



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



**Officer Involved Deaths and Other Critical Incidents**

Eff. Date 06/08/2018

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

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

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

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

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

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

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

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

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

11. Review for content and accuracy the OID report(s) detailing their statement(s).
12. Unless exigent circumstances related to an on-going threat require it, involved officers shall not watch video related to the incident until their formal interview with the outside agency lead investigator, or upon receiving approval from the lead outside agency investigator.
13. Unless exigent circumstances related to an on-going threat require it, involved officers shall not discuss the incident with other involved officers until after the completion of their formal interview with the outside agency investigator.

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

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

C. Public Safety Statement

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

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

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

E. Officer Involved Death: Duties of the OICI Commander

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

F. Officer Involved Death: Outside Agency Lead Investigator

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

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

G. Officer Involved Death: Duties of OICI Investigation Team

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

H. Officer Involved Death: Duties of the Hospital Assignment

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

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

I. Officer Involved Death: Interviewing Involved Officers

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

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

J. Officer Involved Death: Scene Investigation

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

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

K. Officer Involved Death: Interviews of Citizen Witnesses

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

L. Officer Involved Death: Canvass

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

M. Officer Involved Death: Duties of the District

1. Ensure that involved personnel have had appropriate opportunities to contact family members, Union officials, and/or attorneys.
2. Ensure that EAP services have been offered.
3. Officers directly involved in the incident shall be placed on administrative leave with pay. This leave is not a suspension and is no way to be construed as disciplinary action or any indication of wrongdoing on the part of the officer(s).
4. Ensure that within 72 hours of the incident, the involved officer(s) are contacted by an MPD approved traumatic stress professional.
5. Ensure that regular command updates are given to the Chief and Assistant Chief of Operations.
6. If applicable, ensure that the Significant Exposure to Blood Borne Pathogens SOP is followed.
7. Responsible for Community Care tasks.
8. Ensure a Workers Compensation Accident Report is completed for each involved officer with the following language in the comment section, "Reporting to document exposure to a critical incident event."

N. Officer Involved Death: Duties of Assistant Chief of Investigative & Specialized Services

1. Will make request for an outside agency lead investigator.

O. Officer Involved Death: Duties of the Chief or Highest Ranking Officer

1. The Chief or highest ranking officer available should provide a press conference or briefing within 4 hours of the case time when officer actions results in the death or great bodily harm to a member of the community or a member of the Department.

P. Officer Involved Death: District Attorney

1. Will have the option to view the scene (walk through).
2. Observe the investigation from the Command Post.

Q. Officer Involved Death: Lead Investigator's Report

1. Per Wis. Stat. § 175.47(5)(a), "The investigators conducting the investigation under sub. (3)(a) shall, in an expeditious manner, provide a complete report to the district attorney of the county in which the officer-involved death occurred. (b) If the district attorney determines there is no basis to prosecute the law enforcement officer-involved in the officer-involved death, the investigators conducting the investigation under sub. (3)(a) shall release the report...."
2. The outside agency lead investigator shall prepare a written report as required above. This report will summarize the entire investigation, including the actions performed by the outside agency lead investigator, as well as those actions performed by other investigators to whom those tasks were delegated.
3. Prior to submitting their report, the outside agency lead investigator will gather and review all reports generated by other investigators, as well as other relevant reports such as the autopsy report, crime lab results and medical records.

4. A complete copy of all reports, photographs, audio/video recordings and other records collected by the outside agency lead investigator will be given to the district attorney along with the outside agency lead investigator's report.
5. The outside agency lead investigator, along with a representative of the involved agency, shall meet with the district attorney at the conclusion of the investigation for a formal review of the incident.

**Other Officer Involved Critical Incident (OICI):** An event in which an officer is involved as a principal, a victim, or is the custodial officer, where significant injury likely to cause death occurs or when an officer intentionally discharges his/her firearm at another person. In the event of an other officer involved critical incident involving an MPD officer as the principal officer, the Chief of Police will determine whether the criminal investigation will be handled by MPD or whether an outside agency will be requested. If an outside agency is requested, the investigation will be conducted consistent with the officer involved death investigation procedures in this SOP (except where inapplicable). If MPD conducts the investigation a qualified observer from an outside agency will be requested to monitor the investigation.

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

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

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

1. Assume responsibility for the security and preservation of the scene.
2. Contact the officer(s) involved to obtain a Public Safety Statement.
3. Notify the dispatcher to broadcast a message if no officer(s) have been injured.
4. In the event an officer is injured, immediately notify the Officer-in-Charge.
5. Ensure that a non-involved supervisor, if not already at the scene, responds immediately to the scene of the incident. (A non-involved supervisor is defined as one who has not been involved specifically at the scene, or involved in any tangential fashion, e.g., raid planning, drafting of search warrants, surveillance officers, intelligence gathering, etc.).



6. Establish a scene command post and give location to the Dane County Public Safety Communications (911 Center).
7. As soon as practical, relieve the officers directly involved in the critical incident of any further responsibilities at the scene. A non-involved fellow officer shall be assigned to accompany the involved officer(s), until the appropriate evidence collection has occurred. If the involved officer elects to speak about the incident with the non-involved officer, those conversations are not privileged and may become part of the investigation.
8. Provide an opportunity for the involved officer to contact Union officials or legal counsel as soon as practical. Provide phones and numbers as needed.
9. Protect the scene and separate and secure witnesses until the arrival of investigative personnel.

#### C. Public Safety Statement

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

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

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

9. All media releases shall be cleared through the OICI Commander and the Office of the Chief of Police.

E. Other Critical Incidents: Duties of the OICI Commander

1. Contact Assistant Chief of Investigative & Specialized Services and make notification of the critical incident.
2. Ensure that services regarding the involved personnel have been provided.
3. Overall management of the case. Communicate and coordinate with the VCU Supervisor as necessary. Make investigative assignments and coordinate investigative efforts:
  - a. Designate a lead detective
  - b. Designate a scene detective to oversee each scene
  - c. Designate a canvass detective
  - d. Designate an involved officer detective
  - e. Designate a subject/decedent detective
  - f. Designate a detective to serve as a liaison to the subject/decedent family, if appropriate
  - g. Coordinate investigative response to the hospitals, if appropriate
4. Communicate with the OIC.
5. Communicate with Command Staff.
6. Make appropriate notifications as needed:
  - Chiefs
  - District Command
  - DA's office (if appropriate and in all homicide cases)
7. Communicate with budget office staff for case number cost accounting.
8. Designate case as "Extraordinary" for Telestaff/payroll purposes (if appropriate).
9. Communicate with the Involved Agency
  - a. When MPD is the involved agency, facilitate the release of information to MPD personnel.
  - b. When MPD is the investigating agency, the OICI Commander may provide investigative status updates (i.e- progress, timeline, things completed) to the chief executive (or their designee) of the involved agency. Specific details regarding information obtained during formal interviews of the involved officer(s) may be shared with the involved agency after the completion of all formal interviews.
10. Management of personnel (assignments, monitoring hours worked, etc).
11. Managing overtime and arranging relief for staff.
12. Evaluate need for support staff.
13. Notify Property Room staff and evaluate needs (if appropriate).
14. Ensure phone calls made to the command post are answered and information recorded.
15. Arrange for special equipment or needs of the investigation.
16. Keep Chief and Assistant Chiefs apprised of investigation.
17. Facilitate a walkthrough of the secure and intact scene for personnel from PSIA, and the DA's office, and involved personnel, if appropriate. The purpose of this walkthrough is to give these representatives an understanding of the conditions and layout of the scene for future proceedings.
18. Ensure that a copy of the criminal investigation is provided to the Dane County District Attorney's office, to include all reports, attachments, and videos.

F. Other Critical Incidents: Duties of the Outside Law Enforcement Agency Observer

1. Will view the scene.
2. Will be partnered with the OICI Commander
3. Will observe the investigation with the OICI Commander.

4. Will report to their Executive Officer designee
5. Will do a summary memo to their Executive Officer on the integrity of the investigation. This should not be a summary of the facts of the case, but rather an overview as to whether the investigation was thorough, objective, impartial, and consistent with best practices relating to the investigation of law enforcement critical incidents.
6. The Executive Commanding Officer or their designee will share the memo with the Chief of the Madison Police Department. The memo will become part of the case file.

G. Other Critical Incidents: Duties of OICI Investigation Team

1. Review the Officer Involved Critical Incident Investigation Conflict of Interest Checklist and report to OICI Commander if there is the potential for a conflict of interest. See Attachment A for the checklist.
2. Assist with the criminal investigation of incidents within the city of Madison and conduct OICI investigations outside the city of Madison as directed by the Chief of Police.
3. Detectives will be assigned a specific function by the OICI Commander which may include any of the following:
  - a. Lead Detective - see major case protocol
  - b. Scene Detective - see major case protocol
  - c. Canvass Detective
    - i. Conduct canvass as directed by the OICI Commander. It is important that all citizen witnesses be located and thoroughly interviewed. These interviews may be conducted by police officers or detectives. All key citizen witnesses shall be audio recorded when possible. Detectives should be equipped with portable audio recorders for this purpose. Photographs should be taken from the vantage point of key witnesses.
    - ii. Utilize Canvass form and questions as a guideline for the canvass.
    - iii. Screen contacts for persons requiring more detailed interviews
    - iv. Consider documenting vehicle plates and descriptions from the area.
    - v. Consider documenting names on mailboxes if appropriate.
    - vi. Search for and document all video cameras within the canvass perimeter and notified the scene LT.
    - vii. Share canvass results with scene LT and OICI Commander and complete a report.
    - viii. When appropriate, work with the OICI Commander to designate a Video Detective. The Video Detective is responsible for ensuring that all video is collected as evidence according to best practices. The Video Detective shall write a report detailing the contents of all collected video.
    - ix. Work with the assigned Crime Analyst to ensure a complete canvass of the designated area.
  - d. Involved Officer Detective
    - i. Work with FSU Investigators to ensure that evidence on the involved officer is collected, and needed photographs of the involved officer are taken.
    - ii. Ensure that a FSU Investigator retrieves and takes custody of the weapon(s) used by the officer(s) at the hospital if possible or a neutral site. The supervisor of the OICI team shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the FSU Investigator shall take custody of the officer's weapon in a discrete manner and should be replaced with another weapon, or advise the officer that it will be returned or replaced at a later time as appropriate. (When processing an officer's personal weapon as evidence, consideration shall be given to marking the weapon with the necessary information as inconspicuously as possible.) FSU

Investigators will also take needed photographs and collect evidence from the officer (s) involved at the scene, hospital, or neutral site.

- iii. Inform the OICI Commander if the officer has suffered a Significant Exposure.
- f. Suspect / Injured Party / Decedent Detective
  - i. Ensure the presence of an FSU investigator for appropriate evidence collection.
  - ii. Notify the Dane County DA's Crime Response Team
  - iii. If the injury is serious and / or incapacitating, confirm that a family member or next-of-kin has been contacted.
    1. Establish a rapport, provide notification of services, and provide required documents regarding victim rights.
    2. Establish a timeline for the Suspect / Injured Party / Decedent's activities for the recent past.
    3. Gather additional investigative information: Identify witnesses, suspects, evidence, or crimes
    4. Obtain the family's statements regarding Suspect / Injured Party / Decedent
  - iv. Maintain communication with the family or next-of-kin throughout the investigative process

#### H. Other Critical Incidents: Crime Analysts

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

#### I. Other Critical Incidents: Hospital Supervisor

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

#### J. Other Critical Incidents: Interviewing Involved Officers

1. Involved officer(s) will be given the opportunity to provide voluntary statements. The OICI Commander or Lead Detective will communicate with the officer(s)' Union Representative or legal counsel on this issue. No officer will be disciplined for declining to make a voluntary statement. If the officer(s) decline to provide voluntary statements, the criminal investigation will proceed without the officer(s)' statements.
2. Detailed interviews should be delayed to allow the involved officer time to overcome the initial stress of the incident. Whenever practical, the involved officers should give one formal statement with all needed parties present.
3. Involved officers are not to file any reports.
4. Involved officers shall not participate in any group debriefings until they have completed their detailed interview.
5. If the interview is to be observed by personnel other than those directly involved, the officer and any representatives will be notified.
6. If audio and/or video records are available, and are relevant to the involved officer's point of reference of the incident, the involved officer may be allowed to review the recordings prior to or during their formal statement.
  - a. Generally, the formal statement should begin with the involved officer providing a statement based on his or her recollection of the incident. Relevant video/audio may then be reviewed (in the presence of a member of the OICI team) prior to the completion of the formal statement.
  - b. Deviation from this guideline is at the discretion of the OICI commander.
7. The involved officer will have an opportunity to review for accuracy the report detailing their statement before it is submitted.
8. All interviews of involved officers will be audio recorded unless impractical or the officer refuses.
9. The Chief of Police is the sole authority as to when an officer is arrested unless exigent circumstances exist.
10. The Assistant Chief of Investigative & Specialized Services, after consulting with the Assistant Chief of Operations (or designee), PSIA and the OICI Commander, will determine whether the officer(s) will be ordered to provide statements. If the officer(s) are ordered to provide statements, the following procedure will be adhered to:
  - a. PSIA will order the officer(s) to provide a statement, and the order will be documented in writing.
  - b. The compelled interview will be audio recorded and transcribed, and will be documented under the PSIA case number for the critical incident review.
  - c. PSIA will coordinate the compelled interview of the involved officer(s) with the goal of obtaining a complete and accurate statement from the officer(s). This may involve the utilization of Detectives as primary interviewers. If Detectives are utilized, the OICI Commander, after consultation with PSIA, will assign detectives that have not been involved in the criminal investigation to be the primary interviewers
  - d. Detectives conducting the compelled interviews will report directly to PSIA, and the original reports will be maintained by PSIA. Content of the compelled interview (and reports documenting the compelled interview) will only be used for internal investigation/review of the incident, and will not be released to the District Attorney's Office (or other prosecuting entity), the OICI Investigation Team, or to any member of the public. Compelled statements will only be subject to release when no possibility for criminal prosecution (of the subject of the compelled interview) remains.
  - e. If a compelled statement is made prior to the resolution of a District Attorney review of a criminal investigation, then a second Assistant Chief will be involved to oversee the criminal investigation.
  - f. Deviations from this procedure may only occur with the approval of the Chief (or designee).

**K. Other Critical Incident: Duties of the District**

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

**L. Other Critical Incident: Duties of Assistant Chief of Investigative & Specialized Services**

1. Oversight of the criminal investigation.
2. Coordinate media releases until such time that this responsibility is delegated back to the District.
3. Will make the request from for an outside agency lead investigator, or outside agency observer.

**M. Other Critical Incident: Duties of the Chief or Highest Ranking Officer**

1. The Chief or highest ranking officer available should provide a press conference or briefing within 4 hours of the case time when officer actions results in the death or great bodily harm to a member of the community or a member of the Department.

**N. Other Critical Incidents: District Attorney**

1. Will have the option to view the scene (walk through).
2. Observe the investigation from the Command Post.
3. All reports, attachments, videos, etc. involving the critical incident shall be submitted to the District Attorney's Office for review.

**PS&IA Function – Officer Involved Deaths and Critical Incidents****A. Officer Involved Death and Other Critical Incidents: PSIA Lieutenant**

1. The PSIA Lieutenant will coordinate with the OICI commander and designate a supervisor to make the Use of Force Blue Team entry.
2. Will determine which officers will be required to undergo an administrative blood draw.
3. Will receive the results of the any administrative blood draw and will notify the officer of the results of any testing.
4. Will notify the criminal investigation that blood results are available.

**B. Officer Involved Death and Other Critical Incidents: MPD Policy Compliance Review**

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

1. Professional Standards and Internal Affairs Unit (PSIA)
  - a. PSIA has the primary responsibility for conducting the internal investigation to ensure compliance with the MPD Policy, Procedures, Regulations, Work Rules, and Training and Standards.
  - b. PSIA may be present in the command post and at key steps in the investigation (scene walk through, interviews, etc.) as appropriate. The OICI Commander retains responsibility for directing the investigation.
  - c. PSIA may observe the interviews of involved officers conducted by OICI personnel.
  - d. PSIA shall have access to all reports and interview transcripts.
  - e. Additional supervisory personnel may be assigned to PSIA as needed.
  - f. The PSIA internal review/investigation of the incident shall be concluded as soon as practical.
  - g. The PSIA findings of the incident may be utilized as the basis for future training.
  - h. PSIA will report the findings of the internal investigation directly to the Assistant Chief of Support Services.
2. Assistant Chief of Investigative & Specialized Services
  - a. Oversee all internal investigations resulting from the Officer Involved Critical Incident which results in death or serious injury.
  - b. Review administrative command decisions of the internal investigation.

## Officer Involved Critical Incident Mental Health Response

### DEFINITIONS

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

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

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

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

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

A. Initial Aftercare Response:

1. **Peer Support** – MPD SOP: Employee Assistance Program outlines the role of the Peer Support Officers in facilitating the CISM response, to include providing information about the stresses often induced by critical incidents, coordinating the defusing process immediately following the incident and prior to involved officers going home, and finally scheduling and facilitating any subsequent Critical Incident Debriefing. The role of the PSO in an OICI is to assure that MPD SOP: Employee Assistance Program is observed and to facilitate our CISM protocol. Peer Support supervisor will be responsible for the oversight/monitoring of the aftercare process.
2. **Critical Incident Partner (CIP)** – The CIP is an officer pre-designated by the involved officer to be deployed to focus exclusively on the emotional welfare of the involved officer. Each officer will designate 1-3 officers in order of preference in advance of any involvement in a critical incident. Officers' pre-designated list of CIP officers will be housed confidentially in the OIC's office to be consulted and activated upon and officer's involvement in a critical incident. The form will be completed/updated annually at district/section inservice. The CIP will be pulled from their regular assignment and/or called in to work to support the involved officer. Guidelines for the role of the CIP are as follows:
  - The CIP will serve as a liaison for the involved officer and other MPD personnel throughout the investigative process.
  - The CIP may be put on paid Administrative Leave with the involved officer to whom they are assigned as support. The length of time that a CIP will be placed on paid Administrative Leave will be evaluated on a case-by-case basis and approved through chain of command.



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

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

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

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

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

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

- B. **District Command Responsibilities** – In addition to the responsibilities discussed in the investigative portion of this SOP, District Command will assure the following officer aftercare issues are addressed:
1. Coordinate administrative leave with pay as appropriate and make all necessary Telestaff entries for this leave.
  2. Establish a plan for regular contact with the officer while they are on administrative leave.
  3. Work with the CIP to provide ongoing updates to the officer regarding the status of the investigation, DA and internal administrative reviews.
  4. Meet with the officer and their CIP or other chosen support person to develop and document a Return to Duty Plan.
  5. Monitor the behavior of officers involved in critical incidents for symptoms of acute or prolonged stress.
- C. **Return to Duty Plan** – It is important for officers involved in critical incidents to participate in developing their individual Return to Duty Plan. While the MPD will set minimum requirements, the involved officer, the Clinical Consultant, and the officer's chain of command should all work together to create a plan that best meets the needs of the officer and facilitates a successful return to duty transition. Options to consider include:
- Graduated return schedule that allows for a paced re-entry.
  - Return in a temporary restricted duty capacity or inside assignment for a period of time.
  - Temporary change of assignment to a non-patrol work unit such as TEST, CPT, partnering with a NPO, etc.
  - Ride with a partner officer for a period of time.
  - Return to regular assignment under close supervision.

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

- D. **Duties of Personnel & Training** – Personnel & Training staff will have the following responsibilities related to OICI aftercare:
1. Review incident specifics to identify any possible training concerns and work with the officer to provide any necessary review or clarification.
  2. The Personnel Lieutenant will work with the officer to schedule all mandatory consultations with the Clinical Consultant as previously outlined.
  3. Training staff will discuss with the involved officer and evaluate the appropriateness of coordinating scenario-based training. The purpose in this case is not to qualify the officer, rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision-making and weapons handling.
- E. **Ongoing Care/Post-Traumatic Stress Disorder Prevention** – Officers involved in critical incidents are at risk of developing and suffering from post-traumatic stress disorder (PTSD). Symptoms of PTSD may not arise immediately and in some cases, officers may attempt to hide the problem.

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

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

## Attachment A

## Officer Involved Critical Incident Investigation Conflict of Interest Checklist

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

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

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

**Attachment B****Post-Incident Alcohol/Drug Testing**

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

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