

EFFECTIVENESS

A tool/technique is effective if it allows the subject/suspect to be controlled without any further force escalation.

INJURY

For purposes of use of force recording, a tool/technique caused injury if a citizen complains of injury, **an** officer observes an injury, or medical treatment is sought. This includes treatment at an emergency room or on scene by paramedics. ***This excludes basic OC decontamination (e.g. flushing the person's eyes and face with water) or ECD probe removal at the scene; absent any additional injury (e.g. resulting from a fall).***

Procedure

Officer(s) Using Recordable Force

Anytime a sworn employee uses recordable force during an incident, the force used must be documented in the MPD use of force database. The officer completing the original field report must indicate that recordable force was used in Mobile. (see definitions for recordable use of force as stated above.). Officers using recordable force are also responsible for **contacting a field supervisor to notify them of the force use and review the incident**, ~~completing a use of force review with a field supervisor~~. This contact must take place as **soon as possible, and no later than the end of the officer's shift**. Any MPD supervisor can complete this task. The reviewing supervisor or OIC, if no other supervisors are available, shall be responsible for documenting the recordable use of force report through the Blue Team portal/website.

If the use of force involved a less lethal impact projectile deployment, K9 bite, impact weapon use or resulted in injury to the suspect/subject consistent with substantial bodily harm, the officer will request that a field supervisor respond to the scene immediately.

Field Supervisor

The field supervisor (or OIC, if no other supervisor is available) is responsible for reviewing the use of force incident with the involved officer(s), and for documenting the recordable force through the Blue Team portal/website. Any supervisor can perform these duties. This review and entry should be completed before the end of the shift when the incident occurred. ~~This entry should be completed before the end of the supervisor's shift. Only One entry should be made for each subject/suspect against whom force was is used against and should include all officers using force on that subject.~~ The supervisor completing the form will indicate each type of force used, whether the force application was effective and whether it caused injury.

When reviewing the incident, the field supervisor should also consider any potential areas for improvement (tactics, training, communications, etc.) and note them in the Blue Team entry.

Additional Field Supervisor Responsibilities

When a use of force incident results in any of the following, a field supervisor should respond immediately to the scene:

- Less lethal impact projectile deployment
- K9 bite
- Impact weapon use
- Injury to subject consistent with substantial bodily harm

The responding field supervisor should ensure that initial information is obtained and preserved to thoroughly document the incident. This should include the following:

- Interviewing the subject (supervisor responsibility) if appropriate
- Ensuring that photographs of subject and scene are taken
- Ensuring that civilian witnesses are identified and interviewed
- Ensuring that any video/photo evidence is identified and preserved

This initial information should be documented in a supplemental police report. Supervisors responding to an officer involved death or officer involved critical incident should adhere to MPD's Officer Involved Deaths and Other Critical Incidents SOP.

Use of Force Coordinator

The Use of Force Coordinator will review all recordable force entries. ~~The data submitted will be checked for accuracy by the MPD Use of Force Coordinator.~~ In the event of a data entry mistake, the Use of Force Coordinator will contact the officer's supervisor to arrange for the needed corrections to be made. Once the data has been approved, it will be submitted to the database, and shared with the officer's immediate supervisor.

The Use of Force Coordinator will review each recordable force incident. The review will assess:

- Whether the force used was reasonable and in compliance with MPD's Code of Conduct and Standard Operating Procedures
- The quality of officer reports
- Appropriateness of officer tactics and decision-making
- Equipment related issues (availability, effectiveness, function, etc.)
- Training needs or deficiencies

- Use of cover, concealment, distance and other de-escalation strategies

Any potential violations of MPD's Code of Conduct or Standard Operating Procedures will be forwarded to PS&IA for investigation. Suggestions for system improvements will be forwarded to the appropriate MPD commander. The Use of Force Coordinator will work with the involved officer's command staff to provide any needed coaching or training.

This procedure outlines reporting use of force for data collection purposes only. Any officer using force must document that use of force in a police report, in addition to the documentation required in this procedure. In cases involving an officer involved death or officer involved critical incident, the event that deadly force is used, the OICI commander will designate a supervisor or detective to submit the data regarding the use of force.

Original SOP: 08/11/2014
(Reviewed Only: 02/22/2016, 12/26/2017)
(Revised: 02/03/2017)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



System Audits

Eff. Date ~~04/28/2017~~ 04/02/2018

Purpose

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

Procedure

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

- City email
- MDC communications
- Arbitrator squad video/audio
- Property/evidence
- Juvenile arrest custody data
- K9 training aids
- DCNTF training aids
- Federally regulated materials
- Recordable force database entries

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

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

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

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



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



De-Escalation

Eff. date: **2019**

Purpose

To outline the guidelines for Madison Police Department (MPD) De-escalation. De-Escalation tactics and techniques are actions used by officers, when safe and without compromising law enforcement priorities, that seek to reduce the likelihood of the need to use force during an incident and increase the likelihood of a positive resolution.

Procedure

When safe and feasible under the totality of circumstances, officers should attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution. **Officers should utilize appropriate tactical and officer safety principles to avoid placing themselves at risk unreasonably.**

Examples of De-escalation could include, but are not limited to:

- Placing barriers between an uncooperative subject and an officer
- Containing a threat
- Moving from a position that exposes officers to potential threats to a safer position
- Decreasing the exposure to potential threat by using
 - o Back-up
 - o Distance/time
 - o Cover/concealment
- Communication from a safe position intended to gain the subject's compliance, using dialogue
- Any other tactics and approaches that attempt to achieve law enforcement objectives

An officer's awareness of these possibilities, when time and circumstances reasonably permit, should then be balanced against the facts of the incident facing the officer when deciding which tactical options are the most appropriate to bring the situation to a safe resolution.

Mitigating the immediacy of threat gives officers time to utilize extra resources and increases time available to call more officers or specialty units.

The number of officers on scene may increase the available force options and may increase the ability to reduce the overall force used. When feasible, officers should approach an individual whom they anticipate may be taken into custody (criminal suspects, potential chapter 51 protective custody/emergency detention, etc.) with back-up present or immediately available.

(Reviewed Only: 12/26/2017)



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Non-Deadly Force – Use of

Eff. Date **2019**

Purpose

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

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

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

Procedure

NON -DEADLY FORCE AUTHORIZED

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

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

FORCE CONSIDERATIONS

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

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

SPECIAL CIRCUMSTANCES

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

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

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

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

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

DE-ESCALATION

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

USE OF FORCE TECHNIQUES/INSTRUMENTS

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

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

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

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

CHEMICAL AGENT USE

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

ELECTRONIC CONTROL DEVICE USE

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

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

BATON USE

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

IMPACT PROJECTILES

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

CANINE USE

See MPD SOP on Canine Use.

USE OF RESTRAINING DEVICES

1. Officers shall place handcuffs on any individual in custody when the officer reasonably believes the individual may become violent, attempt to escape, or pose a danger to self or others. It is

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

USE OF SPIT HOODS

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

USE OF FORCE REPORTING REQUIRED

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

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

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

DUTY TO INTERCEDE

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

AFTERCARE

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

USE OF FORCE REVIEW AND INVESTIGATIONS

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

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

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

Original SOP: 03/23/2015
(Revised: 05/26/2016, 07/10/2017, 12/06/2017)
(Reviewed Only: 12/22/2016)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Deadly Force – Use of

Eff. Date: **2019**

Purpose

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

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

As used in this SOP, deadly force refers to 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.

Procedure

DEADLY FORCE AUTHORIZED

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

1. ~~In the defense of another person who the officer has reasonable cause to believe is in imminent danger of death or great bodily harm.~~ To protect another person or persons from what is reasonably believed to be an imminent threat of death or great bodily harm.
2. ~~In defense of oneself, when there is reasonable cause to believe one is in imminent danger of death or great bodily harm.~~ To protect the officer from what is reasonably believed to be an imminent threat of death or great bodily harm.
3. ~~To effect the arrest or prevent the escape of a suspect who the officer has reasonable cause to believe has committed, or attempted to commit, a felony involving the use or threatened use of deadly force, when a high probability exists that the suspect, if not immediately apprehended, may cause death or great bodily harm.~~ To prevent the escape of a fleeing subject when all of the following are present:
 - a. The officer has probable cause to believe that the person has committed or has attempted to commit a felony involving the use or threatened use of deadly force.
 - b. The officer reasonably believes the subject presents a continuing imminent risk of great bodily harm or death to the officer or another subject if not immediately apprehended.
4. To protect one's self ~~the officer~~ or another from an animal which an officer reasonably believes may cause great bodily harm if not immediately controlled, or to end the suffering of an animal gravely injured or diseased after considering public view, safety, and other reasonable dispositions.

VERBAL WARNING

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

DEADLY FORCE IS NEVER AUTHORIZED

Deadly force is never authorized:

1. As a warning shot.
2. From a moving vehicle, **unless deadly force is justified and the consequences of not acting to stop the threat outweigh the risk created by the use of deadly force.** ~~an officer has reasonable cause to believe that one's self or another is in imminent danger of death or great bodily harm.~~
3. At a moving vehicle unless: ~~an officer has reasonable cause to believe that one's self or another is in imminent danger of death or great bodily harm or Deadly Force Authorized, paragraph 3, regarding certain felons applies.~~
 - A. **A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or**
 - B. **The vehicle is operated in a manner that reasonably appears deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical).**
4. When its use unreasonably risks the lives of innocent bystanders.

USE OF FORCE TECHNIQUES/INSTRUMENTS

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

DE-ESCALATION

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

DUTY TO INTERCEDE

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

AFTERCARE

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

INVESTIGATION OF THE USE OF DEADLY FORCE

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

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(Revised: 03/26/2015, 05/26/2016, 07/10/2017, 12/06/2017)
(Reviewed Only: 12/22/2016)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Officer Involved Deaths and Other Critical Incidents

Eff. Date ~~12/21/2017~~ 06/08/2018

Officer Involved Death: 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, 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 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 case, 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.
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 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:
 - 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, 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. 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
 - 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. 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. 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 a FSU investigator to photograph the involved officer or 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, 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), 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 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 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.
- 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.
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 OIC 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:
 - 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 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. ~~through briefing and other police agencies.~~
 - 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. Notify Property Room staff and evaluate needs (if appropriate).
14. Ensure phone calls made to the command post are answered and information recorded.
15. Arrange for special equipment or needs of the investigation.
16. Keep Chief and Assistant Chiefs apprised of investigation.
17. Facilitate a walkthrough of the secure and intact scene for personnel from PSIA, and 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.
18. 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 LT.
 - vii. Share canvass results with scene LT 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 needed photographs of the involved officer are taken.
 - ii. Ensure that a FSU Investigator retrieves and takes custody of the weapon(s) used by the officer(s) at the hospital if possible or 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

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. 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 of 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, a 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 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), 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 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 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. The PSIA internal review/investigation of the incident shall be concluded as soon as practical.
 - g. The PSIA findings of the incident may be utilized as the basis for future training.
 - h. 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.

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, family members/significant others.

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

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 and officer's involvement in a critical incident. The form will be completed/updated annually at district/section inservice. 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)

(Reviewed Only: 02/25/2016)

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 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 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



Professional Standards and Internal Affairs Complaint Investigation

Eff. Date ~~12/06/2017~~ 06/18/2018

Complaint Acceptance and Investigation

1. General Purpose

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

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

2. Employee's Responsibility

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

3. Supervisory Responsibility

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

4. Guideline for Complaint Acceptance

As a general rule, citizen complaints will not be investigated if the complaint is received more than 90 days after the alleged incident. If such a complaint is brought forth, it will be limited to a supervisory review of the available information, unless the complaint involves an alleged criminal violation, a significant rule violation (such as excessive use of force), or the complainant can show good cause for not making the complaint within the specified time limit. All citizen complaints will be reviewed and/or investigated as appropriate. Where a significant time delay has elapsed from the time of the incident to the time of the complaint, the complaint will be reviewed/investigated as best as possible given the available information (witness recollection, physical evidence, etc.).

5. Prompt Disposition of Complaints

Investigations of complaints against employees will be prompt. The disposition of CRs will be within 60 days of the assignment of the complaint. The disposition of PSIA investigations will be within 90 days of the assignment of the complaint. An extension of these time limits may be granted by the Chief of Police.

6. False Complaints of Police Misconduct

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

Responsibility For Accepting/Referring Complaints

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

Methods Available For Receiving Citizen Complaints

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

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

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

Responsibility of Supervisor Receiving Citizen Complaints

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

Allegations of Criminal Activity, Serious Misconduct and Critical Incidents

1. In all cases where a felony or other serious misconduct is alleged, the following individuals will be contacted as soon as possible:
 - a. The Chief of Police.
 - b. The PSIA Lieutenant.
 - c. The employee's commanding officer.
2. The investigation into significant allegations will begin as soon as possible upon receipt of the complaint.
3. Employee statements will generally not be compelled until after review by the District Attorney's Office in any case with the potential for criminal liability.
4. If the investigating supervisor determines that there may be probable cause for a criminal violation, the case shall be forwarded to the District Attorney's Office for review. This does not preclude an immediate physical arrest if there is a threat to public safety.
5. Allegations of criminal conduct that are unclear may be taken to the District Attorney's Office for informal review at the investigator's discretion.

6. The same legal standards regarding Miranda warnings shall be applied to employees as would be applied to individuals not employed by the MPD.
7. Employees involved in significant misconduct, which could result in discipline, termination or criminal charges, shall be offered services from the City's Employee Assistance Program (EAP). This does not preclude offering employee assistance services in other disciplinary matters

Investigative Responsibility

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

13. For all internal investigations, PSIA will ensure that:
 - a. The investigation was conducted in a fair, dignified and thorough manner in accordance with Chapter 164 and Sec. 62.13, Wis. Stat.
 - b. All documents of a completed investigation shall be forwarded through the chain of command to the PSIA office for review and entry into the PSIA records system.
 - c. The investigation was completed within the allowable time period.

Steps in a Complaint Investigation

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

When the allegations, if proven true, would likely result in discipline, complainant interviews should be recorded unless it is impractical to do so or the complainant declines to have the interview recorded.
 - e. Interviews of key witnesses in significant investigations should be recorded when possible.
 - f. Employees should be informed and referred to the City's EAP.
 - g. Employees may be ordered to not discuss their involvement in an investigation with others. Such an order should only be imposed for the length of time reasonably necessary. It is not the MPD's intent to restrict employee rights to prepare a defense to a complaint filed against them.

- h. If the case does not reach the level of discipline (i.e., a Letter of Reprimand or higher), then the case may be resolved with verbal counseling or documented counseling if deemed appropriate by the employee's district/section Captain. PSIA must review the investigation and proposed disposition and receive approval from the Chief (or designee) prior to final resolution/disposition.
- i. Once the investigation is completed, a pre-determination notice will be sent out if there is a preliminary finding of a code of conduct violation that meets the level of discipline. The notice should be sent to employee (and representative if a representative has previously been involved) one (1) week before the hearing.
- j. Pre-determination hearing / pre-determination response from employee: In lieu of a hearing, the employee can opt to submit a written response. The employee is allowed to have a representative present during the hearing if so desired.
- k. Pre-determination findings should document any mitigating or aggravating factors that employee discussed in pre-determination response.
- l. The commander of the employee shall conduct a command review.
- m. Prior to making disciplinary action, the recommendation will be forwarded through the chain of command to the PSIA unit to ensure consistency and uniformity of discipline within the MPD.
- n. A discipline meeting will be held with the employee's command staff and the Chief of Police.
- o. The Chief of Police has final authority on all discipline decisions.
- p. The employee will be notified in writing of any discipline. The complainant will be notified of the final outcome of the case as well (in the manner in which they prefer to be contacted).
- q. If a complainant is not satisfied with the outcome of the investigation, they should be advised that they have the option to pursue their complaint to the Police and Fire Commission.

Complaint Disposition

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

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

Seven Tests For Just Cause

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

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

Police Bill of Rights

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

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

Civilian Employees

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

Cooperation With Investigations Required Notice

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

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

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

Suspension

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

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

Notification/Documentation

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

Notification of Decision

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

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

Professional Standards & Internal Affairs Records

1. PSIA will maintain secure, electronic records of:
 - a. All PSIA complaints. Investigated as CRs which are cases that are considered lower level conduct violations. These are cases in that if a violation is found to be sustained, the sanctions typically do not result in discipline.
 - b. Complaints that are assigned PSIA investigation numbers. PSIA cases are typically cases that if a violation is found to be sustained, the sanctions may result in discipline.
 - c. All received complaints, including dispositions.
 - d. Complaints against civilian employees.
 - e. Expired work rules/performance improvement plans.
 - f. Documentation of verbal and documented counseling.
2. A record of dispositions of investigations finding a sustained violation of code of conduct resulting in a letter of reprimand or greater sanction will be maintained in an employee's personnel file.
3. No records of complaints resulting in the dispositions of unfounded, exonerated or not sustained will be maintained in an employee's personnel file.
4. PSIA records will not be released from the MPD without approval from the Chief of Police.

Administration of Sanctions/Discipline

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

Role of the EAP

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

PSIA Summaries

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

PSIA cases are typically allegations that are more serious in nature and could potentially result in discipline to an employee if an allegation is sustained.

CRs are typically allegations of "minor" internal rule violations. These are violations that are unlikely to result in discipline, even if the allegation is sustained. In some cases, allegations may be initially labeled a "Conduct Review," however, further investigation may reveal more serious allegations. In these cases, if the allegation is substantiated and the employee could be disciplined, the case will then be amended and assigned a PSIA case number. CRs will not be included in the quarterly media summaries.

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

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

Original SOP: 02/25/2015

(Reviewed Only: 02/15/2016)

(Revised: 03/21/2016, 03/24/2016, 01/06/2017, 06/19/2017, 12/06/2017, 06/18/2018)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Language Access Services

Eff. Date 10/25/18

Purpose

The Madison Police Department (MPD) is committed to providing equal opportunity and equal access to all police resources and services in order to ensure full compliance with all civil rights laws. These guidelines further the MPD's commitment to broadening access to its services for our increasingly diverse residents, including those for which English is not their first language.

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and effectively in difficult situations. Hampered communication with LEP victims, witnesses, alleged perpetrators, and community members can present the MPD with safety, evidentiary, and ethical challenges. Ensuring maximum communication ability between police officers and all segments of the community serves the interests of all.

Procedure

It is the standard operating procedure of the MPD that members will take reasonable steps to provide timely, meaningful access for persons with limited English Proficiency (LEP) to the services and benefits the MPD provides.

In implementing this Standard Operating Procedure, the MPD will inform members of the public that language assistance services are available free of charge as part of the MPD's community policing and enforcement efforts. All MPD personnel shall provide free language assistance services to LEP individuals whenever the individual requests language assistance services or if it is evident that the individual is unable to effectively read, write, or understand English.

When available, MPD will attempt to use commissioned officers for interpretation/translation services. In the event an officer is not available, civilian employees may be considered to assist in translating. The following guidelines should be used:

- Contact the Officer-in-Charge (OIC) to discuss the case and determine if commissioned personnel are available.
- In the event civilians are to be used, consideration shall be given to the following:
 - Any request to use a civilian employee must first be approved by their supervisor before initiating contact with the employee.
 - Nature of the request (criminal investigation, obtaining information).
 - How extensive will their involvement be, where, in time, follow-up, potential court testimony, etc.
 - Safety of employee (in-person/by phone), officer should stand by.
 - Any personal conflicts for the employee to become involved.

While the employee can request not to provide translation, due to exceptional circumstances, the OIC or an MPD commander will have the final authority in deciding their use based on the needs of the MPD.

If a qualified MPD employee is not available, a certified interpreter can be accessed 24/7 by the MPD via various services contracted by the City of Madison and the Dane County 911 Center including in-person assistance, telephonic interpretation and/or audio visual aids. The OIC will maintain contact information to provide to all employees when needed.

Using family, friends, bystanders or others to interpret creates the potential for a breach of confidentiality, conflict of interest or inadequate interpretation. MPD personnel should not request the assistance of family, friends or bystanders to serve as interpreters when communicating with an LEP individual who is the subject

of a criminal investigation unless exigent circumstances exist and no MPD or City resources are available to assist. If this occurs, the non-availability of MPD or City resources should be documented in the officer's report. When interacting with an LEP individual in an informal, non-confrontational context (when the LEP individual is not the subject of a criminal investigation), officers may use friends, family or bystanders to serve as interpreters if the LEP individual requests that the third party assist and the third party agrees to do so. Barring exigent circumstances or non-arrest situations, MPD personnel should avoid using minor children to provide interpretation assistance.

When considering requesting interpretation assistance from outside agency professionals (social workers, medical staff, etc.) MPD personnel should be cognizant of the potential for conflict of interest and breach of confidentiality. These requests should generally be avoided when communicating with an LEP individual who is the subject of a criminal investigation unless exigent circumstances exist and no MPD or City resources are available to assist. MPD personnel may request translation assistance from DCHS employees; the decision to assist is that of the individual.

~~In other than exigent circumstances, MPD personnel may use family, friends or bystanders for interpreting, but should only consider this practice in informal, non-confrontational contexts, and where other MPD resources are not available, with the approval of the LEP individual. Using family, friends, or bystanders to interpret in other situations could result in a breach of confidentiality, a conflict of interest, or inadequate interpretation. Barring exigent circumstances or non-arrest situations, MPD personnel should avoid using minor children to provide interpreter services.~~

Definitions

1. **Primary Language:** A primary language is an individual's native tongue or the language in which an individual most effectively communicates. The MPD should make every effort to ascertain an individual's primary language to ensure effective communication.
2. **Limited English Proficiency (LEP):** Limited English Proficiency designates individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. This includes individuals who are deaf and hard of hearing.
3. **Interpretation:** Interpretation is the act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
4. **Translation:** Translation is the replacement of written text from one language (source language) into an equivalent written text in another language (target language).
5. **Bilingual:** Bilingual refers to the ability to use two languages proficiently.
6. **MPD Qualified Bilingual Member:** An MPD qualified bilingual member is a bilingual employee, who has identified themselves during the hiring process as being able to speak, read and/or write a foreign language and who has the ability to communicate directly and accurately both in English and another language. Bilingual members may be fluent enough to communicate in a non-English language, but may not be sufficiently fluent to interpret or translate from one language into another.

~~This is being studied as a possible add depending on the operating cost of "testing" our officers and how often that test must be administered. It is possible this will be added for the 2017 rollout.~~

7. **MPD Authorized/Qualified List:** The qualified list is an accounting of the MPD personnel who are bilingual and are authorized to act as interpreters and bilingual communicators. This list will be updated and modified on a yearly basis.

Public Notification of MPD Services

1. At each MPD building public entry point and lobby, signage shall be posted in multiple languages stating that interpreters are available free of charge to LEP individuals.
2. MPD shall post notification of the availability of translated forms and documents in the public lobby of each district station to inform LEP person about which forms are translated.
3. Additionally, language identification cards will be posted to enable the LEP person to point to the language they speak so the employee can inform the chosen interpretation service of the language required for interpretation.

Translation of Written Material

1. This plan shall be translated into Spanish (and other languages if deemed appropriate) and will be available in Spanish in any locations where the plan is posted in English.
2. In addition, the MPD will translate written materials that are distributed to the public (pamphlets, fliers, notices, posters, etc) when reasonable.
3. Additional languages will be added or removed as deemed necessary through annual reviews conducted.

Website

The MPD will post various items on its website that are translated into Spanish such as forms, community-related announcements and other information.

Cellular Phones

The MPD will provide cell phones to patrol officers with the Language Line number programmed to provide access to language interpretation services to members in the field.

Complaints

The MPD will offer a variety of ways in which LEP individuals can file a complaint against an employee. Citizens can file a complaint online through our website, via telephone, in person, or by picking up a paper form at any of the district stations or public libraries.

Original SOP: 11/03/2015
(Revised: 02/29/2016)
(Reviewed Only: 12/22/2016, 12/26/2017)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



News Media Relations

Eff. Date ~~02/25/2015~~ 05/02/2018

Purpose

The Madison Police Department (MPD) actively seeks to establish a cooperative climate in which the news media may obtain information on matters of public concern in a manner which does not hamper police operations **or the integrity of the investigation**. However, certain information must be withheld from the news media in order to protect Constitutional Rights of an accused, to avoid interfering with an active investigation, or because it is legally privileged.

Procedure

NEWS RELEASES / INCIDENT REPORTS / FACEBOOK / TWITTER / YOUTUBE/BLOG

The MPD makes every effort to release information, without partiality, through website postings, social media, news conferences and other avenues.

1. The on-duty Officer In Charge (OIC) will have the responsibility for the coordination and dissemination of information to the news media relative to significant police operations and/or major incidents during each tour of duty. **This would include information about arrests of persons that have a high likelihood of heightened public interest.**
2. District Commanders are responsible for reporting information regarding major events and activities that occur within their respective districts which require the use of significant police resources as well as information which addresses crime trends and other issues of public safety. Release of this information should be done through postings on the MPD website, messages sent to email groups, community meetings and/or other means. These efforts should be coordinated with the Public Information Officer (PIO).
3. Commanders and supervisors of specialized units (e.g., Dane County Narcotics and Gang Task Force, Traffic Enforcement Safety Team, Amigos en Azul, K9 and Mounted Patrols) are responsible for providing pertinent information to media regarding unit activities. The release of this information may be coordinated with the Public Information Officer.
4. The Office of Professional Standards and Internal Affairs will provide summaries to the media at the time of case disposition per the Complaint Acceptance and Investigation Procedure.
5. **Shots fired information will be released only if determined to be confirmed as outlined in the Investigation of Incidents Involving Shots Fired Standard Operating Procedure.**

ON CAMERA, TELEPHONE OR IN PERSON INTERVIEWS

We encourage officers to engage in conversations with the media as part of our attempt to be transparent. If the situation is more of a feature story, officers should feel free to talk to the media. When this occurs, the PIO shall be notified of the subject discussed. This notification can occur after the interview was conducted.

If the media is trying to interview someone related to a more significant/serious incident or investigation, officers should notify the OIC or a scene supervisor so that a PIO or other designated person can provide the necessary interviews with the media.

In serious situations, officers can provide process information or basic information about an incident we have responded to without getting into specifics (i.e., we are investigating a roll-over accident). All on camera interviews should be coordinated by a scene supervisor or a commanding officer. If the PIO is not called in, an email should be sent to the PIO and the Chief's Office explaining the circumstances around the interview and the topic(s) discussed.

SUPERVISOR RESPONSIBILITIES

It is the responsibility of all supervisors to contact the OIC if they are assigned to or aware of any incident that has a potential public safety concern. These incidents include, but are not limited to:

- Stranger Sexual Assault
- Robbery
- Weapons Violation
- Home Invasion
- Any other high profile incident that has a significant police presence/response or public safety concern

If there is any doubt whether the incident meets this criteria, please contact the OIC.

PIO RESPONSIBILITIES

In any situation where an arrest of individuals that will likely result in a heightened public interest, the OIC should contact the PIO by email, unless the situation is urgent. It will be the responsibility of the PIO to write the release of information.

Original SOP: 02/25/2015

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

(Revised: 05/02/2018)



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



News Media Relations

Eff. Date ~~05/02/2018~~ 08/13/2018

Purpose

The Madison Police Department (MPD) actively seeks to establish a cooperative climate in which the news media may obtain information on matters of public concern in a manner which does not hamper police operations or the integrity of the investigation. However, certain information must be withheld from the news media in order to protect Constitutional Rights of an accused, to avoid interfering with an active investigation, or because it is legally privileged.

Procedure

NEWS RELEASES / INCIDENT REPORTS / FACEBOOK / TWITTER / YOUTUBE/BLOG

The MPD makes every effort to release information, without partiality, through website postings, social media, news conferences and other avenues.

1. The on-duty Officer In Charge (OIC) will have the responsibility for the coordination and dissemination of information to the news media relative to significant police operations and/or major incidents during each tour of duty. This would include information about arrests of persons that have a high likelihood of heightened public interest.
2. District Commanders are responsible for reporting information regarding major events and activities that occur within their respective districts which require the use of significant police resources as well as information which addresses crime trends and other issues of public safety. Release of this information should be done through postings on the MPD website, messages sent to email groups, community meetings and/or other means. These efforts should be coordinated with the Public Information Officer (PIO).
3. Commanders and supervisors of specialized units (e.g., Dane County Narcotics and Gang Task Force, Traffic Enforcement Safety Team, Amigos en Azul, K9 and Mounted Patrols) are responsible for providing pertinent information to media regarding unit activities. The release of this information may be coordinated with the Public Information Officer.
4. The Office of Professional Standards and Internal Affairs will provide summaries to the media at the time of case disposition per the Complaint Acceptance and Investigation Procedure.
5. Shots fired information will be released only if determined to be confirmed as outlined in the Investigation of Incidents Involving Shots Fired Standard Operating Procedure.

ON CAMERA, TELEPHONE OR IN PERSON INTERVIEWS

We encourage officers to engage in conversations with the media as part of our attempt to be transparent. If the situation is more of a feature story, officers should feel free to talk to the media. When this occurs, the PIO shall be notified of the subject discussed. This notification can occur after the interview was conducted.

If the media is trying to interview someone related to a more significant/serious incident or investigation, officers should notify the OIC or a scene supervisor so that a PIO or other designated person can provide the necessary interviews with the media.

In serious situations, officers can provide process information or basic information about an incident we have responded to without getting into specifics (i.e., we are investigating a roll-over accident). All on camera interviews should be coordinated by a scene supervisor or a commanding officer. If the PIO is not called in, an email should be sent to the PIO and the Chief's Office explaining the circumstances around the interview and the topic(s) discussed.

SUPERVISOR RESPONSIBILITIES

It is the responsibility of all supervisors to contact the OIC if they are assigned to or aware of any incident that has a potential public safety concern. These incidents include, but are not limited to:

- Stranger Sexual Assault
- Robbery
- Weapons Violation
- Home Invasion
- Any other high profile incident that has a significant police presence/response or public safety concern

If there is any doubt whether the incident meets this criteria, please contact the OIC.

PIO RESPONSIBILITIES

When an arrest occurs by the MPD that may result in a heightened public interest, the OIC should contact the PIO by email, unless the situation is urgent. It will be the responsibility of the PIO to write the release of information.

Original SOP: 02/25/2015
(Reviewed Only: 02/04/2016, 12/20/2016, 12/26/2017)
(Revised: 05/02/2018, 08/13/2018)



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Mental Health Incidents/Crises

Eff. Date ~~01/25/2018~~ 06/08/2018

Purpose

The Madison Police Department (MPD) recognizes that police are not qualified to solve the underlying problems of people who exhibit abnormal behavior attributable due to a mental illness, however, officers can learn to recognize when mental illness may be a contributing factor. The officer's course of action at this first encounter can both calm the existing situation and increase the likelihood of a positive outcome to the call. Responses to situations which involve abnormal unusual, disruptive or unsafe behavior that may be ascribed to a mental illness should reflect sensitivity to the needs of the people involved, concern for officer safety and safety of others at the scene and concern for alleviating the situation in a reasonable manner. The goal in all crises stemming from mental illness is to utilize the least restrictive measures to secure the welfare of all those concerned, connect individuals with mental illness to needed services and divert them from the criminal justice system whenever possible.

All officers are trained to recognize behavior that may be attributable to mental illness and to respond to mental health related incidents in such a manner as to de-escalate crisis situations whenever possible. Situations involving individuals believed to be affected by mental illness or in crisis are often unpredictable and volatile. As such, these incidents require officers to make difficult judgments about the mental state and intent of the individual, and necessitate an understanding of the unique circumstances and approach required to resolve these crises safely.

Mental health providers have the primary responsibility to diagnose and treat individuals with mental illness. Due to limited services and the nature of mental illness, officers are increasingly required to respond to situations and crises stemming from mental illness. As a result, the MPD is committed to partnering with mental health providers, community service providers, and those in the justice system, to develop more compassionate and cost-effective approaches that emphasize providing community-based treatment instead of arrest and incarceration of individuals affected by a mental illness.

MENTAL HEALTH LIAISON/OFFICER PROGRAM

The MPD has a longstanding commitment to partnering with mental health providers in order to improve services to those with mental illness. The Mental Health Liaison/Officer Program serves to further supplement our overall response with a specialized approach and provides added support to first-responding officers before, during, and after any mental health crisis occurs.

Mental Health Officer (MHO)

In order to more consistently and comprehensively address mental health issues in our community and mitigate the increasing demands on patrol resources to provide services to people with mental illness, the MHOs will work with the formal and informal supports, Mental Health Liaison Officers, and the individuals affected by mental illness. MHOs will work to address both district-specific and city-wide systems issues related to mental health and individuals within their district areas of responsibility who are generating or are likely to generate police calls for service. While not call-driven or expected to field any and all mental health related calls, when possible the MHOs will respond into the field to address mental health related calls, particularly Emergency Detentions.

Mental Health Liaison Officer (MHLO)

Above and beyond their regular patrol responsibilities, MHLOs work collaboratively with mental health providers, advocates, consumers, and the MHOs to provide individual response plans and follow-up, address system issues/concerns, share information internally and externally as appropriate, and if possible respond to mental health calls for service when they arise.

RESPONSE GUIDELINES

When Mental Health Issues are Suspected

- Observe signs of abnormal behavior that is unusual, disruptive or unsafe, and circumstances under which observed (e.g., mental illness, alcohol).
- Attempt to obtain information regarding mental illness diagnosis, medical history, and medications.
- If danger to self or others, assess for Emergency Detention.
- Consult with Journey Mental Health (hereafter referred to as Crisis) for background information and general advice.
- Assess need for further police assistance.
- Route report to PD Mental Health.

Disposition Options

- Release with referral made to a mental health agency.
 - Place individual in the care of family or friends.
 - Convey voluntarily to Crisis or hospital for further evaluation.
 - Place in protective custody for the purpose of an evaluation for an Emergency Detention.
 - Arrest for a statute or city ordinance violation.
 - Protective custody to Detox if applicable.
- If the subject's behavior constitutes a criminal violation but criteria for an emergency detention is also present, officers should:
 - o Consult with Journey Mental Health to determine the best short-term disposition/placement.
 - o If the subject is placed under emergency detention, a probable cause affidavit should be completed for the appropriate criminal violations. Request that the destination facility where the subject is conveyed contact MPD when he/she is released to facilitate conveyance/booking.
 - o 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).

If Harmful Acts are Committed or Threats Made (suicide attempts, overdose, non-suicidal self-injury, other overt acts or threats)

- Ascertain whether the subject has consumed alcohol and/or drugs. If alcohol is on board and the subject is medically cleared, or where medical clearance is unnecessary, transport to Detox under protective custody.
 - For suicidal subjects – make sure to request that Crisis is notified, both verbally and written in the narrative box on the Detox admission form and request a copy for your report. Notify Crisis by phone prior to clearing from the call when there are heightened concerns of imminent risk.
- Overdose Calls
 - Suicide attempts by overdose and accidental overdose are essentially medical emergencies. The role of law enforcement in most cases is very limited to a preliminary investigation to determine if a crime has been committed. Where no crime is committed, our primary role is to assure a safe environment for EMS and other responders. These situations can be divided into two categories, those where EMS transports the subject, and those where they do not.

EMS transports the subject

- o An officer shall respond to the hospital if:
 - EMS requests assistance on the rig with a combative subject
 - Death appears imminent
 - The subject is not sufficiently coherent to provide an adequate statement
 - The call precipitates a criminal investigation that cannot be completed at the scene
- o Reports in non-criminal overdose cases should reflect the limited role of law enforcement. The report should include the circumstances surrounding the overdose, that the subject was conveyed by EMS, and identification of the victim and witnesses. Extensive medical history information is not required. On some occasions, information received at the scene may be needed later by other officers to establish grounds for an Emergency Detention so these reports should not be held over.

EMS does not transport the subject

- o When EMS does not transport, the call will likely become an Emergency Detention assessment, PC conveyance, or a death investigation and should be handled as such.
 - o If family is willing to accept responsibility for the patient, and the officer believes that they are capable of preventing the subject from harming him/herself, the family may work directly with their health care providers to assure necessary treatment is provided
- In cases where officers respond to the hospital, consult with ER staff regarding medical admission.
 - If admitted medically, release to hospital and get doctor information for report.
 - If medically cleared, assess for Emergency Detention.

Note – Many suicide attempts by overdose are taken to hospitals and clinics with no police involvement. If family or medical personnel do not request the police, officers should not be dispatched in these cases. If this should occur, advise a supervisor or OIC.

Assessing for Emergency Detention

- Consult with Crisis or other mental health practitioners as applicable. (If person is insured, Crisis will generally refer to provider, however, Crisis should still be involved.)
- Gather information regarding person's mental health history and/or support systems utilized in the past.
- When interviewing the subject don't hesitate to ask specific questions about their intent to harm himself or herself (i.e., "Do you want to hurt yourself?" "Did you really want to end your life?")
- If you have any concerns regarding the subject's welfare and they refuse to accept police assistance, you may place them under protective custody and convey them to Crisis or hospital for evaluation.

Emergency Detention (ED)

S.S.51.15(1) – Basis For Detention: A law enforcement officer is authorized to take into custody a subject whom the officer has **cause to believe** is mentally ill, or drug dependent, or developmentally disabled, **and** that person evidences any of the following:

- A substantial probability of physical harm to self or others as manifested by evidence of recent threats of or attempts at suicide or serious bodily harm.
- A substantial probability of physical impairment or injury to self or others due to impaired judgment as manifested by evidence of a recent act or omission.
- SS 51.15(1)(4) and 51.15 (1)(5) discuss lack of self-care issues and refusal to take medication as possible criteria as well.

Final Dispositions

Voluntary admission is generally the preferred option for individuals who are cooperative and need further mental health treatment.

Voluntary Admission – Where ED Criteria is NOT Present

This option is best used when the subject is cooperative and would benefit from further mental health treatment, yet any threats to their welfare do not rise to the level of an ED. In these situations, officers conveying individual to ER may detach from the call once the subject is in the care of hospital ER staff, even if not yet fully admitted. If the individual is brought to ER by someone else (EMS, family member) then officers do not need to accompany them to ER.

Voluntary Admission – Where ED Criteria is Present

Often times, even when the criteria for an ED are clearly present, a voluntary admission is still the preferred outcome because it is the least restrictive, and therefore, most likely to result in productive treatment. In these situations, officers shall stay with the subject until they are assured that the subject will follow through with an admission (e.g., signed papers, escorted through the doors of the psychiatric unit, or medical personnel has assumed responsibility for the person and their continued safety.) Officers may leave prior to admission under certain circumstances and only with the approval of a supervisor.

Supervisors should evaluate this early departure based on the following factors:

- Subject's demonstrated level of compliance and willingness to seek treatment
- Subject's history of in-patient psychiatric admission and compliance therewith
- Subject's demonstrated level of insight to their condition and the behavior that led to police involvement
- The level of dangerousness exhibited in that behavior and the presence of any criminal exposure
- The presence of family, friends or other supports at the Emergency Room
- The hospital social worker or charge nurse have been briefed on the situation
- Police call volume and the need for the allocation of police resources city-wide

Officers should request that hospital personnel re-contact their agency should the subject attempt to leave prior to being fully admitted so that an ED can be completed. Officers must complete a report before their shift ends and the original ED form must be left with the OIC.

Emergency Detention

When the basis for detention exists do the following:

- Contact Crisis on **all** emergency detentions.
- Crisis must approve all placements for Emergency Detention.
- Receive medical clearance prior to conveyance to authorized facility.
- Complete ED form and/or review form if filled out by mental health professional. The form **MUST** articulate dangerousness, threats, history, behavior, etc. and list names of witnesses. The form must also be faxed while officers and subject are still at the hospital, prior to the subject going to his/her final destination.
- Forms: 4 copies of ED form. 1 – Subject, 1 – Law Enforcement Agency, 1 – Crisis, 1 – Detention Facility. Fax original to probate court.
- Complete report as a priority and route it to PD Mental Health.

Reminders

- It is best to make phone contact with Crisis at the time of the incident, as well as route the report to PD Mental Health.
- Officers may base an emergency detention on statements made by any reliable source, i.e., any mental health professional, or any direct witnesses to the subject's behavior such as family, friends, etc. **Officers do not have to witness dangerous behavior themselves and may rely solely on the opinion of mental health professionals recommending an ED.**
- If you are experiencing problems or have concerns while at the ER, contact the "point person" there who should be up to date on cases and able to communicate with involved parties. These "point persons" are: The Care Team Leader at UW, and the Charge Nurse at St. Mary's or Meriter.
- If other questions or concerns arise, contact your supervisor.

Helpful Mental Health Definitions

DIRECTOR'S HOLD

- The Treatment Director of a mental health facility/unit may file a statement of ED and detain a patient who has already been admitted to the psychiatric facility/unit.

ORDER TO TREAT

- The court may order that medication may be administered to an individual regardless of his/her consent (involuntarily and/or forcibly).

NON-SUICIDAL SELF-INJURY (NSSI)

- DSM-V symptoms include:
 - o Act or its consequence can cause significant distress to the individual's daily life.
 - o The act is not taking place during psychotic episodes, delirium, substance intoxication, or substance withdrawal. It also cannot be explained by another medical condition.
 - o The individual engages in self-injury expecting to:
 - Get relief from a negative emotion
 - Deal with a personal issue
 - Create a positive feeling
 - o The self-injury is associated with one of the following:
 - The individual experienced negative feelings right before committing the act.
 - Right before self-injury, the individual was preoccupied with the planned act.
 - The individual thinks a lot about self-injury even if it does not take place
- NSSI may include, but not limited to, cutting, scratching, picking, burning, head banging, and toxic ingestion.

SETTLEMENT AGREEMENT

- A negotiated contract for treatment signed by the individual, his/her attorney, and the County Corporation Counsel, and approved by the court.
- Waives the court hearings for a specified period of time, up to 90 days.
- Cannot be extended at end of time period, if individual is compliant with treatment.
- Can be rescinded by County Corporation Counsel if the individual fails to comply with the treatment conditions.

THREE-PARTY PETITION

- Three adults sign a sworn petition that is drafted by the County Corporation Counsel.

- At least one of the 3 petitioners (signers) must have personal knowledge of the individual's dangerous behavior. Petitioners who have not directly observed the individual's dangerous behavior must provide a basis for their belief that the allegations are true.
- Petition must allege that the individual is mentally ill, developmentally disabled, or drug dependent, and dangerous to self or others, and a proper subject for treatment.
- The County Corporation Counsel files the petition with the court. After review, the judge may order detention of the individual by law enforcement to a mental health detention facility, or may just set the case for a probable cause hearing without ordering detention.
- This process may take several days or more, so it should not be used for emergency situations.

DEALING WITH DEMENTIA PATIENTS (DP) AT ASSISTED LIVING FACILITIES (ALF)

Madison Police Department (MPD) recognizes that combativeness may be a symptom of dementia for some patients and that this behavior is difficult to manage.

MPD will assist with stabilizing a dangerous scene if a DP is combative and is not calming down with staff intervention.

- It is not recommended to transport DP in the back of a squad car. If the DP cannot be calmed, call MFD to transport them to the hospital.
- Once the DP is calmed down, if ALF staff believes the person needs to be evaluated at a hospital, they should arrange a private ambulance.

Once the scene is stabilized, officers are advised to talk with staff about the care plan in place for when this person is combative.

- Does the DP give any signs prior to becoming combative so staff can divert them?
- What calms the DP down?
- Can the DP be safely removed from other patients during the outburst?
- Regarding medications, what is the policy for the DP refusing medications?
- What is the DP's legal status (guardian or activated Power of Attorney for Health?)
- Is this still an appropriate placement for this person?

Criminal charges or citations are not appropriate for combative DP as they are unable to learn/remember to act differently. Instead the facility needs to manage their behavior and work with MPD to keep them and everyone else safe.

WI Department of Human Services, ADRC, and WI Alzheimer's and Dementia Alliance can all be resources for ALFs and families of DPs.

Original SOP: 05/29/2015
(Reviewed Only: 02/15/2016)
(Revised: 12/22/2016, 07/19/2017, 12/13/2017, 01/25/2018, 06/08/2018)



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Foot Pursuits

Eff. Date ~~05/03/2016~~ 09/06/2018

Purpose

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

Definitions

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

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

Contact/Cover: Describes the practice of having two or more officers working together during a foot pursuit. The officers work in unison via direct or indirect communication to coordinate their efforts, remain aware of the locations of officers and subjects, and keep abreast of the status of the pursuit.

Procedure

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

1. Factors to Consider when Initiating a Foot Pursuit:
 - a. Whether the subject is armed or dangerous
 - b. The reason for detaining the subject and risk to the community
 - c. Risk to officers and/or the community posed by the subject
 - d. Environmental risks (low light, dangerous structures, officer's familiarity with the area, officer's ability to keep sight of suspect, etc.)
 - e. Ability to apprehend the subject at a later date
 - f. Communications (ability to transmit location, radio coverage, etc.)
 - g. Physical ability of the officer to:
 - i. Apprehend the subject (officer/subject factors, available equipment, etc.)
 - ii. Communicate effectively with dispatch
 - iii. Be readily identifiable as an officer (uniform or plain clothes)
 - h. Availability of backup units to assist
2. If possible, officers should consider the feasibility of the following strategies or tactics prior to initiating foot pursuits:
 - a. Area containment
 - b. Surveillance
 - c. Obtaining additional officers
 - d. Canine search/track
3. Pursuing Officer(s) Responsibility
 - a. The decision to initiate or continue a foot pursuit requires weighing the need to apprehend the subject against the degree of risk to which the officer and others are exposed as a result of the pursuit.

- b. Once the foot pursuit has been initiated (and as soon as practical, considering the difficulty in transmitting under the circumstances) the officer should broadcast must notify Dispatch of the following information:
 - i. Location
 - ii. Direction
 - iii. Description of subject
 - iv. Whether the subject is armed If armed with a weapon
 - v. Reason for foot pursuit
 - c. Dispatch will notify a supervisor of the pursuit circumstances, if they are unaware, and any other relevant information.
 - d. The pursuing officer will coordinate with other officers to establish a perimeter in the area to contain the subject. K9 use should be considered if the subject is believed to be in a confined area.
 - e. If possible, officers should consider the feasibility of the following strategies or tactics prior to initiating foot pursuits:
 - i. Area containment
 - ii. Surveillance
 - iii. Obtaining additional officers
 - f. Officers should terminate a foot pursuit if ordered by a supervisor or if the officer believes that the risk to officers or the public outweighs the necessity for immediate apprehension of the subject. If the subject's identity is known and he or she is not an immediate threat to the safety of the public or other officers, consideration should be given to terminating the pursuit and apprehending the suspect at a later date.
 - ~~g. If the subject's identity is known and he is not an immediate threat to the safety of the public or other officers, consider terminating the pursuit and apprehend at a later date.~~
 - h. After termination of the foot pursuit, officers will notify Dispatch with the last known location of subject or point of apprehension.
4. Supervisor's Role
- a. The supervisor's role is to monitor a foot pursuit and appropriately direct resources to safely apprehend the subject.
 - i. The supervisor should coordinate with involved officer to establish a perimeter. K9 use should be considered if the subject is believed to be in a confined area.
 - b. The supervisor will terminate a foot pursuit at any time if it is determined the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension of the subject.
 - ~~c. The supervisor will include an analysis of the tactical soundness of the foot pursuit in the debriefing with the officer.~~

Original SOP: 05/03/2016

(Revised: 09/06/2018)

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



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Foot Pursuits

Eff. Date ~~09/06/2018~~ 09/11/2018

Purpose

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

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 - f. Communications (ability to transmit location, radio coverage, etc.)
 - g. Physical ability of the officer to:
 - i. Apprehend the subject (officer/subject factors, available equipment, etc.)
 - ii. Communicate effectively with dispatch
 - iii. Be readily identifiable as an officer (uniform or plain clothes)
 - h. Availability of backup units to assist
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 - b. Surveillance
 - c. Obtaining additional officers
 - d. Canine search/track
 - e. UAS
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