Introduction

In 2017, the OIR Report and Madison Police Department (MPD) Policy and Procedure Review Ad Hoc Committee recommended that MPD participate in a Sentinel Event Review (SER) process conducted by the Quattrone Center for the Fair Administration of Justice (Quattrone Center), a research center within the University of Pennsylvania Carey Law School. The intent of the SER was to identify factors that lead to an undesirable outcome. This process is sometimes also referred to as a "root cause analysis." In 2019, MPD began working with the Quattrone Center to identify an event for review. While another event was initially selected for the SER, MPD requested that the Quattrone Center instead review the department's response to several days of civil unrest that occurred throughout the summer of 2020. Ultimately, a joint MPD/community stakeholder process decided to apply the SER process to a total of six days of MPD's responses to community protests and unrest.

Throughout 2021, MPD personnel worked with the Quattrone Center representatives and a diverse group of community members and other first responders to conduct the SER, to identify contributing factors, and to formulate recommendations for improvement and reform. The Quattrone SER report can be found at the below URL:

https://www.cityofmadison.com/police/newsroom/reportRelease20211116.cfm

Since the review, MPD members have been devoting considerable time, effort, and resources toward accomplishing the recommendations detailed in the report. Many recommendations have been achieved. Others require additional time, and in some cases significant financial resources. What follows is a one-year progress update on each of the 69 recommendations.

Additional information can be found in the appendix of this report, to include:

Section A: Demonstrations and Assemblies policy (redlined)

Section B: Use of Force policy (redlined)

Section C: Informational and educational materials added to the Madison Police and City Parks websites:

https://www.cityofmadison.com/SpecialEvents

https://www.cityofmadison.com/specialevents/ralliesApplicationProcess.cfm

https://www.cityofmadison.com/police/field/specialevents.cfm

Section D: Internet address for all MPD policies

Also, it bears noting that in September 2022, the Madison Common Council passed ordinance 5.17 of the Madison General Ordinances, REPORTING REQUIREMENT FOLLOWING USE OF TEAR GAS FOR CROWD CONTROL, which states,

> "Following the use of tear gas by the Madison Police Department for crowd control, the Independent Police Monitor will complete an after-action review within thirty (30) days and share their findings with the Common Council, with the Police Civilian Oversight Board being the referral body for the purposes of reviewing Madison Police Department's adherence to the Madison Police Department Standard Operating Procedure policy."

The enactment of this ordinance provides an additional mechanism for oversight to ensure that MPD complies with its Standard Operating Procedures (SOPs).

Progress Report

Recommendation 1:

MPD should work consistently and proactively to increase trust between the Department and the community regarding MPD's commitment to supporting protests, and in particular protests against police behavior. This work should be done in tandem with the Civilian Oversight Board (COB) and others who can assist in improving relationships with other community groups and activists who do not currently communicate with MPD. MPD should regularly engage with community activists and representatives and provide clear expectations on what acts taken by protesters might generate a response from MPD officers. MPD should provide metrics for success in improving these relationships, and this information should be available to the public online and through regular and social media.

MPD Update:

MPD created a new Demonstrations and Assemblies Standard Operating Procedure (SOP) to incorporate many of the lessons learned from 2020 and the recommendations of the SER.

The Demonstrations and Assemblies SOP contains specific language addressing communication with the community:

COMMUNICATION

MPD's goals during demonstration and assembly events are to facilitate participants' lawful objectives and protect their rights to freedom of speech and to assemble. Furthermore, where event participants comply with statutes and ordinances, MPD personnel should encourage and support participants' efforts to monitor themselves in an attempt to limit police involvement.

When a police response is requested or deemed necessary, the Incident Commander (IC) shall designate at least one Demonstration/Event Liaison who shall:

a. *Make reasonable efforts to contact and engage in dialogue with known event or demonstration organizers to assist MPD personnel in their planning and to develop a shared understanding of the organizers' needs and objectives. Similarly, the Demonstration/Event Liaison(s) should communicate law enforcement's expectations and inform participants on permissible and restricted actions during the event or demonstration and should be prepared to explain specific safety concerns and how MPD may intervene if safety becomes an issue.*
b. *Attempt to maintain communication with known event or demonstration organizers or the Person(s)-In-Charge before and during the event. The Demonstration/Event Liaison(s) shall maintain communications with the IC to keep them apprised of the situation. Consideration should be given to multilingual communication needs.*

Since the creation of this new SOP, MPD has also created a Community Dialogue Team (CDT) within the Special Events Team (SET) consisting of a diverse group of SET members and commanders. The CDT has a list of communication expectations to guide conversations with prospective demonstrators.

Also see Appendix Section A for the redlined Assemblies and Demonstrations SOP.

Recommendation 2:

MPD should provide written materials (available online and on social media) and regular education sessions for the community, including media and journalists, that explain when and how MPD officers will intervene with protesters. Such materials should provide examples of public safety risks that would cause MPD to intervene in demonstrations, and how MPD would be likely to intervene. MPD should consider whether these materials and sessions could be provided in conjunction with one or more community partners (e.g., ACLU, Lawyers Guild, etc.)

MPD Update:

MPD added information and educational materials to the Madison Police and City Parks Department websites. Information specific to hosting a rally, demonstration, or march can be found at the following URL:

https://www.cityofmadison.com/specialevents/ralliesApplicationProcess.cfm.

These online materials can also be viewed in Appendix Section C.

Recommendation 3:

In advance of demonstrations that are anticipated to need a police response, and especially where police or policing are expected to be the focus of a protest, MPD should continue the practice of generating an event plan in coordination with protest organizers. MPD should be prepared to explain to protesters before and during the event specific safety concerns that MPD has and how MPD plans to intervene if safety becomes an issue. MPD's crowd management principles should be posted on social media.

MPD Update:

MPD updated the Demonstrations and Assemblies SOP to reflect this recommendation:

PLANNED CROWDS AND EVENTS

Planning for events or demonstrations will be the responsibility of the affected district command staff

where the event is scheduled to occur, or of the MPD Special Events Coordinator, or of the designee of the Chief. The designated IC shall determine the level of police response, if any, is warranted.

The IC, or designee, shall make reasonable efforts in advance to contact event organizers and attempt to gather as much of the following necessary information about the event from the event organizers and other available information sources (Criminal Intelligence Section, social media, past event experience, etc.) to ensure accurate assignment of personnel and resources:

a. What type of event is involved?
b. When is it planned to occur?
c. Will the event coincide with other routine, large-scale events (e.g., sporting events)?
d. Is opposition to the event expected?
e. How many participants are expected to attend the event?
f. What are the assembly areas and movement routes in and around the event location?

g. *What actions, activities, or tactics are anticipated, to include use of demonstrator devices designed to thwart arrest?*
h. *What critical infrastructures are in the proximity of the event?*
i. *Have permits been issued?*
j. *Have other agencies, such as the Madison Fire Department (MFD), Madison Metro, and/or Traffic and Engineering been notified?*
k. *Is there a need to request mutual aid?*
l. *Will off-duty personnel be required?*
m. *What is the history of conduct at prior such events?*
n. *Are event organizers cooperative with police communication and coordination attempts?*
o. *Who are the potential counter-protest groups?*
p. *Is there a history of violence between the group demonstrating and potential counter-protest groups?*

Additionally, the "Madison Method" principles are part of the Demonstrations and Assemblies SOP. Prior to any planned events, MPD SET leadership communicates with the MPD Public Information Officer to post event-specific information and updates.

The "Madison Method"

1. We protect community members' constitutional rights to assemble, to petition the government, and to engage in free speech.
2. We are impartial and remain neutral regardless of the issue.
3. We maintain open dialogue with community members and the news media before, during, and after demonstrations.
4. We monitor demonstrations and marches to protect individual rights and ensure public safety.
5. We balance the rights of demonstrators with the rights of the community at large.
6. We use restraint in the use of force; we protect people first and property second.
7. We, as peace officers, pursue continuous improvement of our method.

Also see Appendix Section A for the redlined Assemblies and Demonstrations SOP.

Recommendation 4:
MPD should re-examine current community policing and community engagement models throughout the U.S. and internationally for models and techniques that can help it better understand and communicate with groups that are marginalized and/or not currently supportive of police departments.

MPD Update:
MPD continues to make progress on this recommendation. We have created a new created Community Dialogue Team (CDT) that specializes in providing community outreach opportunities related to demonstrations and assemblies. Additionally, our Use of Force Coordinator (who also organizes and plans SET trainings) continues to evaluate and research best practices for crowd engagement and crowd management with a primary goal of providing safe events.

Recommendation 5:
MPD should collaborate with community representatives to identify and train a group of Community Dialogue Representatives, individuals outside MPD who can be briefed on protester and MPD expectations for the protest and who can identify the changing needs of the protesters to MPD in ways that will maximize the ability of MPD to facilitate peaceful protests and prioritize life over property while striving to protect both.

MPD Update:
MPD has added information and educational materials to the Madison Police and City Parks Department websites, which can be viewed at the below URL:

https://www.cityofmadison.com/specialevents

These online materials can also be viewed in Appendix Section C.

Additionally, the Community Dialogue Team (CDT) will help create a cadre of Community Dialogue Representatives (CDR). In late 2022, MPD was were awarded a two-year COPS micro grant to help establish diverse Community Policing Advisory Boards in each of our six districts. We plan to use these boards to help recruit, develop, and train the CDRs. These CDRs are defined in the Demonstrations and Assemblies SOP and referenced in the Communication section of that SOP:

DEFINITIONS
Community Dialogue Representative (CDR): *Community members and leaders who serve as communication conduits between demonstrators and law enforcement and who possess credibility with the community to defuse tense situations without law enforcement intervention*
COMMUNICATION
MPD may request the presence of Community Dialogue Representatives (CDR) who can facilitate productive public safety interactions and communications at demonstrations when the presence of these community representatives may assist in achieving public safety.

Recommendation 6:
Particularly when police are the focus of a protest event, MPD and the City of Madison should continue to prioritize event facilitation and public safety, as opposed to crowd control or law enforcement. MPD should improve its ability to partner with protesters to allow the community (community members, activists, ACLU, human relations personnel, etc.) to self-manage protests while MPD is present, unless and until a legitimate public safety rationale requires MPD intervention. Less visible or intrusive tactics are more productive with protesters at such events

MPD Update:
MPD has incorporated language in the Demonstrations and Assemblies SOP under "Management and Organization Principles" that reflects these principles.

MANAGEMENT AND ORGANIZATION PRINCIPLES
It is the responsibility of MPD personnel to protect the rights of people to peaceably assemble, to consult

for the common good, and to petition the government or any department thereof.

When working with crowds, the overall police philosophy must be one of moderation and flexibility. To the degree that it can be done safely, it is preferred that crowd participants self-regulate and manage their own events.

Communication between police and event organizers before and during events can create mutual understanding, generate cooperation and compliance, and prevent disorder.

Crowds are dynamic in nature. The totality of the circumstances must inform the decision to introduce police action to maintain public safety. The preferred police response is one of crowd management rather than crowd control.

MPD personnel have an obligation to protect community members' rights while maintaining order, protecting property, and ensuring safety, peace, and order. Freedom of speech, association, and assembly, and the right to petition the government are subject to reasonable restrictions on the time, place, and manner of expression.

When deciding whether to use certain police tactics within a crowd, MPD personnel must always balance the benefits of such action(s) to maintain public safety and order along with the impact on the demonstration participants' freedom of speech and assembly, and the impact on people and property. MPD personnel prioritize life, safety, protection of property, and constitutional rights, with an emphasis on life safety.

When safe and feasible and without compromising public safety, MPD personnel should seek opportunities to reduce the likelihood of the need to use force. Mass arrests should be avoided unless necessary.

Officers will utilize seven principles, known as the "Madison Method," when working with crowds (listed above on page 4).
Also see Appendix Section A for the redlined Assemblies and Demonstrations SOP.

Additionally, in 2023 MPD will be forming Community Policing Advisory Boards in all six police districts with funding from a COPS micro grant. Our Community Dialogue Team will coordinate with these boards to provide specific training and outreach on what to expect at protests. These trainings will include informing the public on protestor rights as well as our crowd management philosophy.

Recommendation 7:
Regularly, and at least every four (4) years, MPD should provide continuing and ongoing training to all of its officers on the latest crowd control techniques for event facilitation

MPD Update:
MPD has planned for regular department-wide crowd control/management training as part of our ongoing in-service training. Our next department-wide crowd control training is scheduled for 2024.

Additionally, every MPD recruit currently receives a basic block of crowd control training as part of their overall pre-service academy instruction.

Recommendation 8:

In instances where police are the focus of protest activity, MPD and other departments facilitating protests in Madison should instruct officers to depart from protests via routes likely to avoid remaining protest activity by several blocks. These routes should be established in pre-event planning, event briefings, and situational awareness updates provided during and after events.

MPD Update:

As a part of pre-event planning and resource allocation for every planned event, MPD identifies potential routes of ingress and egress for emergency vehicles. This practice is also outlined in the Planned Crowds and Events section of the Demonstrations and Assemblies SOP. Each planned event also includes a pre-event briefing to make SET officers and all assigned personnel aware of the event intel including appropriate ingress and egress routes.

Recommendation 9:

To ensure transparency during crowd events and to permit appropriate reviews of MPD behavior, the City of Madison should consider requiring MPD officers to wear BWCs during crowd events

MPD Update:

MPD continues to seek authorization from the Common Council to implement a limited BWC pilot program in 2023. Equipping all officers with BWCs would require Common Council approval and budgetary authorization for equipment and staff costs.

Recommendation 10:

In advance of protests and where possible during protests, MPD and the City of Madison should conduct periodic sweeps of locations likely to be targets of protesters to reduce the chances of property damage by removing moveable property (e.g., law enforcement vehicles and equipment).

MPD Update:

MPD has adopted this recommendation in the Demonstrations and Assemblies SOP. See Appendix Section A.

Recommendation 11:

MPD should issue precise and thorough directives to officers about “no parking” zones for MPD vehicles near CCB or other areas that may be targeted during a protest. This should be part of pre-event planning, event briefings, and situational awareness updates provided during events. Additionally, this should be a training topic when providing all officers with crowd control training.

MPD Update:
MPD has incorporated this recommendation into the Demonstrations and Assemblies SOP:

MPD VEHICLES AND EQUIPMENT

When civil disobedience or civil disturbance can be reasonably anticipated to occur in a particular area, officers should avoid leaving any MPD vehicles unattended in those areas.

All MPD personnel shall abide by any parking directives set in place for any planned or spontaneous events.

Also see Appendix Section A for the redlined Assemblies and Demonstrations SOP.

Recommendation 12: MPD should stage SET officers in protective gear in locations near where crowd escalations or confrontations are anticipated to allow for faster response when significant injury to individuals is imminent

MPD Update:
MPD has incorporated language in the Demonstrations and Assemblies SOP under "Protective Equipment" and "SET Activation":

SET ACTIVATION

SET personnel shall stow their protective equipment at the stand-down location(s) for the team or in their assigned vehicle during a mobile event responses.

PROTECTIVE EQUIPMENT
Absent exigent circumstances, protective equipment may only be donned at the direction of a commanding officer. The decision to don protective equipment shall be based on several factors, including, but not limited to, the following:

a. the safety of officers
b. individual and / or group physical resistance
c. the presence of items that can be used as weapons
d. criminal actions or their threat
e. violent behavior or its threat
f. the potential impact or perceived effect that appearing in protective equipment may have on the crowd.

When practicable, the officers wearing protective equipment should be positioned in locations that minimize visibility until deployment is necessary. Officers may elect to don helmets separately from the rest of their protective equipment if they can articulate that the additional protection is necessary.

Also see Appendix Section A for the redlined Assemblies and Demonstrations SOP.

Recommendation 13: MPD should establish a system for locating protective gear that allows officers to transition from regular uniforms efficiently and arrive at protest sites rapidly.

MPD Update:
MPD now specifically chooses SET stand down locations for events that allow for quick access to equipment and mobile vehicles. These stand down locations also allow for storing vehicles and equipment securely when not needed.

PROTECTIVE EQUIPMENT
When practicable, the officers wearing protective equipment should be positioned in locations that minimize visibility until deployment is necessary. Officers may elect to don helmets separately from the rest of their protective equipment if they can articulate that the additional protection is necessary.

Mounted Patrol (MP) officers and their horses shall have their protective gear readily available at the MP stand-down location during any event deployment; this gear may be donned at the direction of a commanding officer.

Also see Appendix Section A for the redlined Assemblies and Demonstrations SOP.

Recommendation 14: MPD should obtain vehicles suitable to transport the entire contingent of SET officers in full equipment at the same time, so that response time and officer stamina are optimized at crowd events.

MPD Update:
MPD is working with City of Madison Fleet Services to obtain suitable vehicles that can transport SET officers in full equipment. MPD has already obtained seven (7) minivans that serve to improve SET transportation options. Nonetheless, MPD, with assistance from Fleet Services, continues to pursue the purchase of larger cargo vans that would allow for more SET officers to be transported in larger groups. In the interim, MPD has been successful at borrowing larger cargo vans from the Wisconsin Department of Administration when needed.

Recommendation 15: MPD should use the events of May 30 as a training exercise.

MPD Update:
MPD has incorporated the lessons learned from May 30 into scenario training as a part our regular SET trainings. Specifically, since 2021, we have incorporated the use of vehicles and a more mobile response to our trainings. We have access to vehicles to allow for the quick transportation of small groups of officers to emerging flashpoints. We have adapted how we train the use of formations as well. We continually practice donning our hard gear as well so that officers can feel comfortable quickly putting hard gear on and deploying to the training scenario/field. We have improved our ability to communicate with the crowd including the purchase of additional sound amplification equipment.

Recommendation 16: MPD should continue to develop, equip, and train mobile units on bicycles or in cars that can identify and interrupt vandals or others committing criminal acts during protests while minimizing interactions or interference that is undesired by protesters.

MPD Update:
MPD is revitalizing the bike unit incorporated within our Special Events Team and whose SET utilization is outlined in our Demonstrations and Assemblies SOP:

SET Bike Team members have specialized training and skills to use police bikes to perform crowd engagement and management duties. SET Bike Teams:

- *a) Should be deployed in teams of a least two riders/team;*
- *b) Shall wear approved bike uniform or a high-visibility vest over a standard MPD uniform when riding;*
- *c) Shall wear helmet at all times when the bicycle is in operation;*
- *d) Should follow rules of the road when riding, to include the display of proper front and rear lighting, except under the following conditions (Wisconsin State Statute 346.03(3)):*
  - *i) In response to an emergency call;*
  - *ii) While engaged in rescue operations;*
  - *iii) In the immediate pursuit of an actual or suspected violator of the law.*

Also see Appendix Section A for the redlined Assemblies and Demonstrations SOP.
SET Bike Team currently consists of 11 members who regularly ride during events. The SET Bike Team trains together at least twice per year in addition to the two annual full-team SET trainings that sometimes include training blocks with the bikes. MPD's bike team also trains and works collaboratively with the University of Wisconsin Madison Police Department (UWPD).

In addition to the SET Bike Team members, MPD has numerous non-SET members who are International Police Mountain Bike Association (IPMBA) certified. MPD has been deploying bike officers to additional events like Wisconsin Badger football games and various community events (weather dependent). These teams can identify and interrupt vandals or others committing criminal acts.

Additionally, MPD SET trains regularly in mobile response utilizing vans, UTVs and bikes in scenario training. The deployment of all of these resources is referenced in the Demonstrations and Assemblies SOP:

SET ACTIVATION

SET may be activated for a special event, demonstration, dignitary protection, or any unlawful assembly / civil disturbance. SET personnel may deploy on foot, on bicycles, and/or in vehicles for any planned or spontaneous event to which the team is assigned to work.

Also see Appendix Section A for the redlined Assemblies and Demonstrations SOP.

Recommendation 17: MPD should procure and use suitable audio equipment to ensure that declarations of unlawful assembly can be heard by crowds as large as the ones that were present on May 30 and 31, and that is rapidly transportable to unexpected locations

MPD Update:
MPD recently procured a device known as a SUPERHAILER to ensure that announcements given in a crowd environment will be audible by larger crowds. The SUPERHAILER is designed as a high assurance, long range, audible communication system which allows the operator to gain the attention of a person, or persons, and to project extremely clear verbal messages to them (even at significant distances from the operator). The system can be used to deescalate situations and to safely modify dangerous and criminal behavior through clear communication. Use of the SUPERHAILER may allow for communication at distance with persons in open-air environments, inside vehicles, and inside closed structures. The device is handheld (with an accompanying supportive strap) and rapidly transportable to unexpected locations. The SUPERHAILER is an audio communication device with built-in safety features to ensure subjects, operators, and bystanders will not exceed safe sound exposure levels as defined by Occupational Safety and Health Standards (OSHA) Standard Number 1910.95.

Recommendation 18:
MPD's declaration of an unlawful assembly should be delivered in a manner that is audible to everyone within the assembly. It should state the public safety rationale for the dispersal and using words that are clear to laypeople. Announcements should also provide a safe route for dispersal that the crowd can take. These requirements should be included in written Standard Operating Procedures (SOPs) for MPD.

MPD Update:
MPD has procured a device known as a SUPERHAILER. The SUPERHAILER is designed as a high assurance, long range, audible communication system which allows the operator to gain the attention of a person, or persons, and to project extremely clear verbal messages to them (even at significant distances from the operator). MPD has also updated the Demonstrations and Assemblies SOP to specify what language should be used in dispersal announcements:

Prior to forcibly dispersing the crowd and when tactically feasible and time reasonably permits, officers will issue repeated audible warnings for the crowd to voluntarily disperse and allow for reasonable time for the crowd to comply.

- *a. Designate an officer to issue loud verbal directives, using, when feasible, voice amplification (squad PA or SET megaphone). Notify dispatch of the issuance of each audible warning to disperse over the police radio.*
- *b. The audible warning to disperse should contain the following information:*
  - *i) That the gathering has been determined to be an Unlawful Assembly*
  - *ii) That participants are ordered to disperse*
  - *iii) Designated dispersal routes*
  - *iv) Descriptions of the prohibited behaviors*
  - *v) That those failing to disperse will be subject to arrest*

vi) That the use of chemical munitions may be used to disperse the crowd.

1) Example announcement:

This gathering has been determined to be an unlawful assembly. Property has been damaged and projectiles are being thrown. All participants must leave the immediate area or be subject to arrest. Exit the area using Main Street. The use of chemical munitions may be used to disperse the crowd.

c. Officers making audible warnings to disperse shall document the warnings in an appropriate police report, to include date, time(s), message(s), location(s), etc. Officers who hear the audible warnings should document their location in a police report.

d. When possible, the warnings should be audio or video recorded and the time and the names of the issuing officers recorded in the IC's event log.

e. Whenever feasible, prior to issuing dispersal warnings, the IC should place EMS/MFD personnel on standby.

f. During extended crowd dispersal events, audible warnings to disperse should be repeated periodically, and repeated any time a crowd is being dispersed from a separate geographic location from that of the earlier announcement(s).

g. Immediate action may be taken to address an imminent safety risk without audible dispersal warnings being issued. Audible dispersal warnings will be provided as soon as practical consistent with the guidelines above.

Also see Appendix Section A for the redlined Assemblies and Demonstrations SOP.

Recommendation 19: All MPD officers and appropriate City of Madison staff should be trained on an emergency preparedness infrastructure that would allow for routinized and rapid scaling of the Incident Command System (ICS) and the National Incident Management System (NIMS) for prolonged and/or large-scale emergencies. MPD should require that all command personnel are placed in actual roles (Command, Operations, Planning, Logistics, Administration) during protests to gain experience.

MPD Update:

In 2021, all current Assistant Chiefs, Captains, and Lieutenants attended ICS 300 (a 24-hour course) and ICS 400 ICS (a 16-hour course). All future lieutenants are required to complete both of these courses as part of their promotional training. Additionally, all newly promoted sergeants are required to complete ICS 100 and 200 courses during their initial training. Some City of Madison staff (outside of the police department) have attended ICS training as governed by their department heads. In 2023, the City of Madison Fire Department (MFD) will house a full time Emergency Manager for the City of Madison. MPD will provide this person with the Quattrone SER for reference and recommendations.

Recommendation 20:

MPD should track all distributions of chemical or "less lethal" munitions to officers and audit the use or return of such munitions after field deployment

MPD Update:
MPD has incorporated tracking and auditing language into the Demonstration and Assemblies SOP:

ORGANIZATIONAL RESPONSIBLITIES

6) The SET Lead Grenadier is the SET Grenadier Team member designated to serve as the team leader for a given event deployment. The SET Lead Grenadier shall:
- *a) Ensure SET grenadiers are equipped with a proper grenadier equipment prior to deployment;*
- *b) Ensure that additional equipment is loaded in an event accessible vehicle for deployment;*
- *c) Confirm additional munitions and a system for dissemination are available in case of deployment and need for resupply;*
- *d) Track the distribution of chemical and impact munitions to SET grenadiers and audit the use or return of such munitions after they are deployed into the field.*

Also see Appendix Section A for the redlined Assemblies and Demonstrations SOP.

Additionally, to aid in the tracking of tracking of deployed munitions, grenadiers have been trained to document the use of munitions over the radio, which is a preserved audio record of communications. The following is from the Demonstrations and Assemblies SOP:

> *e) (Grenadiers) Shall, as soon as practicable, relay information over the police radio about any munition deployed so that an audio record of the deployment exists; information relayed should include the type, quantity, and location of any munition deployed.*

Also see Appendix Section A for the redlined Assemblies and Demonstrations SOP.

In addition to the above requirements via SOP, every grenadier submits an annual written inventory of the munitions assigned to them. The lieutenant in charge of the grenadiers also maintains an overall written inventory of all SET less lethal and chemical munitions. The lieutenant also submits an annual report of chemical munitions use to the SET Commander (Captain).

Recommendation 21:
After protest events where MPD officers employ crowd control strategies, MPD should require officers and commanders to meet with and debrief SET officers to review, understand, and learn from these events. These reviews should occur in addition to existing internal or external administrative and accountability reviews

MPD Update:
MPD updated the Demonstration and Assemblies SOP to ensure meetings with officers and commanders. This is addressed in the Demonstration and Assemblies SOP:

SET DEMOBILIZATION

After a crowd control incident, SET personnel should debrief and conduct an after-action review of the incident when practicable. Also see Appendix Section A for the redlined Assemblies and Demonstrations SOP.

Since 2020 MPD was not had to utilize any crowd control tactics, and therefore has not had the opportunity to conduct a debriefing on any crowd control situations.

Recommendation 22:

MPD should state in its Standard Operating Procedures (SOPs) for crowd events that officers should not leave vehicles unattended in areas of known civil unrest.

MPD Update:

MPD has added the following language to the Demonstrations and Assemblies SOP:

MPD Vehicles and Equipment

When civil disobedience or civil disturbance can be reasonably anticipated to occur in a particular area, officers should avoid leaving any MPD vehicles unattended in those areas.

All MPD personnel shall abide by any parking directives set in place for any planned or spontaneous events.

Also see Appendix Section A for the redlined Assemblies and Demonstrations SOP.

Recommendation 23:

During protests, the CP should have the ability to locate any officer or vehicle participating in protest response, including officers or vehicles from other departments

MPD Update:

MPD is continuing to work with partnering agencies and departments to research available technology options within our budgetary framework. This recommendation presents a significant financial cost that would require Common Council approval and budgetary authorization for the equipment

Recommendation 24:

MPD should ensure that experienced dispatchers are in the Command Post to ensure that the deployment of officers and vehicles during a protest takes the movements of protesters into account, and provides additional context to officers being deployed near crowd events.

MPD Update:

MPD is committed to working with Dane County 911 to ensure that the most experienced dispatchers are in the command post for known planned events.

Recommendation 25:
MPD should limit the presence of rifles at protests to instances and personnel needed to prevent mass shooting events. Other officers should not bring rifles to protests. If rifles are brought to protests as standard issue equipment in squad cars, they must be locked in their secure cabinets. Any rifle that cannot be secured in a locked cabinet should be left at a secure MPD location.

MPD Update:
MPD continues to assess the necessary equipment needed at events, particularly in the aftermath of regional and national events such as the Waukesha vehicular assault and the Highland Park mass shooter.

Moreover, the security of our equipment has been updated in our new Demonstrations and Assemblies SOP*:*

MPD Vehicles and Equipment

If rifles are brought in squad cars to an area where civil disobedience or civil disturbance can be reasonably anticipated to occur, the rifles must be locked in a rifle rack or in a secured cabinet in the squad car, unless the rifles are being actively handled by an officer. Any rifle that cannot be secured in the locked rack or cabinet in the vehicle should be stored at a secure MPD location.

Also see Appendix Section A for the redlined Assemblies and Demonstrations SOP.

Recommendation 26:
MPD should acquire GPS tracking technology that will enable all officers' locations to be known when it is activated.

MPD Update:
While understanding the budgetary restraints associated with this recommendation, SET personnel are committed to continuing to research the most cost-efficient options to incorporate this recommendation

Recommendation 27:

When "officer down" calls are issued, they should provide as much context as possible regarding the nature of the situation. Any follow-up communications should provide additional context promptly and alert officers when the needed assistance is being provided, and whether there is additional risk to other officers in the vicinity

MPD Update:
MPD Officers receive training on clear and concise radio discipline. SET commanders conduct pre-event briefings that include reminders about radio traffic and best practices, which include identifying the

location and nature of the problem, and the type of assistance required. After-event reviews are expected to further improve this training over time.

Recommendation 28:
MPD and MFD should develop protocols for responding to fires during civil unrest, including specifically gaining rapid access to fires set within or near angry crowds, and should train together to practice those protocols.

MPD Update:
MPD and MFD are committed to working and training together to produce best practices for large events. MPD has routinely partnered with MFD to establish unified command at planned and unplanned events that are best supervised with the assistance of a command post. MPD and MFD will meet in spring of 2023 to discuss possible training opportunities.

Recommendation 29:
MPD should create mobile units capable of identifying instigators and vandals in a crowd, separating them from other protesters, and removing them from the scene. These units should also be able to locate and access any MPD officer or vehicle at any time to provide rapid assistance.
MPD Update:
During the 2020 civil unrest, MPD SET commanders researched and incorporated a mobile response plan. We continue to train and implement these mobile tactics for all events. SET personnel will continue to research and implement mobile tactics best suited for large and spontaneous events.

Recommendation 30:
For crowd events that will be facilitated by MPD in partnership with other agencies or organizations, MPD should purchase a sufficient number of spare radios to ensure that all participating agencies can communicate with each other and the Command Post via encrypted methods.

MPD Update:
There is a significant financial cost associated with acquiring additional radios. During 2020, we addressed this challenge in the field by paring outside agency personnel with MPD employees to assuage some of the communication difficulties. We now have access to an additional 31 spare radios that we can lend to any outside agency that is assisting us in the future. MPD will continue to look at alternative options to overcome limited radio supplies.

Recommendation 31:
Madison Fire Department (MFD) should coordinate with City waste management organizations and residential buildings to empty dumpsters and remove flammable trash during the day in locations where civil protests are anticipated. MPD and local businesses in likely protest areas should coordinate to

minimize the availability of dumpsters to be used as barriers or weapons in civil unrest, by securing them in place or other methods.

MPD Update:
When practicable, MPD will communicate with MFD and local business owners and community stakeholders prior to known/planned events and asks for their cooperation in securing and managing their property.

Recommendation 32:
MPD should obtain voice amplification equipment for all SET members who wear gas masks, to allow them to speak clearly with each other and with community members who are within voice range.

MPD Update:
Voice amplifiers will allow for better communication with the crowd when officers are wearing gas masks. We are working to equip all of our SET supervisors with voice amplifiers for their gas masks. We will continue to request funds to acquire additional amplifiers to equip each SET member with an amplifier as part of our annual budget process.

Recommendation 33:
MPD should develop a SOP for the issuance of unlawful assembly warnings and train officers in its application. Warnings and calls to disperse should be in everyday language easily understood by the general public, and should emphasize a clear and specific public safety rationale for the limitations being placed on the assembly. MPD should consider accessibility issues (e.g., non-English speakers) to optimize communication for all.

MPD Update:
To address this recommendation, MPD has added language to our Demonstrations and Assemblies SOP:

Dispersal

Prior to forcibly dispersing the crowd and when tactically feasible and time reasonably permits, officers will issue repeated audible warnings for the crowd to voluntarily disperse and allow for reasonable time for the crowd to comply.

- *a. Designate an officer to issue loud verbal directives, using, when feasible, voice amplification (squad PA or SET megaphone). Notify dispatch of the issuance of each audible warning to disperse over the police radio.*
- *b. The audible warning to disperse should contain the following information:*
  - *i) That the gathering has been determined to be an Unlawful Assembly*
  - *ii) That participants are ordered to disperse*
  - *iii) Designated dispersal routes*
  - *iv) Descriptions of the prohibited behaviors*
  - *v) That those failing to disperse will be subject to arrest*

vi) That the use of chemical munitions may be used to disperse the crowd.

1) Example announcement:
This gathering has been determined to be an unlawful assembly. Property has been damaged and projectiles are being thrown. All participants must leave the immediate area or be subject to arrest. Exit the area using Main Street. The use of chemical munitions may be used to disperse the crowd.

c. Officers making audible warnings to disperse shall document the warnings in an appropriate police report, to include date, time(s), message(s), location(s), etc. Officers who hear the audible warnings should document their location in a police report.

d. When possible, the warnings should be audio or video recorded and the time and the names of the issuing officers recorded in the IC's event log.

e. Whenever feasible, prior to issuing dispersal warnings, the IC should place EMS/MFD personnel on standby.

f. During extended crowd dispersal events, audible warnings to disperse should be repeated periodically, and repeated any time a crowd is being dispersed from a separate geographic location from that of the earlier announcement(s).

g. Immediate action may be taken to address an imminent safety risk without audible dispersal warnings being issued. Audible dispersal warnings will be provided as soon as practical consistent with the guidelines above.

Also see Appendix Section A for the redlined Assemblies and Demonstrations SOP.

Additionally *MPD recently purchased an audio device, "SUPERHAILER," that can reach lager crowds The Superhailer has programmed recordings in English, Spanish, and French highlighting unlawful assemblies, dispersals and route considerations. In 2022, members of SET received training on the Superhailer and unlawful assembly warnings. (Note: if technology fails SET has personnel who are fluent in Spanish and English and can assist in relaying messages related to unlawful assemblies).*

The use of the SUPERHAILER is covered by a separate MPD SOP. The SOP can be viewed in Appendix Section E.

Recommendation 34:

MPD SET should increase its usage of mobile field force tactics, including but not limited to bicycle squads, to enable officers to rapidly and efficiently engage with individuals whose acts create a physical danger to others in ways that minimize their impact on peaceful protesters.

MPD Update:

MPD SET began utilizing a mobile response plan during 2020 civil unrest. SET also has a bike unit that it routinely deploys to events. SET command and our Use of Force Coordinator will continue to research the best practices and techniques for deploying bikes and utilizing mobile response tactics in the field.

Recommendation 35:
MPD SET should minimize the use of fixed formations of officers as a crowd dispersal tactic, using them only when useful to stabilize an incident and recognizing that when police are the focus of the protest their presence may escalate, rather than stabilize a situation.

MPD Update:
MPD's Use of Force Sergeant, who also oversees training for SET, attended Federal Emergency Management Agency (FEMA) crowd tactics training in February 2022. Fixed formations continue to have a place in crowd management / control. MPD SET also remains committed to limiting the use of static fixed lines.

Recommendation 36: Particularly in instances where the legitimacy of a governmental agency is the subject of a protest, the City of Madison should consider whether the declaration of a curfew serves the intended purpose of reducing participation in protests or will increase participation (and unlawful behavior) in a show of defiance. The City of Madison should reserve the imposition of curfews for those instances where a curfew is truly needed to ensure public safety, where it will not inflame tensions further, where its objectives are clear, and where police have the capacity to enforce it effectively.

MPD Update:
MPD is committed to working in collaboration with other City of Madison government officials and we will provide our input on topics affecting the safety and security of our community.

Recommendation 37: MPD leadership and supervisors should provide clear briefings to MPD officers prior to crowd events, including MPD's rationale for crowd facilitation tactics at the event, and debrief after events, allowing officers to provide feedback on MPD tactics. The debriefings should be held as soon after the events as is practically possible.

MPD Update:
Prior to any known/planned event, the SET Incident Command Post commander or designee facilitates a pre-event briefing for all SET personnel assigned to the event. Other MPD personnel (small teams, traffic post, etc.) working the event have their own briefings related to their specific assignments. The briefing PowerPoint presentation includes event details, goals, and information pertinent to the event response as well as an opportunity pre-event for any questions, comments, and concerns to be raised and addressed before resources deploy to the field for the event.

As noted in the MPD Response to Recommendation #21 the Demonstrations and Assemblies SOP includes information regarding post-event debriefings under the "SET Demobilization" heading.

Recommendation 38: The definition of "active resistance" used in the Wisconsin state training and standards curriculum is very broad, and could be interpreted to justify uses of force against individuals whose actions are defiant and disrespectful of police but not physically threatening. In such situations,

MPD should train its officers to consider the difference between what may be desirable and what may be justifiable in considering what level of force or control is proportional to resolve a situation that is creating a danger for others.

MPD Update:
The current Wisconsin Department of Justice Law Enforcement Standards Board Defensive and Arrest Tactics (DAAT) manual (approved December 1, 2021 for training effective May 1, 2022) defines "Active Resistance" as follows on page 43:

> "Active resistance is defined as 'behavior which physically counteracts an officer's control efforts and which creates a risk of bodily harm to the officer, subject, and/or other persons.' Examples of active resistance include attempting to pull away from the officer's gasp, running away, getting up after being directed to the ground, and so on."

MPD SET incorporates our team's operating philosophy on the use of force in Madison Method #6: "We use RESTRAINT in the use of force. We protect people first and property second."

MPD personnel overall are also held to the operational provisions of our Use of Force SOP:

Purpose
Consistent with our Mission and Core Values, the Madison Police Department (MPD) is committed to valuing and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the MPD'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 MPD 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.

Recommendation 39: During community engagements prior to and after protests, MPD should explain the rationale behind its policies and practices involving uses of force at crowd events. For example, MPD uses multiple officers to overwhelm a target for arrest so that less physical force is actually exerted by MPD. This safety rationale should be understood by community, as it often appears that MPD is "ganging up" on a single community member. Video reviews and community discussions of videos from these protests may be useful as dialogue and education tools for MPD and community alike.

MPD Update:
In support of this recommendation, MPD SET has created a Community Dialogue Team. As this team develops, we will be looking to incorporate the community into discussions and trainings.

Recommendation 40: MPD should not deploy OC Spray against passive resisters or people who are merely observing MPD activities.

MPD Update:

In general MPD agrees with this recommendation. In practice, the need to disperse a crowd with maximum safety and minimum exposure of officers and protesters to the risk of physical force greater than the use of OC spray may cause exposure of OC spray to individuals who are not actively resisting an officer but are disobeying a legal dispersal order and are nearby a deployed canister of OC spray. Our policies on this topic are below.

The use of Oleoresin Capsicum Spray (OC Spray) as a general use of force is codified under the Non-Deadly Force within the MPD Use of Force SOP:

NON-DEADLY FORCE

THE USE OF OLEORESIN CAPSICUM SPRAY (OC SPRAY)

1. Officers may use OC spray when they reasonably believe they are facing active resistance, or its threat, from the subject. OC spray is not to be used against subjects who are offering only passive resistance.
2. Officers shall only direct OC spray in a manner as prescribed by the Chief of Police through MPD training.
3. OC spray shall not be used once an individual is subdued and under control.
4. High-volume OC delivery systems (larger than MK-9) will only be used as outlined below.
5. If practical, the individual on whom OC spray was used should be provided with an opportunity to eliminate the effects of the irritant by washing and flushing the affected areas with water.

The use of OC and other specialized chemical irritant delivery systems is crowd environments is also codified within the Use of Force SOP:

USE OF SPECIALIZED CHEMICAL IRRITANT DELIVERY SYSTEMS

Specialized chemical irritant delivery systems include the following:

1. High-volume OC delivery systems (larger than MK-9)
2. Projectile-delivered chemical irritants (OC or CS)
3. Hand-thrown chemical irritant canisters (OC or CS)

A redlined version of the Use of Force SOP can be located in Appendix Section B.

Specialized chemical irritant delivery systems will only be deployed by officers who have been trained in their use, and use will be consistent with departmental training. Only delivery systems and munitions approved by the Chief of Police or designee are authorized for use.

Unlawful Assembly/Crowd Control – Specialized chemical irritant delivery systems will only be used in a crowd control context under the following circumstances:

1. Dispersal of unlawful assembly
    a. The incident commander has declared an unlawful assembly and made the decision to disperse a crowd as outlined in the MPD Demonstrations and Assemblies SOP.
    b. Appropriate warnings have been provided as outlined in the MPD Demonstrations and Assemblies SOP.
    c. The crowd has been provided reasonable time to disperse but has not dispersed voluntarily.
    d. Unlawful behavior resulting in the unlawful assembly declaration is continuing.
    e. The incident commander determines that the use of specialized chemical irritant delivery systems is reasonably necessary to do one or more of the following:
        i. Protect officers or others from imminent physical harm;
        ii. Respond to specific acts of violence or property damage;
        iii. Disperse the crowd without utilizing more intrusive levels of force.
    f. Avenues of egress for the crowd exist.
    g. Officers involved are appropriately equipped and notified that use of specialized chemical irritant delivery systems is imminent.
    h. The incident commander should also balance the immediate need for the use of specialized chemical irritant delivery systems (the severity and volume of unlawful activity) with the potential for adverse impact of said use (effect on uninvolved persons; visibility/traffic concerns; etc.).
    i. The incident commander has approved use.

2. Exigent circumstances
    In all but the most extreme circumstances, specialized chemical irritant delivery systems should only be deployed to disperse an unlawful assembly with incident commander approval as outlined above. Emergency deployment without incident commander approval is only permitted under the following circumstances:
    a. Criteria for an unlawful assembly exists.
    b. An urgent and immediate threat of physical harm to officers or others exists.
    c. The risk of immediate physical harm is such that approval from the incident commander for deployment cannot be sought without unreasonably risking the safety of officers or others.
    d. Addressing the immediate threat by use of other force options is not practical or would be ineffective.
    e. Avenues of egress for the crowd exist.
    f. Deploying officers will notify the incident commander of the use of specialized chemical irritant delivery systems as soon as practical.

A redlined version of the Use of Force SOP can be located in Appendix Section A.

Recommendation 41:

All Use of Force statements submitted by MPD officers should be carefully reviewed by MPD supervisors and/or investigators, as required by MPD policy. When a use of force is reported that deviates from MPD policies or procedures, MPD should ensure appropriate accountability and corrective actions measures are taken.

MPD Update:

MPD's current practices include report requirements for employees who use force, a supervisory review and documentation of each reported use of force, and a Use of Force Coordinator review of all recordable uses of force. These requirements are codified in the following MPD SOPs: Demonstrations and Assemblies, Use of Force, and Use of Force Data Collection and Review, which are available for review in the Appendix.

MPD SET personnel's use of force reporting requirements are codified under the "SET Demobilization" heading of the Demonstrations and Assemblies SOP.

Overall MPD employees' use of force reporting requirements are codified under the Use of Force Reporting Required heading of the Use of Force SOP:

USE OF FORCE REPORTING REQUIRED

Any officer who uses physical force, or any of the following enumerated weapons, devices, or tactics against another person, shall complete an original or supplementary report on the incident during which the force was used:

1. Firearms (including pointing a firearm at an individual)
2. Baton or Less Lethal Impact Munitions
3. Chemical Agents, OC spray, or Electronic Control Devices
4. Handcuffs or other Restraining Devices, including hobble restraints, spit hoods, remote restraint devices, 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. A copy of the report should be routed to the MPD Use of Force Coordinator.

The Use of Force Coordinator duties are defined in the Use of Force Data Collection and Review SOP under the "Use of Force Coordinator" heading:

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

- 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 of 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 (Professional Standards & Internal Affairs). 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 and training.

Recommendation 42:
MPD should continue the practice of using mobile squads to interrupt activity by instigators within a protest or crowd event that could cause physical harm or damage to public or private property, using techniques that are minimally invasive to peaceful protesters under the circumstances.

MPD Update:
The use of mobile teams are an important compliment to MPD's tactics. As such, mobile response considerations are discussed at pre-event briefings.

Recommendation 43:
When MPD mobile units are observed making arrests, MPD should immediately be able to articulate to observers the specific activities that created the need for the arrest.

MPD Update:
Communication is a facet of Principle #3 of the "Madison Method": We maintain OPEN DIALOGUE with community members and the news media before, during, and after demonstrations.

MPD SET members will attempt to dialogue with community members about an arrest when it is safe and feasible to do so.

Recommendation 44:
MPD mobile units must act in accordance with MPD's Equal Protection policy, ensuring that their acts are not "based solely upon an individual's membership, association, identification or protected class" as they work to support crowd events and ensure neutrality in their assessments of probable cause and their selection of whom to arrest.

MPD Update:
MPD SET members are committed to serving with impartiality and respect as stated in Principle #2 of the "Madison Method": We are IMPARTIAL and remain neutral regardless of the issues.

This is also consistent with the MPD and SET Mission Statements:

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

MPD SET Mission: The mission of the Madison Police Department's Special Events Team is to protect the first amendment right of community members to assemble peacefully and to voice their opinions on

issues that are often sensitive and emotional in nature. We believe in the dignity of all people and respect individual and constitutional rights in fulfilling this mission. Members of the Madison Police Department's Special Events Team have an obligation to protect community members' rights, yet maintain order and protect life and property.

Additionally, in our MPD Code of Conduct it states:

7. Equal Protection

Members of the Department shall act to preserve the rights of all. Any intentional acts (by commission or omission) based solely upon an individual's membership, association, identification or protected class is a violation of equal protection and prohibited by federal, state and City of Madison law. Furthermore, such activity is contrary to the MPD Mission Statement and our Core Values and only serves to undermine trust with the community we have pledged to serve.

Recommendation 45:

MPD should be aware that a suspicion of racial bias will be part of the public response in any arrest of a non-White suspect, and should be ready to proactively address that concern when explaining the Department's actions.

MPD Update:

We strive to be impartial in all that we do and agree that we have an obligation to explain our actions. The MPD Mission Statement (see Response to Recommendation 44), MPD SET Mission Statement (see Response to Recommendation 44), MPD Core Values, and the Madison Method all incorporate language about policing fairly and with impartiality and respect to all community members we serve.

MPD Core Values:

- Human Dignity: We acknowledge the value of all people and carry out our duties with dignity, respect, and fairness to all.
- Service: We strive to deliver a high degree of service in an unbiased manner.
- Community Partnership: We believe that the police can only be successful in improving safety and the quality of life the community enjoys when police and members of the public work together to address issues directly.
- Integrity: We are committed to performing our work with the highest degree of honesty, integrity, and professionalism.
- Proficiency & Continuous Improvement: We seek to continually improve ourselves and the quality of our service to the community.
- Diversity: We engage in continuous learning about different cultures, values, and people. We promote mutual acceptance and inclusion of all.
- Leadership: All employees are leaders. We value the talents, creativity, and contributions of all employees.

Madison Method – Seven Principles of Handling Crowds and Demonstrations:

1. We PROTECT community members' constitutional rights to assemble, petition the government and engage in free speech.
2. We are IMPARTIAL and remain neutral regardless of the issue.
3. We maintain OPEN DIALOGUE with community members and the news media before, during and after demonstrations.
4. We MONITOR demonstrations and marches to protect individual rights and ensure public safety.
5. We BALANCE the rights of demonstrators with the rights of the community at large.
6. We use RESTRAINT in the use of force. We protect people first and property second.
7. We, as PEACE OFFICERS pursue CONTINUOUS IMPROVEMENT of our method.

Recommendation 46:

MPD should publish and publicize its procedures for handcuffing, and officers should avoid placing their knees on the head, neck, or C-spine of individuals they are stabilizing on the ground.

MPD Update:

Handcuff usage is codified in MPD's Use of Force SOP under the Use of Restraining Devices heading:

USE OF RESTRAINING DEVICES

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.

1. Officers shall apply handcuffs in a manner prescribed by the Chief of Police through MPD training.
2. 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.
3. In an emergency situation when an 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.
4. Individuals who are placed in a maximum restraint position should be continuously monitored for breathing and circulation.

The MPD Use of Force SOP also includes language on prohibit techniques under the "Prohibited Techniques" heading:

PROHIBITED TECHNIQUES

The following techniques create a substantial likelihood of death or great bodily harm and are

prohibited (except if deadly force is authorized and all other reasonable means of defense have been exhausted or are not present or practical):

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

A redlined version of the Use of Force SOP can be located in Appendix Section B.

Recommendation 47:
The City of Madison should reconsider whether the benefits of body-worn camera technology in allowing for the review of arrest techniques outweigh the privacy concerns of having community members on video.

MPD Update:
Police Management and the Police Union continue to be supportive of BWCs for MPD employees. MPD is working with the Common Council to implement a limited BWC pilot program in 2023. Equipping all officers with BWCs would require Common Council approval and budgetary authorization for equipment and staff costs.

Recommendation 48:
When responding to the scene of an arrest, MPD officers should be aware that they are likely to be filmed, and after a scene is stabilized should be prepared to clearly articulate the public safety rationale for police actions, to clarify events and reduce tensions.

MPD Update:
Currently, our pre-event briefing to officers includes a PowerPoint reminder to SET members that cameras are prevalent in today's society and our team members are reminded to comport themselves in a professional and respectful manner. Additionally, as stated above, communication is also a facet of Principle #3 of the "Madison Method": We maintain OPEN DIALOGUE with community members and the news media before, during, and after demonstrations.

Recommendation 49:
MPD officers should recognize that a sole justification of "resisting arrest" to explain a police use of force may lack legitimacy in the eyes of community observers, and explain more specifically what acts an arrestee committed that caused MPD to arrest him.

MPD Update:
MPD has formed a Community Dialogue Team (CDT) within SET. The CDT will be looking to incorporate community discussions and trainings as part of their duties post-events. Additionally, procedural justice

concepts are now taught at both our pre-service and in-service trainings with a particular emphasis on transparency and explaining the reasons for taking police action.

Recommendation 50:
As part of its community policing and community engagement initiatives, MPD should provide education regarding acts that it will permit as protected political speech in a protest, and acts that it will consider to harm or threaten to harm others and therefore trigger a police intervention or arrest. Video reviews and community discussions of videos from these protests may be useful as dialogue and education tools.

MPD Update:
To increase information and education about protected versus prohibited behaviors, MPD has added information and educational materials to the City Parks website :

https://www.cityofmadison.com/specialevents/ralliesApplicationProcess.cfm

This website information can also be found in the Appendix Section C.

Additionally, MPD has formed a Community Dialogue Team (CDT) which will lead community outreach and education efforts related to protests and demonstrations. This team will help educate community members about their rights and responsibilities at first amendment gatherings.

Recommendation 51:
MPD should conduct scenario planning for protests that are designed to disable predictable targets such as government buildings, police precincts, or other locations that MPD reasonably believes might be targeted by protesters for crowd events.

MPD Update:
MPD is supportive of this recommendation and addresses part of it within the Demonstrations and Assemblies SOP:

PROTESTS AT DISTRICT STATIONS AND FACILITIES
Planning and Preparation:
Annually, the captain in charge of each MPD district station or facility will review and update the appropriate protest plans for their MPD district station and facilities. The plans should be electronically stored on the MPD Intranet.
The information contained within the plans will be shared annually with staff assigned to the district or facility.

A redlined version of the Demonstrations and Assemblies SOP can be located in Appendix Section A.

Additionally, MPD has ongoing discussions with other area law enforcement agencies and has worked in concert with them on response plans to government buildings and other locations that may be the target of protesters.

Recommendation 52:

During periods when protests are not occurring, MPD and community organizations should engage in community dialogues that explain the safety concerns related to protest activity that targets various types of buildings, including but not limited to government buildings, commercial buildings, residences, and mixed use commercial/residential buildings, and the obligations of MPD and the Madison Fire Department (MFD) to take various actions to protect each of those types of buildings to ensure that protest activity does not create dangers to others.

MPD Update:

MPD is taking steps to start a Community Dialogue Team that will assist in opening further conversations within the community. MPD's core values include community partnership and continuous improvement. MPD is committed to continuous improvement of our methods and at expanding our community partnerships.

Recommendation 53:

MPD should identify and train a group of Community Dialogue Representatives, individuals outside MPD who can be briefed on protester and MPD expectations for the protest and who can identify the changing needs of the protesters to MPD in ways that will maximize the ability of MPD to facilitate peaceful protests and prioritize life over property while striving to protect both. These individuals should have direct access to mobile SET and medical units who are on call and can respond immediately in the event of an altercation within the crowd.

MPD Update:

MPD has created a Community Dialogue Team to help facilitate this recommendation. The Community Dialogue Team will coordinate with Community Dialogue Representatives. Additionally we have addressed it within the Demonstrations and Assembly SOP:

Communication:

MPD may request the presence of Community Dialogue Representatives (CDR) who can facilitate productive public safety interactions and communications at demonstrations when the presence of these community representatives may assist in achieving public safety.

A redlined version of the Demonstrations and Assemblies SOP can be located in Appendix Section A.

Recommendation 54:
When determining the appropriate intervention or use of force during a crowd event, MPD should prioritize life safety, protection of property, and constitutional rights with an emphasis on life safety.

MPD Update:
MPD has incorporated this recommendation into the Demonstrations and Assemblies SOP:

MANAGEMENT AND ORGANIZATION PRINCIPLES

When deciding whether to use certain police tactics within a crowd, MPD personnel must always balance the benefits of such action(s) to maintain public safety and order along with the impact on the demonstration participants' freedom of speech and assembly, and the impact on people and property. MPD personnel prioritize life, safety, protection of property, and constitutional rights, with an emphasis on life safety.

A redlined version of the Demonstrations and Assemblies SOP can be located in Appendix Section A.

Recommendation 55:
The City of Madison should install additional CCTV cameras in and around the CCB and other City facilities (and police stations) to increase coverage and create redundancy. Care should be given to protecting these cameras from destruction by protesters or others.

MPD Update:
MPD continues to support cameras and works with partner agencies and governmental officials to support increased numbers of cameras. City IT manages the City camera system.

Recommendation 56:
Government buildings that are likely to be targets of protesters during periods of civil unrest should have a protective film added to their windows on the first three stories to reduce the potential breach of the building via windows.

MPD Update:
MPD has been working with city and county facilities agencies to facilitate the process of adding protective film. In 2020 the MPD Training Center, the Central District (City County Building) and all MPD district stations were equipped with security film.

Recommendation 57:
MPD should provide a standardized communication platform to all officers participating in a crowd event, whether or not they are MPD officers, and should brief all participants on how to access a shared, encrypted communication channel as necessary.

MPD Update:
MPD is supportive of improving officer to officer communications at events. MPD does have a standardized communication platform and is committed to ensuring that all jurisdictions working an event can communicate effectively. We have been working with communication analysts and have identified encrypted radio solutions that allow for communication between multiple agencies. MPD also now has access to additional spare radios as mentioned above.

Recommendation 58:
MPD should evaluate communication technologies to find a technology that is encrypted, works with officer cell phones across platforms, can be voice-operated and audible, and is usable in protective gear without interfering with officers' responses to people in need. If necessary, MPD should evaluate its protective gear to see if there is protective gear that offers both superior protection and superior ability to communicate in real time to others present without radios and in place of or using radios

MPD Update:
MPD has updated protective gear. The new gear does provide easier access to equipment. However by its very nature and the need to be protective mobility and dexterity is reduced when wearing protective gear. We will continue to research potential improvements in communication as this recommendation suggests.

Recommendation 59:
MPD should consider the use of technology that would permit remote verification of requests for MPD assistance when "false alarms" are a reasonable possibility. The technology would be used to determine whether reported protester or instigator activity is factually accurate and therefore to determine where to deploy SET resources efficiently.

MPD Update:
MPD is committed to continuous improvement of our methods and researching available technology. MPD has an Unmanned Aircraft System (AKA, drone) program and that equipment is routinely available at protest events depending on weather conditions. Utilization of this technology may allow for additional verification of incidents.

Recommendation 60:
MPD should ensure that it has sufficient designated Communications Officers present at protests who are authorized to communicate protester requests to the CP and communicate MPD public safety requirements to the protesters. Selection of these officers should include preferences for multilingual communication skills. These officers should receive specific training on how to communicate with protesters to facilitate protester objectives while underscoring public safety needs.

MPD Update:
As stated previously MPD has created a Community Dialogue Team (CDT). MPD is supportive of this

recommendation and it falls within the responsibilities of the CDT. Our CDT is comprised of a diverse group of officers to include Spanish-speaking officers.

Recommendation 61:
When crowds are protesting, and particularly when there is reason to believe that instigators will attempt to incite violence, MPD SET should be nearby and ready to deploy at levels that can provide a substantial police presence in the face of vandalism or looting.

MPD Update:
MPD addressed this recommendation within the Demonstration and Assemblies SOP:

SET ACTIVATION

SET may be activated for a special event, demonstration, dignitary protection, or any unlawful assembly / civil disturbance. SET personnel may deploy on foot, on bicycles, and/or in vehicles for any planned or spontaneous event to which the team is assigned to work.

A redlined version of the Demonstrations and Assemblies SOP can be located in Appendix Section A.

Additional access to vans allows for officers quickly to an area to provide substantial police presence in the face of vandalism and looting.

Recommendation 62:
The City of Madison should educate community members, including business owners on how to protect themselves and their properties during civil unrest as part of its community engagement efforts.

MPD Update:
The Community Dialogue Team will be charged with incorporating community discussions and training as part of their post-event duties. MPD is aware that the majority of planned and unplanned events occur in the downtown area. When feasible, Central District Command through their established relationships with the Business Improvement District (BID) and Downtown Madison Inc. (DMI) share information for business stakeholders to be better prepared.

Recommendation 63:
The City of Madison should coordinate safety sweeps of areas where protests are expected. The sweeps would seek to remove any moveable property, especially trash receptacles and construction materials which could be used by protesters to start fires.

MPD Update:
MPD communicates with local business owners prior to known/planned events and asks for their

cooperation in securing and managing their property. MPD routinely works with other city agencies such as streets and facilities departments to help make environments safer for events.

Recommendation 64:
MPD mounted officers deployed to protest situations should be equipped with appropriate protective gear.

MPD Update:
The safety of our officers and their equine partners is of utmost importance. The Demonstrations and Assemblies SOP has been updated to reflect this tenant:

PROTECTIVE EQUIPMENT
Mounted Patrol (MP) officers and their horses shall have their protective gear readily available at the MP stand-down location during any event deployment; this gear may be donned at the direction of a commanding officer.

A redlined version of the Demonstrations and Assemblies SOP can be located in Appendix Section A.

MPD Officers have quick access to the protective gear in the horse trailers that are brought to and staged at every event that mounted attends.

Recommendation 65:
The Stakeholders recognize the intrusiveness and undesirability of CS gas and other similar chemical munitions. At the same time, the Stakeholders understand the potential need for MPD to disperse a crowd in ways that avoid the use of more dangerous or potentially lethal weapons. Therefore, the Stakeholders recommend that MPD should deploy CS gas as a crowd dispersal tactic cautiously, using it only when people are at risk of imminent physical harm or to prevent substantial property damage.

MPD Update:
The SET Grenadier Team members continue to research best practices and new technologies. This is also addressed in the Demonstrations and Assemblies SOP:

Dispersal

Prior to forcibly dispersing the crowd and when tactically feasible and time reasonably permits, officers will issue repeated audible warnings for the crowd to voluntarily disperse and allow for reasonable time for the crowd to comply.

a. Designate an officer to issue loud verbal directives, using, when feasible, voice amplification (squad PA or SET megaphone). Notify dispatch of the issuance of each audible warning to disperse over the police radio.

b. The audible warning to disperse should contain the following information:

i) That the gathering has been determined to be an Unlawful Assembly

ii) That participants are ordered to disperse

iii) Designated dispersal routes
iv) Descriptions of the prohibited behaviors
v) That those failing to disperse will be subject to arrest
vi) That the use of chemical munitions may be used to disperse the crowd.
1) Example announcement:
This gathering has been determined to be an unlawful assembly. Property has been damaged and projectiles are being thrown. All participants must leave the immediate area or be subject to arrest. Exit the area using Main Street. The use of chemical munitions may be used to disperse the crowd.

c. Officers making audible warnings to disperse shall document the warnings in an appropriate police report, to include date, time(s), message(s), location(s), etc. Officers who hear the audible warnings should document their location in a police report.

d. When possible, the warnings should be audio or video recorded and the time and the names of the issuing officers recorded in the IC's event log.

e. Whenever feasible, prior to issuing dispersal warnings, the IC should place EMS/MFD personnel on standby.

f. During extended crowd dispersal events, audible warnings to disperse should be repeated periodically, and repeated any time a crowd is being dispersed from a separate geographic location from that of the earlier announcement(s).

g. Immediate action may be taken to address an imminent safety risk without audible dispersal warnings being issued. Audible dispersal warnings will be provided as soon as practical consistent with the guidelines above.

A redlined version of the Demonstrations and Assemblies SOP can be located in Appendix Section A.

Recommendation 66:
Incident commanders and officers involved in crowd events should conduct after-event reviews promptly after crowd events, in which officers describe challenges to the event and incident commanders explain their strategic and tactical rationales, leading to opportunities for mutual learning and modification of policies, procedures and actions.

MPD Update:
This recommendation is addressed in the updated the Demonstrations and Assemblies SOP:

SET Demobilization

After a crowd control incident, SET personnel should debrief and conduct an after-action review of the incident when practicable. The operational pace during 2020 was an obstacle to timely debriefings. In

order to provide prompt debriefings if similar events should occur in the future, the recommendation is that SET perform debriefings at a squad and/or platoon level.

See Appendix Section A for the redlined Assemblies and Demonstrations SOP.

Recommendation 67:
MPD and the City of Madison should review the placement of CCTV cameras to ensure the ability of MPD to respond appropriately to acts of vandalism and arson throughout Madison.

MPD Update:
City IT manages the City camera system however, MPD can and does provide input reference camera locations whenever possible. Additionally, camera operators are assigned for events.

Recommendation 68:
To the degree that it can be done safely, it is preferred that crowd participants self-regulate and manage their own events, particularly when policing is the subject of the protests.

MPD Update:
MPD believes that it is preferable for crowd participants to self-regulate and manage their own events when it can be done safely. The Demonstrations and Assemblies SOP has been updated to reflect this:

Management and Organization Principles

When working with crowds, the overall police philosophy must be one of moderation and flexibility. To the degree that it can be done safely, it is preferred that crowd participants self-regulate and manage their own events.

It is the standard procedure of MPD to contact event organizers prior to events that expect large crowds. It is during this contact that MPD attempts to create an open line of communication between MPD and organizers. Typically information is shared about logistics, event expectations, conflicting events and estimated participants. Additionally information about our crowd management philosophy, the rights of protestors and our desire for crowds to self-regulate has been added to our website at the below URL:

https://www.cityofmadison.com/police/field/specialevents.cfm

A redlined version of the Demonstrations and Assemblies SOP can be located in Appendix Section A.

Recommendation 69:
MPD should enhance its collaboration with community leaders to develop a group of individuals who will facilitate productive public safety interactions and communications at demonstrations where the police are the subjects of the protest. Potential structures might include:

a. Collaboration with Madison's Civilian Oversight Board to ensure a community-driven group to achieve this objective;
b. Ensuring that the facilitators are serving as apolitical protectors of the community, with a formal role that need not be a part of MPD;
c. Ensuring that the facilitators are chosen through a joint MPD and community-led process that prioritizes neutrality, maturity, balance, serenity, credibility, and time and relationships with community and law enforcement; and/or
d. Leveraging existing anti-violence organizations in Madison, including (but not limited to) the Community Safety Worker pilot program being introduced by Focus Interruption; and/or
e. Other approaches that are being utilized in other communities across the U.S. or internationally, such as Philadelphia's Civil Response Unit, the "protest marshal" approach being used in Phoenix, the Sweden and UK Dialogue Officer model, or other approaches. A significant effort must be made to include grassroots leaders as well as those attached to large organizations. Additionally, young people should be included in these processes in some capacity.

MPD Response:

This is an ongoing process at MPD. The Civilian Oversight Board (COB) is still coalescing and recently hired an Independent Monitor. We look forward to working with the COB as they continue to develop. As stated above, we have recently formed a Community Dialogue Team (CDT). We have schedule the CDT for a training day in January 2023 and more training days throughout the year. The training days allow for the members of the CDT to be pulled from their regular assignments to work on the implementation of the CDT including developing communications training for the CDT and SET as a whole. Additionally the CDT will work on strategies to develop Community Dialogue Representatives and build trust with the community. This will be coordination with the six district Community Police Advisory Boards discussed above as well as exploring collaboration with existing community entities such as the Focused Interruption Coalition (FIC).

This is also addressed under the Demonstrations and Assemblies SOP:

Communication

During crowd events, MPD personnel may make announcements to the crowd designed to convey general information, to communicate targeted information to specific individuals, and to serve as a de-escalation tool by directing and informing the crowd in an attempt to prevent the need for police action. MPD may request the presence of Community Dialogue Representatives (CDR) who can facilitate productive public safety interactions and communications at demonstrations when the presence of these community representatives may assist in achieving public safety.
Also see Appendix Section A for the redlined Assemblies and Demonstrations SOP.

-End of Progress Report-

Appendix

Section A: Demonstrations and Assemblies SOP (redlined)

Section B: Use of Force SOP (redlined)

Section C: Informational and educational materials added to the Madison Police and City Parks websites:

- https://www.cityofmadison.com/SpecialEvents/
- https://www.cityofmadison.com/specialevents/ralliesApplicationProcess.cfm
- https://www.cityofmadison.com/police/field/specialevents.cfm

Section D: Internet address for all MPD SOPs

Demonstration and Assemblies

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

PURPOSE

The purpose of this standard operating procedure (SOP) is to establish guidelines for managing crowds, protecting individual rights, and preserving the peace during crowd events.

POLICY

It is the policy of the Madison Police Department (MPD) to protect individual constitutional rights related to assembly and free speech; to effectively manage crowds to prevent loss of life, injury, or property damage; and to minimize disruption to persons who are not directly involved in any particular assembly or demonstration.

DEFINITIONS

Freedom of Speech and Assembly: For the purposes of this SOP, as articulated in the United States Constitution and the Constitution of the State of Wisconsin, the collective rights of the people to peaceably assemble, to consult for the common good, and to petition the government, or any department thereof.

Demonstration (or Protest): An assembly of persons organized primarily to engage in free speech activity. These may be permitted and scheduled events that allow for law enforcement planning. They include, but are not limited to, marches, protests, and other assemblies intended to attract attention.

Community Dialogue Representative (CDR): Community members and leaders who serve as communication conduits between demonstrators and law enforcement and who possess credibility with the community to defuse tense situations without law enforcement intervention.

Demonstration/Event Liaison: Member(s) of MPD who attempt(s) to engage in dialogue with known event or demonstration organizers to assist MPD in its planning and to develop a shared understanding of the organizers' needs and objectives.

Civil Disobedience: A non-violent form of protest or resistance to obeying certain laws, demands, or commands of a government.

Civil Disturbance or Unlawful Assembly: Per Wisconsin State Statute 947.06, three or more people who cause such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed. An unlawful assembly may also be known as a civil disturbance or a riot.

Crowd Management: Techniques used to facilitate lawful assemblies before, during, and after the event for the purpose of maintaining lawful status through event planning, pre-event contact with event organizers, issuance of permits when applicable, information gathering, personnel training, and other means.

Crowd Control: Law enforcement response to crowds that have become an unlawful assembly / civil disturbance that may require dispersal and / or arrests.

Protective Equipment: Additional clothing items and equipment that law enforcement personnel may don to help protect them from physical injury. Protective equipment includes, but is not limited to, helmets; gas masks; chest, arm, and leg protectors; and gloves.

PROCEDURE

MANAGEMENT AND ORGANIZATION PRINCIPLES

It is the responsibility of MPD personnel to protect the rights of people to peaceably assemble, to consult for the common good, and to petition the government or any department thereof.

When working with crowds, the overall police philosophy must be one of moderation and flexibility. To the degree that it can be done safely, it is preferred that crowd participants self-regulate and manage their own events.

Communication between police and event organizers before and during events can create mutual understanding, generate cooperation and compliance, and prevent disorder.

Crowds are dynamic in nature. The totality of the circumstances must inform the decision to introduce police action to maintain public safety. The preferred police response is one of crowd management rather than crowd control.

MPD personnel have an obligation to protect community members' rights while maintaining order, protecting property, and ensuring safety, peace, and order. Freedom of speech, association, assembly, and the right to petition the government are subject to reasonable restrictions on the time, place, and manner of expression.

When deciding whether to use certain police tactics within a crowd, MPD personnel must always balance the benefits of such action(s) to maintain public safety and order along with the impact on the demonstration participants' freedom of speech and assembly, and the impact on uninvolved people in the area. MPD personnel prioritize life safety, protection of property, and constitutional rights, with an emphasis on life safety.

When safe and feasible and without compromising public safety, MPD personnel should seek opportunities to reduce the likelihood of the need to use force. Mass arrests should be avoided unless necessary.

Officers will utilize seven principles, known as the "Madison Method," when working with crowds:

1. We protect community members' constitutional rights to assemble, to petition the government, and to engage in free speech.
2. We are impartial and remain neutral regardless of the issue.
3. We maintain open dialogue with community members and the news media before, during, and after demonstrations.
4. We monitor demonstrations and marches to protect individual rights and ensure public safety.
5. We balance the rights of demonstrators with the rights of the community at large.
6. We use restraint in the use of force; we protect people first and property second.
7. We, as peace officers, pursue continuous improvement of our method.

ORGANIZATIONAL RESPONSIBLITIES

A Federal Emergency Management Agency (FEMA) Emergency Management Institute Incident Command System (ICS) will be used by MPD personnel to plan for, to staff, and to manage crowd events. FEMA defines ICS as follows:

> "A standardized approach to the command, control, and coordination of on-scene incident management, providing a common hierarchy within which personnel from multiple organizations can be effective. ICS is the combination of procedures, personnel, facilities, equipment, and communications operating within a common organizational structure, designed to aid in the management of on-scene resources during incidents. It is used for all kinds of incidents and is applicable to small, as well as large and complex, incidents, including planned events."

Organization of responsibilities for managing demonstrations and assemblies shall be as follows:

1) The Incident Commander (IC) is the individual responsible for on-scene incident activities and has overall authority and responsibility for conducting incident operations. The IC shall:
   a) Oversee the development, dissemination, and implementation of written operational plans, also known as the Incident Action Plan (IAP), for planned crowds and events; documentation of and about a spontaneous event may occur as the spontaneous event develops and shall be formally preserved as soon as practicable after the spontaneous event;
   b) Determine the mission and objectives and consider what deployment options and tactics are objectively reasonable under the totality of the circumstances;
   c) When deciding whether to use certain police tactics within a crowd, the IC shall balance the benefits of such action(s) to maintain public safety, peace, and order along with the impact on the demonstration or event participants' First Amendment rights;

2) The Operations Section Chief is the individual responsible for implementing tactical incident operations described in the IAP, or other available written event documentation. The Operations Section Chief shall:
   a) Assist the IC in determining staffing levels, probable missions, and possible tactical strategies during the planning for the event; and
   b) Assign units to specific missions during the event to meet the objectives established by the IC.

3) The Special Events Team (SET) Incident Command Post (ICP) Commander is the SET representative assigned to the incident/event command post and is responsible for the overall deployment and management of SET resources. The SET ICP Commander shall:
   a) Facilitate pre-event informational briefing prior to planned events;
   b) Effectuate tactics designed to accomplish mission objectives;
   c) When feasible, and through the use of the Demonstration/Event Liaison, attempt to establish and maintain communication, with the Person-In-Charge / Event Point of Contact, or designee, during demonstrations;
   d) Communicate updates and information from the Incident Command Post (ICP) to the SET Field Commander(s) and from SET Field Commander(s) to the ICP;
   e) Ensure that grenadier munition deployments reported over the radio are recorded in the ICP event log;
   f) Record SET activity on an ICS-214 form.

4) The SET Field Commander(s) / supervisor(s) is/are the highest-ranking supervisory SET member(s) assigned to the event in the field. SET Field Commander(s) shall:
   a) Assess the mood of the crowd and regularly provide updates to the IC;
   b) Serve as or designate an alternate Demonstration/Event Liaison;
   c) Direct SET members to attempt to positively interact with the crowd when safe and appropriate.

5) SET Sergeants are the direct supervisors of squads of SET Officers. SET Sergeants:
   a) Shall verify that SET officers have the proper equipment;
   b) Shall ensure that all SET officers are briefed prior to the start of the event;
   c) Should maintain close contact with their assigned officers during deployments to ensure compliance with directives, monitor behavior and disposition, and ensure that they are aware of any changes in crowd behavior or intent;
   d) Shall ensure the completion of required documentation for any use(s) of force and/or injury.

6) The SET Lead Grenadier is the SET Grenadier Team member designated to serve as the team leader for a given event deployment. The SET Lead Grenadier shall:
   a) Ensure SET grenadiers are equipped with a proper grenadier equipment prior to deployment;
   b) Ensure that additional equipment is loaded in an event accessible vehicle for deployment;
   c) Confirm additional munitions and a system for dissemination are available in case of deployment and need for resupply;
   d) Track the distribution of chemical and impact munitions to SET grenadiers and audit the use or return of such munitions after they are deployed into the field.

7) SET Grenadiers have specialized training, equipment, and skills in the use of chemical (CS) and oleoresin capsicum (OC or Pepper Spray) munitions, sprays, and aerosols, and in the deployment of impact munitions. SET Grenadiers:
   a) Shall be issued a standard array of SET munitions and equipment and at a minimum, individual grenadiers will inspect and inventory their assigned load out at minimum frequency of twice per year;
   b) Should inspect and inventory their assigned grenadier equipment and supplies at the beginning of each activation;
   c) When authorized, shall deploy to the field with the standardized complement of grenadier equipment and shall only deploy with authorized equipment for which they have received proper training;
   d) Should not carry Grenadier equipment outside of SET deployments or during the course of their regular duties unless authorized by a SET commander or designee. In exigent circumstances, grenadiers may deploy specialized grenadier equipment with the permission of a supervisor, but shall inform a SET commander as soon as practicable;
   e) Shall, as soon as practicable, relay information over the police radio about any munition deployed so that an audio record of the deployment exists; information relayed should include the type, quantity, volume, and location of any munition deployed.

8) SET Field Extrication Team (FXT) members have specialized training and skills to extricate persons from protest devices. When demonstrators actions and/or practices—contrary to law—unreasonably

impede traffic, restrict the public's freedom of movement, and/or jeopardize public safety, SET FXT members will be activated to respond. SET FXT members:

a) Shall ensure the safety of demonstrators, the public at large, and themselves when responding to a protest device;
b) Shall utilize techniques based on training, the MPD Code of Conduct, and other MPD SOPs to assess, plan, and when necessary, extricate a person from a protest device;
c) Shall demonstrate the safe and proper use of all FXT tools and equipment;
d) Shall inspect and maintain an inventory of all equipment and the equipment shall be stoed in the designated department-issued vehicle;
e) Should not carry FXT equipment outside of SET deployments or during the course of their regular duties unless authorized by a SET commander or designee.

9) SET Medics have specialized training and skills to provide immediate emergency casualty care to officers and to citizens within an austere environment. SET Medics:

a) Should be incorporated into as many platoon or squads as staffing assigned to the event allows;
b) Shall be issued a standard array of SET medics supplies and equipment and shall carry this equipment with them during events;
c) Are authorized to keep their SET-issued specialized medical equipment with their regular work equipment to allow them to respond to any incident involving mass casualties or a clear need for emergency casualty care response;
d) Shall follow appropriate protocol for emergency medical treatment established by the following authorities:
   i) The State of Wisconsin Department of Justice Law Enforcement Standards Board for Tactical Emergency Casualty Care
   ii) The directions, trainings, and protocol as ordered by the Medical Director of MPD.

10) SET Officers:

a) Uniformed personnel shall wear identification (nameplates, IBM/badge number) in a visible location on their person at all times;
b) Should focus on conveying the message that law enforcement is present at the event to protect crowd participants and their right to demonstrate peacefully;
c) Shall report and document any use of force according to the Use of Force Data Collection and Review SOP.

COMMUNICATION

MPD's goals during demonstration and assembly events are to facilitate participants' lawful objectives and protect their rights to freedom of speech and to assemble. Furthermore, where event participants comply with City of Madison laws and ordinances, MPD personnel should encourage and support participants' efforts to monitor themselves in an attempt to limit police involvement.

When a police response is requested or deemed necessary, the IC shall designate at least one Demonstration/Event Liaison who shall:

a. Make reasonable efforts to contact and engage in dialogue with known event or demonstration organizers to assist MPD personnel in their planning and to develop a shared understanding of the organizers' needs and objectives. Similarly, the Demonstration/Event Liaison(s) should communicate law enforcement's expectations and inform participants on permissible and restricted actions during the

event or demonstration and should be prepared to explain specific safety concerns and how MPD may intervene if safety becomes an issue

b. Attempt to maintain communication with known event or demonstration organizers or the Person(s)-In-Charge before and during the event. The Demonstration/Event Liaison(s) shall maintain communications with the IC to keep them apprised of the situation. Consideration should be given to multilingual communication needs.

MPD, through the Public Information Officer (PIO) or another designee and in coordination with the IC, may communicate through the use of social media and other conventional outlets to keep the public, including the crowd, informed throughout the event.

During crowd events, MPD personnel may make announcements to the crowd designed to convey general information, to communicate targeted information to specific individuals, and to serve as a de-escalation tool by directing and informing the crowd in an attempt to prevent the need for police action.

MPD may request the presence of Community Dialogue Representatives (CDR) who can facilitate productive public safety interactions and communications at demonstrations where the police are the subject of the protest or when the presence of these community representatives may assist in achieving public safety.

PLANNED CROWDS AND EVENTS

Planning for events or demonstrations will be the responsibility of the affected district command staff where the event is scheduled to occur, or of the MPD Special Events Coordinator, or of the designee of the Chief. The designated IC shall determine the level of police response, if any, is warranted.

The IC, or designee, shall make reasonable efforts at advance contact with event organizers and attempt to gather as much of the following necessary information about the event from the event organizers and other available information sources (Criminal Intelligence Section, social media, past event experience, etc.) to ensure accurate assignment of personnel and resources:

a. What type of event is involved?
b. When is it planned to occur?
c. Will the event coincide with other routine, large-scale events (e.g., sporting events)?
d. Is opposition to the event expected?
e. How many participants are expected to attend the event?
f. What are the assembly areas and movement routes in and around the event location?
g. What actions, activities, or tactics are anticipated, to include use of demonstrator devices designed to thwart arrest?
h. What critical infrastructures are in the proximity of the event?
i. Have permits been issued?
j. Have other agencies, such as the Madison Fire Department (MFD), been notified?
k. Is there a need to request mutual aid?
l. Will off-duty personnel be required?
m. What is the history of conduct at prior such events?
n. Are event organizers cooperative with police communication and coordination attempts?
o. Who are the potential counter-protest groups?
p. Is there a history of violence between the group demonstrating and potential counter-protest groups?

The IC or designee shall prepare a written plan subject to the approval of the chief executive officer or designee. The plan should address the following and should be distributed to all participating agencies and special response teams:

a. Command assignments and responsibilities
b. Personnel, unit structure, and deployment considerations to include the need for special response teams (i.e., SET, MFD, Special Weapons and Tactics (SWAT), Unmanned Aircraft System (UAS), etc.)
c. Information obtained through liaison(s) with event planners
d. Communication plan, to include release of information to the media
e. Pre-event intelligence analysis
f. Weather and terrain at the event location
g. Transportation, support, and relief of personnel
h. Staging points for additional resources and equipment
i. Traffic management plan
j. First aid stations established in coordination with emergency medical service providers
k. Demonstrator devices, extrication teams, and equipment
l. Transportation of arrestees
m. Arrestee processing areas, to include required considerations for youth arrests
n. Any laws, ordinances, or administrative rules specific to the event

SET ACTIVATION

SET may be activated for a special event, demonstration, dignitary protection, or any unlawful assembly / civil disturbance. SET personnel may deploy on foot, on bicycles, and/or in vehicles for any planned or spontaneous event to which the team is assigned to work.

Initial requests for SET activation should be made to the Lead SET Commander. If that person cannot be contacted immediately, a deputy SET commander shall be contacted. A full-team SET activation should generally be approved by the lead SET Commander and designated Assistant Chief; however, SET use may be approved by any MPD supervisor if no SET commander/supervisor can be contacted, or in case of extraordinary emergency where command approval would be impractical. A SET commander will be notified as soon as possible of any SET usage that did not have prior authorization.

SET personnel, under the direction of a SET commander or designee, will have primary responsibility for on scene management and control of all crowd events in which any significant portion of the team is activated. SET personnel shall avoid leaving MPD vehicles unattended at any point during a deployment. SET personnel shall stow their protective equipment at the stand-down location(s) for the team or in their assigned vehicle during a mobile event responses.

Whenever two or more SET platoons are activated, or at the discretion of a SET commander, an incident command post (ICP) will be designated and staffed. When possible, the ICP will be staffed by a SET commander, an affected district commander, a camera operator, and a recorder.

SET DEMOBILIZATION

At the conclusion of any SET deployment:

a. SET supervisors shall account for all personnel engaged in the incident and shall assess and document any personal injuries.
b. Equipment used during the deployment should be inventoried and inspected for damage and replaced when necessary.
c. Any arrests shall be reported to the incident commander.
d. All SET field personnel shall report any and all uses of force to a supervisor before the conclusion of their assignment. SET supervisors shall complete the MPD SET demobilization checklist whenever uses of force or injury occurred during a deployment.
e. All SET field personnel shall complete a police report on any uses of force before the conclusion of their assignment.

After a crowd control incident, SET personnel should debrief and conduct an after-action review of the incident when practicable.

SPONTANEOUS CROWDS

A spontaneous crowd is not necessarily unlawful, nor does it automatically require a significant police response. If the crowd is at an MPD station or facility, refer to the District Station and Facility section of this SOP.

A sergeant shall respond to the location of a spontaneous crowd and determine if a police response is warranted. If a police response is warranted, the sergeant shall coordinate the response and notify the Officer in Charge (OIC).

When safe and feasible, the on-scene sergeant or designee may attempt to engage the spontaneous crowd organizer in an effort to determine an appropriate police response.

If crowd behavior escalates beyond civil disobedience to a level that may pose a threat to public safety during a spontaneous crowd event that is being managed by a sergeant, the OIC shall contact a commander in the affected district to assess the needs for additional resources.

SPONTANEOUS CIVIL DISTURBANCE

The first officer(s) to arrive on the scene of a spontaneous civil disturbance should:

a. Observe the situation from a safe distance to determine if property damage or acts of violence are occurring;
b. Advise on the police radio of the nature and seriousness of the disturbance, particularly the following:
   i) the location and estimated number of participants,
   ii) the presence of weapons,
   iii) current activities (e.g., blocking traffic, violence, looting),
   iv) direction of movement of participants,
   v) routes of ingress and egress for emergency vehicles;
c. Request the assistance of a supervisor and necessary backup officers; and
d. Attempt to pinpoint crowd leaders and agitators engaged in criminal acts;

A supervisor at the scene of a spontaneous civil disturbance should:

a. Deploy officers at vantage points to report on crowd actions;

b. Move and reroute pedestrian and vehicular traffic around the event location;
c. Ensure, to the degree possible, that uninvolved individuals are evacuated from the immediate area of the event location;
d. Designate a secure staging area for emergency responders and equipment;
e. Provide ongoing situational assessments over the police radio and request a dedicated, encrypted police radio channel;
f. Establish a temporary command post;
g. Form Strike Teams: Responding officers should be formed into strike teams of generally three (3) to four (4) officers (minimum) and a sergeant. For officer safety, officers should always work in teams in crowd environments. Sergeants should rely on the experience of on duty SET members to help organize teams and tactics.
h. Announcements: At the first available opportunity, make audible requests that the crowd voluntarily disperse. This can be done from a safer distance by using the squad public address (PA) device. When possible, make repeated announcements and allow enough time for voluntary compliance. When feasible, note announcement times with dispatch over the police radio.
i. Ensure that adequate security is provided to MFD and Emergency Medical Services (EMS) personnel in the performance of emergency tasks.
j. Isolate and arrest: Only when sufficient resources are on hand, strike teams should identify and attempt to arrest individuals whose criminal conduct is driving crowd momentum. Officers should communicate with each other to identify individuals involved in criminal conduct and then work as a team to safely take those individuals into custody using contact / cover principles.

Other considerations:

a. Cameras: Valuable intelligence and situational awareness can be gained by utilizing city cameras. While strike teams are responding, and if resources allow, consider assigning an officer to access the city camera network to communicate with on-scene officers.
b. When possible, an event log can be helpful to document activities and actions taken during the course of the incident; if resources allow, consider assigning an officer to maintain an event log.
c. Video evidence should be preserved as needed.

When civil disturbances cannot be controlled with available field personnel within a reasonable period of time, the OIC shall contact the lead SET Commander.

PROTECTIVE EQUIPMENT

Absent exigent circumstances, protective equipment may only be donned at the direction of a commanding officer. The decision to don protective equipment shall be based on several factors, including, but not limited to, the following:

a. the safety of officers
b. individual and / or group physical resistance
c. the presence of items that can be used as weapons
d. criminal actions or their threat
e. violent behavior or its threat
f. the potential impact or perceived effect that appearing in protective equipment may have on the crowd.

When practicable, the officers wearing protective equipment should be positioned in locations that minimize visibility until deployment is necessary. Officers may elect to don helmets separately from the rest of their protective equipment if they can articulate that the additional protection is necessary.

Mounted Patrol (MP) officers and their horses shall have their protective gear readily available at the MP stand-down location during any event deployment; this gear may be donned at the direction of a commanding officer.

MPD VEHICLES AND EQUIPMENT

When civil disobedience or civil disturbance can be reasonably anticipated to occur in a particular area, officers should avoid leaving any MPD vehicles unattended in those areas.

If rifles are brought in squad cars to an area where civil disobedience or civil disturbance can be reasonably anticipated to occur, the rifles must be locked in a rifle rack or in a secured cabinet in the squad car, unless the rifles are being actively handled by an officer. Any rifle that cannot be secured in the locked rack or cabinet in the vehicle should be stored at a secure MPD location.

All MPD personnel shall abide by any parking restrictions set in place for any planned or spontaneous events.

UNLAWFUL ASSEMBLY

Pursuant to Wisconsin State statute 947.06, an “unlawful assembly" is an assembly which:

1. Consists of three (3) or more persons, and
2. Causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed.
3. An unlawful assembly includes:
   a. an assembly of persons who assemble for the purpose of blocking or obstructing the lawful use by any other person or persons of any:
      i) private or public thoroughfares, or
      ii) property of or any positions of access or exit to or from any private or public building; or
      iii) dwelling place, or any portion thereof
   b. and which assembly which assembly *does in fact so block or obstruct* the lawful use by any other person, or persons of any such:
      i) private or public thoroughfares, or
      ii) property of or any positions of access or exit to or from any private or public building; or
      iii) dwelling place, or any portion thereof

DISPERSAL

If it is reasonable to believe that a significant number of the assembly will cause injury or property damage if not immediately dispersed, the IC may declare an unlawful assembly. The IC shall strive to accomplish the following primary objectives at an unlawful assembly:

a. Protect persons, regardless of their participation in the disturbance;
b. Disperse disorderly or threatening crowds in order to mitigate the immediate risks of continued escalation and further violence;

c. Arrest law violators, including those responsible for property damage, and remove or isolate persons inciting violent behavior.

Prior to giving the order to disperse the crowd, the IC must consider the following:

a. The severity and degree of the threat to people or property
b. The number and nature of unlawful acts within the crowd
c. The number and nature of violent acts within the crowd
d. Whether separate crowds have merged and now the group has internal conflict between participants
e. Whether sufficient police resources are available on scene to manage the incident effectively
f. If there are reasonable alternatives to dispersal, including
    i) Communicating with event organizers or persons-in-charge in order to restore order through collective agreement of action
    ii) Targeting for arrest specific individuals who are engaged in unlawful action that are driving crowd behavior
g. Whether dispersal unduly endangers the public, the police, or participants in the crowd
h. The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly
i. The sole fact that some of the demonstrators or organizing groups have previously engaged in violent or unlawful acts is not grounds for declaring an assembly unlawful.

Prior to forcibly dispersing the crowd and when tactically feasible and time reasonably permits, officers will issue repeated audible warnings for the crowd to voluntarily disperse and allow for reasonable time for the crowd to comply.

a. Designate an officer to issue loud verbal directives, using, when feasible, voice amplification (squad PA or SET megaphone). Notify dispatch of the issuance of each audible warning to disperse over the police radio.
b. The audible warning to disperse should contain the following information:
    i) That the gathering has been determined to be an Unlawful Assembly
    ii) That participants are ordered to disperse
    iii) Designated dispersal routes
    iv) Descriptions the prohibited behaviors
    v) That those failing to disperse will be subject to arrest
    vi) That the use of chemical munitions may be used to disperse the crowd.
        1) Example announcement:
            This gathering has been determined to be an unlawful assembly. Property has been damaged and projectiles are being thrown. Any participants must leave the immediate area or be subject to arrest. Exit the area using Main Street. The use of chemical munitions may be used to disperse the crowd.
c. Officers making audible warnings to disperse shall document the warnings in an appropriate police report, to include date, time(s), message(s), location(s), etc.

Officers who hear the audible warnings should document their location in a police report.

d. When possible, the warnings should be audio or video recorded and the time and the names of the issuing officers recorded in the IC's event log.

e. Whenever feasible, prior to issuing dispersal warnings, the IC should place EMS/MFD personnel on standby.

f. During extended crowd dispersal events, audible warnings to disperse should be repeated periodically, and repeated any time a crowd is being dispersed from a separate geographic location from that of the earlier announcement(s).

g. Immediate action may be taken to address an imminent safety risk without audible dispersal warnings being issued. Audible dispersal warnings will be provided as soon as practical consistent with the guidelines above.

MASS ARREST

If necessary, the IC may authorize the arrests of numerous individuals over a relatively short period of time. For this process to be handled efficiently, safely, and legally, the following should be observed:

a. Mass arrests should be conducted by designated teams.

b. An adequate secure area should be designated for holding arrestees after processing and while awaiting transportation to a detention/arrest processing center; separate areas should be used for adult and youth arrestees.

c. Arrest teams should be advised of the basic offenses to be charged in all arrests and all arrestees shall be advised of these charges.

d. Arrestees who are sitting or lying down but who agree to walk shall be escorted to the transportation vehicle for processing. Two or more officers should carry those who refuse to walk.

e. Arrestees shall be searched incident to arrest for weapons, evidence of the crime of arrest, and contraband.

f. When practical, photographs should be taken of the arrestee and any arrestee property, and an arrest information form shall be completed.

g. Transporting officers should not accept arrestees without a properly prepared field arrest form, or functionally equivalent written documentation, and photographs, when possible; transporting officers shall also ensure that all property is properly processed.

h. Anyone who is injured, to include arrestees, shall be provided medical attention. Photographs should be taken of all known and reported injuries.

PROTESTS AT DISTRICT STATIONS AND FACILITIES

Planning and Preparation:

Annually, the captain in charge of each MPD district station or facility will review and update the appropriate protest plans for MPD district stations and facilities. The plans should be electronically stored on the MPD Intranet.

The information contained within the plans will be shared annually with staff assigned to the district or facility.

SPONTANEOUS DEMONSTRATIONS AT AN MPD DISTRICT STATION OR FACILITY

Officers shall report a spontaneous demonstration at a district station or at an MPD facility to a supervisor.

A supervisor shall travel to the location of the spontaneous demonstration and shall formulate an initial response including, but not limited to, the following:

a. If practical, conduct a walk-through of the building and confirm that the building is secure and that all personnel are accounted for.
b. Consider relocating people, vehicles, and sensitive equipment from the involved station or facility.
c. If necessary, implement a communications plan to notify dispatch, the OIC, and any incoming district or facility officers of an alternate reporting location and important updates about the demonstration.
d. Ensure responding officers have appropriate protective equipment available.
e. Consider maintaining a visible presence in the area outside of the demonstration and provide enhanced monitoring with a readiness to intervene, if necessary.
f. Depending on intelligence and observations, consider attempting to establish contact with the demonstrators.
g. If necessary, establish a command post in an adjacent district station or alternate facility away from the affected district or facility. This ICP should include (if possible) an Incident Commander (IC), camera operator, and a Criminal Intelligence Section officer or recorder.
h. The IC should evaluate the needs for additional personnel and resources and work with the OIC to fulfill needs, such as activating on-duty SET personnel.
i. Command staff of the affected district / facility should initiate an Alder/Mayoral notification if the demonstration disrupts police services to the community.

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

~~Purpose~~

~~The Madison Police Department's (MPD) function is to protect citizens' constitutional rights to free speech, to demonstrate, and to disseminate information in a lawful and peaceful manner while protecting others' rights to free movement, privacy and freedom from violence. The MPD has an obligation to protect citizens' rights while maintaining order, protecting property and ensuring safety. The MPD and its personnel will be completely impartial and employees will make no public statement which reflects personal opinion on the pertinent issues(s) while on duty.~~

~~Procedure~~

1. ~~Planning for large pre-planned events or demonstrations will be the joint responsibility of the Command Staff of the district in which the event is to occur and the Special Events Team (SET). If possible, departmental personnel should communicate with the event organizer prior to the event.~~
2. ~~In the event of a spontaneous crowd management/control incident, a patrol supervisor shall respond and assume command of the scene. District Command Staff will be consulted to determine the need to respond to establish incident command and/or additional resources. If the situation warrants (increasing crowd size, hostile crowd demeanor, property damage, etc.) the SET commander will be contacted to determine if a full or partial SET activation is necessary.~~
3. ~~The SET, under the direction of a SET commander or designee, will have primary responsibility for on scene management and control of all crowd events in which any significant portion of the team is activated. Whenever two or more SET platoons are activated, or at the discretion of a SET commander, a command post will be designated and staffed. When possible, the command post will be staffed by a SET commander, a SET supervisor, an affected district commander or supervisor and a recorder.~~
4. ~~Personnel involved in crowd control/management situations will at all times act in accordance with MPD use of force policy. SET members may use special tools/devices as approved by the SET commander. Such use will be in accordance with training and SET procedures. Absent exigent circumstances, protective equipment will only be used at the direction of a commanding officer.~~
5. ~~Whenever possible, MPD personnel will utilize these seven principles of handling crowds and demonstrations, known as the "Madison Method."~~
   - ~~a. We protect citizen's constitutional rights to assemble, petition the government and engage in free speech.~~
   - ~~b. We are impartial and remain neutral regardless of the issue.~~
   - ~~c. We maintain open dialogue with citizens and the news media before, during and after demonstration.~~
   - ~~d. We monitor demonstrations and marches to protect individual rights and ensure public safety.~~
   - ~~e. We balance the rights of demonstrators with the rights of the community at large.~~
   - ~~f. We use restraint in the use of force. We protect people first and property second.~~
   - ~~g. We, as peace officers, pursue continuous improvement of our method.~~
6. ~~MPD personnel may, at the direction of a commander, videotape demonstrations/assemblies. The intent of creating a video record of such events is to document evidence of criminal activity for future prosecution, deter criminal behavior, to document and improve departmental response to demonstrations and assemblies, and for other internal purposes (such as training and evaluation). Videotapes of demonstrations or assemblies will be maintained in accordance with MPD mobile video procedures.~~

~~(Reviewed Only: 01/27/2016, 12/22/2016, 12/26/2017, 01/30/2019, 01/31/2020)~~

~~211 S CARROLL ST MADISON WI 53703 www.madisonpolice.com Eff. 02/25/2015-DemonstrationsAssemblies.doc Page 1 of 1~~

~~27/2016, 12/22/2016, 12/26/2017, 01/30/2019, 01/31/2020)~~

Eff. Date *DRAFT*

Purpose

Consistent with our Mission and 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 is 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, Standard Operating Procedures, 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. Deadly force refers to the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

DE-ESCALATION

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

DUTY TO INTERCEDE

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

DECISION-MAKING ~~FORCE CONSIDERATIONS~~

Use of 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 a lawful arrest.
3. 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.

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. Officers must ~~will~~ continually evaluate/assess the

situation and the need for the use of force. Once officers reasonably believe a person is under control, they must reduce their level of force to that needed to maintain such control, and then begin steps to render aid, when applicable. Officers will utilize appropriate tactical and officer safety principles to avoid unreasonably placing themselves at risk.

Officers shall use the degree of force believed to be objectively reasonable 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 poses a threat to the safety of officers or citizens.
7. Whether the subject is actively resisting arrest or attempting to evade arrest by flight.

~~SPECIAL CIRCUMSTANCES~~

Depending on the situation, 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.

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 is not trained, but justifiable under the circumstances.~~[1]~~

DEADLY FORCE ~~AUTHORIZED~~

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

1. To protect another person or persons from what is reasonably believed to be an imminent threat of death or great bodily harm.

2. To protect the officer from what is reasonably believed to be an imminent threat of death or great bodily harm.

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

3. To prevent the escape of a fleeing subject when all of the following are present:

   a. The officer has probable cause to believe that the person has committed or has attempted to commit a felony involving the use or threatened use of deadly force.
   b. The officer reasonably believes the subject presents a continuing imminent risk of great bodily harm or death to the officer or another subject if not immediately apprehended.

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

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

VERBAL WARNING

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

DEADLY FORCE IS NEVER AUTHORIZED

Deadly force is never authorized:

1. As a warning shot.

2. From a moving vehicle, unless deadly force is justified and the consequences of not acting to stop the threat outweigh the risk created by the use of deadly force.

3. At a moving vehicle unless:

   A. A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or

   B. The vehicle is operated in a manner that reasonably appears deliberately intended to strike an officer or another person and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle. To prevent the threat of being struck by a vehicle, officers should avoid putting themselves in the path of any moving vehicle, and when such positioning is unavoidable, move out of the vehicle’s path as soon as practical.

4. When its use unreasonably risks the lives of innocent bystanders.

~~**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.~~

PROHIBITED TECHNIQUES

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

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

~~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".

~~Procedure~~

NON-DEADLY FORCE ~~AUTHORIZED~~

~~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 (OC SPRAY)

1. Officers may use OC spray when they reasonably believe they are facing active resistance, or its threat, from the subject. OC spray is not to be used against subjects who are offering only passive resistance.
2. Officers shall only direct OC spray in a manner as prescribed by the Chief of Police through MPD training.
3. OC spray shall not be used once an individual is subdued and under control.
4. High-volume OC delivery systems (larger than MK-9) will only be used as outlined below.
5. If practical, the individual on whom OC spray was used should be provided with an opportunity to eliminate the effects of the irritant by washing and flushing the affected areas with water.

~~CHEMICAL AGENT USE~~

~~Officers shall discharge chemical agents only in a manner as prescribed by the Chief of Police through MPD training. [this needs clarification/elaboration]~~

USE OF SPECIALIZED CHEMICAL IRRITANT DELIVERY SYSTEMS

Specialized chemical irritant delivery systems include the following:

1. High-volume OC delivery systems (larger than MK-9)
2. Projectile-delivered chemical irritants (OC or CS)
3. Hand-thrown chemical irritant canisters (OC or CS)

Specialized chemical irritant delivery systems will only be deployed by officers who have been trained in their use, and use will be consistent with departmental training. Only delivery systems and munitions approved by the Chief of Police or designee are authorized for use.

Unlawful Assembly/Crowd Control – Specialized chemical irritant delivery systems will only be used in a crowd control context under the following circumstances:

1. Dispersal of unlawful assembly
    a. The incident commander has declared an unlawful assembly and made the decision to disperse a crowd as outlined in the *Demonstrations and Assemblies* SOP.
    b. Appropriate warnings have been provided as outlined in the *Demonstrations and Assemblies* SOP.
    c. The crowd has been provided reasonable time to disperse but has not dispersed voluntarily.
    d. Unlawful behavior resulting in the unlawful assembly declaration is continuing.
    e. The incident commander determines that the use of specialized chemical irritant delivery systems is reasonably necessary to do one or more of the following:
        i. Protect officers or others from imminent physical harm;
        ii. Respond to specific acts of violence or property damage;
        iii. Disperse the crowd without utilizing more intrusive levels of force.
    f. Avenues of egress for the crowd exist.
    g. Officers involved are appropriately equipped and notified that use of specialized chemical irritant delivery systems is imminent.
    h. The incident commander should also balance the immediate need for the use of specialized chemical irritant delivery systems (the severity and volume of unlawful activity) with the potential for adverse impact of said use (effect on uninvolved persons; visibility/traffic concerns; etc.).
    i. The incident commander has approved use.

2. Exigent circumstances
    a. In all but the most extreme circumstances, specialized chemical irritant delivery systems should only be deployed to disperse an unlawful assembly with incident commander approval as outlined above. Emergency deployment without incident commander approval is only permitted under the following circumstances:
        i. Criteria for an unlawful assembly exists.
        ii. An urgent and immediate threat of physical harm to officers or others exists.
        iii. The risk of immediate physical harm is such that approval from the incident commander for deployment cannot be sought without unreasonably risking the safety of officers or others.
        iv. Addressing the immediate threat by use of other force options is not practical or would be ineffective.
        v. Avenues of egress for the crowd exist.
        vi. Deploying officers will notify the incident commander of the use of specialized chemical irritant delivery systems as soon as practical.

Tactical operations/barricaded subjects – When seeking resolution of a barricaded suspect/subject incident, specialized chemical irritant delivery systems may be utilized as follows:

1. The decision has been made that intervention/resolution is required, consistent with the *Barricaded Persons Incidents* SOP.
2. Attempts to resolve the incident without tactical intervention have failed.
3. Legal authority to enter the area occupied by the suspect/subject exists.
4. The subject/suspect is armed, reasonably believed to be armed, or other circumstances suggest that tactical entry creates a significant risk to officers or others.
5. The incident commander determines that the use of specialized chemical irritant delivery systems is reasonably necessary to force the suspect/subject to exit (when avenues of egress/exit are available) or to facilitate safer employment of other tactical interventions.
6. Officers involved are appropriately equipped and notified that use of specialized chemical irritant delivery systems is imminent.
7. The incident commander should balance the need for the use of specialized chemical irritant delivery systems with the potential for adverse impact of said use (effect on uninvolved persons; visibility/traffic concerns; etc.).
8. Specialized chemical irritant delivery systems deployed to the interior of a dwelling must be non-pyrotechnic, unless deadly force is justified. This excludes pyrotechnic chemical munitions designed for interior use or delivered in an approved "burn box" or other similar device.
9. Specialized chemical irritant delivery systems should only be deployed by projectile if it is unsafe or impractical to deploy manually. Projectiles should be deployed in a manner to reduce the risk of striking a person.
10. The incident commander has approved use.
    a. Specialized chemical irritant delivery systems may be deployed in tactical operation/barricaded subject incident without prior command approval under the following circumstances:
        i. All of the criteria described above for command approved deployment are present;
        ii. An urgent and immediate threat of physical harm to officers or others exists;
        iii. The risk of immediate physical harm is such that approval from the incident commander for deployment cannot be sought without unreasonably risking the safety of officers or others.

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, an officer should not arm him or herself with an ECD ~~unless~~ without another officer at the scene ~~has~~ having the immediate ability to deliver deadly force, unless unique circumstances indicate ~~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~~ only display, present, or threaten to use an ECD 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 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 the unavailability of alternative force options outweighs the potential risk posed by multiple, extended or simultaneous applications.
9. Officers shall assess all subjects against whom an ECD has been deployed. The subject shall be 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) the subject will be conveyed to an emergency room for probe 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.

REMOTE RESTRAINT DEVICE

1. Only department-approved remote restraint devices may be used, and only by officers that have successfully completed training in their use. Deployment of remote restraint devices will be in accordance with MPD training.
2. Remote restraint devices may be used only under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat 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.
3. Use of remote restraint devices is prohibited under the following circumstances, 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.

4. The remote restraint devices may not be intentionally fired at the face, head, or neck unless deadly force is authorized.
5. If the remote restraint devices probes have penetrated the skin in a sensitive area (head, neck, groin or breast) the subject will be conveyed to an emergency room for probe removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them in accordance with training.
6. When deployed operationally, all cartridge components will be collected and property tagged.

BATON USE

1. A baton may be used to overcome continued resistance, or assaultive/dangerous behavior 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. Only munitions approved by the Chief of Police or designee are authorized for use.
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 indicate ~~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. Deployment of impact projectiles at non-vital areas of a subject's body 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 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 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. Before deploying an impact projectile in a crowd environment, the officers shall consider the density of the crowd and the potential for striking a bystander. 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 a department approved spit hood is not readily available, officers may utilize other breathable items, such as pillowcases, surgical masks, etc.
3. Subjects must be stabilized and restrained (handcuffed) before applying the hood. The subject should be advised, when practical, that a hood is being applied.
4. Officers shall apply the spit hood in accordance with MPD training.
5. Persons wearing the spit hood must be closely monitored and shall not be left unattended.
6. 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, or tactics against another person, shall complete an original or supplementary report on the incident involved:

1. Firearms (including pointing a firearm at an individual)
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, remote restraint devices, 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.

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, who complains of being injured, or who requests medical attention. Individuals taken into custody should be positioned in a way so that their breathing is not obstructed.

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, 03/01/2019, 09/23/2019, 10/14/2019, 01/27/2020)
(Reviewed Only: 12/22/2016)

APPENDIX: SECTION C

City of Madison | Accounts | Services | Jobs | Agencies | Data | Contact | Search

Coronavirus (COVID-19) | City Services | Public Health | Vaccination | Testing | Español

celebrate MADISON PARKS Special Events

Events in Madison Parks | Events on Madison Streets | Block Parties | Madison Parks

City of Madison > Special Events

Holding a Special Event in Madison

What type of event are you planning?

Madison is the perfect place for a special event. The process to reserve locations and apply for permits depends on the type of event you are planning.

Please choose an event type to start the process.

Downtown Performance Space

Are you looking for performance space and times downtown?

More Info

Neighborhood & Community Group Park Events

For Neighborhood & Community Groups requesting the use of a park for gatherings of 250 people or fewer.

More Info

Neighborhood Block Party

For small (less than 100 people) neighborhood gatherings on a residential street.

More Info

Rallies, Demonstrations and Marches

Are you organizing a rally and/or march? Learn about the application process.

More Info

Special Events in Madison Parks

Park events that meet any of the special criteria such as open to the general public, selling beer, charging admission and more.

More Info

Street Use Event

For individuals or groups requesting the use of Madison streets that require street closure, use of parking lanes, spaces or sidewalk space.

More Info

Open Space Park Event

For small, private events requesting use of an area in a City of Madison park without reserving a shelter.

More Info

Filming or Photo Shoots in Madison Parks

Filming and photo shoots in Madison Parks may require a Commercial Shoot Permit depending on the shoot.

More Info

Helpful Resources

- Frequently Asked Questions
- Street Use Staff Commission
- Events on Madison Streets Packet PDF
- Events that Need Water Quality Testing PDF

Parks & Facilities Available for Reservation

Park Shelters
(608) 266-4711

Olbrich Botanical Gardens
(608) 246-4733 / Email

Warner Park Community Recreation Center
(608) 245-3694 / Email

Golf Madison Parks Clubhouses and Golf Courses
Email

APPENDIX: SECTION C

Events in Madison Parks | Events on Madison Streets | Block Parties | Madison Parks

City of Madison > Special Events > Rallies, Demonstrations and Marches

Rallies, Demonstrations and Marches

Are you organizing a rally, demonstration, or march?

The City of Madison wants your event to be **safe for everyone**. Madison has public spaces where people can demonstrate, with or without a permit. Below are some suggested locations and permit information. A group that remains on public sidewalks, follows all traffic laws, does not block vehicles or pedestrians, and does not use amplification or set up any structures, **does not require a permit**. A group can gather in a City park without a permit if the number of people does not disrupt shelter reservations, athletic reservations, or permitted events, there is no sound amplification, no vending, and no structures like tents being set up. See Find a Park

Required Permits

Use of a City street requires a Street Use Permit - apply here: Street Use Permit Application. Apply at least 2 weeks in advance of the event date and submit a $100 non-refundable application fee. Other permit fees may be charged based on the details of the event.

Events on the **State of Wisconsin Capitol Grounds** require a State Facility Use Permit from the Capitol Police.

Suggested locations

- **Small rallies, no march:** Space is available through a Downtown Performance Space Permit. This permit is low cost and can be issued quickly. The permit may not be applied for more than 3 weeks in advance of the event. Cost is $15 plus $0.25/hour electricity fee. Locations include Library Mall, the top of State Street, and others along State Street and the Capitol Square.
- **Larger groups:**
  - Gatherings on the State Capitol grounds that will *not* require closing City streets can be reserved with a State Facility Use Permit. To obtain this permit, you must contact Capitol Police, or call (608) 266-7840. No City permit is needed if not closing City streets or holding a march that will block traffic (including cross traffic.)
  - Many City parks can accommodate a larger group. See application process.
  - Reserve a park shelter or apply for a Park Event permit or an Open Space permit, depending on the anticipated attendance and desired location.
- Suggested routes for a march:
  - Stay on sidewalks and obey all traffic signals - no permit needed!
    - OR -
  - Use one of these routes:
  - Warner Park - park paths
  - Any City park with walking path.
  - Capitol Square loop (weekends)
  - Langdon Street from Wisconsin Avenue to Park Street

Tips:
- Keep your group moving
- End your march where people can gather **off** the street (like a City park.)
- Ending at the Capitol grounds requires a permit from the State of Wisconsin Capitol Police.

Why not State Street?

Anyone can march on the sidewalks of State Street without a permit, as long as you follow all traffic signals. But **closing** State Street to traffic is very disruptive, especially on weekdays. Many City buses travel on State Street. Bus detours are disruptive to bus riders who use public transportation for work and appointments. Closing State Street also means that Johnson and Gorham, two major transportation corridors through the city, must be closed to traffic and cross-town traffic is stopped. Please see **suggested routes**.

Last minute event?

The City of Madison wants events to be **safe for everyone**. Plan ahead! Please follow applicable deadlines. Events that close a street require a Street Use Permit, applied for at least 2 weeks in advance (4 weeks is preferred.) Planning suggestions:

- Are there other events this day? Will your group conflict or overlap with crowds or traffic?
- Why are you choosing this date? Can you pick another date to allow pre-planning?
- **Benefits of a Street Use Permit:** official street closures, barricades, traffic control, SAFETY.
- What is your crowd size? Smaller groups can stay on sidewalks without a permit, or remain on Capitol grounds.
- Let the City know of your plans.
- Some small marches can be permitted on shorter notice through a parade permit.

Keep us informed - We want to work with you!

Tell us your date, crowd size, and location, by contacting:

- Madison Events at 608-264-9289 or email: madisonevents@cityofmadison.com
- Madison Police Department by emailing: mpdevents@cityofmadison.com

Questions?

Phone (608) 264-9289 or email Madison Events.

Helpful Resources

Frequently Asked Questions

Street Use Staff Commission

Events on Madison Streets Packet PDF

Events that Need Water Quality Testing PDF

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Email

APPENDIX: SECTION C

CITY OF MADISON
POLICE DEPARTMENT

"Policing in partnership with our community"

Community | Districts | About | Services | Safety & Prevention | Join the Team | Media | Data | Contact

City of Madison > Police > Field Operations > Special Events Team

Special Events Team (SET)

The Madison Police Department Special Events Team (SET) was created to formalize the department's response to events that are beyond the capabilities and staffing of Patrol. SET is responsible for the planning, implementation, and analysis of police services required to manage planned or spontaneous events.

The Special Events Team (SET) is a structured group of Officers and Command Staff with specialized training in crowd management and crowd control techniques. There are also specialty units within SET.

SET Bike Team:

The SET Bike Team is utilized for special events where there a large crowd is expected, including, but not limited to large protests/marches, Freakfest/Halloween, the Mifflin Street Block Party, and dignitary visits. Bikes provide advantages for large events because officers on bikes are able to maneuver into and through areas where vehicles would have a harder time going. Having officers on bikes also provides increased accessibility to the public.

Officers on the SET Bike Team attend biannual team trainings that focus on riding and team formations as well as bike handling skills. Riding skills and techniques come from the International Police Mountain Bike Association (IPMBA) and the Federal Emergency Management Agency (FEMA) Bicycle Crowd Control team training standards.

SET Field Extrication Team:

The Special Events Team (SET) Field Extrication Team (FXT) is an internal resource to allow Madison Police Department personnel to better respond to protest events. The FXT members have specialized training and skills to safely extricate persons from protest devices. Such extrication efforts may be necessary when demonstrators' actions and/or practices unreasonably impede traffic, restrict the public's freedom of movement, and/or jeopardize public safety.

Members of the SET FXT train together on a quarterly basis and have received specialized training at the Federal Emergency Management Agency Center for Domestic Preparedness.

SET Grenadier Unit:

The purpose of the Special Events Team's Grenadier Unit is to ensure the safety of demonstrators, bystanders, and law enforcement officers during crowd control incidents. The Grenadier Unit attempts to achieve this by deploying officers with specialized training and equipment. This training and equipment gives the Special Events Team the capability to safely disperse crowds engaged in unlawful, destructive, and dangerous behavior while maintaining a standoff distance between law enforcement and those engaged in the unlawful assembly. This distance serves to decrease the likelihood of a physical confrontation, can prevent the need for physical intervention options to disperse the unlawful assembly, and can therefore result in safer outcomes for all involved.

SET Logistics Team:

The SET Logistics Team is responsible for the organization, standard guidelines, and maintenance of SET's physical assets. The Special Events Teams equipment includes, but is not limited to, individual protective hard gear for all SET team members, specialty vehicles and trailers, and other dedicated tools and equipment that allow the team to manage crowds in accordance with the "Madison Method" and MPD's standard operating procedures (SOPs). Members of the SET Logistics Team tackle the extra tasks to ensure that the entire Special Event Team is well-prepared for mobilization and demobilization when team activations and de-activations occur.

» Field Operations

- Districts
- Dane County Narcotics Task Force
- Forensics
- Gang and Neighborhood Crime Abatement Team
- Honor Guard
- Investigative Services
- K9 Unit
- Mounted Patrol
- Property and Property Auction
- Special Events Team
- Traffic & Specialized Services
- Professional Standards & Internal Affairs

Special Events Team Photos

APPENDIX: SECTION C

SET Medics Team:

The purpose of the SET Medics Team is to augment the capabilities of the entire Special Events Team by providing immediate emergency casualty care to officers and community members under conditions in which it is not safe or feasible for Emergency Medical Services to immediately respond. The SET Medics Team consists of approximately 16 team members, each possessing a wide range of training, experience and certifications (including Paramedic, Emergency Medical Technician (EMT), and Basic First Aid). Several members of the SET Medics Team have worked or volunteered in Emergency Medical Services and a number of our officers are certified through the Wisconsin State Department of Justice as Tactical Emergency Casualty Care Instructors.

SET Medics hold quarterly trainings that include lecture, skills-based training, and scenarios. The SET Medics Team operates under the guidance of the Madison Police Department's Medical Director, Dr. Ashley Anderson, MD.

Mission

The mission of the Madison Police Department's Special Events Team is to protect the first amendment right of community members to assemble peacefully and to voice their opinions on issues that are often sensitive and emotional in nature. We believe in the dignity of all people and respect individual and constitutional rights in fulfilling this mission. Members of the Madison Police Department's Special Events Team have an obligation to protect community members' rights, yet maintain order and protect life and property.

SET Know Your Rights .pdf

The Madison Police Department's philosophy and principals on managing crowds.

It is the responsibility of MPD personnel to protect the rights of people to peaceably assemble, to consult for the common good, and to petition the government or any department thereof.

When working with crowds, the overall police philosophy must be one of moderation and flexibility. To the degree that it can be done safely, it is preferred that crowd participants self-regulate and manage their own events.

Communication between police and event organizers before and during events can create mutual understanding, generate cooperation and compliance, and prevent disorder. During crowd events, MPD personnel may make announcements to the crowd; these announcements are designed to convey general information, to communicate targeted information to specific individuals, and to serve as a de-escalation tool by directing and informing the crowd in an attempt to prevent the need for police action.

Crowds are dynamic in nature. The totality of the circumstances must inform the decision to introduce police action to maintain public safety. The preferred police response is one of crowd management rather than crowd control.

MPD personnel have an obligation to protect community members' rights while maintaining order, protecting property, and ensuring safety, peace, and order. Freedom of speech, association, and assembly, and the right to petition the government are subject to reasonable restrictions on the time, place, and manner of expression.

When deciding whether to use certain police tactics within a crowd, MPD personnel must always balance the benefits of such action(s) to maintain public safety and order along with the impact on the demonstration participants' freedom of speech and assembly, and the impact on people and property. MPD personnel prioritize life, safety, protection of property, and constitutional rights, with an emphasis on life safety.

When safe and feasible and without compromising public safety, MPD personnel should seek opportunities to reduce the likelihood of the need to use force. Our goal while managing large events is to maintain order; our officers are trained to respond with only the amount of force necessary to accomplish this goal. This includes confronting people regarding city ordinance violations, illegal activity, affecting arrests for serious violations, and discouraging unlawful behavior.

APPENDIX: SECTION C

SET Know Your Rights .pdf

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The "Madison Method" *Seven Principles of Handling Crowds and Demonstrations*

1. We PROTECT community members' constitutional rights to assemble, petition the government and engage in free speech.
2. We are IMPARTIAL and remain neutral regardless of the issue.
3. We maintain OPEN DIALOGUE with community members and the news media before, during and after demonstrations.
4. We MONITOR demonstrations and marches to protect individual rights and ensure public safety.
5. We BALANCE the rights of demonstrators with the rights of the community at large.
6. We use RESTRAINT in the use of force. We protect people first and property second.
7. We, as PEACE OFFICERS pursue CONTINUOUS IMPROVEMENT of our method.

Contact Madison Police

Public Building Entrance at:
City-County Building
210 Martin Luther King, Jr. Blvd.
Follow signs to the ground floor
Hours: Monday - Friday; 8am - 4pm
Mailing Address:
211 S. Carroll St.
Madison, WI 53703

- Non-Emergency Dispatch: (608) 255-2345
- Chiefs Office: (608) 266-4022
- Central: (608) 261-9694
- East: (608) 266-4387
- Midtown: (608) 229-8200
- North: (608) 243-5258
- South: (608) 266-5938
- West: (608) 243-0500
- WI Relay Service
- Contact Police

Police Directory »

Report / Contact

- Non-Emergency Dispatch: (608) 255-2345
- Give a Compliment
- Submit a Complaint Against an MPD Employee
- File a Self-Report: Report an Incident
- Broken Parking Meters
- Graffiti
- Submit a Tip to Madison Area Crime Stoppers
- Police Directory
- Police Contact Form
- Request an Officer to Attend Your Event
- File a Self-Report: Report a Crash/Accident Involving a Motor Vehicle
- Abandoned Bicycles
- Abandoned Vehicles
- Camera Registration
- Traffic Violations & Complaints: (608) 266-4624
- Vacation Watch Request

Connect with Police

- Email Lists
- RSS Feeds
- Blotter
- Facebook
- Instagram
- Twitter
- YouTube

All Social Media »

Our Madison – Inclusive, Innovative, & Thriving

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Contact Webmaster Accessibility Web Policies

CENTER FOR DIGITAL GOVERNMENT DIGITAL CITIES 2023 SURVEY WINNER

WHAT WORKS CITIES SILVER 2021

APPENDIX: SECTION C

Know Your Rights

A Guide to Demonstrations and Assemblies from the Madison Police Department

1

The First Amendment of the United States Constitution protects the freedom of speech and the right to assemble including the right to protest. However, these rights are not without limitation.

The constitutional protections afforded by the First Amendment are the greatest in public settings such as parks and plazas in front of government buildings. You generally have the right to free speech and assembly in these areas.

As a general rule you cannot block or obstruct movement of others on a public street or sidewalk. You also cannot block access to or interfere with the regular business of any building. In general noise amplification is not allowed at protests without a permit.

If you are planning to march in the street or on the sidewalk and obstruct the regular flow of pedestrian and vehicular traffic, or use noise amplification, a permit is required. More information on this process can be found at: **https://www.cityofmadison.com/specialevents/streetevents/**

CLOSED

Private property owners can set additional rules regarding their property to limit protests, including posting no trespassing signs. Whether or not private property is posted no trespassing, the property owner can ask you to leave. If asked to leave or if the property is posted no trespassing and you do not leave, you can be subject to arrest. If you plan to protest on private property, please consider contacting the property owner.

MADISON POLICE DEPARTMENT

APPENDIX: SECTION C

If the MPD Incident Commander reasonably believes a significant number of those assembled will cause injury or property damage if not immediately dispersed, the Incident Commander may declare an unlawful assembly. This is a term defined by statute that we have listed below. Should an unlawful assembly be declared MPD has specific training and tactics covered in SOP designed to disperse the crowd in the safest manner possible. Our Demonstrations and Assemblies Standard Operating Procedure (SOP) outlines general information about our crowd training and tactics is available online, the link is here:
https://www.cityofmadison.com/police/documents/sop/DemonstrationsAssemblies.pdf

Wisconsin State Statute 947.06:
An "unlawful assembly" is an assembly in which:
i. Consists of 3 or more persons, and
ii. Causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed.

Relevant City of Madison Ordinances:
Madison General Ordinance Sec. 9.54 specifically outlines the type of conduct that is prohibited on the sidewalks without a permit.

Madison General Ordinance Sec. 10.056 specifically outlines the type of conduct prohibited on the streets without a permit.

Madison General Ordinance Sec. 24.02 specifically outlines disorderly conduct that is not protected free speech.

Madison General Ordinance Sec. 24.04 specifically outlines the use of sound amplification and disturbing the peace.

If you violate any ordinance or state statute, you are subject to police contact which may include arrest.

Please remember the mission of the Madison Special Events Team (SET) is to protect the first amendment right of community members to assemble peacefully. Consider contacting SET, if planning a protest and we can discuss the planned protest and the process to obtain a permit if necessary.

Some of the information on this page was adopted from information contained on the ACLU webpage: **https://www.aclu.org/know-your-rights/protesters-rights** in consultation with the Madison City Attorney's office.

APPENDIX: SECTION D

All of the Madison Police Department's Standard Operating Procedures can be found online at:

https://www.cityofmadison.com/police/chief/standardoperatingprocedures.cfm

Use of the SUPERHAILER Long Range Communication System

Eff. Date 10/03/2022

Purpose

The purpose of this standard operating procedure (SOP) is to establish guidelines for the deployment and use of the SUPERHAILER. The Madison Police Department (MPD) will utilize the SUPERHAILER to maximize the safety of all individuals involved in, or in close proximity, to an incident.

Definition

The SUPERHAILER is a high assurance, long range, audible communication system which allows the operator to gain the attention of a person, or persons, and to project extremely clear verbal messages to them (even at significant distances from the operator). The system can be used to de-escalate situations and to safely modify dangerous and criminal behavior through clear communication. Use of the SUPERHAILER may allow for communication at distance with persons in open-air environments, inside vehicles, and inside closed structures.

The SUPERHAILER is an audio communication device with built-in safety features to ensure subjects, operators, and bystanders will not exceed safe sound exposure levels as defined by Occupational Safety and Health Standards (OSHA) Standard Number 1910.95. To maximize safety, the SUPERHAILER should not be used at ranges less than 6 feet between the device and the intended target of its audio output.

Procedure

AUTHORIZED USAGE

The SUPERHAILER shall only be used by MPD personnel who are trained in its deployment and it shall be used in a manner consistent with MPD standard operating procedures. The SUPERHAILER shall only be used when authorized by a Lieutenant or higher authority. The SUPERHAILER shall always be deployed with the acoustic foam collar attached to the device and should not be picked up or carried by the acoustic foam collar.

DEPLOYMENT CONSIDERATIONS

The SUPERHAILER may be used to communicate messages in the following circumstances when other forms of communication would be ineffective or not practical:

- To communicate lifesaving information to residents during natural disasters or civil emergencies
- To communicate information to large crowds during special events (such as concerts, festivals, demonstrations, etc.)
- To broadcast dispersal orders during crowd control and civil unrest situations
- To conduct Special Weapons And Tactics (SWAT) operations (such as serving warrants and responding to barricaded person incidents, hostage situations, and active shooter incidents)
- To communicate with persons threatening suicide who are in an inaccessible location, or who cannot be approached due to safety concerns
- To conduct search and rescue operations

Deviation from these approved circumstances shall be approved by a Captain or higher authority, unless exigent circumstances are present.

Attention Grabber Tone

The SUPERHAILER "Attention Grabber" tone is a safe and effective means of alerting and gaining the attention of a person, or persons, prior to the broadcast of a verbal message.

When authorized for use in the field, the "Attention Grabber" shall only be used in three (3) second bursts:

- To gain the immediate attention of a person or persons
- As needed during SWAT operations
- For other reasons determined by the incident commander

Unless extenuating circumstances are present under which the SUPERHAILER could be used to alert people to possible dangerous situations and/or to provide emergency instructions the Attention Grabber tone should not be directed at distances less than 100 feet/33 yards and verbal messages at distances less than 50 feet/17 yards at vulnerable persons including, but not limited to, the following:

- Infants
- Young children
- Elderly persons
- Persons who are visibly pregnant or known to be pregnant
- Persons with visible physical limitations that would prevent them from leaving the immediate area
- Persons with an apparent altered state of mind due to alcohol, drugs, or some other influence

DOCUMENTATION OF USE

Officers shall document any use of the SUPERHAILER in an original or supplemental report on the involved incident.

PRESERVATION OF SYSTEM DATA

Following each pre-recorded verbal message broadcast or use of the Attention Grabber tone, the SUPERHAILER system will create video and telemetry data files. Following each broadcast of a verbal message recorded via the use of the SUPERHAILER'S SmartMIC, the SUPERHAILER system will create video, audio, and telemetry data files. The SUPERHAILER saves all files associated with broadcasted messages to an onboard USB device.

After the conclusion of any deployment of the SUPERHAILER during which any audible sound was broadcast from the SUPERHAILER, a commanding officer overseeing the deployment (or designee) shall take the following steps to ensure the preservation of all evidentiary SUPERHAILER files under the appropriate MPD case number:

- Remove the USB device from the SUPERHAILER and insert the USB into a computer connected to the City of Madison network
- Move all SUPERHAILER files from the USB to an incident-specific folder on the network
- Return the blank or insert a new USB device to the SUPERHAILER
- Compose and send an email message to the Forensic Video Analyst to request the transfer of video and audio files from the network folder to the secure audio/visual evidence server; telemetry files will remain in the incident-specific network folder
- Document the data transfer process in an original or supplemental police report on the involved incident

STORAGE OF SUPERHAILER

Prior to storing the SUPERHAILER after any field use, officers should ensure the device is ready for a subsequent deployment by doing the following:

- Place a fully charged battery in the device
- Place the other battery on the charging unit
- Insert a blank USB device into the USB port
- Inspect the device for any damage

Any damage or issues that would prevent the SUPERHAILER from deploying to the field should be reported as soon as practicable to a supervisor from the team overseeing the deployment. Small tears in the acoustic foam collar may happen over the life of the device and the device can still be used despite such tears; however, if the collar suffers the loss of sizeable chunks of foam, a new acoustic foam collar should be installed on the device before deployment.

If the SUPERHAILER or its case was exposed to precipitation or other sources of moisture during a deployment, the SUPERHAILER and its case shall be placed in a dry, climate controlled storage location separate from each other until both are completely dry. Once both are completely dry, the SUPERHAILER shall be placed in its case and stored in its designated storage location.

Original SOP: 09/19/2022
(Revised: 10/03/2022)