

**CITY OF MADISON
INTRA-DEPARTMENTAL
CORRESPONDENCE**

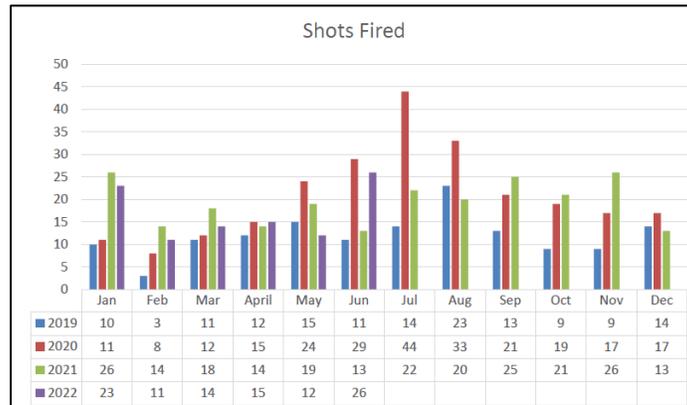
DATE: August 29, 2022

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

This document provides an update on selected MPD topics for the second quarter (April, May, and June) of 2022. **Please consider the data included in this update as preliminary and subject to modification.**

Significant Incident Types

Shots Fired – there were fifty-three (53) shots fired incidents in the City from April 1st through June 30th (2022). This is a 9% decrease from the second quarter of 2021 where there were fifty-eight (58) shots fired incidents. The 3-year average (2nd quarter) of shots fired incidents is fifty-one (51). The fifty-three (53) shots fired in Quarter 2 of this year is a 5% increase over the previous 3-year average.

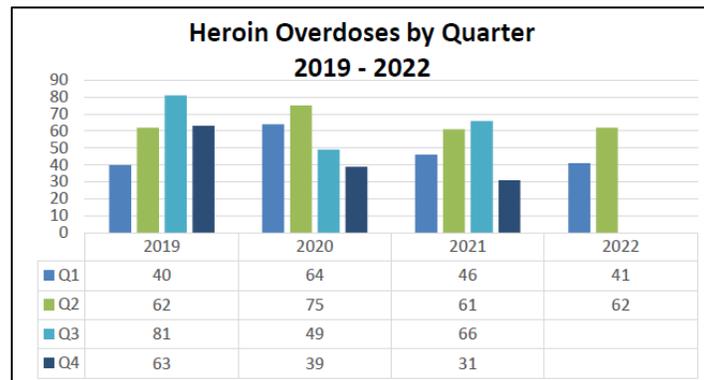


	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
Property Damage	16	13			
Subjects Struck by Gunfire*	9	6			
Accidental Discharge	0	0			
Self-Inflicted (intentional)	4	6			
Casings Recovered	179	133			

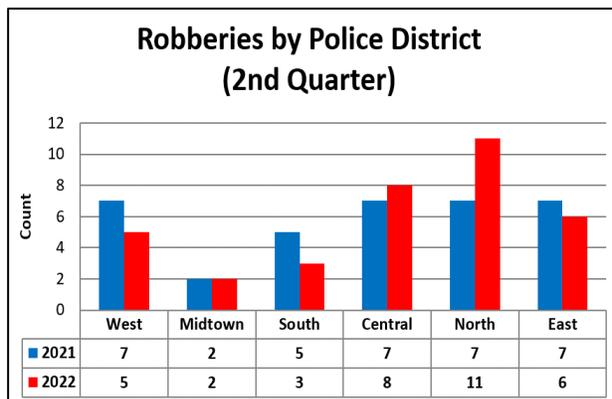
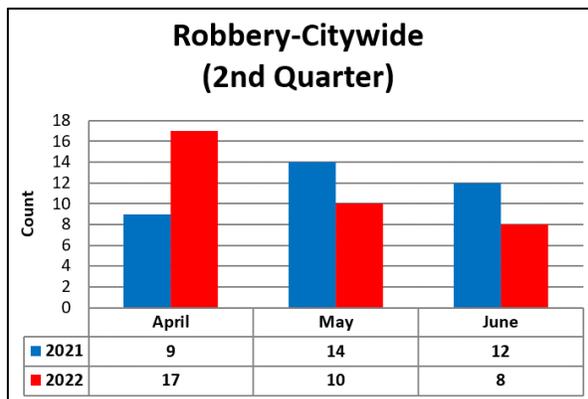
*Excludes accidental discharge & self-inflicted

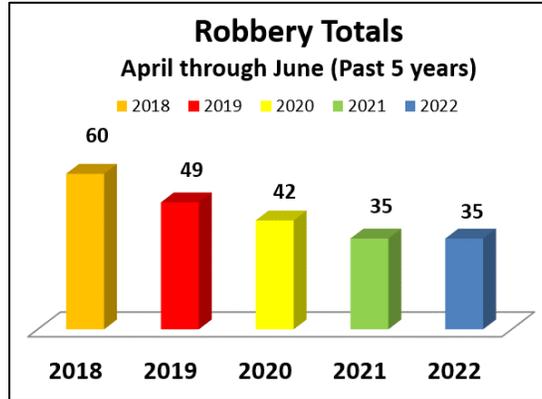
Heroin Overdoses – MPD responded to sixty-two (62) known heroin overdoses during the second quarter of 2022. This is a 2% increase from the second quarter of 2021 where we responded to sixty-one (61) known heroin overdoses. The 3-year average (2nd quarter) of known heroin overdoses is sixty-six (66). The sixty-two (62) known overdoses in Quarter 2 of this year is a 6% decrease over the previous 3-year average. Note that these figures refer to known overdoses...it is likely that many overdoses are occurring without any report to MPD or MFD.

There were eight (8) overdose deaths during the second quarter of 2022. This is a 14% increase from the second quarter of 2021 where there were seven (7) overdose deaths. The 3-year average (2nd quarter) of overdose deaths is seven (7). The eight (8) known overdose deaths in Quarter 2 of this year is a 14% increase over the previous 3-year average. [note that these figures only include overdose deaths with police involvement and clear evidence of an overdose; the actual figure may be higher].

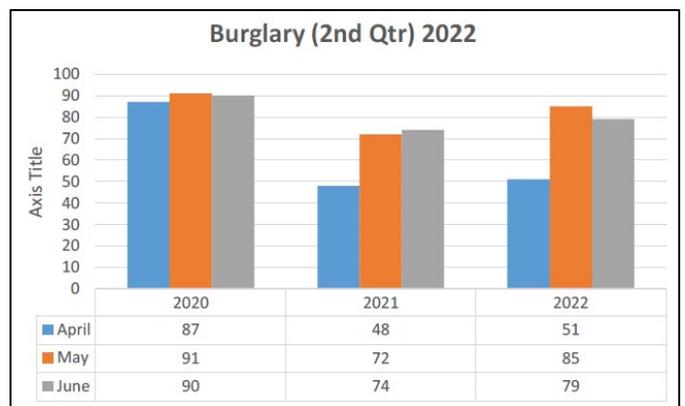


Robberies – Thirty-five (35) robberies occurred in the City during the second quarter of 2022. During the 2nd quarter of 2021 there were also thirty-five (35) robberies. The 3-year average (2nd quarter) of robberies is thirty-seven (37). The thirty-five (35) robberies in Quarter 2 of this year is a 6% decrease from the previous 3-year average.

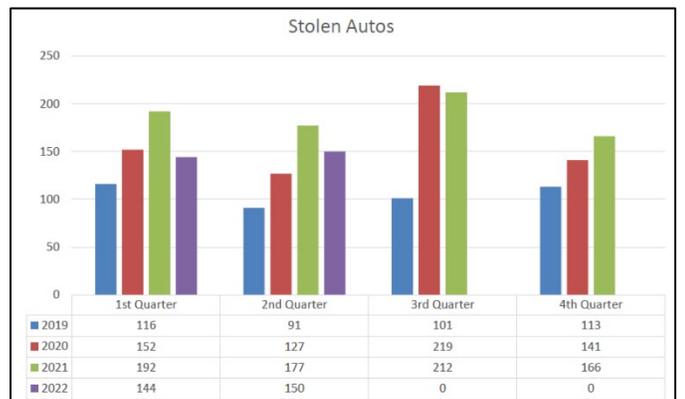




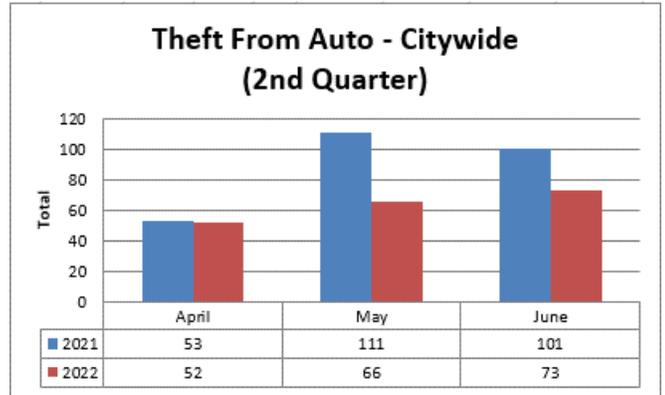
Burglaries – MPD responded to 215 burglaries during the second quarter of 2022. This is an 11% increase from the second quarter in 2021 where we responded to 194 burglaries. The 3-year average (2nd quarter) of burglaries is 226. The 215 burglaries in Quarter 2 of this year is a 5% decrease over the previous 3-year average.



Stolen Autos – MPD investigated 150 stolen autos during the second quarter of 2022. This is a 15% decrease from the second quarter in 2021. The 3-year average (2nd quarter) of stolen autos is 131. The 150 stolen autos in Quarter 2 of this year is a 15% increase over the previous 3-year average.



Thefts from Vehicles – MPD investigated 191 thefts from vehicles during the second quarter of 2022. This is a 28% decrease from the second quarter in 2021. The 3-year average (2nd quarter) of thefts from vehicles is 304. The 191 thefts from vehicles in Quarter 2 of this year is a 37% decrease over the previous 3-year average.



Arrest Data

Second quarter arrest data:

Sex	Q1	Q2	Q3	Q4	Total	%
Male	1,125	1,381				
Female	403	543				
Unknown	1	0				
Total	1,529	1,924				
Race	Q1	Q2	Q3	Q4	Total	%
Asian	17	28				
African-American	725	887				
Native American	13	10				
Other	30	61				
Caucasian	744	938				
Total	1,529	1,924				
Hispanic*	104	148				

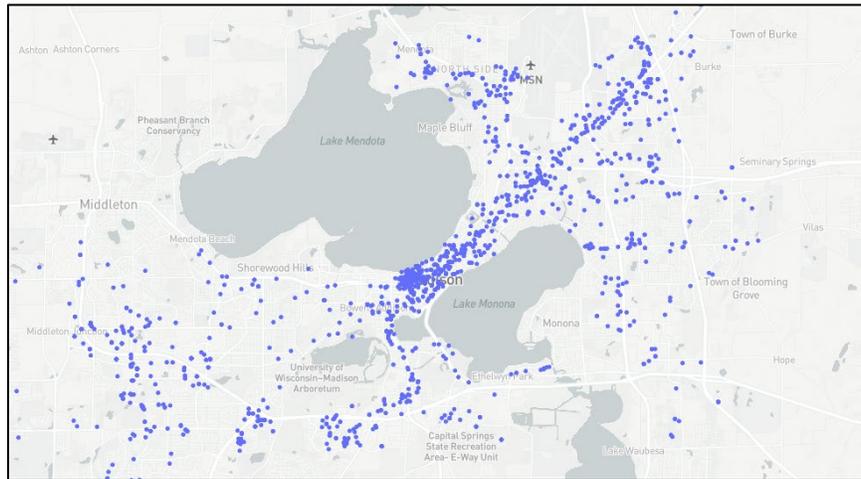
*“Hispanic” is not a racial designator used for UCR/IBR crime reporting purposes. However, it is an ethnicity collected and tracked in MPD’s records management system, in addition to race. These arrest figures are based on that data. Each arrested person with a Hispanic ethnicity will also have a race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

IBR Arrest Charges						
Group A Offenses	Q1	Q2	Q3	Q4	Total	%
Animal Cruelty	0	0				
Arson	1	2				
Assault Offenses	345	393				
Bribery	0	0				
Burglary	29	25				
Counterfeiting/Forgery	10	7				
Damage to Property	95	112				
Drug/Narcotic Offenses	139	179				
Embezzlement	6	9				
Extortion	0	0				
Fraud Offenses	24	14				
Gambling Offenses	0	0				
Homicide Offenses	3	8				
Human Trafficking Offenses	0	0				
Kidnapping/Abduction	20	20				
Larceny/Theft Offenses	117	171				
Motor Vehicle Theft	50	41				
Pornography/Obscene Material	6	7				
Prostitution Offenses	2	0				
Robbery	17	21				
Sex Offenses, Forcible	18	19				
Sex Offenses, Non-Forcible	0	2				
Stolen Property Offenses	8	8				
Weapon Law Violations	49	66				
Group B Offenses	Q1	Q2	Q3	Q4	Total	%
Bad Checks	2	0				
Curfew/Loitering/Vagrancy Violations	0	0				
Disorderly Conduct	509	645				
Driving Under the Influence	93	83				
Drunkenness	0	0				
Family Offenses, Nonviolent	9	18				
Liquor Law Violations	74	178				
Peeping Tom	0	0				
Runaway	0	0				
Trespass of Real Property	80	113				
All Other Offenses	940	1,052				
Total	2,646	3,193				

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

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

Second quarter arrests reflected geographically:



Comparison of 2021 to 2022 second quarter arrest data:

Sex	2021 (Q2)	2022 (Q2)
Male	1,118	1,381
Female	402	543
Unknown	0	0
Total	1,520	1,924

Race	2021 (Q2)	2022 (Q2)
Asian	19	28
African-American	736	887
Native American	8	10
Other	23	61
Caucasian	734	938
Total	1,520	1,924

Hispanic*	100	148
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*"Hispanic" is not a racial designator used for UCR/IBR crime reporting purposes. However, it is an ethnicity collected and tracked in MPD's records management system, in addition to race. These arrest figures are based on that data. Each arrested person with a Hispanic ethnicity will also have a race indicated (from the above options) and reflected in MPD's crime reporting.

Use of Force Overview

During the second quarter of 2022, MPD officers responded to **35,958** calls for service. In that time, there were seventy-seven (77) citizen contacts in which officers used recordable force during the encounter. Each of these force incidents was reviewed for compliance with MPD standard operating procedures.

Description	Q1	Q2	Q3	Q4	Total
Calls for Service	29,785	35,958			
Citizen Contacts Where Force Was Used	64	77			
% of CFS Where Force Was Used	0.21%	0.21%			
Force					
Decentralization/Takedown	57	64			
Active Counter Measures	11	16			
Taser Deployment	11	7			
Hobble Restraints	6	11			
OC (i.e. Pepper) Spray Deployment	3	8			
Baton Strike	0	0			
K9 Bite	0	2			
Firearm Discharged Toward Suspect	1	0			
Impact Munition	1	2			
Specialty	0	0			
Total	90	110			
Firearm Discharged to Put Down a Sick or Suffering Animal	7	16			

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

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

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

District*	Q1	Q2	Q3	Q4	Total	%
West	6	7				
Midtown	9	15				
South	7	8				
Central	15	17				
North	10	15				
East	16	15				
Out of County	0	0				
Within County - Assist	1	0				
Total	64	77				

Time of Day/Patrol Shift	Q1	Q2	Q3	Q4	Total	%
1st Detail (7am – 3pm)	14	11				
3rd Detail (3pm – 11pm)	30	36				
5th Detail (11pm – 7am)	20	30				
Total	64	77				

Comparison of second quarter 2021 with second quarter 2022 use of force data:

Force	2021 (Q2)	2022 (Q2)
Decentralization/Takedown	40	64
Active Counter Measures	4	16
Taser Deployment	12	7
Hobble Restraints	4	11
OC (i.e. Pepper) Spray Deployment	1	8
Baton Strike	0	0
K9 Bite	2	2
Firearm Discharged Toward Suspect	0	0
Impact Munition	0	2
Specialty (SWAT/SET)	0	0
Total	63	110

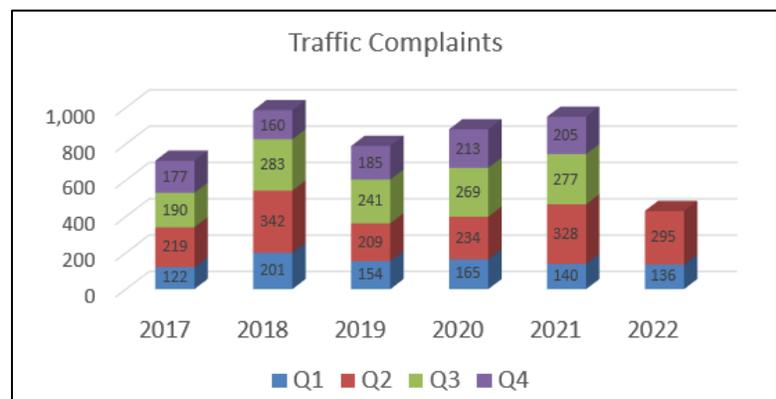
Restorative Justice Data (2nd Quarter, 2022)

12-16 Year Old Youth Data from YWCA	17-25 Year Old Data from CRC
<p>Total referrals: 31 Opted-in: 26 Opted out: 4 Neither 1 (these referrals are new enough where they have not met the opt-in/out deadline)</p> <p>Offenses: Armed w/Pellet Gun: 4 Battery: 3 Damage to Property: 1 Disorderly Conduct: 16 Depositing Human Waste Products: 1 Resist/Obstruct: 4 Theft: 4 (3 Retail, 1 Regular) Trespass: 1 Unlawful Use of Emergency #: 1</p>	<p>Total referrals: 36</p> <p>Offenses: Battery: 2 Disorderly Conduct: 23 Damage to Property: 1 Obstructing: 3 Retail Theft: 3 Theft: 5</p> <p>*Total is more than 36 due to respondent referred with more than 1 citation</p>

Traffic

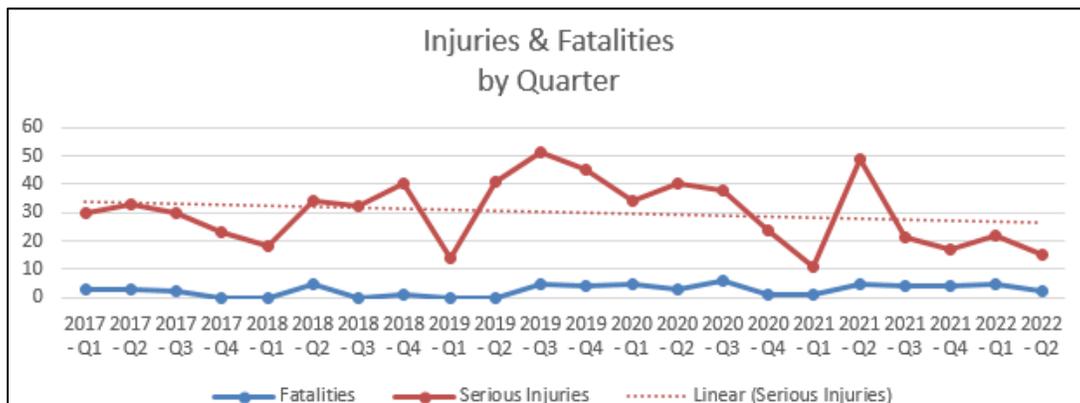
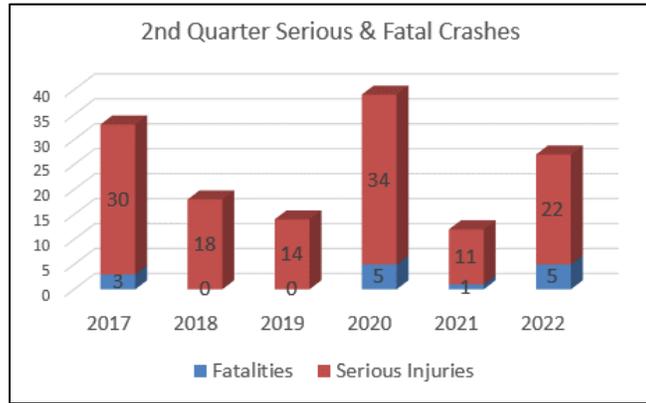
Traffic Complaints –

Community members may submit a traffic complaint or concern to the Madison Police Department by utilizing [online submissions](#) or calling the speeders hotline (608-266-4624). Since 2017, there are an average of 841 traffic complaints submitted to MPD annually, and 266 complaints on average in the 2nd quarter. In the 2nd quarter of 2022, MPD received 295 traffic complaints, an 11% increase from our average.



Serious/Fatal Crashes

The Madison Police Department investigates traffic crashes that result in approximately 131 serious injuries and 10 fatalities each year. In the 2nd Quarter of 2022, MPD investigated crashes resulting in 2 fatalities (3.2 average/year in Q2) and 15 serious injuries (39.4 average/year in Q2).



Factors involved in most serious or fatal crashes remain relatively consistent each year. Pedestrian or bicyclist involvement in the crash results in the highest percentage of crashes with serious or fatal injuries. Driver factors that lead to serious or fatal crashes include impaired driving through the use of drugs and/or alcohol, speeding, and failure to use restraint devices.

	Historical Averages	2022 Quarter 2
Speed	24%	53%
Alcohol/Drug	26%	33%
Seatbelt	23%	7%
Distracted	10%	7%
Pedestrian/Bike	32%	27%

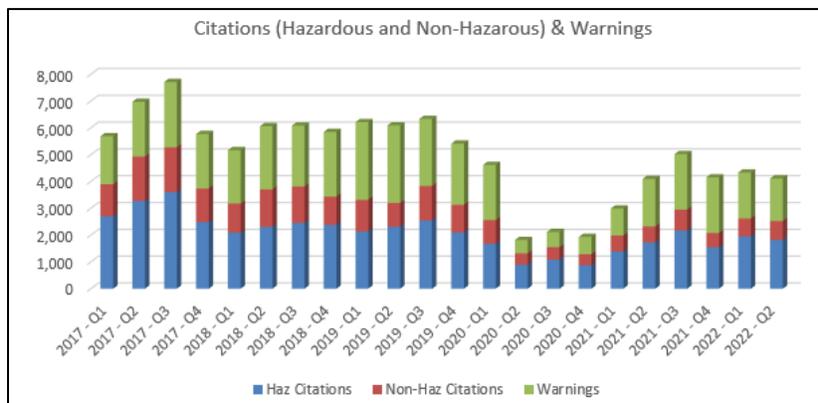
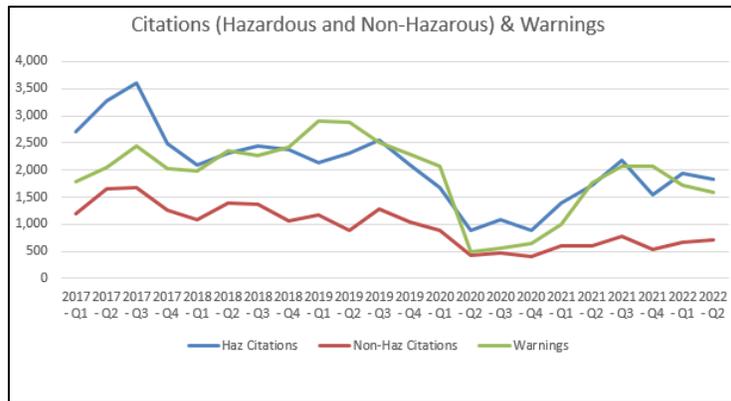
Enforcement

Overall traffic citations include those issued by MPD personnel pursuant to traffic stops and crash investigations, those issued by Traffic Enforcement Safety Team (TEST) personnel, and those issued during traffic grant overtime deployments. MPD has four primary goals in traffic enforcement:

1. Focus on Hazardous Moving Violations
 - a. De-emphasize non-hazardous violations and support alternative outcomes (i.e. warnings)
2. Focus on High Injury Network
3. Supporting school zone safety
4. Responsive to citizen complaints

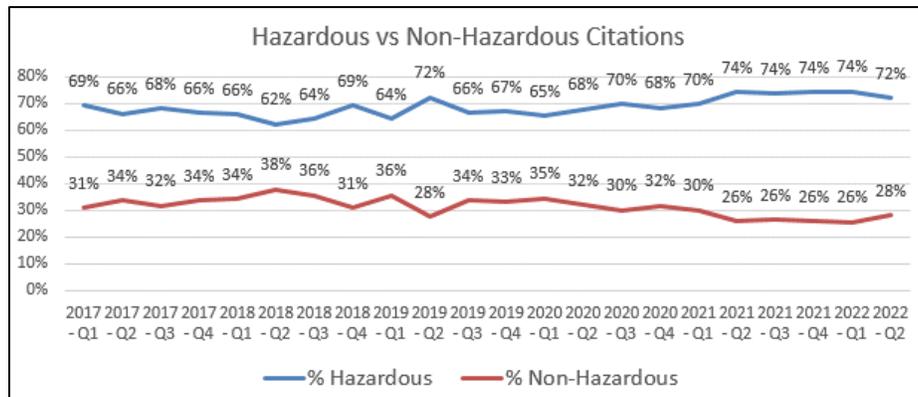
Annually, MPD issues, on average, approximately 20,015 citations and warnings.

	1 st + 2 nd Quarter Average 2017-21	1 st + 2 nd Quarter 2022
Hazardous Citations	4,098	3,769
Non-Hazardous Citations	1,983	1,375
Warnings	3,858	3,303



MPD’s #1 traffic goal is to focus on hazardous moving violations and to de-emphasize (supporting warnings or other non-citation outcomes) for non-hazardous violations. This goal was added at the beginning of 2021 after considerable research into the racial and economic disparate outcomes of non-hazardous violations such as registration, vehicle equipment, and driver’s license status citations. Prior to 2021, MPD averaged an approximate 2:1 ratio of hazardous to non-hazardous citations.

In 2021, MPD has increased that ratio to almost 3:1 and has reduced the percentage of non-hazardous citations (as compared to hazardous citations) approximately 6%. MPD continues to maintain an approximate 3:1 ratio.



Training

Our 2023 academy class is currently in phase two of their 3-phase pre-service academy experience. They are on track to complete the academy in November and transition into Field Training and then on to solo patrol status as probationary police officers by February. Two previously certified officers completed our 2022 Accelerated Academy this summer and have now completed their field training and moved into solo patrol as probationary police officers.

Recruiting, testing and screening for our 2024 academy class continues. As of August 1st, we were approximately 70 applications behind the same time in 2021. We will accept applications through October 17, 2022 and continue to explore innovative approaches to meet and explore future candidates.

All MPD officers completed 16 hours of in-service instruction this spring on topics to include CPR update, de-escalation and use-of-force updates, crime victim panel, procedural justice, operating a motor vehicle while under the influence (OMVWI) refresher and investigative tools training. The department is preparing for 8 hours of fall in-service followed by 2023 district in-services. Both sessions will include refresher training in rapid deployment following an increase in active-shooter incidents nationwide. All MPD employees will receive updates and training on City APMs 2-52 and 3-5 at district in-services.

SOP Updates

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

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

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

MPD did not acquire any property through DLA/LESO during the second quarter of 2022.

Priority/emergency call response

During the second quarter, there were 111 instances where MPD's patrol response was limited to emergency and priority calls. Note that some of these instances did not impact citywide response but were limited to a particular district or area of the City.

The 111 instances occurred on seventy-three (73) dates (some days required limited call response multiple times); this means that at some point on about 80% of the days during the second quarter MPD patrol response was limited. The 111 instances spanned about 289.4 total hours of limited call response, an average of 2.6 hours per instance. In terms of total hours during the second quarter, MPD patrol response was limited to emergency and priority calls about 13% of the time.

Promotions

2022 – Second Quarter Promotions

Police Officer Chanda Dolsen to Sergeant
Police Officer David Schon to Detective

Discipline/compliments (links to quarterly PS&IA summaries)

<https://www.cityofmadison.com/police/documents/psiaSummary2022AprJun.pdf>

<https://www.cityofmadison.com/police/documents/psiaRecognition2022AprJun.pdf>

Updated/New SOPs for MPD: April-June, 2022

Arrest, Incarceration and Bail – Youth: 05/02/2022

Demonstrations and Assemblies: 04/25/2022

General Duties and Expectations of Employees: 04/25/2022

Police Motorcycles: 04/01/2022

Mental Health Incidents and Crises: 05/13/2022

Officer Involved Deaths or Other Critical Incidents: 06/01/2022

Restricted Duty: 06/01/2022

Use of Force: 06/21/2022; 06/27/2022



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Arrest, Incarceration, and Bail – Youth

Eff. Date ~~12/04/2020~~ 05/02/2022

Purpose

The purpose of this standard operating procedure (SOP) is to provide guidelines for the proper processing of youth by Madison Police Department (MPD) staff at MPD facilities.

Procedure

In interactions with youth, more than anywhere else in police work, officers have many options available as alternatives to arrest or citation and are given wide latitude to make judgments about what will create the best possible resolution. The following are general principles set forth to establish the philosophical parameters for decision-making and to satisfy the need for consistency and uniformity.

1. Officers shall be mindful of the constitutional rights guaranteed to all youth.
2. MPD personnel recognizes that the primary responsibility for the upbringing of youth is vested in the family structure, although there may be instances where police intervention will occur.
3. Alternatives to arrest and citation will be utilized in all situations in which officers are dealing with youth.
4. When youth are taken into custody or are the subject of a significant investigation, the youth's parents or guardian shall be notified as soon as possible.
5. All investigative, enforcement, and security procedures, including interviewing, gathering evidence, and apprehension, shall be carried out in a way that acknowledges that youth are psychologically, emotionally, and physically different than adults.
6. Every effort should be made to work cooperatively with other community agencies, schools, the juvenile court, and interested citizens, in a community-centered approach.

DEFINITIONS

Youth/Child/Juvenile

A person who is under 18 years old. For purposes of investigating or prosecuting a person alleged to have violated state or federal criminal law, or a civil or municipal ordinance, 'juvenile' does not include a person who has attained 17 years of age. (Wisconsin State Statute-48.02(2)).

Adult

A person who is 18 years or older. For purposes of investigating or prosecuting a person alleged to have violated any state or federal criminal law, or civil or municipal ordinance, 'adult' includes a person who has attained 17 years of age. (Wis. Stat. 48.02(1)(d)).

Parent

The biological parent, parent by adoption, or person acknowledged under Wis. Stat. 767.805 or a substantially similar law of another state as the parent. This is not to include persons whose parental rights have been terminated. (Wis. Stat. 48.02(13)) (Wis. Stat. 938.02(13)).

Taking Into Custody

The exercise of control over a youth's movement for the purpose of determining whether the youth has committed an act that requires the lawful obtainment of evidence from them, or whether they may be lawfully taken into physical custody of the officer. (Wis. Stat. 48.19(3)) (Wis. Stat. 938.18(3)).

Physical Custody

The actual custody of the youth absent a court order that they be returned to their guardian or parent. (Wis. Stat. 938.02(14)).

Legal Custody

A legal status created by an order of a court that confers the right and duty to protect, train, discipline a juvenile, and to provide food, shelter, legal services, education, and ordinary medical and dental care, subject to the rights, duties, and responsibilities of the guardian of the juvenile and subject to any residual parental rights and responsibilities and provisions of any court order (Wis. Stat. 938.02(12)).

Secure Custody Status - Confinement

When a youth is placed in a cell or handcuffed to a cuffing rail or other stationary object within a lockup facility, until the youth is released from custody or is removed from the secure portion of a police station. (Department of Corrections (DOC) Wis. Stat. 439.03(14m)).

Secure Detention Facility

A locked facility approved of by the Department of Corrections under Wis. Stat. 301.36 for the secure, temporary holding of youth. (Wis. Stat. 48.02(16)) (Wis. Stat. 938.02(16)).

Release

The returning of a child to the parent, guardian, or legal custodian without further action or pending action in juvenile court.

Juvenile Reception Center (JRC)

The point of referral for youth alleged to have committed a crime whom an officer is unable to release to a parent, guardian, or other responsible adult. Formally known as the Dane County Juvenile Reception Center.

CUSTODY

Authority for Taking a Youth into Custody

A youth may be taken into custody if, under the circumstances, an officer has an objectively reasonable belief that one or more of the below following conditions exists (Wis. Stat. 938.19(1)), keeping in mind that alternatives to arrest or citation should be used whenever possible, consistent with public safety:

1. A capias or warrant for the youth's apprehension has been issued in the state of Wisconsin or another state, or the youth is a fugitive from justice.
2. Probable cause exists that the youth is committing or has committed an act that is a violation of a state or federal criminal law.
3. The youth has run away from their youth's parent, guardian, or legal or physical custodian, and officers have been informed of their youth's status as having run away. The taking into custody is solely for the purpose of returning the youth to their youth's parent, guardian, or legal or physical custodian.
4. The youth is suffering from illness or injury or is in immediate danger from his or her the youth's surroundings making removal from those surroundings necessary, or the threat of harm or danger by the youth makes being taken into custody necessary. The officer should identify an appropriate place to which to transport the youth to, utilizing community resources identified by the alternatives to arrest or citation training officers have received.

5. The youth has violated the terms of court-ordered supervision or aftercare supervision administered by the Department of Corrections or a county department, and those terms specify that the youth is to be taken into custody if a violation occurs.
6. The youth has violated the conditions of an order under Wis. Stat. 938.21(4) or the conditions of an order by an intake worker for temporary physical custody, and the order specifies that the youth is to be taken into custody if a violation occurs.
7. Probable cause exists that the youth violated a civil law or a local ordinance punishable by forfeiture. In that case, the youth shall be released immediately under Wis. Stat. 938.20(2)(ag) or as soon as reasonably possible under Wis. Stat. 938.20(2)(b) to (g).
8. An order of the judge demanding that the youth be immediately removed from his or her the youth's present custody for the welfare of the youth. The order shall specify that the youth be held in custody under Wis. Stat. 938.207.

Mandatory Detention of Youth

1. A youth is arrested or taken into custody for an offense which is a felony, or which would be a felony if committed by an adult, and an alternative to arrest could not be utilized.
2. A youth is arrested or taken into custody for an offense which is a misdemeanor, which would be a misdemeanor if committed by an adult, or which is a violation of an ordinance and the offense involves burglary tools, dealing in stolen property, controlled substances or controlled substance analogs under Wis. Stat. 961, firearms, dangerous weapons, explosives, and an alternative to arrest could not be utilized.
3. A youth is arrested or taken into custody for an offense charged or alleged as disorderly conduct, but which relates to an act connected with one or more of the offenses under subparagraph 2, and an alternative to arrest could not be utilized.
4. A youth is arrested or taken into custody as a fugitive from justice.
5. For any other offense designated by the attorney general, for which an alternative to arrest or citation could not be utilized.

“Offense” means any of the following:

- a) An act that is considered a felony or a misdemeanor, committed by a person who has attained the age of 17.
- b) An act that would be a felony or misdemeanor if committed by an adult, committed by a youth who has attained the age of 10, but who has not attained the age of 17.
- c) An act committed by any person that is a violation of a city, county, village, or town ordinance.

When deciding on a disposition for a youth, officers shall be mindful of the constitutional rights guaranteed to that youth.

Temporary Holding Facility (THF)

All police districts may be used as a THF for youth.

A youth alleged to have committed a delinquent act as defined by Wis. Stat. 938.02(3m) may be held in any of the THFs within the city under the following conditions:

1. An alternative to arrest or detention was sought, but exigent circumstances existed making an alternative implausible. A report made by officers shall specify what those circumstances were.

Youth who are taken to a THF or district facility shall be kept separate from adults in all areas of the THF and district facilities. There shall be no sight or sound contact with adult prisoners in any area of the lockup including entrances, booking areas, intake, elevators, staircases, cells, holding rooms, or any other area. Under no circumstances should district station interrogation rooms be used to hold youth that who are in secure custody unless the youth is being interrogated and is accompanied by a detective/officer.

No youth shall be placed into any cell or any form of secure custody status until the youth has been completely processed (fingerprints and photographs). This means that the arresting officers/detectives shall physically

stay with all youth in their custody. If youth meet the criteria established for “cite and release,” every effort will be made to utilize this process without taking the youth into custody.

Youth shall be processed in an expeditious manner and shall have priority in the booking process.

If a youth is placed in a cell, physical checks must be conducted at least four times **an per** hour on an irregular schedule. These safety checks shall be staggered so as to not establish a noticeable routine that might allow the youth to hurt themselves, hurt the officer, or escape.

Youth shall not be held in secure custody status in THF for more than six hours. **This six-hour secure custody status time limit starts when the detained youth is placed in a secure custody status cell or handcuffed to a cuffing rail or other stationary object.** The six-hour requirement is mandated by the Federal Juvenile Justice Delinquency Prevention Act and is also required under Wis. Stat. 938.209 and DOC Administrative Code Chapter 349. Youth who have not yet been placed in secure custody status (e.g., those who remain with the arresting officer, are going through the booking, searching, fingerprinting, or photographing process, or those who are being interviewed by detectives) do not cause the clock to start as it pertains to the six-hour limit. These activities do not constitute secure custody status.

- a. **Once a youth has been placed in secure custody status, the six-hour time limit cannot be stopped or extended.** If, for example, a youth has been placed in a cell for a short time and then removed for an interview, the six-hour time limit would include the time in the interview. When a youth has been in secure custody status for five hours, notification shall be made to the shift commander at the location where the youth is in custody.
- b. Prior to the expiration of the six-hour maximum, the youth shall be transferred from secure custody status and removed from the cell or booking area.

Youth shall not be placed into secure custody status if they are in custody for status offenses (e.g., missing, runaway, child in need of protective services). Youth who are stopped for status offenses shall be provided every opportunity for an alternative to arrest or citation.

All THF records pertaining to youth held in secure custody status shall be maintained confidentially and shall remain separate from adult records.

The recording of all youth arrests shall be documented using the SharePoint Arrest log. In the event SharePoint is unavailable, the arresting officer will obtain a paper form from the Officer in Charge (OIC) and will complete this paper form. The OIC will then forward the paper form to Records.

Detention Facilities

1. JRC is the detention facility for all detained juveniles.
2. A complete booking entry, along with fingerprints and prisoner photographs, shall be completed prior to an arrested youth being conveyed to any detention facility.

Notification of Parent or Guardian

The parent, guardian, or legal custodian of any juvenile, including a 17-year-old, taken into custody must be notified as soon as possible. The responsibility for notification rests with the officer taking the youth into custody. The person notified, as well as the date and time of the notification, is to be recorded in the Arrest Report.

TRANSPORTATION OF YOUTH

Transport to District Station or JRC

1. In general, youth taken into temporary custody shall be conveyed to the district station of the district in which the youth was taken into custody. JRC shall be the lockup facility for youth taken into secure

custody. Youth will generally be transported in a squad car equipped with a safety shield. Youth shall be properly restrained in seat belts or child restraint systems during transportation, being mindful that this restraint is for safety, not restriction of movement.

2. Youth shall not be transported with adult prisoners unless the youth and adult have been arrested in connection with the same offense, or unless the adult is the parent or guardian of the youth.
3. Officers conveying youth to the JRC shall park in the basement of the CCB.
4. At the CCB, Officers will proceed to the processing area for Central District and perform all searching, citations, and pre-booking paperwork. Photographs/fingerprints will be performed in the GR-55 (Central District Intake Area) processing area. Under no circumstances will an adult prisoner be allowed entry into the processing area when youth are present.

Youth with Medical Issues or in Need of Medication

1. If a youth in police custody is in need of non-emergency medical care or medication, he/she the youth shall be conveyed by a police patrol unit to a medical facility. For emergency medical care, a youth shall be conveyed by ambulance or fire department paramedic unit to a medical facility without delay.
2. When a youth is transported to the JRC, it the transport shall be done in an expeditious manner. If intake staff determines the youth is in need of medical clearance, then the youth shall be transported to a hospital. Hospital discharge papers shall be submitted to intake workers when returned to JRC.
3. Any medication in possession of the youth when taken into custody shall be brought to the JRC with the youth.

BOOKING

Youth who are arrested and conveyed to JRC or to a district station for offenses described in the “Custody” section above shall be booked, except as indicated in the “Custody” section. The OIC must be notified that a youth is in custody.

DISPOSITIONS

When considering the proper disposition of a youth in custody, there are instances where the public interest would be better served by an officer not making an arrest or issuing a citation, even if it is legally justifiable, when other alternatives exist to respond to the situation. MPD personnel are is-committed to exercising alternatives to arrest and citation for young people whenever possible, consistent with public safety to a degree even greater than that of adults. If it is determined that a citation will be issued, officers shall not email a copy of the citation to the youth, parent, guardian, legal custodian, or other responsible adult.

Disposition Alternatives

The general procedure of the MPD is to utilize alternatives to arrest, citation, and formal disposition, absent exigent circumstances.

Procedural Guidelines

Whenever a youth is involved in a significant investigation, officers should make every reasonable effort to notify the parents, guardian, or legal custodian and inform them of the circumstances surrounding the investigation. This notification shall be well documented in the report of the incident.

1. **Warn and Release:** a youth may be released with no further action, if the offense is minor in nature. This route shall be utilized as often as possible in alignment with MPD’s goal of utilizing alternatives to arrest and citation when coming into contact with youth. When going the route of warn and release, the options that should be utilized except in exigent circumstances are:
 - a. **Verbal warning** with no further action.

- b. **Informal counseling** by the officer, focused on helping the youth young person recognize the consequences of his/her the youth's actions.
 - c. **Release** to a parent, guardian, or other responsible adult.
 - d. **Referral** to an appropriate community social service or mental health agency.
 - e. **Referral** to an existing diversion program.
2. **Criminal Charge:** a youth may be released after being taken into custody for the commission of a crime. An Arrest Notification Form will be properly completed and disseminated. Fingerprints shall be taken. A photograph should be taken unless the youth already has a photograph, and their appearance has not significantly changed since the last photograph. The youth shall be released to a parent, guardian, legal custodian, or other responsible adult.
3. **Referral to Dane County Juvenile Reception Center:** the decision to refer a youth to the Reception Center for the purpose of detention or intake will be reviewed by the Officer in Charge under any of the following conditions:
 - a. Commission of a serious criminal offense;
 - b. A case involving the possession, use, or threatened use of a weapon.
 - c. The youth is unwilling to appear in court and the parents or guardian will be unable to produce him/her the youth upon proper notice;
 - d. The youth is likely to repeat behavior harmful to him/her the youth's self or to others;
 - e. In incidents where a youth continues to resist, is uncooperative, and it appears that he or she the youth will not submit to the control of parents or another responsible adult.

ADMINISTRATIVE RELEASE

When a youth has been properly taken into custody and investigation reveals that MPD is unable to pursue charges because the youth was not involved in the offense or there is insufficient evidence to adequately support the charge, the youth must be released. Every effort will be made to reveal this information as soon as possible after contact with the youth. The disposition shall be listed as "administrative release" and the reason for custodial detention and release will be documented in a report. A wanted check shall be conducted before release. The youth's parents shall be notified and noted in the report.

REFERRAL TO JUVENILE RECEPTION CENTER (JRC)

1. Referral to the JRC shall take place in those misdemeanor cases where detention is not appropriate and an alternative to arrest or citation could not, due to exigent circumstances, be utilized.
2. When a youth is referred to the JRC for disposition, a minimum of 15 calendar days should be allowed between the date the youth was taken into custody and the date set for appearance.

DETENTION AT JRC

1. The decision to detain a youth shall be made by the OIC. The OIC may consult with the JRC intake worker when considering detaining a youth at the JRC. Only the JRC intake worker is authorized by state statute to make the decision to admit or release the youth. Under no circumstances shall a youth be detained as a means of punishment, because it enhances pending investigations, or because he or she the youth is a material witness, unless so ordered by a judge of the children's court. If there is a need for secure custody of a youth, the officer taking the youth into custody shall complete a reporting documenting the need.

2. Detention is mandatory when one or more of the following conditions or circumstances exist:
 - a) The offense is a felony.
 - b) The offense is a misdemeanor involving a weapon or resulting in injury or harm to others or a threat to public safety.
 - c) The offense is one of a series of offenses that were previously handled without being referred to the JRC, not identified as an instance where an alternative to arrest or citation attempt should be utilized.
3. If the youth is hospitalized, all paperwork shall be filed and secured in the OIC's office until the youth is medically cleared and ready to be discharged.

REPORTS

General Information

1. The officer taking the youth into custody shall be responsible for the proper custody, control, and care of a youth taken into custody and the submission of all reports relating to the apprehension.
2. When appropriate, and as determined by MPD procedure (generally felony or controlled substances cases), the respective district must be notified so that they may provide whatever assistance is necessary.

Arrest/Detention Report Required

1. A report must be completed in the following cases:
 - a. When a youth is taken into custody for violation of a state law, municipal ordinance, or an order of the court. The reason or need for such detention must be clearly stated in the officer's report.
 - b. When a dependent child is taken into custody pursuant to Wis. Stat. 938.205.
 - c. When a 12 to 16 year old juvenile is taken into custody on a municipal warrant, traffic warrant, or traffic capias.
2. All reports must indicate the disposition of the youth, e.g., detained, released to appear.

FINGERPRINT REQUIREMENT

Whenever a police member issues a youth municipal court citation (Form CBP-201), a TraCS citation, or municipal citation to a youth for a violation, the member shall:

1. Indicate in the narrative portion of the citation how the youth was identified (e.g., fingerprint or valid picture identification card).
2. A fingerprint is not mandatory in those instances where the violator has valid picture identification. This must be a Wisconsin operator's license or identification card, a passport or passport card, or state or federal government issued picture identification.

Note: Discretion shall be exercised where a person refuses to be fingerprinted. In such cases, the officer shall consult with his/her the officer's immediate supervisor.

VIOLATION OF HARASSMENT OR CHILD ABUSE/RESTRAINING ORDERS AND 2 YEAR INJUNCTIONS

When a youth is the respondent of a harassment or child abuse restraining order or injunction pursuant to Wis. Stat. 813.122 and 813.125 and a police officer has knowledge of the temporary restraining order or injunction, together with probable cause to believe that the youth has violated the court order pursuant to Wis. Stat. 813.122 or 813.125(6), the police officer shall take the youth into custody. The youth shall be interviewed concerning the allegation.

A report shall be completed charging the youth with violation of a temporary restraining order or injunction. An incident report should be completed explaining how the officer knew that the youth was the subject of a temporary restraining order or injunction, what probable cause the officer had to believe that the youth was in violation of the order, and what evidence is available to prove beyond a reasonable doubt that the youth

violated the order. If possible, a copy of the court ordered temporary restraining order or injunction should be attached to the incident report. The youth, along with the completed reports, shall be conveyed to the JRC.

ARRESTS OF YOUTH

Serious Offenses

Youth who are observed committing, or are reasonably believed to have committed, an act which, if committed by an adult, would be a felony, or which involves serious physical harm or danger to others, are to be taken into immediate physical custody.

Aftercare Violators (Previously Probation & Parole Violators)

MPD will accept information concerning court-directed rules and conditions for youth on aftercare and/or court ordered supervision. When possible, MPD will assist county and state social workers with enforcement of stipulations and conditions of these agreements.

Capias or Apprehension Request

A capias or an apprehension request will be handled in the same fashion and receive the same attention as an arrest warrant.

Taking Into Custody on School Property During during School Hours

An officer may take a student into custody during school hours if the officer has probable cause to arrest the student for a misdemeanor or felony crime, or pursuant to an arrest warrant or juvenile apprehension order and an alternative to arrest or citation cannot be utilized. The school principal or his/her designee and the School Resource Officer (SRO), when applicable, shall be informed of all arrests made on school grounds during school hours.

Procedural Guidelines

In cases when a student is to be taken into custody at school, an officer shall first contact the school principal and/or SRO, when practical and applicable, and advise him/her the school principal of the circumstances. When safe and reasonable, the student may be first summoned to the office by the principal.

Responding to Truancy

The MPD has an obligation to assist school authorities in Wisconsin's compulsory school attendance law. The primary and legal responsibility, however, for meeting the social and individual problems presented by a chronic truant is with the child's family and with the educational system.

Procedural Guidelines

Youth who are believed to be truant should be contacted and an attempt to identify them shall be made. If identified as truant, they are to be directed to return to school or conveyed if they are willing. School officials shall be notified of any identified truants.

When Processing an Arrested Youth for JRC

1. Conveyance should be made directly to the City County Building unless release in the field is approved by a supervisor.
2. The arresting officer shall consult with the OIC to approve charges and shall make an entry into the SharePoint Arrest log. In the event that SharePoint is unavailable, the arresting officer will obtain a

paper form from the OIC and will complete this paper form. The OIC will then forward that paper form to Records.

3. The Temporary Physical Custody Request Form should be completed prior to transporting the youth to JRC. A copy of this form should be forwarded to the Criminal Intake Unit (CIU).
4. Youth who are to be taken to JRC shall be photographed, fingerprinted, and a required **deoxyribonucleic acid (DNA)** sample taken for the arrest of listed violent felonies. Exception: If there is a recent photo on file and there are no changes in appearance, a new photograph is not required.

Use of Youth as Paid Undercover Personnel

Juveniles will not be used as confidential informants except in cases of compelling need, with the approval of the Chief.

This procedure does not restrict or prohibit MPD personnel from accepting and utilizing intelligence-type information voluntarily offered by youth or obtained from them during the course of investigation. MPD personnel may actively solicit information and assistance from youth in the solving of crimes. Youth will not, however, be placed in situations by MPD personnel that jeopardize their physical or mental health or personal safety.

Photographing, Fingerprinting, and DNA Collection for Youth

1. Fingerprints of arrested youth are required by the Wisconsin Department of Justice (DOJ) Division of Law Enforcement Services (DLES) Crime Information Bureau (CIB) in order for the arrest to become a part of the youth's record.

WI Act 20 requires the collection of a DNA sample for all youth arrest for listed violent felonies. The process of DNA collection for youth arrested for violent felonies is conducted in the Central District Intake Area (GR-55). DNA collection kits are available in this area.

Wisconsin Statute 165.83 requires that fingerprints and an updated photo, if the **arrested youth's** appearance has changed, be taken each time a youth is arrested under any of the following circumstances:

- a. For an offense which is a felony.
- b. For an offense which is a misdemeanor or a violation of an ordinance involving **burglariously** tools, commercial gambling, dealing in gambling devices; for contributing to the delinquency of a child, dealing in stolen property, possessing and selling controlled substances under Chapter 161; for violations involving firearms, dangerous weapons, explosives; for pandering, prostitution, or committing violations involving sex offenses where children are victims; or for issuing worthless checks.
- c. For an offense charged as disorderly conduct, but which relates to an act connected with one or more of the above offenses.
- d. As a fugitive from justice.

For all other youth arrests, an officer may transport the youth to the police station to obtain fingerprints and/or a photograph prior to releasing the youth if an investigative benefit can be articulated.

2. When an arrested youth is brought into the station for photographs and fingerprinting, **the following is required (runaways are excepted):**
~~the following is required (runaways are excepted):~~
 - a. Two (2) green fingerprint cards with palm and rolled impressions, which are signed by the person printed and the person doing the printing.
 - b. One (1) set of palm prints.

- c. A front and profile photograph. If glasses are worn, one set with and one set without glasses.
 - d. The forwarding of all reports and fingerprint cards to the juvenile court detective in CIU.
3. Photographs, two green fingerprint cards, and palm prints of youth taken into custody will be the responsibility of the arresting officer. The camera in the Central District Intake Area (GR-55) will be utilized for photographs. Instructions on the camera operation are maintained at that location, as are fingerprint cards.

Recordkeeping

The Records Manager will maintain all juvenile records in conformance with the Wisconsin State Statute requirements for separate storage, release, and confidentiality. Reports shall only be released through Records.

Confidentiality of Records

MPD records of youth shall be kept separate from records of adults and shall not be open to inspection except by order of the court. This section does not apply to proceedings for violations of Chapters of State Statute 340 to 349 and 351 or any County or Municipal Ordinances enacted under State Statute Chapter 349. This section does apply to proceedings for violations of State Statute 342.06(2) and 344.48(1) and State Statutes 30.67(1) and 346.67(1) when death or injury occurs. Except for the following, all others will be directed to the Juvenile Court to seek a court order:

1. News media representatives;
2. The School District Administrator of the school attended by the child in question:
 - a. records relating to the use, possession, or distribution of alcohol, a controlled substance, or controlled substance analog;
 - b. records relating to illegal possession of a dangerous weapon;
 - c. records relating to a juvenile taken into custody under **Wis. Stat. SS.** 938.19 based on a law enforcement officer's belief that the juvenile was committing or had committed an act that is a violation specified in **Wis. Stat. SS.** 938.34(4h)(a);
 - i. Juvenile is 10 years of age or older for the following charges:
 - (1) 940.01 - First degree intentional homicide
 - (2) 940.02 - First-degree reckless homicide
 - (3) 940.05 - Second degree intentional homicide;
 - ii. Juvenile is 14 years of age or older to the following charges:
 - (1) 939.31 - Conspiracy
 - (2) 939.32 - Attempted Felony
 - (3) 940.03 - Felony Murder
 - (4) 940.21 - Mayhem
 - (5) 940.225 - Sexual Assault
 - (6) 940.305 - Taking hostages
 - (7) 940.31 - Kidnapping
 - (8) 941.327 - Tampering with Household Products
 - (9) 943.02 - Arson of Building and damage of property by explosives
 - (10) 943.10 - Burglary
 - (11) 943.23 - Operating vehicle without owner's consent
 - (12) 943.32 - Robbery
 - (13) 948-02 - Sexual Assault of a child
 - (14) 948.025 - Engaging in repeated acts of sexual assault of the same child
 - (15) 948.30 - Abduction of another's child; constructive custody
 - (16) 948.35 - Solicitation of a child to commit a felony
 - (17) 948.36 - Use of child to commit a Class A felony
 - d. records relating to an act for which the youth was adjudicated delinquent.
3. Social welfare agencies;
4. Other law enforcement agencies;
5. Victim(s) of a youth act resulting in injury or loss or damage of property;

6. Insurer access when restitution has been court ordered and has not been paid for **one (1)** year;
7. Parents, guardians, and legal custodians;
8. Holder of notarized permission statement from parent, guardian, or legal custodian;
9. Victim-Witness Coordinator;
10. Fire Investigator investigating an arson;
11. The involved youth ~~when~~ **once** they reach the age of 18.

Original SOP: 11/09/2015

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(Reviewed Only: 01/09/2017, 12/26/2017)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Demonstrations and Assemblies

Eff. Date ~~02/25/2015~~ 04/25/2022

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 Sec. 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, 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:

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 RESPONSIBILITIES

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 and other constitutional 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) When feasible, 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 behavior 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 a 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, 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 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 stored 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 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 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 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 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?

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 when determined 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. The camera operator is responsible for accessing available camera footage of the event area in the ICP and requesting the preservation as evidence of any such footage. The recorder is responsible for maintaining an event log and other necessary documentation while the ICP is active.

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. Depending on intelligence and observations, consider attempting to establish contact with the demonstrators;
- c. Move and reroute pedestrian and vehicular traffic around the event location;
- d. Ensure, to the degree possible, that uninvolved individuals are evacuated from the immediate area of the event location;
- e. Designate a secure staging area for emergency responders and equipment;
- f. Provide ongoing situational assessments over the police radio and request a dedicated, encrypted police radio channel;
- g. Establish a temporary command post;
- h. 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.
- i. 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.

- j. Ensure that adequate security is provided to MFD and Emergency Medical Services (EMS) personnel in the performance of emergency tasks.
- k. Isolate and arrest: Only when sufficient resources are on hand, strike teams should identify and attempt to arrest individuals who are engaging in criminal conduct. 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 directives 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 individuals 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 people,
- 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 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.

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.
- 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 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 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.

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 access to the station.

Original SOP: 02/25/2015

(Revised: 04/25/2022)

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

j.

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 4

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



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



General Duties and Expectations of Employees

Eff. Date ~~11/09/2020~~ 04/22/2022

Purpose

The purpose of this Standard Operating Procedure (SOP) is to provide general expectations as to the duties and responsibilities of all employees of the Madison Police Department (MPD). This document does not encompass all aspects of an employee's specific job description.

Procedure

EXPECTATIONS FOR ALL PERSONNEL

Actively support the Mission and Core Values of the MPD.

Know, understand and comply with provisions of the Code of Conduct, SOPs, Field Manual, and departmental memorandums.

Familiarize yourself with all possible aspects of your assignment and strive for excellence in performing the duties so assigned through active participation and training.

While on duty, members of the MPD shall engage in business of the MPD. Incidental business of short duration is allowable, so long as it does not interfere with the duties of the employee.

Work to build functional cultural norms that are consistent with departmental values to help build a strong work environment. Respectfully challenge those behaviors, systems, or processes whose influence is contrary to this goal.

Be accountable to your chain of command or supervision.

Strive to improve working conditions for maximum efficiency and morale.

Actively participate in team meetings and provide feedback as appropriate.

Promote teamwork through effective relationships.

Submit reports to your team leader or to another supervisor, in prescribed form and detail, as may be required to actively reflect the problems, services and activities of your assigned area.

Personnel shall make an effort to check City email, mailboxes, and voicemail systems once per shift. At a minimum, all staff shall check these communication sources once per week. Responses to supervisory staff requests should be completed as indicated in the message.

Commissioned personnel will maintain a valid Wisconsin driver's license, maintain certification with the State of Wisconsin as a law enforcement officer, and have the ability to effect a forcible arrest.

Personnel must notify the Chief's Office within 24 hours of returning to work after any change of address and telephone by filling out the "change personal info" form on the intranet (how to section). For legal name and/or gender confirmation, please refer to the instructions at the end of this SOP. Personnel must notify the Chief's Office of these legal changes by emailing the Police Executive Office Supervisor.

Visit the City of Madison's employeenet website for additional helpful information on changes to employee's information: <https://www.cityofmadison.com/employeenet/pay-benefits/changes-to-employee-information>

Support the Constitution of the United States, the Constitution of the State of Wisconsin, and the Charter of the City of Madison.

EXPECTATIONS FOR SUPERVISORY PERSONNEL

Provide active and visible leadership to the MPD.

Be responsible for implementing operational plans developed to achieve the goals of the MPD as envisioned by the Chief of Police.

Identify personnel training needs or deficiencies and facilitate appropriate training.

Be informed of the affairs and status of your team and communicate with subordinates and supervisors as appropriate.

Coach, consult and guide MPD personnel.

Direct, supervise and hold accountable the personnel assigned to your command.

Assist members of the MPD by providing sound advice and interpreting procedures of the MPD.

Supervisory staff shall not knowingly allow members of the MPD to violate any criminal law, or provisions of the Code of Conduct.

SOPs are the prescribed method of action for MPD personnel. Situations may be encountered, where based on the totality of the circumstances, deviation from an SOP would not be inconsistent with the MPD Code of Conduct, values, and laws. Supervisory staff may authorize deviation in limited circumstances, and shall be accountable for decisions that allow a member to deviate from a prescribed SOP.

Routinely meet, both formally and informally with subordinate staff.

Recognize and reward outstanding personnel performance.

Discover existing weaknesses within your area of responsibility and address inadequacies to see that corrective action is taken.

Hold employees accountable and verify that subordinate officers discharge their full duties and responsibilities.

Conduct personnel evaluations and investigations as required.

Ensure proper and economical use of MPD property and equipment.

Know and abide by the provisions of applicable employee contracts and the City Employee Handbook.

PERSONNEL NAME CHANGE

Obtain one of the following documents in order to change your name with the Social Security Administration.

- Marriage document
- Divorce decree
- Certificate of Naturalization showing the new name
- Court order approving the name change

After your name has legally been changed with the Social Security Administration, you will have all necessary documents to change your name on official City records.

Send the Federal (W-4) and State (W-204 WT-4) tax withholding forms to your Payroll Clerk. The Payroll Clerk will process a personnel action to update your name on City official records. <https://www.cityofmadison.com/employeeenet/finance/payroll/payroll-clerks>

The Federal and State tax withholding forms links are updated annually, but current forms can always be found here: <https://www.cityofmadison.com/employeeenet/pay-benefits/changes-to-employee-information>

- **Federal:** <https://www.irs.gov/pub/irs-pdf/fw4.pdf>
- **State:** <https://www.revenue.wi.gov/TaxForms2017through2019/w-204f.pdf>

PERSONNEL GENDER CHANGE

You will need a new state ID or court order recognizing your gender.

- Send a photocopy of your new state ID or court order to your Payroll Clerk. Payroll staff will process a personnel action to update your gender on official City records.
- To update your gender in your Health Insurance information, contact Employee Trust Funds: <https://etf.wi.gov/benefits/life-changes-and-my-benefits/policy-change-gender>

Original SOP: 04/30/2015
(Revised: 03/04/2016, 01/13/2017, 04/27/2017, 11/09/2020, 04/22/2022)
(Reviewed Only: 12/26/2017, 01/30/2019)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Police Motorcycles

Eff. Date ~~01/15/2020~~ 04/01/2022

Purpose

The purpose of this ~~standard operating procedure (SOP) policy~~ is to establish guidelines for the use of the motorcycle and related equipment, including its use as an emergency vehicle, in accordance with Wisconsin State Statute 346.03, and to promote the safety of officers and the public.

Procedure

AUTHORIZATION

Members of the ~~Madison Police Department~~ (MPD) are authorized to operate an MPD motorcycle for enforcement purposes if they possess a valid driver's license endorsed for motorcycle operation and ~~after they~~ have successfully completed an authorized police motorcycle operators training course. Motorcycle operators must attend and successfully complete annual motorcycle in-service training to maintain certification.

USE OF MOTORCYCLES

Police motorcycles are fully marked Authorized Emergency Vehicles (AEV). They are assigned to the Traffic Enforcement Safety Team (TEST), used primarily for enforcement, education and community engagement. Motor officers may be available as back-up to other officers, however, should not be used for general patrol duties unless in response to a true emergency. This does not preclude the use of a motorcycle in special assignments when approved by a supervisor. The officer assigned to a motorcycle shall use due regard when making a decision to respond to emergency calls for service in consideration of the unique characteristics of the motorcycle.

EMERGENCY OPERATION OF POLICE MOTORCYCLE

Police motorcycle operators shall operate the motorcycle in accordance with the provisions of Wisconsin State Statute 346.03, as well as the MPD SOP regarding Emergency Vehicle Operation.

In all cases, when an officer elects to exercise the exemptions provided to police vehicles under Wisconsin State Statute operators must exercise due regard.

VEHICLE PURSUITS

Motorcycles are not intended to be, nor should they be considered, pursuit vehicles. MPD Police motorcycles are authorized to be involved in pursuits subject to the following restrictions:

- Motor Officers shall only engage in a vehicle pursuit when the officer has probable cause to believe that any person in the vehicle has committed (or attempted to commit) a felony involving the use (or threatened use) of force and a high probability exists that the suspect, if not immediately apprehended, may cause death or great bodily harm to another. Officers may terminate and discontinue a pursuit when the act of pursuit, in and of itself, creates an unreasonable danger of death or great bodily harm to the public, officers, or the suspect.
- Motorcycles engaged in a pursuit shall drive with due regard and follow ~~the MPD SOP "Emergency Vehicle Operation Guidelines"~~ ~~SOP~~.
- Due to the increased vulnerability to the operator of a police motorcycle, any pursuit initiated by the motorcycle operator shall be ~~taken over by~~ ~~replaced with~~ a marked squad as soon as possible.

- A motorcycle officer who has turned over the primary pursuit to a marked squad shall not continue to be involved in the pursuit unless otherwise directed by the supervisor monitoring the pursuit.

MOTORCYCLE INSPECTION

At the start of their tour of duty, Motorcycle operators shall, ~~at the start of their tour of duty,~~ inspect the motorcycle for cleanliness and proper operation. Any deficiencies should be corrected prior to operation.

REQUIRED EQUIPMENT

All operators of police motorcycles shall use the following safety equipment:

1. DOT and MPD approved safety helmet;
2. Eye protection;
3. Approved leather boots;
4. Motor-issued body worn camera (BWC)

MOTOR-ISSUED BODY WORN CAMERAS

A BWC will be assigned to each motor unit. Motor Officers will utilize the BWC assigned to the respective motor that is assigned to them, or that they might be operating on a temporary basis.

BWCs are to be used when the Motor Officer is utilizing an MPD motorcycle as the Motor Officer's assigned vehicle for the shift or assignment, or as directed by a supervisor.

At the beginning of each shift or assignment, Motor Officers utilizing a BWC for their shift will ensure the BWC equipment is functioning properly by completing the follow procedures:

- Verifying the unit has uploaded prior shift/assignment files and that the unit is charged for the upcoming shift
- Mounting the BWC in a position where it can effectively record video and audio when activated throughout an officer's shift

At the conclusion of each shift or assignment, Motor Officers utilizing a BWC for their shift will download and/all video captured during the previous shift by completing the follow procedures:

- Docking the BWC in a bank or individual upload/charging cradle.
- Officers shall ensure that the "Classify Tag" and "Case File Number" fields of the recording window are filled out properly for each recording, within 48 hours of the file upload or as soon as practicable. If there is no case number associated with the recording, officer shall type "none" in the Case File Field. Officers should enter any additional information (e.g., license plate, name, suspect information, etc.) deemed pertinent to the investigation in the "Note" field. The classification tag, case file number, and additional information entered by the officer will serve as the initial selection for the duration of the video retention of each video recording.

Motor Officers may operate motorcycles when their assigned BWC is not functioning or not available.

- If problems with the BWC system are identified, motor officers are required to report the issue to Information Management and Technology (IMAT) by calling the IMAT support line Monday-Friday 8:00am-4:30pm at 608-261-9655 or by sending an email containing the BWC number and description of the problem to the IMAT support email address, imat@cityofmadison.com.

Motor Officers are not required to operate BWC during specialty assignments such as escorts.

OPERATION OF MOTOR-ASSIGNED BWCs

- 1) Motor Officers should activate and record (which includes a 30 second pre-event) the following:
 - a. All traffic stops.

- b. All interviews as required by Wisconsin State Statutes when other established recording facilities are not available, practical, or preferred.
 - c. When an officer attempts to place an individual into physical custody (either criminal or protective) when safe to do so.
 - d. When approaching an individual the officer reasonably anticipates may be taken into custody when safe to do so.
- 2) BWCs may also be utilized to record any other official police contacts or actions beyond those listed in point #1 above.
- 3) Officers should make reasonable efforts to position the BWC to accurately capture events.
- 4) Once initiated, video and audio recordings should remain activated until the incident or event has concluded or until deactivation is permissible. The conclusion of an incident or event has occurred when any arrest(s) related to the incident have been made and arrestee(s) have been transported, after a stopped motor vehicle driver is released from a traffic stop, or when no further law enforcement action is likely to occur related to the incident or event. Deactivation of video and audio recordings prior to the conclusion of the incident or event is permissible:
 - a. When an officer is not directly involved in activity related to the incident or event (i.e., blocking traffic at a position not near the scene of an incident); officers not directly involved in the incident or event do not need to complete a report if the purpose is to just document the cessation of their recording;
 - b. When an officer reasonably believes there is no evidentiary value in collecting further video and audio; for transparency reasons, officers shall document in a report or in call notes the assessment for the cessation of any recording, or
 - c. When the incident or event is of such duration that recording needs to be deactivated to conserve power or storage capacity of the BWC and the officer is not directly involved in activity relating to the incident or event (i.e., blocking traffic at a position not near the scene of an incident).
- 5) Officers may temporarily mute audio recording of conversations between police personnel for administrative reasons including, but not limited to, the following:
 - a. Employee to employee training (e.g., during Field Training, incident debriefings, etc.);
 - b. Officer to supervisor discussions about incident dispositions and/or charging decisions;
 - c. Employee to employee discussions involving response strategy or tactics; or
 - d. Personal conversations unrelated to the incident or event being investigated.
- 6) Reasons for any intentional interruptions/microphone muting during video recordings shall be audibly noted prior to the muting and documented within official reports, narrative sections of citations, or in call notes. After the purpose of a temporary mute of an audio recording has concluded, officers shall reactivate the audio recording.

VIDEO TRANSFER AND DOCUMENTATION

Video recording(s) shall be transferred at least once during the course of each work shift or assignment during which the officer wore a BWC. Exceptions to this must be approved by the Officer in Charge (OIC) or other supervisor. Transfer of video from BWC units shall be accomplished by USB wired transfer at workstations at the designated motor officer assignment locations (East, Midtown, and South Police District stations) or via bank or individual cradle.

Officers should make every attempt to transfer video recording(s) deemed to be evidence prior to the end of their shift. If the video transfer process requires the employee to be on overtime, the officer shall obtain prior approval for the overtime from a supervisor or from the OIC. If the video does not transfer or other BWC device issues occur, contact Information Management and Technology (IMAT) through the support line Monday-Friday 8:00am-4:30pm at 608-261-9655 or send an email containing the BWC unit number and

description of the problem to the IMAT support email address, imat@cityofmadison.com prior to the end of the employee's shift.

MOTOR-ASSIGNED BWC VIDEO MANAGEMENT

This section will follow the "In-Car Video Management" section as outlined in the MPD "In-Car Video System" SOP.

All Motor-Assigned BWC video system recordings are official police records which are subject to Wisconsin Open Records Law.

Original SOP: 01/13/2017
(Reviewed Only: 12/26/2017)
(Revised: 01/15/2020, 04/01/2022)



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Mental Health Incidents/Crises

Eff. Date ~~01/27/2020~~ 05/13/2022

Purpose

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

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

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

MENTAL HEALTH LIAISON/OFFICER PROGRAM

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

Mental Health Officer (MHO)

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

Mental Health Liaison Officer (MHLO)

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

RESPONSE GUIDELINES

When Mental Health Issues are Suspected

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

Disposition Options

- Release with referral made to a mental health agency.
 - Place individual in the care of family or friends.
 - Convey voluntarily to Crisis or hospital for further evaluation.
 - Place in protective custody for the purpose of an evaluation for an Emergency Detention.
 - Arrest for a statute or city ordinance violation.
 - Protective custody to Detox if applicable.
- If the subject's behavior constitutes a criminal violation but criteria for an emergency detention is also present, officers should:
 - Consult with Journey Mental Health to determine the best short-term disposition/placement.
 - If the subject is placed under emergency detention, a probable cause affidavit should be completed for the appropriate criminal violations. Request that the destination facility where the subject is conveyed contact MPD when he/she is released to facilitate conveyance/booking.
 - If the underlying offense for which probable cause exists is a mandatory arrest under Wis. Stat. 968.075, the disposition of the subject must be an emergency detention, protective custody, or arrest (voluntary admissions are not an option).

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

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

EMS transports the subject

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

EMS does not transport the subject

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

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

Assessing for Emergency Detention

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

Emergency Detention (ED)

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

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

Final Dispositions

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

Voluntary Admission – Where ED Criteria is NOT Present

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

Voluntary Admission – Where ED Criteria is Present

Offentimes, even when the criteria for an ED are clearly present, a voluntary admission is still the preferred outcome because it is the least restrictive, and therefore, most likely to result in productive treatment. In these situations, officers shall stay with the subject until they are assured that the subject will follow through with an admission (e.g., signed papers, escorted through the doors of the psychiatric unit, or medical personnel has assumed responsibility for the person and their continued safety). Officers may leave prior to admission under certain circumstances and only with the approval of a supervisor. Voluntary admission is preferred, even when there are grounds for an ED, because it is the least restrictive option and will likely result in more productive treatment. In these situations, officers shall stay with the subject until they are assured that the subject will follow through with an admission (e.g. escorted through the doors of the psychiatric unit or medical personnel has assumed responsibility for the person and their continued safety). Officers may leave prior to admission under certain circumstances and only with the approval of a supervisor. A supervisor's decision should be based on the totality of the circumstances. In considering whether it is prudent for officers to disengage with a voluntary patient when grounds for an ED are present, supervisors should consider the following factors:

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

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

~~Officers should request that hospital personnel re-contact their agency should the subject attempt to leave prior to being fully admitted so that an ED can be completed. Officers must complete a report before their shift ends and the original ED form must be left with the OIG. If a supervisor grants approval for officers to disengage prior to admission to the in-patient unit, officers should communicate with the charge nurse and hospital social worker. Officers should request that hospital personnel re-contact their agency should the subject attempt to leave prior to being fully admitted so that an ED can be completed. Officers must complete a report and an electronic speculative ED form and save it to the ED Forms folder before the end of their shift.~~

Emergency Detention

When the basis for detention exists do the following:

- Contact Crisis on **all** emergency detentions.
- Crisis must approve all placements for Emergency Detention.

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

Reminders

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

Conducting an Emergency Detention from the Jail

Occasionally, MPD Officers are requested by Journey to complete an emergency detention (ED) of subject who has already been booked into the Dane County Jail (DCJ) by MPD. Instances also may arise when the Mental Health Unit later determines an ED from DCJ is necessary. The mental health issues of acutely ill individuals are not addressed in the jail after booking unless the subject voluntarily accepts treatment, or the subject exhibits new dangerousness at the jail. Removing a subject from a secure facility, however, poses some risk to officers and the community. This section outlines the process and conditions for an MPD ED from the DCJ.

APPLICABILITY

This section of the SOP covers the emergency detention of individuals after MPD officers have completed their portion of the booking process and the subject has been admitted into the jail.

Situations in which DCJ staff refuses to accept an arrestee and insists on an ED should be handled on a case-by-case basis between the MPD OIC and the appropriate point of contact at DCJ.

POST-BOOKING EMERGENCY DETENTIONS

Prior to removing a subject from DCJ for an ED the officer(s) should:

- Consult with the Mental Health Sergeant or the Captain of Community Outreach
- Review relevant case reports associated with the subject's current incarceration
- Determine that the incident/predominant pattern of behavior associated with the applicable Chapter 51 dangerousness standard occurred within the City of Madison
- Determine, in collaboration with a Journey Mental Health Crisis Worker, that an ED is necessary
- Brief the Crisis Worker on any relevant medical clearance that occurred prior to booking
- Contact the assigned detective or special unit supervisor if the criminal case underlying the subject's custody at DCJ is (or is likely to be) assigned to a specialized unit and/or detective.

MPD-Initiated Emergency Detentions:

If the above conditions are met, the officer or their sergeant should brief the Officer in Charge (OIC). Prior to taking any action to remove the subject from the jail, the OIC shall contact the Community Outreach Captain (or their designee) to obtain approval for the ED out of the DCJ.

Once the Community Outreach Captain has granted approval for removal of a subject from DCJ for the purpose of an ED the officer(s) should:

- Ensure that a Crisis Worker has ruled out the option of a direct admission
- Coordinate with the Jail Operations Sergeant, Jail Mental Health Workers, and an MPD supervisor to plan for transfer of custody and transport.
- MPD should consider requesting DCJ to restrain the subject in their custody and may request assistance from DCSO for the transport of the subject using special DCJ equipment and vehicles from DCJ to a hospital.

DCSO-Initiated Emergency Detentions

- If the person is in an acute crisis at the DCJ, then the first preference is that DCSO perform the ED. When the incident/predominant pattern of behavior associated with the applicable Chapter 51 dangerousness standard occurred while the subject was in custody at DCJ, DCSO should generally perform the emergency detention.

Helpful Mental Health Definitions

DIRECTOR'S HOLD

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

ORDER TO TREAT

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

NON-SUICIDAL SELF-INJURY (NSSI)

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

SETTLEMENT AGREEMENT

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

- Can be rescinded by County Corporation Counsel if the individual fails to comply with the treatment conditions.

THREE-PARTY PETITION

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

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

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

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

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

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

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

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

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

Original SOP: 05/29/2015

(Reviewed Only: 02/15/2016, 01/30/2019, 01/11/2021, 02/04/2022)

(Revised: 12/22/2016, 07/19/2017, 12/13/2017, 01/25/2018, 06/08/2018, 01/27/2020, 05/13/2022)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Officer Involved Deaths and Other Critical Incidents

Eff. Date ~~09/08/2020~~ 06/01/2022

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

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

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

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

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

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

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

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

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

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

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

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

C. Public Safety Statement

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

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

1. Notify the OICI team commander or designee and the Forensic Services Lieutenant.

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

E. Officer Involved Death: Duties of the OICI Commander

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

F. Officer Involved Death: Outside Agency Lead Investigator

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

events, which led to the officer-involved death. They shall take possession of, or direct the collection of, all evidence, take or direct the taking of statements of witnesses and police officers, and act as the primary contact for prosecutors.

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

G. Officer Involved Death: Duties of OICI Investigation Team

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

H. Officer Involved Death: Duties of the Hospital Assignment

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

1. Serve as a liaison with hospital staff to ensure that all involved officers are kept separate from suspects, witnesses, or other injured parties and that the investigation does not unduly disrupt the normal operations of the hospital.

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

I. **Officer Involved Death: Interviewing Involved Officers**

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

may involve the utilization of Detectives as primary interviewers. If Detectives are utilized, the OICI Commander, after consultation with PSIA, will assign detectives that have not been involved in the criminal investigation to be the primary interviewers.

- d. Detectives conducting the compelled interviews will report directly to PSIA and the original reports will be maintained by PSIA. Content of the compelled interview (and reports documenting the compelled interview) will only be used for internal investigation/review of the incident and will not be released to the District Attorney's Office (or other prosecuting entity), to the OICI Investigation Team, or to any member of the public. Compelled statements will only be subject to release when no possibility for criminal prosecution (of the subject of the compelled interview) remains.
- e. If a compelled statement is made prior to the resolution of a district attorney review of a criminal investigation, then a second Assistant Chief will be involved to oversee the criminal investigation.
- f. Deviations from this procedure may only occur with the approval of the Chief (or designee).

J. Officer Involved Death: Scene Investigation

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

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

K. Officer Involved Death: Interviews of Citizen Witnesses

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

L. Officer Involved Death: Canvass

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

M. Officer Involved Death: Duties of the District

1. Ensure that involved personnel have had appropriate opportunities to contact family members, Union officials, and/or attorneys.
2. Ensure that EAP services have been offered.

3. Officers directly involved in the incident shall be placed on Administrative Leave with Pay. This leave is not a suspension and is no way to be construed as disciplinary action or any indication of wrongdoing on the part of the officer(s).
4. Ensure that within 72 hours of the incident, the involved officer(s) are contacted by an MPD approved traumatic stress professional.
5. Ensure that regular command updates are given to the Chief and to the Assistant Chief of Operations.
6. If applicable, ensure that the Significant Exposure to Blood Borne Pathogens SOP is followed.
7. Responsible for Community Care tasks.
8. **Ensure a Workers Compensation Accident Report is completed for each involved officer with the following language in the comment section: "Reporting to document exposure to a critical incident event." Ensure the City's external medical call-in line (Paradigm: 844-847-8709) is contacted for each involved officer noting the reporting is to document exposure to a critical incident event. The employee's supervisor will call this external line on the employee's behalf.**

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

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

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

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

P. Officer Involved Death: District Attorney

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

Q. Officer Involved Death: Lead Investigator's Report

1. Per Wis. Stat. § 175.47(5)(a), "The investigators conducting the investigation under sub. (3)(a) shall, in an expeditious manner, provide a complete report to the district attorney of the county in which the officer-involved death occurred. (b) If the district attorney determines there is no basis to prosecute the law enforcement officer-involved in the officer-involved death, the investigators conducting the investigation under sub. (3)(a) shall release the report...."
2. The Outside Agency Lead Investigator shall prepare a written report as required above. This report will summarize the entire investigation, including the actions performed by the Outside Agency Lead Investigator, as well as those actions performed by other investigators to whom those tasks were delegated.
3. Prior to submitting their report, the Outside Agency Lead Investigator will gather and review all reports generated by other investigators, as well as other relevant reports such as the autopsy report, crime lab results, and medical records.
4. A complete copy of all reports, photographs, audio/video recordings, and other records collected by the Outside Agency Lead Investigator will be given to the district attorney along with the Outside Agency Lead Investigator's report.
5. The Outside Agency Lead Investigator, along with a representative of the involved agency, shall meet with the district attorney at the conclusion of the investigation for a formal review of the incident.

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

incident involving an MPD officer as the principal officer, the Chief of Police will determine whether the criminal investigation will be handled by MPD or whether an outside agency will be requested. If an outside agency is requested, the investigation will be conducted consistent with the officer involved death investigation procedures in this SOP (except where inapplicable). If MPD conducts the investigation, a qualified observer from an outside agency will be requested to monitor the investigation.

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

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

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

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

C. Public Safety Statement

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

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

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

E. Other Critical Incidents: Duties of the OICI Commander

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

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

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

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

G. Other Critical Incidents: Duties of OICI Investigation Team

1. Review the Officer Involved Critical Incident Investigation Conflict of Interest Checklist and report to OICI Commander if there is the potential for a conflict of interest. See Attachment A for the checklist.
2. Assist with the criminal investigation of incidents within the City of Madison and conduct OICI investigations outside the City of Madison as directed by the Chief of Police.
3. Detectives will be assigned a specific function by the OICI Commander which may include any of the following:

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

Crime Response Program Team to explain the process and procedure to the next of kin while recognizing the unique emotional needs that may be present in an OICI incident.

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

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

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

1. Serve as a liaison with hospital staff to ensure that all involved-officers are kept separate from suspects, witnesses, or other injured parties, and that the investigation does not unduly disrupt the normal operations of the hospital.
2. In conjunction with the involved agency, establish appropriate security for suspects and/or department member(s).
3. Work with the OIC to ensure that an injured officer's department member's family members, spouse, or significant other are notified, and if practicable, transported to the medical facility, pursuant to the member's wishes. See Line of Duty, Life-Threatening Injury, or Death of an Employee SOP.
4. Work with the OICI Commander to ensure detectives are assigned to interview any witnesses present and that all evidence is collected. If possible, an FSU Investigator who has not been to the crime scene will conduct evidence gathering at the hospital. Care should be taken to preserve the integrity of physical evidence present on the involved officer's equipment, person, or clothing until investigators can collect it. It may be inappropriate to wait for an FSU investigator to photograph the involved officer or to collect evidence under certain circumstances (to facilitate medical treatment, due to significant exposure concerns, etc.).
5. Ensure that an FSU Investigator collects a blood sample from the involved officer(s) in accordance with Attachment B.
6. Ensure that the names of treating MFD and hospital staff are documented
7. Brief the command staff and/or family members of any injured department member(s) as soon as circumstances allow.
8. Ensure the completion of a Workers Compensation Accident Report for each involved officer with the following language: "Reporting to document exposure to a critical incident event." Ensure the City's external medical call-in line (Paradigm: 844-847-8709) is contacted for each involved officer noting the reporting is to document exposure to a critical incident event. The employee's supervisor will call this external line on the employee's behalf.
9. Check in with the Command Post before leaving the hospital

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

1. Involved officer(s) will be given the opportunity to provide voluntary statements. The OICI Commander or Lead Detective will communicate with the officer(s)' Union Representative or legal counsel on this issue. No officer will be disciplined for declining to make a voluntary statement. If the officer(s) decline to provide voluntary statements, the criminal investigation will proceed without the officer(s)' statements.
2. Detailed interviews should be delayed to allow the involved officer time to overcome the initial stress of the incident. Whenever practical, the involved officers should give one formal statement with all needed parties present.
3. Involved officers are not to file any reports.
4. Involved officers shall not participate in any group debriefings until they have completed their detailed interview.

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

K. Other Critical Incident: Duties of the District

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

7. If applicable, ensure that the SOP regarding Significant Exposure to Blood Borne Pathogens is followed.
8. Responsible for Community Care tasks.
9. Ensure a Workers Compensation Accident Report is completed for each involved officer with the following language in the comment section: "Reporting to document exposure to a critical incident event." Ensure the City's external medical call-in line (Paradigm: 844-847-8709) is contacted for each involved officer noting the reporting is to document exposure to a critical incident event. The employee's supervisor will call this external line on the employee's behalf.

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

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

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

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

N. Other Critical Incidents: District Attorney

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

PS&IA Function – Officer Involved Deaths and Critical Incidents

A. Officer Involved Death and Other Critical Incidents: PSIA Lieutenant

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

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

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

1. Professional Standards and Internal Affairs Unit (PSIA)
 - a. PSIA has the primary responsibility for conducting the internal investigation to ensure compliance with the MPD Policy, Procedures, Regulations, Work Rules, and Training and Standards.
 - b. PSIA may be present in the command post and at key steps in the investigation (scene walk through, interviews, etc.) as appropriate. The OICI Commander retains responsibility for directing the investigation.
 - c. PSIA may observe the interviews of involved officers conducted by OICI personnel.
 - d. PSIA shall have access to all reports and interview transcripts.
 - e. Additional supervisory personnel may be assigned to PSIA as needed.

- f. If the criminal investigation has not obtained a full account of the observations of the on-scene emergency medical providers, interview them as part of the administrative investigation
 - g. The PSIA internal review/investigation of the incident shall be concluded as soon as practical.
 - h. The PSIA findings of the incident may be utilized as the basis for future training.
 - i. PSIA will report the findings of the internal investigation directly to the Assistant Chief of Support Services.
2. Assistant Chief of Investigative & Specialized Services
- a. Oversee all internal investigations resulting from the Officer Involved Critical Incident which results in death or serious injury.
 - b. Review administrative command decisions of the internal investigation.

Officer Involved Critical Incident Mental Health Response

DEFINITIONS

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

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

Peer Support Officer (PSO): Selected and trained Commissioned personnel who confidentially support MPD employees (Civilian and Commissioned), MPD retirees, and their families, who are confronting challenging stressors of everyday life. Peer Support Officers will also ensure that MPD's Critical Incident Stress Management (CISM) process is activated in the aftermath of a critical incident and will work with Critical Incident Partners (CIP) to provide aftercare to involved officers in a critical incident.

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

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

Aftercare Response

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

- Communications between the CIP and the involved officer regarding the critical incident are not privileged and therefore not confidential.
- C. **Critical Incident Stress Management (CISM)** – Recognizing that officers involved in a critical incident are likely to experience compounded stress related to the incident and any ongoing investigation(s) into their actions, the MPD CISM response to officers involved in an OICI will include additional formalized support as outlined in this SOP beyond that which is covered in MPD Employee Assistance Program SOP. Support systems already in place under MPD Employee Assistance Program SOP include a mandatory Defusing and optional attendance at any subsequent Critical Incident Debriefings.
- D. **Clinical Consultation** - Officers involved in a critical incident will be required to attend mandatory consultations with a Clinical Consultant. The first of these consultations will occur within 24-72 hours following the incident. Subsequent required sessions will be scheduled prior to the officer's return to work or at six (6) months post-incident; at one (1) year post-incident; and annually thereafter up to five (5) years post-incident (as indicated by the Clinical Consultant). The District/Unit Commander and the MPD Human Resource Coordinator will work with the involved officer(s) to schedule these mandatory consultations. Officers attending Clinical Consultation appointments outside of scheduled work hours shall make Telestaff entries that reflect the original case number and OT Extraordinary Event.

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

- E. **Administrative Leave with/Pay** – Officers involved in an OICI shall be placed on Administrative Leave with Pay for a minimum of two rotations, beginning with the first work day following the incident and will be placed on a Monday-Friday, 8 AM to 4 PM schedule. This leave is not a suspension and is in no way to be construed as disciplinary action or any indication of wrongdoing on the part of the officer. Officers on Administrative Leave with Pay should not be recognizable as police officers during contact with the public. They can go armed (including to court) as long as they received permission through the Training Division.
- F. **Restricted Duty** - Involved officers may transition from Administrative Leave with Pay to a full or part-time restricted duty assignment. Officers on restricted duty should not be recognizable as police officers during any contact with the public. They can go armed (including to court) as long as they received permission through the Training Division.
- a. Before transitioning to a restricted duty assignment, the involved officer's District/Unit Command, the MPD Human Resource Coordinator, and the involved officer will ensure that:
 - The involved officer has a desire to return to work in a Restricted Duty capacity.
 - An agreed upon work schedule has been communicated to and approved by the appropriate Assistant Chief and Human Resource Coordinator.
 - The involved officer has a clearly identified supervising commander.
 - Work responsibilities and/or assignments are clearly defined and approved.
 - The involved officer has attended required meetings with the clinical consultant
 - Re-familiarization training has occurred before participation in activities that may require emersion into stressful scenarios, such as special team training or in-service.
- G. **Return to Full Duty** – The Chief of Police must approve an involved officer's return to full duty. Before becoming eligible for return to full duty, the involved officer's District/Unit Command, the MPD Human Resource Coordinator, and the involved officer will ensure that:
1. The office of PSIA has completed their review of the incident and final dispositions have been determined by the Chief of Police.
 2. The investigation has been submitted to the District Attorney for review.
 3. The involved officer has attended required meetings with the clinical consultant.
 4. The involved officer has participated in a relevant re-familiarization training scenario/s as appropriate and depending on the circumstances surrounding the critical incident in which

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

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

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

- 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.

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

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

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

8. Meet with the officer and their CIP or other chosen support person to develop and document a Return to Duty Plan.

I. Responsibilities of the Madison Police Department Training Captain:

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

J. Responsibilities of MPD Human Resource Coordinator:

1. Coordinate with the District/Unit Commander regarding all appropriate Telestaff entries.
2. Ensure that all clinical consultation appointments are scheduled and attended.
3. ~~Ensure that Workers Comp Employee Injury Reports are completed and submitted.~~ Ensure each employee's exposure to a critical incident has been documented with Paradigm.
4. Ensure that any invoices received for medical treatment of involved officer(s) are appropriately addressed.

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

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

Original SOP: 11/06/2013

(Revised: 04/24/2014, 07/15/2014, 11/23/2015, 6/10/2016, 06/06/2017, 12/21/2017, 06/08/2018, 09/08/2020, 06/01/2022)

(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. The OICI commander will notify the outside investigating agency (if applicable) and the District Attorney's office that the test results are available. The test result report will be provided to the outside investigating agency and/or to the District Attorney's office if requested.
8. The PSIA Lieutenant or designee will share the test results with the involved employee. A copy of the results will go in the PSIA investigation file. The lab will automatically destroy any remaining sample six (6) weeks after the test results become available. The involved employee may request additional testing with the remaining sample. In that event, it is the responsibility of the involved employee to notify the PSIA Lieutenant that the employee would like any remaining sample to be preserved by the lab.
9. Other testing protocols as permitted by policy, APM, or law remain in effect.



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE
Restricted Duty
(Temporary Transitional Assignments)



Eff. Date ~~04/14/2020~~ 06/01/2022

Purpose

The purpose of this Standard Operating Procedure (SOP) is to clarify expectations related to temporary transitional assignments, also referred to as “restricted/light-duty status.” This SOP applies to both commissioned and civilian personnel. The City and the Madison Police Department (MPD) recognize that this process affords mutual benefit to both the organization and affected employees. However, it is expected that the MPD properly manage this process. Therefore, the MPD has established the following restricted/“light-duty” procedure.

Restricted duty is intended to provide a temporary assignment to an employee who is unable to perform their essential job tasks due to a temporary injury, illness, or other condition. Frequent reoccurrence of the same medical condition is not considered “temporary.”

Providing a temporary restricted duty assignment to an employee is contingent upon the ability of the employee to perform meaningful work for the Department within their medical restrictions. Nothing in this SOP imposes a duty on the Department to provide a temporary restricted duty assignment for any employee.

The City of Madison also offers relief for ill or injured employees beyond the restricted duty process (APM 2-7). In addition to protections under Federal and State law related to the Family Medical Leave Act (FMLA), the City also offers support through temporary (APM 2-31) and extended medical leave provisions (APM 2-45), employee donated leave (APM 2-30), and wage insurance (Hartford Insurance Company).

Procedure

NOTIFICATION/DOCUMENTATION

All commissioned and civilian personnel, regardless of rank or position, are subject to this process. If restricted/light-duty status is either anticipated or requested it must be approved by the Human Resources Coordinator before the employee returns to the workplace in a restricted duty capacity.

Duty Related Injury

All personnel are required to notify a supervisor, commander, civilian manager, or MPD’s Officer in Charge immediately, and PD Medical, if injured while on duty. ~~The Human Resources Coordinator shall be notified as soon as practical.~~ The employee and their supervisor must call the City’s external medical call-in line (Paradigm) to report the injury. In the case of significant emergencies (e.g. a critical incident), the employee’s supervisor will call this external line on the employee’s behalf.

- Contact Information for External Call-In Line: **844-847-8709**

complete a Worker’s Compensation Accident Report form and forward it to PD Medical immediately. Worker’s Compensation Accident Report forms are available at:

- Employee side: Page 1
<https://www.cityofmadison.com/employeenet-finance/documents/WC-EIRpage1.pdf>
- Supervisor side: Page 2
<https://www.cityofmadison.com/employeenet-finance/documents/WC-EIRpage2.pdf>

~~Proper documentation which will include all of the following must be submitted to PD Medical:~~

- ~~Worker’s Compensation Accident Report form~~
- If the employee sought immediate treatment or scheduled a future appointment to treat injury, then a Medical Status Report form (<https://www.cityofmadison.com/employeenet-finance/documents/WC-MedStat.pdf>) needs to be completed by the employee’s medical provider, to include the following:
 - The nature of any physical/medical restrictions (e.g., can’t bend, lift, push/pull, stand, or work full shifts, etc.).

- The approximate length of time that the employee may require restricted/light-duty status.
- When appropriate, a date on which an employee may return to their regular, unrestricted duties.

A Medical Status Report form must be completed by a medical provider for every medical appointment that results from an on-duty injury.

Non-Duty Injury, Illness, or Medical Restriction

All commissioned employees must be in physical and mental condition to deploy for emergency field deployments and must be able to complete any and all assigned duties. When an employee has an issue that precludes full participation in any assigned duties or operational readiness, the employee should notify the Human Resources Coordinator before returning to work. The employee is not required to identify the nature of a non-duty-related medical condition or illness.

Documentation must be submitted to [PD Medical](#), which will include a medical note from your provider that indicates any physical/medical restrictions or limitations (e.g., can't bend, lift, push/pull, stand, or work full shifts, etc.).

Medical documentation is required for any change in the employee's work restrictions or status. To remain on restricted duty status, the employee's medical documentation must have dates that reflect the specific timeframes requested for restricted duty. Failure to have proper documentation may result in the employee's restricted duty status request being denied or revoked. Employees should provide the Department with as much advance notice as possible when they are undergoing a planned medical procedure. The Human Resources Coordinator will direct the restricted duty assignment and placement. Consistent with City APM 2-7, the Human Resources Coordinator shall exercise judgment and diligence in determining whether it is cost-effective and feasible to establish temporary transitional assignments for workers who are temporarily unable to perform their usual and customary assignments due to non-work-related medical restrictions. In making this determination, the Human Resources Coordinator shall consider such factors as availability of work at (or approximating) the level of the employee's current classification, the duration of the assignment, and the overall impact on the organization.

Transmittal of Medical Documentation

Both work-related and non-work-related medical documentation is to be forwarded to [PD Medical](#) by either e-mail or via a secure fax line at (608) 261-9963. It is preferred that medical documentation is sent electronically. Employees may take a photo of the medical document and e-mail it directly to [PD Medical](#). Medical documentation should never be sent to, or copied by, the employee's supervisor, commander, or manager.

An employee will not be allowed to return to work in a restricted/light-duty status or allowed to return to work in a full duty or unrestricted status until appropriate medical documentation is received, reviewed, and approved by the Human Resources Coordinator or the Captain of Personnel and Training.

REVIEW AND APPROVAL PROCESS OF REQUEST FOR RESTRICTED DUTY

Once received, the Human Resources Coordinator will review the medical/physical restrictions identified in the medical provider documentation and will determine if the employee will be approved for restricted/light-duty status. The Human Resources Coordinator will then notify the affected employee by phone or e-mail as to the status of their restricted/light-duty request. The employee's supervisor, commander, or manager will also be notified that the employee will be in a restricted duty status.

Responsibility of the Employee

All employees shall adhere to the medical restrictions that are identified by their medical provider. Employees may be allowed to operate an unmarked City vehicle for work-related purposes only, provided their doctor has not restricted the employee's ability to drive. Employees are not allowed to come to work if using prescription narcotics that cause impairment or if using medication that causes impairment. Commissioned employees will not be allowed to carry a firearm on duty while on restricted/light-duty status unless pre-approved by the Human Resources Coordinator or the Captain of Personnel and Training. Such approvals may be made when

there are threats made to the officer or in circumstances where there is a heightened risk of threat to law enforcement. Exceptions cannot be approved when the officer has an injury that inhibits the safe use of a firearm. If approved, the officer cannot be identifiable as law enforcement personnel and firearms are to be concealed at all times.

Employees who receive a subpoena requiring them to appear in court during their restricted duty status shall contact the Victim Witness Unit at 608-266-9003, DaneVWNotifications@da.wi.gov, or https://da.countyofdane.com/victim_witness.aspx. Upon receipt of said subpoena, the employee should notify the Victim Witness Specialist of their restricted duty status and that they will be appearing in court unarmed and in civilian clothes. Employees shall advise the Victim Witness Specialist assigned to their case whether their restricted duty status is for a personal medical reason or some other reason.

ASSIGNMENT/SCHEDULE

The Human Resources Coordinator shall be responsible for determining the employee's initial work assignment, schedule, and shift. Priority will first be given to organizational need(s). If no larger organizational need exists, then consideration will be given to assigning the employee to their district or work unit. The Human Resources Coordinator will determine if it is necessary to re-assign commissioned light-duty employees should a greater organizational need develop.

Commissioned employees re-assigned to restricted/light-duty status may not start earlier than the patrol 6:00 a.m. shift and no later than the patrol 3:00 p.m. shift. Commissioned employees must attend a shift within this timeframe that offers a Patrol or Detective Briefing. This guideline may be modified by a commander based on operational need and/or the employee's normal work assignment. If a commissioned employee's work shift is changed by a commander, it is the responsibility of the commander or employee to make timely notification to [PD Payroll](#) of the change as shift differential pay may be a consideration. Civilian employees will be afforded work assignments consistent with City [APM 2-7](#) and the Employee Benefits Handbook for General Municipal and Non-Represented Employees, subject to their specific medical work restrictions and current practice. All training/special assignments must be reviewed for approval by the Human Resources Coordinator to ensure that employees do not perform work that exceeds their medical/physical restrictions.

Any changes in work hours must be pre-approved by a commander or civilian manager. If an employee has a medical appointment related to their on-duty injury, they are not allowed to adjust their work hours to include medical appointments during their regularly scheduled shift. However, if an appointment occurs during their regular workday, employees will be compensated for that time, by workers compensation. Employees are encouraged to schedule medical appointments outside their work hours. Furthermore, if an employee has a medical appointment related to an off-duty injury, the employee must use their own leave to cover the time they are out of the office.

Commissioned employees, while on restricted duty, may not take police action or otherwise engage in any action that places the employee at undue risk, wear military-style uniforms, display badges, carry firearms, or operate marked police vehicles without authorization by the Human Resources Coordinator or in his/her absence, the Captain of Personnel and Training.

RETURN TO FULL DUTY ASSIGNMENT

In order to return from restricted duty to a full unrestricted duty status, medical clearance paperwork needs to be reviewed. For work-related injuries the employee must submit the *Medical Status Report Form*. For non-work/duty-related injuries, the employee must submit a note from a qualified doctor/physician indicating that the employee can return to work and perform all required duties. The Human Resources Coordinator must review the medical documentation and approve the return to duty before the employee may return to a full duty status.

In the absence of the Human Resources Coordinator, the Captain of Personnel and Training serves as an alternate contact and resource for restricted/light-duty.

If a commissioned employee, while on light duty, missed a firearms qualification or any mandatory training, the employee is required to contact the Training Team Sergeant for post-academy training in order to review training needs and to schedule a training officer to address the deficiencies in training. All training requirements are to be fulfilled before a return to full duty. Exceptions can be considered by the Captain of Personnel and Training or his/her designee.

ADDITIONAL REQUIREMENTS

Employees who will likely request restricted/light duty status for more than two weeks, for non-duty related illnesses or injuries, may be required to submit FMLA paperwork. In addition, employees that are or will be approved for non-duty related restricted/light duty status for two months or more, will be required to have their medical provider update the status of their physical/medical restrictions when their restrictions change. A new Medical Status Report (with specific physical restrictions) is to be submitted to the Human Resources Coordinator.

In all circumstances, an updated Medical Status Report or Doctor's note must be submitted periodically (generally every two months) during which the employee remains in a temporary restricted duty assignment. Medical progress reports are not initially required for employees in a temporary restricted duty assignment due to pregnancy. A medical note requesting restricted duty from the pregnant employee's provider is required to process this request.

- Temporary restricted duty assignments are limited to eight (8) months (35 weeks total). On a case by case basis, the Chief may approve an extension of four (4) months (17 additional weeks), not to exceed twelve (12) total months (52 weeks).
- Temporary restricted duty assignments are only available if it appears the employee will be able to return to his/her original position (with an ability to perform the essential job tasks of the position). If the employee's medical provider determines that the employee is no longer making progress towards unrestricted or full-duty status, the temporary restricted duty assignment will be discontinued and the employee will be placed on appropriate leave status pursuant to City APM's and guidelines.
- If the department does not receive the required updated Medical Status Reports in a reasonable timeframe, the temporary restricted duty assignment will be discontinued and the employee will be placed on appropriate leave status.
- The length of an employee's non-duty restricted duty status will be measured by allotment, to include the time period where any extensions to the initial allotment are granted. This means that once an employee is approved for restricted duty status, their allotment will commence, to include re-occurrences of the same illness/injury, or any additional injuries/illnesses that may occur within the same timeframe. This provision will not interfere with or supersede any requirements mandated in APM 2-45. **With the exception of FMLA, Any** leave taken during the period that the employee is in restricted duty status will not extend the employee's restricted duty allotment.

Assignments filled by restricted/light duty personnel are to be temporary, and will not become, permanent positions.

TELESTAFF

There are additional administrative guidelines that need to be followed daily while an employee is on restricted/light-duty status:

- It is important that the affected employee's Telestaff calendar reflects the actual shift worked by using either the appropriate "Light Duty: Non-Duty Related" or the "Light Duty: Workers Comp" work code; the entry must remain at 7.5, 8, or 10 hours. Never add an Adjust Work Hours work code.

- Employees are required to also use Telestaff to document the work they perform. To accomplish this, employees will have to “edit” their Light Duty Work Codes while on restricted/light duty status. Employees are required to enter their assignment location in the Detail Code of the Light Duty Work Code. In the Note Field, Employees shall type in the Note Field a brief description of the work they did that day.

AUDIT/COMPLIANCE VERIFICATION

- Once approved for restricted/light duty status, employees may be required to have an initial meeting with the Human Resources Coordinator. For extended light duty requests, monthly meetings will occur. This is mandatory. The purpose of these meetings is to relay expectations to ensure compliance with this SOP and convey the intended purpose of City APM 2-7. It is also an opportunity to discuss the ongoing needs of the employee where FMLA and other City APMs may afford the employee additional benefits and assistance.
- Supervisors/commanders of the work units where employees are physically assigned are responsible for auditing the work that their restricted duty employees are performing to ensure that meaningful work is being accomplished, consistent with City APM 2-7. This audit process includes verifying that the employee’s daily Telestaff record is accurate.
- When a work unit does not have meaningful work, the Human Resources Coordinator is to be contacted. The Human Resources Coordinator will determine whether there is meaningful work in a different unit and will reassign the employee as appropriate.
- Should an employee be approved for an extended period in a restricted/light duty status, the employee may be moved from their current work unit and reassigned. The purpose of this reassignment is to avoid creating a permanent restricted/light duty position.

Original SOP: 04/17/2015

(Revised: 10/22/2015, 03/04/2016, 01/13/2017, 09/06/2017, 12/11/2017, 1/14/2019, 04/14/2020, 06/01/2022)



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Use of Force

Eff. Date 06/21/2022

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.

As used in this Standard Operating Procedure (SOP), 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 INTERVENE INTERCEDE

Any officer present and observing another officer using excessive force, engaged in unlawful conduct, or in violation of the Madison Police Department’s Code of Conduct has an affirmative obligation to intervene intercede and to report without regard for chain of command or experience of the personnel involved. An officer shall intervene, only if circumstances are such to safely do so and if the force in question is clearly beyond what is objectively reasonable under the circumstances. Any officer observing the use of excessive force shall notify an uninvolved supervisor as soon as practicable. No officer may be discharged, disciplined, demoted, or otherwise discriminated against because the officer intervened to prevent what they believed was excessive force or reported or is believed to have reported what they believed to be excessive force.

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.

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

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 attempt to get 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.
11. 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 who 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 without another officer at the scene having the immediate ability to deliver deadly force, unless unique circumstances indicate otherwise. Officers armed with an ECD should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
1. 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 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.
2. 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.
3. 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.
4. 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.
5. ECD probes may not be intentionally fired at the face, head, neck, or groin, unless the use of deadly force would be justified.
 6. Multiple, extended, or simultaneous ECD applications against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the subject or unavailability of alternative force options outweighs the potential risk posed by multiple, extended, or simultaneous applications.
 7. 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.
 8. 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.
 9. 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, 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 a subject 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 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. A deadly force investigation ~~The investigative requirements of the Use of Deadly Force SOP will commence~~ ~~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 who 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 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 the MPD Use of Force Coordinator.

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 involved:

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.

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with their 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 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.

DEADLY FORCE

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.
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, practicable and feasible, 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 intentionally 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.

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 the officer's 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".

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, 01/14/2022, 04/25/2022, 06/21/2022)

(Reviewed Only: 12/22/2016)

(Deadly Force, Use of and Non-Deadly Force Use of SOPs combined into Use of Force SOP: 06/21/2022)



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Use of Force

Eff. Date ~~06/21/2022~~ 06/27/2022

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.

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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 INTERVENE

Any officer present and observing another officer using excessive force, engaged in unlawful conduct, or in violation of the Madison Police Department’s Code of Conduct has an affirmative obligation to intervene and to report without regard for chain of command or experience of the personnel involved. An officer shall intervene, only if circumstances are such to safely do so and if the force in question is clearly beyond what is objectively reasonable under the circumstances. Any officer observing the use of excessive force shall notify an uninvolved supervisor as soon as practicable. No officer may be discharged, disciplined, demoted, or otherwise discriminated against because the officer intervened to prevent what they believed was excessive force or reported or is believed to have reported what they believed to be excessive force.

NON-DEADLY FORCE

THE USE OF OLEORESIN CAPSICUM SPRAY (OC SPRAY)

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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.

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)
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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.

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, or 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 attempt to get 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.
11. Specialized chemical irritant delivery systems may be deployed in tactical operation/barricaded subject incident without prior command approval under the following circumstances:
 - a. All of the criteria described above for command approved deployment are present;
 - 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.

ELECTRONIC CONTROL DEVICE USE

1. An approved electronic control device (ECD) may only be utilized by officers who 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 without another officer at the scene having the immediate ability to deliver deadly force, unless unique circumstances indicate 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 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 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, by officers that who 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 a subject 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, or groin 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 who** 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 otherwise, an officer should not **go armed 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 **going armed 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, or groin** 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. A deadly force investigation will commence only if deployment of an impact projectile results in death or great bodily harm.
8. Absent an imminent risk of harm to officers or **community members 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 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.
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 who 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 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 the MPD Use of Force Coordinator.

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 involved:

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.

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with their 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 the subject 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. Any time 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 Force SOP.

If necessary, as part of the District's or PSIA's internal investigation, members from the 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.

DEADLY FORCE

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.
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 practicable and feasible, 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 intentionally 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.

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 the officer's training to any individual who has visible injuries, complains of being injured, or requests medical attention.

INVESTIGATION OF THE USE OF DEADLY FORCE

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

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(Reviewed Only: 12/22/2016)

(Deadly Force, Use of and Non-Deadly Force Use of SOPs combined into Use of Force SOP: 06/21/2022)