

# MADISON POLICE POLICY MANUAL

- ❖ Introduction
  - 1-100 Glossary
  - 1-200 Operating Philosophies and Goals of the Madison Police Department
  - 1-300 Policies and Procedures
  
- ❖ Conduct
  - 2-100 Standard of Conduct and Code of Ethics
  - 2-200 General Regulations
  
- ❖ Community Relations
  - 3-100 Tours and Ride-Alongs
  - 3-200 District Station Community Meeting Rooms
  - 3-300 Madison Police Explorer Post 911
  - 3-400 Honor Guard
  - 3-500 Dignitary Protection
  - 3-600 News Media Relations
  
- ❖ Personnel
  - 4-100 Organizational Chart
  - 4-200 Commissioned Personnel General Duties
  - 4-300 Uniform Standards
  - 4-400 Personal Appearance
  - 4-500 Police Weaponry
  - 4-600 Identification of Police Officers
  - 4-700 Off-Duty Officer Responsibilities
  - 4-800 Temporary Restricted Duty Assignment
  - 4-900 Outside Employment
  - 4-1000 Political Activity
  - 4-1100 Promotional Process
  - 4-1200 Departmental Awards
  - 4-1300 Complaint Acceptance and Investigation
  - 4-1400 Administration of Sanctions/Discipline
  
- ❖ Personnel Assistance
  - 5-100 Line of Duty, Life-Threatening Injury or Death of an Employee
  - 5-200 Critical Incident Response
  - 5-300 Significant Exposure to Blood Borne Pathogens
  - 5-400 Employee Assistance Program (EAP)
  - 5-500 Civil Actions Against Police Department Employees
  - 5-600 Temporary Administration Leave
  
- ❖ Use of Force and Call Response
  - 6-100 The Use of Deadly Force
  - 6-200 The Use of Non-Deadly Force
  - 6-300 Guidelines for the Operation of Emergency Vehicles
  - 6-400 Mutual Aid Requests

- ❖ **Contacts, Arrests, Searches**
  - 7-100 Arrest, Incarceration and Bail - Adults
  - 7-200 Investigations, Arrest, Search - Juveniles
  - 7-300 Stop & Frisk
  - 7-400 Searches
  - 7-500 Handling of Evidence, Contraband, Found or Lost Property
  
- ❖ **Investigations**
  - 8-100 Critical Incident Analysis
  - 8-200 Barricaded Person/Sniper/Hostage Situations
  - 8-300 Robberies in Progress and Silent Robbery Alarms
  - 8-400 Bomb Threats
  - 8-500 Investigation of Certain Person Crimes / Incidents
  - 8-600 Investigating Sexual Assaults and Their Attempts
  - 8-700 Eyewitness Identification
  - 8-800 Domestic Abuse
  - 8-900 Taking Custody of Newborn
  - 8-1000 Landlord Tenant Disputes
  - 8-1100 Trespassing
  - 8-1200 Traffic Enforcement
  - 8-1300 Computer Crimes Investigation
  
- ❖ **Special Circumstances**
  - 9-100 Demonstrations and Assemblies
  - 9-200 Labor Disputes and Picketing
  - 9-300 Intoxicated Persons
  - 9-400 Persons Who Exhibit Abnormal Behavior - Mentally Ill Persons
  - 9-500 Enforcement of Obscenity and Pornography Statutes and Ordinances
  - 9-600 Enforcement of Immigration Laws
  
- ❖ **Resources**
  - 10-100 Police Canine Use
  - 10-200 Interpreters
  - 10-300 Confidential Sources of Information
  
- ❖ **Police Records**
  - 11-100 Reporting Procedures
  - 11-200 Policy Guidance for Inspection of Public Records and Documents
  
- ❖ **Equipment**
  - 12-100 In-Car Data Capture System
  - 12-200 Use of Mobile Data Terminals / Mobile Data Computers
  - 12-300 Automatic External Defibrillator
  - 12-400 Vehicle Assignment and Parking
  - 12-500 Property Equipment Control

**INTRODUCTION**

|       |   |
|-------|---|
| 1-100 | Glossary  |
| 1-200 | Operating Philosophies and Goals of the Madison Police Department |
| 1-300 | Policies and Procedures   |

**1-100 GLOSSARY****ABSENCE WITH LEAVE**

A period during which members are authorized by the Chief of Police, or the Mayor, to be absent from their regular duties with pay.

**BEAT**

A district assigned to officers during their tour of duty which has definite boundaries.

**BEREAVEMENT LEAVE**

Bereavement leave includes absence from duty because of death in the family of the employee. Bereavement leave shall be afforded in accordance with City policy and applicable labor contracts.

**COMMANDING OFFICER**

A supervisor having a rank, either temporarily or permanently, of Lieutenant or higher.

**DISRESPECT**

Rejection, contempt or ridicule demonstrated by overt action or communication toward another member of the department.

**GENERAL ORDER**

A permanent order issued by the Chief of Police, not relating to a specific circumstance or situation.

**LEAVE OF ABSENCE**

A leave of absence is defined as any period of time during which a member of the department is authorized by the Chief of Police to be excused from duty without pay.

**LENGTH OF SERVICE**

Shall be from date on which the oath of office was last administered or the latest date of appointment to the department.

**MEMBERS OF THE DEPARTMENT**

Members of the department include all personnel on the Police Department Roster, commissioned and civilian.

**OFF-DUTY**

That period during which a member is free from specified routine duties.

**OFFICER**

A generic term applied to every commissioned member of the department regardless of sex, rank, or duty.

**ON-DUTY**

That period when members are actively engaged in the performance of their duties.

**ORDER**

Verbal or written instructions given by a ranking officer to a subordinate.

**POLICY**

Consists of principles and values which regulate a department activity by providing an “operating standard” that will be used to measure and evaluate performance. Its formulation is based upon experience, community desires, ethics and the letter and spirit of the law.

Policy is articulated to inform the public and department employees of the principles which will be adhered to in the performance of the police function. In areas not subject to mandatory declaration, policy establishes “operating standards” to assist department employees in the necessary exercise of discretion in discharging their responsibility.

**RANKING OFFICER**

Officer having highest rank. Seniority between officers of the same rank shall be determined by date of appointment to that rank. When two or more officers are appointed to the same rank on the same date, their seniority shall be determined by the order in which they are selected by the Chief of Police from the panels of eligibles approved by the Board of Police and Fire Commissioners. When two or more officers are on-duty together, the officer of the highest rank is in command and will be held responsible. When two Police Officers are at a scene, the assigned district officer will be responsible. For a special detail and for a specific period, an officer may be designated by the commanding officer to take command without regard for rank.

**REASONABLE**

The standard of “reasonable” behavior called for by policies will be based on the individual member’s actions in terms of how a rational and prudent person would conduct him/herself in any given situation. In making judgments, members should balance considerations of their own personal safety, the safety of the public, the protection of the rights of individuals, and law enforcement needs of the community.

**REPORT**

A written communication unless otherwise specified. It may be a verbal exchange followed by a written communication which must be completed before a member goes off-duty, unless otherwise authorized by the appropriate supervisor.

**SICK LEAVE**

Sick leave includes absence from duty because of illness; bodily injury when not a worker's compensation case; exposure to contagious disease; and serious illness in the immediate family of the employee. Bereavement leave shall be afforded in accordance with City policy and applicable labor contracts.

**SPECIAL DUTY**

Police service which, by its nature, requires that a member be excused from the performance of his/her regular routine duties.

**SPECIAL ORDER**

An order issued by the Chief of Police regarding a specific circumstance or situation.

**SUPERVISOR**

A generic term applied to every member having supervisory responsibility, either temporary or permanent, over other employees.

**THROUGH OFFICIAL CHANNELS**

Through the hands of commanding officers, or chain of command.

## 1-200 OPERATING PHILOSOPHIES AND GOALS OF THE MADISON POLICE DEPARTMENT

We, the members of the Madison Police Department, are guided by the highest ethical standards. We provide the highest quality of personalized services to all who live, work, visit, learn and recreate in our City. We do this by empowering employees who build partnerships with the community and other service providers to prevent and solve crime, lessen fear, and reduce neighborhood problems. We are committed to enhancing our community's safety and quality of life through continuous improvement of our work. We are a community-oriented police department as defined by the people we serve. We believe in the dignity of all people and respect individual and constitutional rights in fulfilling this mission.

### OBJECTIVES

The objectives of the Madison Police Department are:

1. to protect constitutional guarantees for all persons;
2. to create and maintain a feeling of security in the community;
3. to reduce the opportunities for the commission of crime;
4. to aid individuals who are in danger of physical harm and assist those individuals who cannot care for themselves;
5. to resolve conflict;
6. to identify criminal offenders and criminal activity and, where appropriate, apprehend offenders and participate in subsequent court proceedings;
7. to identify problems that are potentially serious law enforcement or governmental problems;
8. to facilitate the movement of people and vehicles; and
9. to provide other police services to the community.

In order to achieve the above objectives, the Madison Police Department stands committed to:

1. provide a continual training program to insure professional competence and development of personal and organizational discipline in order to carry out departmental goals and objectives;
2. recognize the importance of planning functions to develop programs which will address major goals and objectives of the department;
3. cooperate with related public and private agencies in pursuit of their major goals; and

4. emphasize a continual willingness to study and initiate new and better police services for the community.

## VISION

We strive to be a dynamic, continuously improving organization devoted to Service Excellence in making our city a safer and healthier place to live, learn, work and play.

## MISSION STATEMENT

The Mission of the Madison Police Department is to work in partnerships to create safer neighborhoods and preserve our special quality of life.

## CORE VALUES

In fulfilling our mission, members will:

1. enforce laws and serve our community with respect and fairness;
2. share responsibility with citizens for improving safety and the quality of life;
3. create a high degree of customer satisfaction in performing our work;
4. value diversity;
5. recognize the individual talent, creativity and contributions of all employees;
6. always look for ways to improve ourselves and our services; and
7. perform our work within the highest standards of integrity and honesty.

## GUIDING PRINCIPLES OF QUALITY POLICING

### Systems:

Improve systems and examine processes:

*Systems should support mission, operations and relationships with other service providers and community groups. Accountability for improving systems is the responsibility of each member of the department. Through continuous evaluation of current systems we develop the best ways to deliver our services. It is everyone's responsibility to ensure that current processes and systems are both effective and efficient.*

Have a customer orientation and focus:

*Customer is defined as the recipient of the work product or service each employee produces (District Attorney, City Attorney, citizens, etc.) Provide high quality personalized service consistent with our organizational mission. Ask how the job could be improved and become more meaningful for yourself and the people you serve.*



To improve the quality of work or service, ask and listen to employees and citizens affected by the problem, weighing that input in improving systems:

*We encourage input recognizing it is advisory not binding. There is a shared responsibility proportionate to authority.*

Be committed to problem solving:

*Applying it to both organizational and community problems. Clarify types of data, emphasize use of best data available, use data in proper context. Recognizing there are different processes and different problems. Develop “bench marks” and baselines as an indicator of improvement. Provide training on proven processes and techniques.*

Leadership:

Maintain and support an atmosphere of trust, honesty, and openness that fosters communication:

*Provide and accept feedback. Willingly share information.*

Support a climate of continuous improvement and encourage innovation through creativity:

*Need to define the relationship between innovation and continuous improvement.*

When appropriate, seek participation, input, understanding and consensus before making decisions:

*Communicate reasons for decisions. Take advantage of a variety of decision-making methods as appropriate. Recognize leadership exists at all levels of the organization.*

Believe most people work hard, want to succeed, are trustworthy and helpful:

*This is also the way that we should view the community. This defines positive and effective approaches to our work. This does not relieve us of the responsibility of dealing with problem behavior promptly and fairly.*

Teams:

Believe in, foster and support partnerships and teamwork:

*Partnerships and teams. Partnerships and teams defines roles within the group.*

Work together to develop goals and plans to achieve them:

*All members of the team have a responsibility for identifying the goals and developing the plans. Goals can be organizational, team and individual.*

Consider input prior to making key decisions which affect other teams:

*Recognize that many decisions affect others either directly or through issues of consistency, fairness, etc.*

Treat others with respect and trust:

*Respect and trust are produced by effective teamwork. Remember the “Golden Rule” in all aspects of our work.*

**COMMUNITY POLICING - MADISON’S DEFINITION**

We are a department which enables and empowers its members to work in partnerships to improve our community’s quality of life.

## **1-300 POLICIES AND PROCEDURES**

### **DEVELOPMENT OF POLICY**

It is important that all members of the department have an adequate opportunity to comment and suggest revisions to policy. In some cases, the need for a specific policy will first be identified by personnel not assigned to policy development. Therefore, it is important to standardize the procedure to be used in order that persons having suggestions for policy development will know the most effective method for submitting their suggestions. Furthermore, a specific procedure encourages exposure of developing policy to those it will directly concern before it becomes effective.

The following procedure will be used in the development of policy:

Personnel having suggestions for policy, or concern with areas not adequately addressed, or modifications needed to present policy, should contact the Chief of Police, or designee. The suggestion may be in written form or may be a verbal explanation of the problem and possible solution. All available information that is relevant to the problem should be presented.

The suggestion will be developed into a draft policy using other resource people designated by the Chief or designee.

Efforts will be made to get comments from department members who may be affected by this policy. It may be advantageous to seek comments from persons outside the department who may have expertise in, or who may be directly affected by the suggested policy.

The draft policy will be reviewed by Professional Standards and the OAC. The draft will then be taken to the Management Team for review and finalization.

After the Management Team review, the completed policy will be approved by the Chief of Police and distributed to affected personnel.

### **MAINTENANCE AND DISTRIBUTION OF POLICY AND PROCEDURES**

It is the responsibility of the employee issuing the procedural memo to forward an electronic copy to the Administrative Assistant to the Chief or designee.

The Administrative Assistant to the Chief will maintain a file of all procedural memos issued by the Department.

#### **Review and Revisions of Policy and Procedure**

Whenever policy or procedure becomes outdated or appears otherwise inadequate, it should be brought to the attention of the Chief of Police or his designee.

#### **Manual of Policy, Regulations and Procedures**

Each employee will receive an initial issue of the Manual of Policy, Regulations and Procedures. Employees are responsible for the inclusion of new or modified policies and procedures issued by the Department.

The Manual of Policy, Regulations and Procedures will also be made available on the Department's computer network and website.

**CONDUCT**

2-100 Standard of Conduct and Code of Ethics

2-200 General Regulations

**2-100 STANDARD OF CONDUCT AND CODE OF ETHICS**

The Law Enforcement Code of Ethics is adopted as a general standard of conduct for officers of the department.

**LAW ENFORCEMENT CODE OF ETHICS**

“As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder, and to respect the Constitutional rights of all persons to liberty, equality, and justice.

I will keep my private life unsullied as an example to all, maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint, and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession . . . law enforcement.”

## 2-200 GENERAL REGULATIONS

Police personnel comprise a special class of public employee. Because they are conspicuous and visible representatives of government, their conduct is closely scrutinized. When police behavior is found to be excessive, unwarranted, or unjustified, criticism is more severe than it would be for similar conduct by persons in other walks of life. The end result of criticism is lost community support and respect -- both necessary ingredients to the department's capacity to perform the police function. Therefore, close adherence to departmental regulations is absolutely essential to guarantee community support and to maintain effective police service.

The purpose of the following general regulations is to outline and prohibit conduct that tends to undermine the policy, goals, good order, and/or efficiency of the department, while providing fair and efficient police service for the community. Further, these regulations are intended to be equitable to those who are expected to work by them.

These regulations are not designed to make every irregular, mischievous or improper act a disciplinary offense, but to correct conduct which is prejudicial to good order, discipline, morale and efficiency and which tends to destroy public respect and confidence.

Any member of the Madison Police Department may be disciplined pursuant to the Complaint Acceptance and Investigation Policy in the event that any of the following regulations, which constitute misconduct, are violated.

### 201 - PERFORMANCE OF DUTIES

Members of the department shall be held responsible for the proper performance of any and all duties assigned to them, and for the strict adherence to the Policy and Procedural Manual and operational memos issued from time to time for the administration of the department.

Members of the Department will be notified of policy changes, operational memos and other administrative information by email and/or work area mailbox. Members are expected to open their email and check their work area mailboxes at least once during their work week and to respond accordingly.

Members are responsible for knowing the contents of the Policy Manual. Actions or omissions, contrary to regulations, will not be excused because a member followed the advice of another member or a person outside the department, except when an employee of higher rank may take the responsibility of issuing orders.

Commissioned members of the department are expected to possess and retain a valid Wisconsin driver's license, meet the standards necessary for certification as a law enforcement officer by the Wisconsin Law Enforcement Standards Board and qualify with Departmentally-specified weapons.

**203 - EQUAL PROTECTION**

Members of the department shall not act in such a manner as to deprive any member of the community of the equal protection of the laws, and shall not evidence bias in the performance of their duties.

This regulation is intended to prohibit omissions, as well as specific actions which are based on citizens' race, color, sex, age, handicap, national origin, sexual orientation, political or fraternal affiliation, or economic status. Equality of treatment requires uniform, and fair treatment of all individuals.

This regulation is also intended to prohibit officers from being involved in enforcement decisions, follow-up investigations, assisting in prosecutions or any other law enforcement functions that involve a family member, relative, friend, or important relationship. The purpose of this regulation is to prevent even the appearance of bias on the part of the officer.

**204 - OVERBEARING, OPPRESSIVE, OR TYRANNICAL CONDUCT**

Members of the department shall not be overbearing, oppressive, or tyrannical in their relations with members of the community.

This regulation prohibits all clearly recognizable actions which serve to breed disrespect for the department and its members. Actions are clearly recognizable if they constitute gross breaches of the public's support, including:

1. unreasonable orders given to citizens;
2. unreasonable warnings to control conduct not within the scope of the member's lawful authority;
3. threats to use authority not clearly available to the member at the moment.

These examples are only illustrative; they are not intended to be all-inclusive.

**205 - INSULTING, DEFAMATORY, OR OBSCENE LANGUAGE**

Members of the department shall not use insulting, defamatory or obscene language in the performance of their duties.

**206 - DISRESPECT FOR SUBORDINATES**

Supervisors shall not act so as to exhibit disrespect for subordinate members of the department.

**207 - FLAGRANT LAW VIOLATIONS**

Members of the department shall pursue flagrant violations of the law which come to their attention through citizen complaints, their own observations or investigations.



**208 - RESPONSE TO CALLS OR CIRCUMSTANCES**

Members of the department shall properly respond to radio/MDT calls or suspicious circumstances, without unreasonable delay.

Proper response to a radio/MDT call dictates that initial response be carried out with necessary and reasonable dispatch. Any member who fails to take appropriate action on matters brought to his/her attention is guilty of dereliction of duty, if the failure consists of willful neglect in the face of obvious conditions warranting investigation or other police action.

**209 - ON-DUTY BUSINESS**

While on-duty, members of the department shall engage only in activity which pertains to departmental business, unless prior permission has been given to do otherwise.

**210 - SUBMISSION OF REPORTS**

Members of the Department shall submit reports which are accurate and complete, and which distinguish between fact, hearsay, opinions and conclusions. Reports will be completed promptly, and as prescribed under departmental reporting procedures.

**211 - DESIGNATED ASSIGNMENT OR BEAT**

Members of the department shall not leave their designated assignment, or beat unless they inform a supervisor or the dispatcher. An exception to this is reasonably crossing into adjacent jurisdictions which provide a direct route of travel for official business.

**212 - ABSENCE FROM DUTY**

Employees shall not be absent from duty without permission from their team leader, or designee, or, in his/her absence, the on-duty Officer in Charge.

It is the responsibility of the employee to report to their assigned duty station physically and mentally able to carry out the duties assigned to them. If an employee has been subject to an extended tour of duty that makes them incapable of fulfilling their routine assigned duties, leave should be requested through the procedure identified above.

In the event of illness or injury, notification is necessary prior to the time designated for reporting for duty and may be made by telephone or by written report. If extenuating circumstances make timely notification impossible, notification within a reasonable time is necessary.

If, during a work shift, a change occurs in the conditions, which necessitated the request for sick leave benefits, members will immediately make the same contact as detailed in paragraph 1.

**213 - DUTY RESPONSIBILITY**

Members of the department shall not sleep, idle, or loaf while on-duty.

**214 - COMMUNICATION WITH CHIEF OF POLICE**

Any member of the department feeling aggrieved by the treatment or orders of a supervisor, or who wishes to call attention to any matter of police business or who wishes to make suggestions for improvement, shall communicate, in writing, with the Chief of Police.

**215 - SUPERVISORY RESPONSIBILITY**

Supervisors shall not knowingly permit members of their command to violate any law, departmental policy or procedure.

**216 - UNTRUTHFULNESS**

Members of the department are required to speak the truth at all times and under all circumstances, whether under oath or otherwise.

This regulation prohibits perjury, withholding of evidence from a judicial proceeding, false public statements, untruthful statements made within the department, and any other misrepresentations.

This regulation does not require divulgence of police records where otherwise prohibited by policy and does not apply to untruthfulness as part of legitimate investigative activity or negotiation techniques undertaken in the course of duty (i.e., undercover work, hostage negotiations).

**217 - FALSE REPORTING**

Members of the department shall not knowingly make false official reports, or knowingly enter or cause to be entered in any departmental book, record or electronic recording any inaccurate, false or improper information.

**218 - EXCESSIVE USE OF FORCE**

Members of the department shall act at all times within the standards for use of force established in the Use of Force policies.

**219 - UNLAWFUL CONDUCT**

1. Members of the department shall not engage in conduct which would constitute a violation of criminal law, or ordinance corresponding to a state statute that constitutes a crime, first time OWI, or hit and run. We believe there is a public expectation that public safety employees should not violate laws or ordinances.
2. Members of the department who are contacted by any law enforcement agency regarding their involvement as a suspect, victim, or witness in:
  - a. Violation of criminal law;
  - b. Violation of ordinance that constitutes a crime;
  - c. OWI or hit and run;

shall report the incident to their commanding Officer within 24 hours of their return to duty following the contact. The commanding Officer receiving the report shall review the circumstances of the incident and determine whether any further investigation or action by the Madison Police Department is necessary.

3. The fact that an employee has not been charged or convicted of an incident does not bar departmental investigation and/or discipline under this policy.

## **220 - WAGERS**

No game of chance for stakes or wagers shall be played in any building of the Police Department.

## **221 - ACCEPTANCE OF BRIBES, GIFTS, REWARDS OR FEES**

No member shall accept a bribe, reward, fee, or gift for services rendered as a member of the department.

This regulation prohibits acceptance of anything of value which is not available or offered to the general public, such as meals, doughnuts, coffee, etc., but does not prohibit the receipt of anything of value from another governmental agency or public service organization nor from approved off-duty employment governed by city ordinance and existing labor contracts. It is the appearance that a member's authority is being misused for personal gain that can undermine the public's trust in the department.

## **222 - SOLICITATIONS**

No member of the department shall solicit money or contributions for any organization or business while on-duty, while dressed in the department's uniform, or while representing him/herself as a member of the department. Also, no member of the department shall solicit anything of value for the department without permission of the Chief of Police.

## **223 - TRANSPORTATION AND TREATMENT OF PRISONERS**

Officers shall take all reasonable precautions necessary to secure and safely transport prisoners, to prevent their escape and to insure prompt medical attention if circumstances require it. Officers shall not leave a prisoner unattended, and shall not use force against a prisoner, other than that necessary to restrain said prisoner from doing harm to him/herself, to others, or to property.

## **225 - FIREARMS SAFETY**

Members of the department shall strictly adhere to all safety guidelines when handling any firearm to prevent an unintentional discharge of that firearm. Members shall not engage in any behavior with a firearm that may pose an unnecessary danger to any other person. This policy applies to all members of the department while on duty and to the handling of any department approved weapon while off duty.

**226 - FIREARMS QUALIFICATION**

Commissioned members of the department shall qualify with the authorized handguns which they carry on and/or off-duty and with other weaponry, as required by the department.

**227 - INSUBORDINATION**

Members of the department shall promptly obey lawful orders from any supervisor. Should such orders conflict with a previous order, regulation, policy, or procedure of the department, the ordered member shall respectfully call attention to the conflict. If, however, the last order is not changed, it shall stand and the person obeying the order will not be held responsible for disobedience. If any unlawful order is given to any member of the department, such member will promptly report such fact to the Chief of Police.

**228 - DISRESPECT FOR A SUPERVISOR**

Members shall not act so as to exhibit disrespect for a supervisor.

**229 - PUBLIC CRITICISM**

Members of the department shall not publicly criticize the operations or personnel of the department if such criticism clearly undermines the discipline, harmony, or general efficiency of the department.

The department recognizes that its members retain rights to expression and freedom of speech granted by the Constitution, whether on or off-duty; however, these rights do not allow for conduct which is disruptive to the function of the public's business. Generally, conduct prohibited by this regulation includes critical public statements or overt actions regarding specific employees, order, or operations, and includes abusive, frivolous, or deliberately constructed false criticism.

**230 - INTRA-DEPARTMENTAL CRITICISM**

Members of the department shall not speak derogatorily to other members of the department regarding the orders or instructions issued by supervisors; however, if such orders or instructions are inconsistent or unfair members have the right and duty to appeal to higher authority.

**231 - COOPERATION WITH INVESTIGATIONS REQUIRED**

Members of the department must cooperate in internal investigations of alleged misconduct, illegal activity or policy violations. Failure to answer questions or submit to proper investigative techniques constitutes insubordination.

**232 - INTERNAL CENSURE**

Deliberations or discussions among members conveying acts of censure are prohibited. This regulation prohibits internal criticism which creates disruption and dissension. This regulation is not intended to limit any agreement under any existing labor contracts.

**233 - MASS ABSENCE (STRIKES)**

Any permanent commissioned member of the Madison Police Department who participates in any mass absence-without-leave constituting a strike within the terms of the Wisconsin State Statutes 111.70(L)(2)(nm), and who fails to return to duty upon order of the Chief of Police, shall be immediately suspended for insubordination and engaging in illegal activity.

In the event such permanent commissioned members participate in said strike for a period exceeding twenty-four (24) hours, the Chief of Police may take immediate steps to discharge or take disciplinary action against the violators.

In the event a probationary commissioned member participates in a strike and fails to return to duty on a specific order from the Chief of Police, that member may be summarily discharged from the department.

**234 - CRIMINAL ASSOCIATION**

Members of the department shall not associate with persons or places known to them as being engaged in criminal activity.

Association consists of more than a single occurrence, more than general contacts or more than associations that may develop in the line of official police business. If over a period of time a member continues to frequent an establishment(s) believed to be engaged in illegal activity, or continues to carry on private business with a known criminal, he/she is in direct violation of this regulation.

**235 - SOLICITATION FOR PERSONAL GAIN**

Members of the department shall not request the aid of any person outside of the department to have them transferred, or restored to an assignment, or promoted.

**236 - ATTORNEY RECOMMENDATION**

Members of the department shall not recommend to any prisoner the employment of any particular attorney or counsel, with a view to the prisoner's defense; nor shall they directly or indirectly interfere or interest themselves in any manner whatever in the employment of any attorney to aid any potential litigant.

**237 - REVEALING POLICE RECORDS**

Members of the department shall not divulge the contents of police records to anyone outside of the department without permission from their commanding officer or the commanding officer of the Support Services Team. No member shall divulge any matters relating to official police business without first receiving authorization.

**238 - ACCESS TO POLICE RECORDS**

Members of the department, only when authorized to do so for a specific purpose, shall have access to the official records obtained through the Madison Police Department.

This regulation prohibits all unofficial use of police records and tampering with records by members of the department is prohibited.

### **239 - OPERATING CITY-OWNED VEHICLES**

Members of the department shall drive City-owned vehicles with due safety at all times.

### **240 - TRIPS OUTSIDE THE COUNTY**

Members of the department may use a departmental vehicle for trips outside the county only with permission of a commanding officer.

### **241 - USE AND CARE OF CITY-OWNED PROPERTY**

Members of the department shall adhere to the prescribed procedures for check out and use of any department owned or issued equipment.

Members of the department are responsible for the good care of departmental property, assigned to their use or keeping, and shall promptly report to their supervisor in writing, the loss of, damage to, or unserviceable condition of such property.

Any member found responsible for the destruction or loss of city property, through willfulness or gross negligence, may be subject to disciplinary action.

### **242 - COMMUNICATIONS SYSTEMS**

Members of the department shall use police communications systems only for official police business, and shall exhibit courtesy during the transmission of all messages. Complaints or disagreements should be handled through the shift Officer-in-Charge.

This regulation includes all uses of any part of the police communications system.

### **243 - USE OF CITY PROPERTY**

Members of the department shall not use any departmental property for private purposes, unless permission is first obtained from the Chief of Police consistent with City Ordinance. Property provided by the City, including (but not limited to) desks, offices, vehicles, lockers, cabinets, drawers and closets, are subject to entry, search and inspection by the department without notice.

### **244 - SEIZURE OF PRIVATE PROPERTY**

Members may seize property only as authorized by State Statute.

### **245 - PROPERTY HANDLING**

Members of the department shall take all precautions necessary to guarantee the proper handling of evidence, and any property seized, received or found, and shall conform to departmental procedures for their handling.

A written record of the property's disposition after its initial receipt shall be included in the employee's written report.

#### **246 - FINANCIAL OBLIGATIONS**

Members of the department shall promptly pay all debts and legal liabilities.

#### **247 - USE OF INTOXICANTS/CONTROLLED SUBSTANCE**

Members of the department:

1. Shall not consume intoxicants or controlled substances at any time after reporting for a duty shift unless assigned by a commanding officer with written prior approval.
2. Shall not report for duty, or perform any on-duty work, with any measurable level of alcohol or any controlled substance in the body, except as authorized in 1. above.
3. Shall, at the request of any supervisor, be required to submit to a chemical breath, blood or urine test for the purpose of determining the presence of alcohol or controlled substance. The appropriate test(s) shall be determined and administered at the direction of a supervisor.
4. Shall not use or consume any intoxicants or controlled substances when armed with a weapon while off-duty.
5. Shall not use or consume intoxicants or controlled substances in public when they are identifiable by uniform or other clothing bearing departmental logo.
6. Shall not report for duty, or perform any on-duty work, when his or her judgment or physical condition is impaired by medication or other substances.

#### **248 - IMMORAL OR OFFENSIVE CONDUCT**

Officers shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession. Officers shall not participate in any incident which impairs their ability to perform as law enforcement officers or causes them or the department to be brought into disrepute.

Examples of immoral or offensive conduct are making sexual solicitations, or engaging in offensive or indecent behavior in the presence of a minor and are illustrative and not meant to be all inclusive.

#### **249 - REPORTING SIGNIFICANT VIOLATIONS**

Members of the department shall report significant violations of the department's regulations, policies, orders or procedures to the appropriate supervisor.

#### **252 - WITHHOLDING INFORMATION**

Members shall not withhold tips or information with a view to personal achievement.

**253 - REPORTING ACCIDENTS ON-DUTY**

Members of the department shall promptly report to an on-duty supervisor any accident with, or damage to any city-owned motor vehicle operated by them or in their charge.

On-duty accidents will be reported at the time of their occurrence and the employee involved in the incident shall request a field supervisor be dispatched to supervise the accident investigation and to assign primary officer responsibility.

**254 - ACCIDENTS OFF-DUTY**

If an off-duty department employee operating a privately-owned motor vehicle is involved in an accident within the City of Madison, a field supervisor shall be dispatched to supervise.

If no field supervisor is initially dispatched the responding officer shall request a field supervisor.

**255 - STATUS CHANGES**

1. Members of the department shall report changes in address or telephone number within twenty-four (24) hours after making any such changes, by submitting such information in writing, directed to the Chief's office, their commanding officer, and an on-duty patrol OIC. All members of the department shall at all times maintain a working telephone service by which they may be contacted by the department.
2. Officers shall promptly notify their commanding Officer if their driver license status changes to other than valid.

**256 - ENFORCEMENT DISRUPTIONS**

Members of the department are prohibited from interfering in the normal processing of traffic/parking citations or otherwise disrupting enforcement of the law by other members of the department.

If a supervisor orders a change in an enforcement decision and a subordinate feels this constitutes a disruption of enforcement decision, the subordinate should follow the procedure outlined in 2-214 and 2-227.

**257 - SEARCH AND SEIZURE**

Members of the department shall only conduct searches and seizures in accordance with departmental policy, procedure and training, and in accordance with current legal standards. Members of the department shall not apply for any search warrant without the approval of a commanding officer.

**258 - PERSONAL GAIN VIA MEDIA**

Members of the department shall not communicate with the news media members for the purpose of personal gain or advancement.



**259 - ACTING POSITION RESPONSIBILITY**

Members of the department who are placed temporarily in a position of higher rank by the Chief of Police shall be held responsible as if regularly appointed to such higher office and shall be careful not to countermand any order issued by the member whom they temporarily replace, except when expediency of police business demands.

**260 - KEY DUPLICATION**

Members of the department are prohibited from making or causing to be made any duplicates of signal box keys, or any other city/departmental keys, except squad fleet keys, without the approval of a commanding officer.

**261 - AUTHORIZED EXPENSES**

Bills for authorized expenses incurred by members of the department in connection with their official duties shall be promptly submitted to their respective commanding officers and shall include a brief written explanation for the expenses incurred.

**262 - DISREGARD FOR SAFETY**

Members of the department shall not, by specific action or omission, create a situation of unnecessary risk of injury to themselves, other members of the department, or to any other person.

**263 - HARASSMENT**

Any employee who engages in harassment on the basis of race, sex, religion, color, age, handicap, national origin, or sexual orientation; or who permits employees under his/her supervision to engage in such harassment; or who retaliates or permits retaliation against an employee who reports such harassment is guilty of misconduct. (See attached APM 3-5.)

**264 - SEXUAL HARASSMENT<sup>[c1]</sup>**

Sexual harassment is unacceptable conduct in the work place and will not be condoned. Specifically, sexual harassment means unwelcome sexual advances; unwelcome physical contact of a sexual nature, or verbal or physical conduct of a sexual nature which includes, but is not limited to, deliberate or repeated unsolicited gestures, graphic materials, verbal or written comments.

Any supervisor who uses implicit coercive sexual behavior to control, influence, or affect the career, salary, job or working conditions of a fellow employee is engaging in sexual harassment; similarly, any employee or labor organization engaging in any of the above behaviors in the process of conducting department business is engaging in sexual harassment.

Supervisors are required to report to the Chief of Police all instances of harassment whereupon he (or his designee) is responsible for immediately notifying the Equal Opportunities Commission and/or the City Affirmative Action Department of the reported instance of harassment.

Complaints of sexual harassment will be examined impartially and resolved promptly within the structure of the department's complaint policy and City Ordinance 3-23.

### **265 - TOWING SERVICES**

Members of the department shall not recommend nor suggest to any person a particular towing or emergency road service, corporation or company. If no preference is indicated, the service contracted by the City will be notified by the Dispatcher. If they are unable to respond, the next designated towing service will be contacted.

### **266 - CONCEALED RECORDING DEVICES**

Members of the department are not to use concealed recording devices for department business on or off-duty, unless there is prior permission from the Chief of Police on a case-by-case basis.

### **267 - USE OF SAFETY BELT HARNESSSES**

Occupants of department vehicles shall use vehicle safety belts/restraint devices consistent with current State Motor Vehicle laws. (Exceptions: Combative/Oversize citizens.) The above does not prevent officers from removing restraint devices when approaching an imminent tactical situation.

Parking Monitors acting under State Statute 347.48(2m)(dr) are not required to utilize safety harnesses, but are encouraged to do so whenever possible.

### **268 - UNIFORM WEARING**

Members of the department shall wear their appropriate uniform when on-duty, and may wear it when commuting to and from work, when participating in an authorized departmental function, or when working authorized special duty employment in a police capacity. The intent of this regulation is to prohibit employees or others from wearing departmental uniforms in other than approved capacity.

### **269 - HANDGUN VISIBILITY**

When officers are in uniform (full military, police blazer, bicycle uniform, ERT, training staff), identifiable to the public.

### **271 - OFFICER INVOLVED IN CRIMINAL ACTIVITY OR OMVWI**

Department personnel shall, immediately notify a supervisor any time they are investigating an incident and become aware of any law enforcement officer who is a suspect of any criminal activity or OMVWI. The officer shall immediately request that a supervisor respond to the scene of the investigation.

### **272 - EARLY DISTRIBUTION OF PAYCHECK**

Paychecks will be available to employees in their bureaus after they are distributed by Executive Section personnel. This practice permits release of the checks, in most cases, late Thursday afternoon, the day before the actual payday

It must be absolutely understood that no paycheck which is released prior to the actual payday, be cashed or deposited prior to the date printed on the face of the check.

**COMMUNITY RELATIONS**

|       |  |
|-------|--|
| 3-100 | Tours and Ride-Alongs                    |
| 3-200 | District Station Community Meeting Rooms |
| 3-300 | Madison Police Explorer Post 911         |
| 3-400 | Honor Guard                              |
| 3-500 | Dignitary Protection                     |
| 3-600 | News Media Relations                     |

## **3-100 TOURS AND RIDE-ALONGS**

The Community Relations Section initiates and directs programs which are implemented to achieve the overall goals and objectives of the department's community relations program. The section currently provides services for the following programs.

### **TOURS OF POLICE FACILITIES**

Tours of Police facilities will be conducted for approved groups who have expressed an interest in observing the functions of the Madison Police Department.

Tour screening and coordination will be the responsibility of Public Information Officer and conducted by various volunteers of the department.

### **RIDE-ALONG POLICY**

Unlike many jobs in today's society, the duties of a police employee are not easily described to persons outside the profession. Therefore, the purpose of allowing citizens to ride with police employees is to add to the public's knowledge and understanding of the problems and complexities of law enforcement.

#### **Ride-Along Program Responsibility of PIO**

The administration of the Ride-Along Program is the responsibility of the Public Information Office and requests for permission to ride will be handled by this office unless the ride along is a non-commissioned employee, intern or initiated by an officer. Eligibility of each applicant will be determined by the Public Information Officer. The Public Information Officer will be responsible for collecting the name, address, date of birth, and home phone number of each person requesting to ride. The names of ride-along applicants will then be distributed to each district commander to be scheduled with an officer. Each district will be asked to schedule a maximum of five applicants per month unless there is a larger group request, i.e., U.W. class.

Persons requesting to ride who are applying for the position of Police Officer with our department will be referred to the Recruiting Officer for placement and scheduling.

#### **Ride-Along Database**

A ride-along database will be maintained electronically on the department's PC network by the Public Information Officer. The data will contain a complete listing of those who have participated in the Ride-Along Program including the date of their ride and the employee with whom they ride.

Generally, a person taking part in the program may not ride along for more than once a year unless the ride along is a non-commissioned employee, intern or initiated by an officer.

## **Voluntary Employee Participation**

Employee participation in the ride-along program will be voluntary. Employees may wish to advise their commander of their willingness to participate in the program

## **Waiver of Liability Form**

The Waiver of Liability form must be completed by the person requesting to ride and the employee performing the ride-along prior to the beginning of the ride-along. A supervisor must also sign the approval of the waiver prior to the start of the ride. The completed waiver form will be forwarded to the Public Information Office where they will be kept on file.

## **Duration of Ride-Along**

It is suggested that the length of the ride-along period will be four (4) hours. The total time period of the ride-along is to be recorded on the Waiver of Liability form.

## **Juvenile Ride-Along**

All juvenile (ages 15-17) ride-along periods will be conducted between the hours of 7:00 a.m. and 7:00 p.m. The majority of the ride-alongs will be scheduled as early in the afternoon as possible. Extensions to 10:00 p.m. may be granted by the Officer-in-Charge. The extension and exact time of the ride-along shall be documented on the returned Waiver of Liability form. Requests for juveniles under the age of 15 must be approved by the Chief of Police.

## **Employee Initiated Ride-Alongs**

Department personnel will be allowed to initiate ride-alongs for relatives or friends. Employees should obtain the approval of their immediate supervisor or OIC on the waiver form for employee initiated ride-alongs.

The number of ride-alongs an employee will be allowed to take will be determined on an individual basis. Some criteria in making the determination will be:

1. The number of employee initiated ride-alongs performed.
2. The effect of the ride-alongs on the employee's ability to perform assigned duties.
3. The time period involved.

This determination will be made in conjunction with the Public Information Officer and the officer's supervisor(s).

## **Non-Commissioned Employee Ride-Alongs**

Non-commissioned employees of this department may be authorized to ride-along (on duty time) more than once per year if their supervisor believes such action will increase the employee's understanding and performance of assigned duties.

### **Intern Ride-Alongs**

Persons working on projects involving the Madison Police Department may be granted permission to extend the ride-along period. Interns working with our department should complete the Internship Waiver of Liability form prior to the start of the internship if the internship includes ride-alongs with department personnel

### **Employee Participation**

Employees on probation will not be allowed to participate in the ride-along program unless prior approval has been obtained from the employee's Commanding Officer.

Approval for probationary police officers from their commanding officers should only be given when the officer has demonstrated, at a minimum, a performance of "acceptable" according to the Field Training and Evaluation Program standard evaluation guidelines (#4 level). Ride-alongs should not be approved if the assignment would interfere with the progress of the officer or reflect negatively on the department.

### **One Ride-Along Limit**

There will only be one ride-along assigned to an employee at any given time unless approved by the OIC (e.g., camera crew for approved interview).

### **Scene Guidelines**

Officers shall adhere to the following guidelines when determining whether to allow a ride-along to enter a scene:

1. Ride-alongs may not accompany officers into private residences or into any other place not readily open to the public when the officer's legal basis for entering is not based upon consent (e.g., warrant execution, exigent circumstances, community caretaker, etc.)
2. Ride-alongs may accompany officers into private residences or into any other places not readily open to the public when:
  - a. The owner/resident or other person in control of the premises expressly consents to the ride-along's entry.
  - b. The ride-along is directly assisting the officer in the performance of the officer's duties, (example: intern assisting with searching or evidence collection during search warrant execution).
3. Ride-alongs may accompany officers any place that is open to the public, subject to state and local laws (i.e., underage persons not to enter taverns).
4. Ride-alongs may not exit the squad car during a traffic stop prior to the occupants being secured, unless it is necessary to insure their safety or approved by a supervisor.

### **Restriction Applications**

The restrictions outlined in this policy apply to all civilian ride-alongs, including interns, students, and non-commissioned Madison Police Department employees.



### WAIVER OF LIABILITY

In consideration of being permitted to ride in a vehicle owned and operated by the City of Madison, or to accompany employees of the Madison Police Department on any call, I hereby waive and release the City of Madison, its agents, employees, personnel representatives and assigns from any and all claims for all damages resulting to myself as a consequence of being transported or being in such vehicle or in the company of such officer and do further covenant and agree to indemnify the City of Madison, its agents, employees, personal representatives and assigns and save each of them harmless against any and all (compensation) claims which may be made or brought against them as a consequence of the said activity.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

Please print the following information:

Name: \_\_\_\_\_

Date of Ride: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Time of Ride: \_\_\_\_\_

Phone: \_\_\_\_\_

Employee: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Supervisor Approval: \_\_\_\_\_

### JUVENILE WAIVER OF LIABILITY

In consideration of \_\_\_\_\_, a minor, being permitted to ride in a vehicle owned and operated by the City of Madison, or to accompany employees of the Madison Police Department on any call, I, individually and as a parent and natural guardian of said minor, hereby waiver and release the City of Madison, its agents, employees, personnel representatives and assigns from any and all claims for all damages resulting to said minor as a consequence of being transported or being in such vehicle or in the company of such officer and do further covenant and agree to indemnify the City of Madison, its agents, employees, personal representatives and assigns and save each of them harmless against any and all (compensation) claim which may be made or brought against them as a consequence of the said activity.

\_\_\_\_\_  
SIGNATURE OF PARENT OR LEGAL GUARDIAN

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF PARTICIPANT

Please print the following information:

Parent's Name: \_\_\_\_\_

Minor's Name: \_\_\_\_\_

Date of Ride: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Time of Ride: \_\_\_\_\_

Phone: \_\_\_\_\_

Employee: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Supervisor Approval: \_\_\_\_\_

### INTERNSHIP WAIVER OF LIABILITY

In consideration of being permitted to ride in a vehicle owned and operated by the City of Madison, or to accompany employees of the Madison Police Department on any call, I hereby waive and release the City of Madison, its agents, employees, personnel representatives and assigns from any and all claims for all damages resulting to myself as a consequence of being transported or being in such vehicle or in the company of such officer and do further covenant and agree to indemnify the City of Madison, its agents, employees, personal representatives and assigns and save each of them harmless against any and all (compensation) claims which may be made or brought against them as a consequence of said activity.

\_\_\_\_\_  
SIGNATURE OF PARENT OR LEGAL GUARDIAN

\_\_\_\_\_  
DATE

Please print the following information:

Name: \_\_\_\_\_

\_\_\_\_\_  
Dates of Internship Period:

Address: \_\_\_\_\_  
\_\_\_\_\_

Time of Ride: \_\_\_\_\_

Phone: \_\_\_\_\_

Employee: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Supervisor Approval: \_\_\_\_\_

**3-200 DISTRICT STATION COMMUNITY MEETING ROOMS**

In keeping with the City's mission to offer a welcoming place for community interactions, meeting rooms at the District Stations of the Madison Police Department are available for use by community groups for informational, educational, or cultural meetings and programs, when not needed for police purposes. Use of the meeting rooms does not imply endorsement by the City or hosting agency of the viewpoints presented.

Policy

The City encourages the widest possible use of the Department meeting rooms by nonprofit community groups and government agencies, as long as this use does not interfere with the normal operations of the Department.

1. Rooms may be used for educational, cultural, informational, governmental or civic activities, and may include public lectures, panel discussions, presentations, group discussions, workshops and other similar functions.
2. All meetings shall be open to the public.
3. Programs involving the sale, advertising, promotion of commercial products or services, or programs sponsored by a business firm, regardless of purpose, are prohibited.
4. No admission fee, registration fee, donation or monetary solicitation may be sought from meeting attendees.
5. Rooms shall not be used for personal or family purposes.
6. Groups may reserve space for up to six meetings in a six-month period. No single group may have more than six meetings in a six-month period, unless written approval is obtained from the District Commanding Officer.
7. Users agree to abide by all regulations of the District relating to the use of the facilities and accept responsibility for all damages caused to the building and/or equipment beyond normal wear.

General Rules and Regulations

1. Meeting rooms are scheduled on a first come, first served basis.
2. Groups interested in using the meeting rooms for the first time must first fill out a "Meeting Room Reservation" form available at the District Stations.
3. These forms shall be submitted at least one week prior to the scheduled meeting date. Subsequent reservations can be made by telephone.
4. Reservations may be made no more than six months in advance.
5. An authorized adult representative of the group must request use of the meeting room. This representative will be required to sign a "Meeting Room

Reservation” form that provides information regarding the program and room set up. By signing the form, the applicant agrees that the “General Rules and Regulations” regarding meeting room use have been read and understood. Failure to abide by these regulations may disqualify the organization from future use of these facilities.

6. The organization accepts financial responsibility for any and all damage caused to the building or equipment beyond normal wear.
7. Reservations are not confirmed until the reservation form has been completed, signed and processed. This may be done on the spot if the paperwork is completed.

#### Conditions of Use

##### Schedule

1. Meeting must be held during the hours of 8a –10p.
2. Meetings must end on time so that the room can be cleared or prepared for other meetings.

##### Open Meetings

1. Meetings must be free and open to the general public at all times.

##### ADA Requirements

1. Groups are responsible for ADA (American with Disabilities Act) requirements and for providing requested accommodations for meetings. A statement regarding the availability of accommodations must be included in all publicity or notices.

##### Food or Drink

1. Groups who use the meeting rooms may serve light refreshments. Alcoholic beverages are prohibited.
2. The group is responsible for leaving the room in the condition it was found. Charges will be assessed for damages or required extra cleanup.

##### Parking

1. Users of the meeting rooms should consult with the District Commander or their designee, regarding the parking of personal vehicles. In most cases, users will be asked to park personal vehicles in legal parking spaces on the street, to allow for visitor access to the stations and to facilitate the parking of police vehicles.

**Madison Police Department**

**APPLICATION FOR RESERVATION OF DISTRICT MEETING ROOM**

(Please Print all Information)

**Group/Organization Name:** \_\_\_\_\_

Authorized Adult Representative: \_\_\_\_\_

Daytime Phone #: \_\_\_\_\_

Alternate Representative: \_\_\_\_\_

Daytime Phone #: \_\_\_\_\_

**Date of Use:** \_\_\_\_\_

**Beginning Time** (include arrival for set-up): \_\_\_\_\_

**End Time** (include time for clean-up): \_\_\_\_\_

I have read, understood and agree to adhere to the policies, rules and regulations set forth by the City of Madison regarding use of the Madison Police Department District Community Room as above scheduled.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

**Office Use Only:**

Date Application Submitted: \_\_\_\_\_

Received by: \_\_\_\_\_

**3-300 MADISON POLICE EXPLORER POST 911**

The post was formed to promote law enforcement as a career for young adults through training, community service, special projects, conferences, and assisting the department. Explorers gain experience and knowledge in police procedures, community relations, leadership roles, and the acceptance of responsibility.

The post is co-ed and a member of the Four Lakes Council of the Boy Scouts of America (BSA). Members are involved in assisting the department and the community in various civic activities. Explorers utilize hands-on experience and education to learn career goals and expectations.

The Madison Police Department, in an endeavor to encourage law enforcement as a career, will authorize the use of a meeting place in the Police Classroom (GR27), and will allow at least one advisor to conduct meetings on duty time (flex hours). Furthermore, the department will allow advisors to have their hours changed when the Explorers are involved in a major event or activity. Members of the Explorer Post 911 will be exempted from MPD Policy restricting ride-along participation to once per year.

**ORGANIZATION**

Post membership consists of a Lead Advisor, Advisors, Post President, 1st Vice President, 2nd Vice President, and members. The duties and responsibilities of the offices of President, 1st Vice President, and 2nd Vice President will be assigned by the Advisors. Membership is open to young adults (co-ed) between the ages of 14 and 20 years of age. Prior to acceptance, a background check of arrest records and an interview with the advisors will occur.

**Lead Advisor**

1. The Lead Advisor of Post 911 will be a commissioned officer of the Madison Police Department.
2. Will be responsible for the general supervision of post meetings, other advisors, and post officers. Additionally, the Lead Advisor will be responsible for the rechartering of post, maintenance of post membership and equipment, general bookkeeping, reserving of police classroom and obtaining insurance for post members.
3. Will act as liaison to the Chief and the command staff and keep them apprised of all post activities.
4. Will be responsible for ensuring compliance of BSA Explorer policies.
5. Will respond, investigate and resolve grievances and complaints regarding the post.

**Advisor**

1. May be a commissioned officer(s) or civilian(s).

2. At least one advisor must be of a different gender than the lead advisor.
3. Assist lead advisor with administrative duties and general supervision of post meetings and activities.



**3-400 HONOR GUARD**

In order to respond to varying requests and to ensure equal treatment in similar circumstances, the following guidelines are provided to assist members of the Honor Guard in fulfilling their responsibilities/duties in an efficient and expeditious manner. These guidelines are not meant to imply inflexibility on the part of the Honor Guard in deployment and type of service offered, rather they serve to promote understanding and cooperation for all concerned.

All requests for Honor Guard services should be directed to the Chief's secretary who will route the requests to the Honor Guard commander or his/her designee. In the event of a short notice request the request should be routed to the OIC who will then notify the team commander or his/her designee.

The Honor Guard will have available a current Honor Guard Roster, identifying the team commander and his/her designee. The roster will be updated each year and a copy will be provided to the Chief of Police.

**REQUESTS FOR HONOR GUARD SERVICES****Madison Police Officers**

In the event the deceased was/is a Madison Police Officer, the following steps should be taken by the team commander or his/her designee:

**Inactive Officer (Retired)**

An Honor Guard supervisor or designee will:

1. Contact immediate family member to offer condolences and extend the offer of the services of the Honor Guard.
2. Contact the designated funeral home and director-in-charge to learn the details of the service; church, cemetery, time, etc.
3. Solicit officers from the Honor Guard roster and advise each of the date, time and place to meet. A minimum of four officers is recommended.
4. Contact Motor Maintenance to arrange for transportation. The vehicles are to be gassed, washed and parked in the basement of the City-County Building.

**Active Officer**

An Honor Guard supervisor or designee will:

1. Contact immediate family member to offer condolences and the services of the Honor Guard.
2. Contact the designated funeral home and director-in-charge to learn the details of the service; church, cemetery, time, etc.

3. Solicit officers from the Honor Guard roster and advise each of the date, time and place to meet. A minimum of twelve officers, two casket guards, and six pallbearers (optional) is recommended.
4. Contact Motor Maintenance to arrange for transportation. The vehicles are to be gassed, washed and parked in the basement of the City-County Building.
5. Contact other outside agencies (Sheriff, Fire Department, Suburban Departments) to back-up auxiliary services as needed (traffic control, etc.).
6. Send Teletype message to other Wisconsin police jurisdictions. (Officer-in-Charge may assign a supervisor to coordinate with Honor Guard team commander or his/her designee).

### **Requests from Outside Police Jurisdictions**

In the event the deceased is a police officer from an outside jurisdiction, the Honor Guard will respond:

1. When the officer is killed in the line of duty, and the affected agency has notified the Department.
2. When the officer dies from natural causes (active or retired), the Honor Guard normally would not respond. An exception may be made if a family member of the deceased, the affected agency or an MPD officer, etc. specifically requests the Honor Guard.

### **Requests from Outside Organizations**

When the services of the Honor Guard is requested by an outside organization to participate in a memorial service, parade, etc., the Honor Guard may respond only if it is determined by the Assistant Chief of Operations the event would serve the interests of the community and the Madison Police Department.

## **DUTY GUIDELINES FOR PARTICIPATION IN HONOR GUARD ACTIVITIES**

1. On-duty participation will be allowed only if staffing levels are above minimum, and the Officer in Charge or the employee's supervisor of a non-patrol unit grants authorization.
2. If on duty, and if the Honor Guard activity requires eight hours, that may be considered the workday. However, officers must check with their Officer-in-Charge upon their return to the station to determine if they are needed for duty on their regular shift.
3. In the event that staffing levels cannot accommodate on duty participation, off-duty Honor Guard members will be used to fill the assignment.
4. All off-duty Honor Guard members participating in an approved service shall be compensated in accordance with the existing Memorandum of Understanding.
5. The department will provide a car and gas.

6. The Assistant Chief of Operations may authorize any deviation from this policy.

## **UNIFORM GUIDELINES FOR PARTICIPATION IN HONOR GUARD ACTIVITIES**

### **Uniform of the Day**

1. Year around:
  - a. 8-point service hat
  - b. MPD class A dress uniform with MPD Honor Guard shoulder patch
  - c. White long sleeve shirt
  - d. Patent leather duty belt with shoulder strap and accessories
  - e. White citation cord
  - f. White gloves
  - g. Badge cover
  - h. Department issued patent leather shoes
2. Weather extremes may dictate that Honor Guard members wear their Department issued rain/shine overcoat. The Honor Guard Commander or supervisor will make the determination on whether or not an overcoat will be worn.

### **Grooming**

Hairstyles will be in conformance with the Madison Police Department Regulations.

### **Equipment**

1. There are lockers located in the Central District gym designated for Honor Guard equipment storage.
2. The team commander/designee will be responsible for keeping Honor Guard equipment clean and will obtain a purchase order for the cleaning and or replacement of worn equipment. The purchase order will be returned to the Chief's Office upon the completion of cleaning or replacement.

### **Black Badge Covers**

Department issued badge covers can be worn for up to five days when authorized by the Chief of Police.

**HONOR GUARD CEREMONIAL RIFLES**

1. The Honor Guard ceremonial rifles will only be used when authorized by the Team Commander or his/her designee.
2. When authorized, the rifles shall be acquired from the storage safe, signed out by the responsible Honor Guard member and secured in the safe after use.
3. Only Department trained armorers will be allowed to provide maintenance on these weapons.
4. The use of live ammunition shall never be authorized with these weapons.
5. The Team Commander or his/her designee will complete and submit required governmental forms by January 15 annually.

**3-500 DIGNITARY PROTECTION**

The department recognizes its responsibility to review requests and provide reasonable assistance for the personal protection of visiting dignitaries and other designated persons. Recognizing this responsibility, the department will take reasonable precautions to assure the safety of such visitors.

The Task Force Commanding Officer will coordinate, with others in the department, as necessary and appropriate, requests for personal protection of Heads of State and their families, major political candidates and other designated persons.

The Task Force Commanding Officer will review the request for dignitary protection and consider if the request should be honored, based on such considerations as:

- Availability and proper use of departmental resources;
- Potential for violence or disruption;
- Existence of threats;
- Nature and purpose of the visit;
- Traffic problems.

The Commanding Officer will forward the recommendations to the Chief of Police for approval.

APPROVED \_\_\_\_\_ CASE NUMBER \_\_\_\_\_  
DENIED \_\_\_\_\_

\*\*\*\* REQUEST FOR PROTECTIVE SERVICES \*\*\*\*

Application made to: Madison Police Department  
Task Force Protection Review Committee  
211 S. Carroll Street  
Madison, Wisconsin 53703

Date filed: \_\_\_\_\_

NAME OF INDIVIDUAL(S) \_\_\_\_\_

Sponsoring Organization or Agency (if applicable): \_\_\_\_\_

Name of person filing application: \_\_\_\_\_

Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Reason for requesting protection (indicate specific threats, acts of violence, or other reason why individual(s) would require protection). If more space is needed use back of page.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Has person(s) requesting protection received any police protection outside the City of Madison?  
Yes or No If yes, explain where and why.

\_\_\_\_\_  
\_\_\_\_\_



## **3-600 NEWS MEDIA RELATIONS**

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

### **News Releases**

The Department makes every effort to release information without partiality and accordingly varies the times when news releases are given to the media so that such releases do not operate to the advantage or disadvantage of particular media deadlines.

1. The on-duty Officer in Charge will have the responsibility for the coordination and dissemination of information to the news media relative to significant police operations and/or major incidents during each tour of duty. Information may be distributed in a variety of ways including the telephone, fax, or the Department website.
2. District Commanders are responsible for reporting information regarding major events and activities that occur within their respective districts which require the use of significant police resources as well as information which addresses crime trends and other issues of public safety. Release of this information should be coordinated with the Public Information Officer.
3. Commanders and supervisors of specialized units (e.g. Dane County Narcotics and Gang Task Force and Traffic Enforcement Safety Team) are responsible for providing pertinent information to the media regarding unit activities. The release of this information may be coordinated with the Public Information Officer.
4. The Office of Professional Standards and Internal Affairs will provide summaries to the media at the time of case disposition per the Complaint Acceptance and Investigation policy.

### **News Media Identification**

To assure that the Department is communicating with an authorized news media representative at the scene of a police incident, and to assure the representative that s/he will not be unnecessarily obstructed in the pursuit of his/her functions, the Department will honor suitable credentials issued to news media representatives from their agencies.

### **Entrance to Area of Serious Police Incident or Crime Scene**

Police lines may be established to prevent persons from entering the area of a serious police incident or crime scene. Dependent upon the tactical situation and the likelihood of jeopardizing police operations, (e.g. preserving evidence) members of the news media may be allowed in such areas. Authorization for entry is dependent upon the possession of suitable credentials issued from news media agencies.



### **News Media Daily Access**

Media representatives will have daily access to the Department arrest log, incident report log entitled Incident Analysis Report-Detail, Citation Activity Report in the Public Information Office, and incident reports at the Control Point for inspection purposes. Reports falling in either of the following two categories will generally be maintained in a separate secured location, and will not be available for immediate media inspection. However, the reviewing supervisor may make a report from one of the following two categories available for media inspection if it appears appropriate to do so.

1. Sensitive Reports
  - a. Death Investigations
  - b. Sexual Assaults
  - c. Suicide Attempts
  - d. Drug Investigations
  - e. Child Abuse/Neglect
  - f. Serious Injury/Fatal Accidents
  - g. Homicides and Attempts
  - h. Hate Crimes
2. News Media Special Consideration Reports
  - a. Reports that contain information from a confidential informant.
  - b. Active criminal investigations where the release would hamper future investigative efforts.
  - c. Reports regarding a pending criminal investigation.
  - d. Reports regarding a pending criminal prosecution in the City Attorney's Office.
  - e. Sensitive reports that contain information regarding mental health or medical information, information regarding employee involvement in an incident while off-duty, or other reports that reveal highly personal and private information, the disclosure of which would likely have a substantive adverse effect on reputations and privacy interests of individuals named in the report without counterbalancing benefit to the public.

### Supervisory Review

1. The shift Officer in Charge will sort all incoming reports, separating “Sensitive” and “Special Consideration” reports for further supervisory review.
2. The shift Officer in Charge will review “Sensitive” and “Special Consideration” reports to determine which reports will be available for media inspection.
3. The shift Officer in Charge will read the following report types, reviewing them for content, error or omission, and countersign the report:
  - a. In-custody arrests.
  - b. Emergency detentions.
  - c. Any other reports that the shift Officer in Charge determines are in need of immediate review.

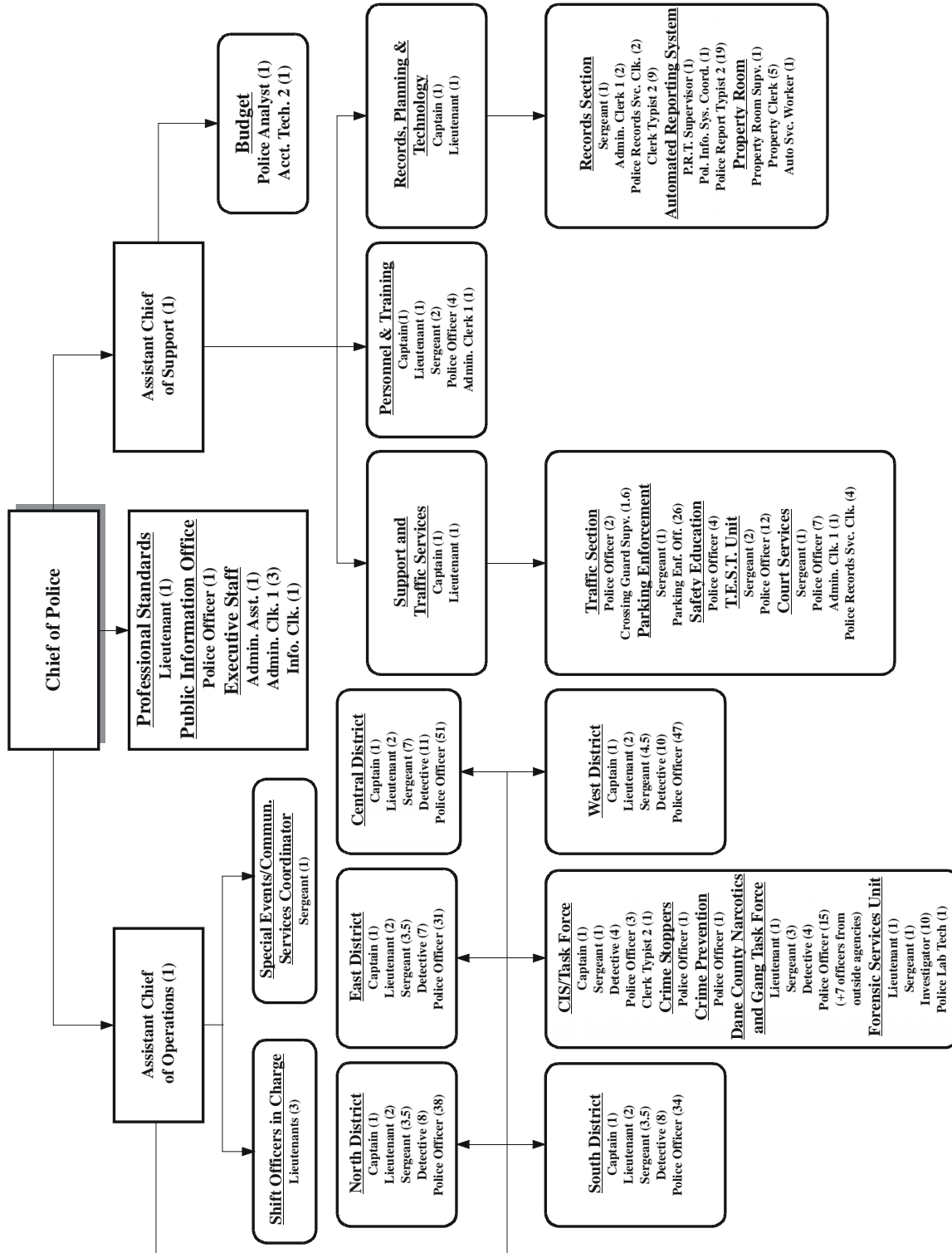
Other reports may be read, reviewed and countersigned as the Officer in Charge’s workload permits.

4. If media inspection is approved, the report should be processed through the control point. If disclosure is withheld, the original report should be returned to the original receptacle for internal routing. The Criminal Intelligence Section will be responsible for the routing and distribution of these documents on a daily basis.
5. The Public Information Office will be responsible for facilitating the release of this information to the media by either providing a report summary or redacted version of these cases where appropriate.

**PERSONNEL**

|        |  |
|--------|--|
| 4-100  | Organizational Chart                   |
| 4-200  | Commissioned Personnel General Duties  |
| 4-300  | Uniform Standards                      |
| 4-400  | Personal Appearance                    |
| 4-500  | Police Weaponry                        |
| 4-600  | Identification of Police Officers      |
| 4-700  | Off-Duty Officer Responsibilities      |
| 4-800  | Temporary Restricted Duty Assignment   |
| 4-900  | Outside Employment                     |
| 4-1000 | Political Activity                     |
| 4-1100 | Promotional Process                    |
| 4-1200 | Departmental Awards                    |
| 4-1300 | Complaint Acceptance and Investigation |
| 4-1400 | Administration of Sanctions/Discipline |

4-100 ORGANIZATIONAL CHART



**4-200 COMMISSIONED PERSONNEL GENERAL DUTIES****ASSISTANT CHIEFS OF POLICE**

1. Serve as the Chief Staff and Operations Officer within the Police Department, and are responsible for field and staff operations.
2. Actively support the mission, policies, procedures, programs, objectives and philosophies of the department.
3. Shares the responsibilities of Chief of Police in the case of absence, disability or suspension of the Chief of Police.
4. Be responsible for implementing operational plans developed to achieve the goals of the department as envisioned by the Chief of Police.
5. Provide active and visible leadership to the department.
6. Support a culture of quality improvement within the department and oversee teamwork efforts.
7. Know, understand and comply with provisions of the Madison Police Department's Manual of Policy, Regulations, and Procedures.
8. Coach, consult, and guide the commanding officers of the department; promote team work, quality and productivity, and continuous improvement of department work systems.
9. Assist members of the department by providing advice and interpreting policies and procedures of the department.
10. Participate in team meetings and provide feedback to the Chief of Police.
11. Conduct staff meetings with your team members, and utilize the principles of quality policing.
12. Notify the Chief of Police of major events within the City or adjacent jurisdictions and of significant injuries to employees of the department, whether on or off duty.
13. When called, respond to major incidents, and take command in the absence of the Chief of Police.
14. When assigned, represent the Chief of Police in other departmental matters, internally and externally.
15. Support the Constitution of the United States, the Constitution of the State of Wisconsin, and the Charter of the City of Madison.

**CAPTAIN OF POLICE**

1. Know, and comply with provisions of the MANUAL OF POLICY, REGULATIONS AND PROCEDURES.

2. Actively support the mission, policies, procedures, programs, objectives and philosophies of the department.
3. Meet and confer with other commanding and staff officers for the purpose of:
  - a. Identifying personnel working conditions which need improvement.
  - b. Recognizing and rewarding outstanding personnel performance.
  - c. Promoting teamwork and the continuous improvement of department work systems.
4. See that subordinate officers discharge their full duties and responsibilities; discover existing weaknesses within your area of responsibility, fix inadequacies when possible and see that corrective action is taken.
5. Perform operational inspection of work functions and staff inspection of administrative matters assigned to your command. This includes the inspection of, the adherence to, and compliance with the policies and procedures of the department.
6. Submit reports to the Chief of Police and your team leader, in prescribed form and detail, as may be required to actively reflect the problems, services and activities of your command.
7. Plan, organize and direct the activities of assigned personnel, and hold regular staff meetings utilizing the principles of quality leadership.
8. Be informed of the affairs and status of your team and inform your team leader of any unusual or major occurrences.
9. Maintain discipline in your command and insure compliance with the Complaint Acceptance and Investigation Policy.
10. Support the Constitution of the United States, the Constitution of the State of Wisconsin, and the Charter of the City of Madison.

**LIEUTENANT OF POLICE**

1. Know, and comply with provisions of the MANUAL OF POLICY, REGULATIONS AND PROCEDURES.
2. Actively support the mission, policies, procedures, programs, objectives and philosophies of the department.
3. Direct and supervise personnel assigned to your command.
4. In the absence of your Captain and/or when assigned by a higher ranking commanding officer assume the duties of that position.
5. Plan, organize and direct the activities of assigned personnel and hold regular staff meetings utilizing the principles of quality leadership.

6. Under direction of the Captain, assist with:
  - a. Personnel training.
  - b. Identifying working conditions which need improvement.
  - c. Preparing personnel evaluations when required.
  - d. Recognizing and rewarding outstanding personnel performance.
  - e. Promoting teamwork and the continuous improvement of department work systems.
  - f. Insuring the proper and economical use of department property and equipment.
7. Maintain uniformity of records, discipline, conduct and efficiency of all members under your command.
8. Discover existing weaknesses, fix inadequacies when possible, and see that corrective action is taken. Insure that subordinates discharge their full duties at all times.
9. Inspect the adherence to, and compliance with, the policies and procedures of the department.
10. Maintain discipline in your command and insure compliance with the Complaint Policy and Procedure Acceptance and Investigation Policy.
11. Support the Constitution of the United States, the Constitution of the State of Wisconsin, and the Charter of the City of Madison.

### **SERGEANT OF POLICE**

1. Know, and comply with provisions of the MANUAL OF POLICY, REGULATIONS AND PROCEDURES.
2. Actively support the mission, policies, procedures, programs, objectives and philosophies of the department.
3. Direct and supervise personnel assigned to you and utilize the principles of quality leadership.
4. In the absence of your Lieutenant (and/or when assigned by a higher ranking commanding officer) assume the duties of that position.
5. Perform operational staff and equipment inspections.
6. Monitor the submission of required reports.
7. Discover existing weaknesses, fix inadequacies when possible, and see that corrective action is taken.

8. Insure subordinates are discharging their full duties at all times.
9. Under direction of the Lieutenant, assist in the administration of:
  - a. Personnel training.
  - b. Improving working conditions for maximum efficiency and morale.
  - c. Preparing personnel evaluations, when required.
  - d. Recognizing and rewarding outstanding personnel performance.
  - e. Promoting teamwork and the continuous improvement of department work systems.
  - f. Insuring the proper and economical use of department property and equipment.
10. Observe and coach your subordinates in field situations, and be able to effectively evaluate their performance.
11. Maintain discipline in your command and insure compliance with provisions in the MANUAL OF POLICY, REGULATIONS AND PROCEDURES.
12. Support the Constitution of the United States, the Constitution of the State of Wisconsin, and the Charter of the City of Madison.

## **DETECTIVE**

1. Know, understand and comply with provisions of the MANUAL OF POLICY, REGULATIONS AND PROCEDURES. Adhere to policy and procedure in carrying out your duties where applicable. Actively support the policies, procedures, programs, objectives and philosophies of the department.
2. Perform assigned investigative duties and accept delegated authority with a minimum amount of direct supervision.
3. Study and apply sound investigative techniques and improve effectiveness.
4. Prevent or reduce the occurrence of crime (when not on specific assignment) through patrol, the use of social service systems, and advice to the community of crime prevention programs.
5. Communicate appropriate information to other police personnel and agencies concerning crimes, criminals, or suspects for proper coordination of the overall police effort.
6. Support the Constitution of the United States, the Constitution of the State of Wisconsin, and the Charter of the City of Madison.



**INVESTIGATOR**

1. Know, understand and comply with provisions of the MANUAL OF POLICY, REGULATIONS AND PROCEDURES. Adhere to policy and procedure in carrying out your duties where applicable.
2. Actively support the policies, procedures, programs, objectives and philosophies of the department.
3. Conduct laboratory functions in the identification unit as necessary, including, but not limited to:
  - a. autopsies
  - b. developing and printing films
  - c. latent fingerprint work
  - d. photographing and fingerprinting
  - e. recording and filing
4. Properly manage departmental property and other property in the custody of the Madison Police Department as outlined in the instructional procedure regarding property control, and as outlined in departmental policy manual.
5. Maintain and expand expertise and knowledge of the use of specialized lab and investigative equipment, and the proper maintenance of same. Report any equipment deficiencies immediately to your supervisor.
6. Respond and assist other departmental personnel in conducting investigations in which your technical skill and/or special equipment is requested.
  - a. This assistance will be for the purpose of collecting and preserving evidence in criminal investigations. This includes, when appropriate, diagramming the scene, photographing the scene, collecting, marking, and packaging evidence from the scene, as well as advising on investigative methods and procedures.
  - b. Respond to death investigations, if requested, and in the absence of a Detective, the Special Investigator will assist in the investigation.
  - c. Respond and conduct the primary investigation on all fatal traffic accidents. Assist in serious injury accidents to the level or degree determined by the field supervisor.
  - d. Assist in the investigation of accidents involving City of Madison owned vehicles, as requested.
7. On all investigations and/or assignments, submit reports as required under departmental reporting procedures.

8. Assist in providing specialized training at pre-service and in service academies, as well as individual on-the-job training of personnel.
9. Support the Constitution of the United States, the Constitution of the State of Wisconsin, and the Charter of the City of Madison.

### **POLICE OFFICERS**

1. Know, understand and comply with provisions of the MANUAL OF POLICY, REGULATIONS AND PROCEDURES. Adhere to policy and procedure in carrying out your duties, where applicable. Actively support the policies, procedures, programs, objectives and philosophies of the department.
2. Familiarize yourself with all possible aspects of your assignment, and strive for excellence in performing the duties so assigned.
3. Take appropriate action on all matters requiring police attention, whether in response to a specific assignment, by personal observation while patrolling an assigned district, or performing the tasks associated with other general assignments.
4. Direct efforts toward the development and reinforcement of good community-police relations. If assigned to a patrol district, meet periodically with representative community groups when possible.
5. Conduct thorough investigations on all assignments and submit complete reports in accordance with current departmental reporting procedures.
6. Inspect all assigned equipment at the beginning of a tour of duty to insure its sufficiency and proper operation, and report any deficiencies to your supervisor.
7. Support the Constitution of the United States, the Constitution of the State of Wisconsin, and the Charter of the City of Madison.

### **OFFICERS IN CHARGE – NOTIFICATION EXPECTATIONS**

In the event one of the following situations occurs, contact/notify the District Lieutenant, or the District Captain, if unable to contact the Lieutenant. Contact/notification shall occur whether the command officer is on or off duty, and shall be made as soon as possible. The District Detective Lieutenant shall be contacted as indicated below:

1. A homicide or attempt where death appears probable (contact On Call Detective Lieutenant [if after normal business day] or District Detective Lieutenant first).
2. A situation which requires an ERT call-up.
3. A situation which requires a S.E.T. call-up.

4. Significant incidents which may involve or concern an employee, on or off duty, e.g. serious injury or death of an employee, officer involved shooting or use of deadly force, serious disciplinary matters, allegation of or arrests for criminal violations, whenever an employee or immediate family member is a victim of a serious violent crime, etc.
5. Significant community issues/incidents which occur in a district and which require police attention or incidents involving “notable” persons.

When it appears additional detectives should be committed to an incident for which District Detectives have investigative responsibility, the District Detective Lieutenant should be contacted first, during the hours he/she is on duty.

If you are in doubt as to whether a call should be made, you should call. If you are unable to contact the appropriate District Commanding Officer, you should contact the Assistant Chief of Operations about the situation directly, or if unavailable, any district commander. If 4 above involves an employee not assigned to Patrol, the Commanding Officer of the officer involved should be contacted as well.

**4-300 UNIFORM STANDARDS****UNIFORMS****Military Style Uniform**

1. Officers will wear the military style uniform while on duty unless their assignment allows otherwise.
2. The uniform shall be kept clean and pressed and be worn complete with buttons, insignias, badge and nametag in place. The nametag will be worn by all uniformed personnel and will have the first name or initial and last name of the officers (no nicknames). The nametag will be worn above the right pocket, centered and even with the pocket. (See Addendum A for correct placement of insignia.)
3. The full military style uniform will consist of a uniform shirt with MPD patches on both shoulders, and uniform trousers.
4. Long-sleeve uniform shirts may be worn with a uniform tie or open at the collar without a tie. Short-sleeve uniform shirts will be worn open at the collar without a tie. When the uniform shirt is worn open at the collar, all but the top button will be buttoned.
5. When any uniform shirt is worn open at the collar, officers may wear only authorized tee-shirts that are white, navy blue or black in color. In addition, when wearing a long-sleeve uniform shirt, an approved mock or turtle neck, navy blue in color, with the collar folded once may be worn.
6. Uniform shirt sleeves will not be worn rolled up when in public view.
7. Authorized uniform trousers or shorts will be worn.
8. Uniform sweaters authorized for use as an outer garment may be worn over the military style uniform.
9. No pins, flags, tie tacks, tie bars (other than the approved silver or gold tie bar) or other such paraphernalia will be worn with the military style uniform unless approved by the Chief of Police.
10. Members of the Field Training Cadre may wear the field training pin with the military style uniform. The pin will be worn centered and directly above the name tag.
11. Members of the Emergency Response Team may wear the ERT pin with the military style uniform. The pin will be worn centered and directly above the nametag, or centered directly above the field training pin, if worn.
12. Officers who have received certain awards (Valor, Meritorious Conduct, Blue Star, Lifesaving) may wear the approved award pin with the military uniform. If only one award pin is worn, the pin will be worn centered above the highest other pin (nametag, Field Training or ERT). If two award pins are worn, the

pins will be worn side-by-side, above the name tag or Field Training pin (if worn), but below the ERT pin (if worn).

13. Service bars may be worn on long-sleeve uniform shirts, jackets and coats. One bar is authorized at the completion of each four years of service. (See Addendum A for correct placement.)
14. Approved footwear worn with the military style uniform will be black and must be kept clean and polished. When visible, socks shall be black or navy in color, except when a medical waiver is granted and approved by the Chief of Police.
15. Wearing of the uniform hat is optional, unless a commanding or supervisory officer requires that a hat be worn for a particular assignment. An approved MPD baseball cap, trooper hat, or stocking cap may also be worn.
16. Officers may wear an authorized outer jacket with the military style uniform. Chevrons and bars should be worn on the epaulets, not the collar.
17. When a uniformed officer directs traffic, the safety vest or orange side of the Spring/Fall jacket will be worn, whether in an on-duty or special employment status. The department-issued raincoat, with the orange side out may be worn instead of the traffic vest.
18. Only equipment which is authorized or approved by the department may be worn on or with the military style uniform. The following supplemental equipment is required while wearing the military style uniform.
  - a. A black belt with plain black, gold or silver closure.
  - b. Authorized weaponry as per the Police Weaponry Policy.
  - c. Authorized leather or nylon goods.
  - d. Any equipment as may be required by the officer's commander.

### **Bike Uniform**

Officers may wear the bike uniform only when assigned to ride departmental bicycles for the duration of their shift. The bike uniform will not be worn in lieu of the military style uniform. The bike uniform will consist of:

1. Approved MPD golf shirt, long or short sleeve, bearing the MPD logo on the chest and the words "Madison Police" on the back.
2. Approved athletic shorts, pants, shoes and black or navy blue socks.
3. Protective helmet.
4. Full duty belt, including weaponry as required in the Police Weaponry Policy.

### **Formal Uniform**

Officers will wear the formal uniform to all court appearances (including probation and parole revocation hearings), to special assignments or appearances with a high degree of public exposure, or any other time as directed by a supervisor. The formal uniform will consist of the military style uniform with the following restrictions:

1. Athletic or tennis shoes will not be worn.
2. Cotton trousers with cargo pockets will not be worn (traditional polyester or poly/wood blend trousers only).

### **Honor Guard Uniform**

The honor guard uniform will be designated in the Police Weaponry Policy and will be worn in accordance with that policy.

### **Blazer Uniforms**

1. The blazer uniform is authorized as an alternative uniform and may be worn by any commissioned personnel with the approval of a commanding officer.
2. Officers electing to wear the blazer may wear a shirt and tie from their own wardrobe, which is in line with contemporary business attire. Coordinated trousers are permissible with the blazer, however, only gray trousers may be purchased through the uniform account.

## **BODY ARMOR**

Body armor approved by the department may be purchased through the uniform account. Officers are responsible to insure that body armor is functional and does not interfere with performance of their duties. If the department has assisted in the purchasing of all or part of the officer's body armor and the officer's primary assignment is uniform field work, the body armor shall be worn. Exceptions will be at the discretion of the commanding officer.

## **BADGES**

Members of the department who are required to wear the military style uniform will have their assigned badge displayed on the outermost garment worn and shall carry their departmental identification card. Only department authorized badges may be worn on the military style uniform.

## **NON-UNIFORMED PERSONNEL DRESS**

1. Non-uniformed members of the department should recognize that their appearance and dress reflect upon the department in a manner similar to that of uniformed employees. Clothing will be neat and clean and in line with contemporary casual business attire. Inappropriate items include, but are not limited to: sweat pants, bib overalls, exercise leggings, tank tops, any tops with bare shoulders unless worn with another blouse, top or jacket, novelty or undergarment tee-shirt, novelty or team sweatshirts, athletic or cutoff shorts, athletic shoes unless solid black in color, sandals or any open toe shoe.

2. Headgear will be appropriate for the circumstances and surroundings of the particular work environment the person is engaged in at that time. It is inappropriate to wear caps/hats inside buildings for long periods of time.
3. The standard for court will be contemporary business attire. The minimum standard for a male officer would be dress shoes, pants, shirt and a sport coat, and for female officers, it would be dress shoes, blouse, pants or skirt, dress or suit.

## MISCELLANEOUS ASSIGNMENTS

### In-Service Dress

Officers will dress with clothing that is appropriate for the activities of the in-service.

### Special Duty Job

Officers working “special duty” jobs in uniforms will adhere to the “military-style uniform” policy and all other appearance policies.

### Specialized Unit Dress

The department has a number of specialized units (training, safety education, etc.) that have unique uniform clothing items which identifies them as Madison Police Officers. Officers shall wear clothing items that are appropriate for the assignment and within the parameters of the Madison Police Department policies.

## PERSONAL APPEARANCE REFERRAL COMMITTEE

1. A committee of five persons will be appointed by the Chief of Police to hear cases involving officers who are alleged to be in violation of this policy. The committee is to be composed of officers from the ranks of the department.
2. Upon being advised of an alleged violation, the member of the department shall comply with the request of the supervisor and may submit a request for a hearing on a buck slip within 48 hours to the Chief of Police.
3. The committee shall conduct a hearing with the officer and supervisor within five working days of receipt of buck slip.
4. The chairperson of the committee shall submit his/her recommendations and findings of fact to the Chief of Police within three working days of their meeting.
5. An officer’s decision to appear before the committee shall not be construed to be insubordination.
6. The committee will only review the alleged policy violation. They will not review the policy itself or other violations of policy.

**UNIFORM ACCOUNT**

1. Existing agreements between the City of Madison and the labor unions which represent uniformed personnel of the Madison Police Department spell out current provisions for use and administration of uniform accounts.
2. Commissioned personnel and some non-sworn members of the Department receive annual funding for approved uniform and/or equipment purchases. This money is added to the individual employee's account effective January 1st of each year and cannot be used prior to that date. Additionally, a set amount is defined in the respective labor agreement that may be carried over from the previous year for a maximum total uniform account balance. Items must be deducted from the year in which the City paid for the item, per existing federal accounting guidelines. As a result, uniform account items must be received and paid for by December 31 of each year to ensure that the item(s) will be deducted from the current year balance. Officers must order uniform items in compliance with the timelines set up for the fiscal year by the Comptroller's Office.
3. Individual uniform balance sheets are maintained for all personnel on Uniform Account which detail purchases and have a running current balance once items ordered are received and deducted. Personnel should check with the Purchasing Clerk in the Budget Section prior to ordering uniform items, to ensure that there are adequate funds in the employee account. Requests for uniform items may be made via e-mail, telephone, or in person. The appropriate purchase order form will be prepared and forwarded to the requesting employee. This form should be "in hand" before making a purchase.
4. Under no circumstances are employees permitted to exceed the amount available in their account. If an employee orders items which exceed the current account balance, he/she will be required to pay the difference out of pocket either directly to the vendor or to the City of Madison.
5. Personnel on the Monthly Clothing Allowance must pay for all uniform and equipment items out of pocket, since this allowance is meant to cover these expenses, unless there are remaining funds in the officer's uniform account during the year that the employee switches over to a monthly clothing allowance. Any remaining funds in the officer's uniform account will be set aside and may be used by the employee to purchase approved uniform items until the money is exhausted. The only exceptions are uniform and equipment items issued by the City as initial issue to members of specialized teams and the subsidy that the City honors toward the purchase of body armor.
6. Uniform Account funds may be used for authorized articles which need replacement due to normal wear in addition to those items needed to maintain an adequate inventory of clothing and equipment. Body armor is eligible for replacement after five years.



7. The Department Purchasing Clerk will issue a list of authorized uniform account articles by February 1st of each year. Any limits or restrictions on the purchase of certain equipment items by employees will be specified in this document. Personnel will be limited to purchasing ammunition (from the Uniform Account) for weapons that the officer is authorized and qualified to carry or for the purchase of match ammunition. Additionally, officers may purchase the following items from the uniform account on an annual basis.
  - a. One pair of binoculars
  - b. One Gerber multi-lock tool
  - c. One S&W SWAT knife
  - d. Two flashlights
  - e. One equipment bag
  - f. Two sweaters

An officer must have the approval of their Captain to exceed the limits described above, based upon an extenuating circumstance. The Captain shall review each officer request and provide written authorization, when appropriate, to the Police Department Purchasing Clerk.

8. Members assigned to listed specialized units will be provided with “initial issue” uniform and equipment items necessary to perform the duties of these positions at City expense. Replacement items will be the responsibility of the employee and may be purchased using the employee’s uniform account. This provision will apply to officers assigned to the Emergency Response Team, Special Events Team, Honor Guard, Forensic Services Unit, Arson Unit, Traffic Enforcement Safety Team Motorcycle Unit and Canine Unit.
9. The Chief of Police, Assistant Chiefs of Police, Captains of Police and Lieutenants of Police are authorized to purchase a dress uniform. These command officers may purchase this uniform using the Uniform Account or pay out of pocket if on a monthly clothing allowance. Each member of the Management Team is required to have one dress uniform available.
10. Officers authorized to use bicycles during their tours of duty are permitted to purchase approved uniform attire for this purpose from their individual clothing account.

#### **REPLACEMENT OF LOST, STOLEN OR DAMAGED EQUIPMENT**

1. If an item of department issued property is lost or damaged, the affected employee will forward a memo to their commanding officer detailing the circumstances of the loss. The commanding officer will review the circumstances and advise the Purchasing Clerk to replace the item.
2. If the commanding officer determines that the article was lost or damaged due to employee negligence or willfulness, the employee may be subject to

disciplinary action. Conduct constituting criminal damage to property may be prosecuted.

3. The City shall replace each employee's uniform articles damaged as a result of the performance of his/her duty.
4. All worn out or lost uniform and equipment items that are on the approved list of expenditures shall be paid for out of the employee's uniform and equipment account.
5. Personal watches damaged in the course of on-duty work and not through employee negligence, will be repaired or replaced to maximum cost of \$25.00
6. The department recommends the wearing of safety glasses, but other prescription glasses will be repaired or replaced at a reasonable cost for frames and lenses, if lost or damaged while taking police action. Employees desiring special frames or lenses (e.g., designer frames, ultraviolet or scratch-resistant lenses, etc.) will be responsible for the additional cost.
7. Contact lenses will be replaced if lost or damaged as a result of taking a police action.
8. Damaged or lost jewelry, such as beads, earrings, rings, bracelets, etc. will be the responsibility of the employee and the Department will make no repair or replacement.
9. Work-related equipment not issued by the department will remain the responsibility of the employee and no repair or replacement will be made at Department expense.

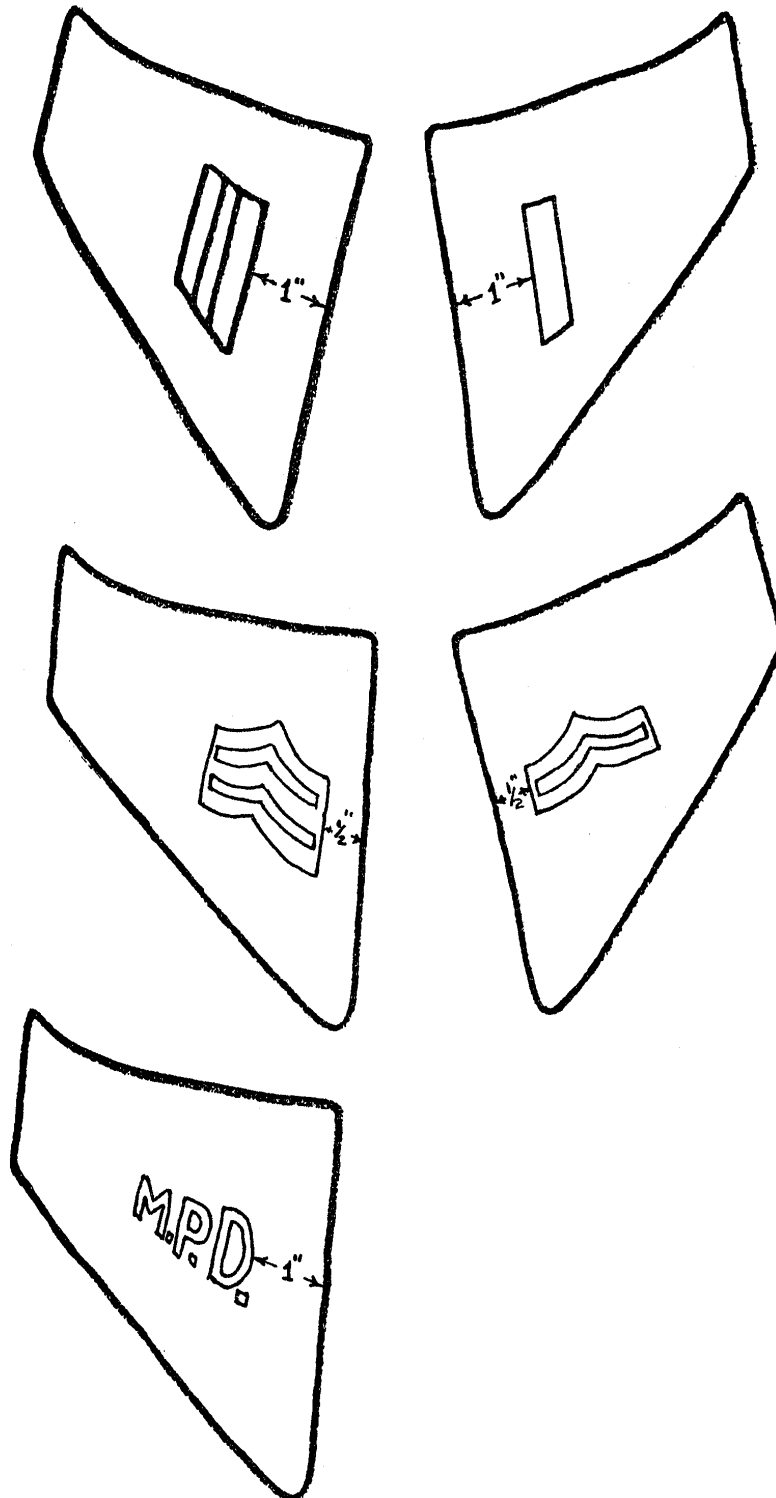
#### **UNIFORM AND EQUIPMENT DISPOSITION UPON TERMINATION OR CHANGE IN STATUS OF EMPLOYEE**

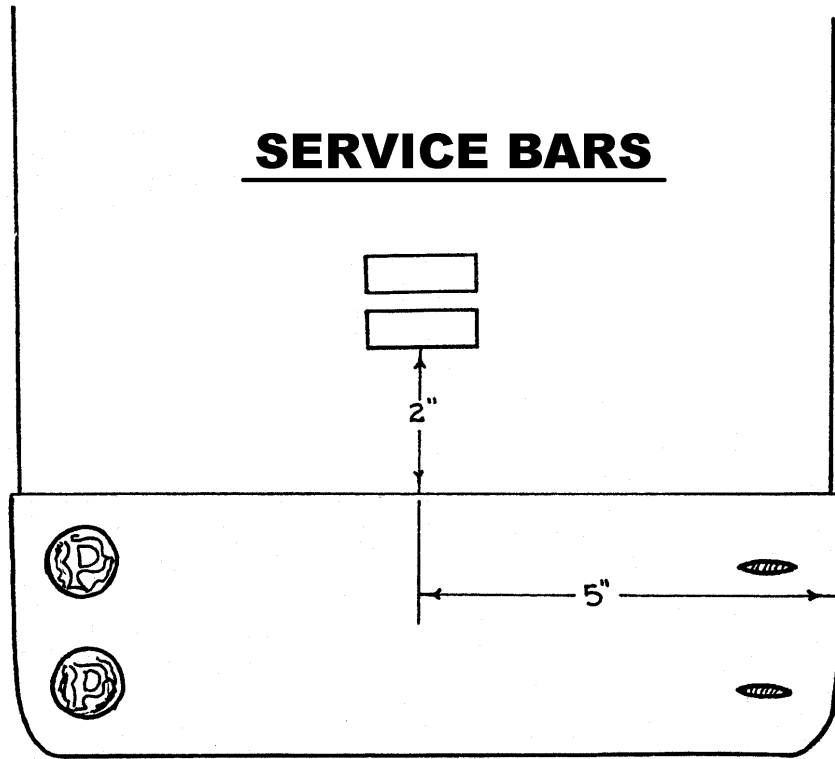
1. If an officer's change in assignment necessitates a change in dress, he/she should submit a buck slip to the Purchasing Clerk indicating their preference to change from uniform allowance to clothing allowance or vice versa.
2. Probationary Officers who terminate their employment with the department will be responsible for turning in all uniforms and equipment according to appropriate labor contracts.

ADDENDUM A

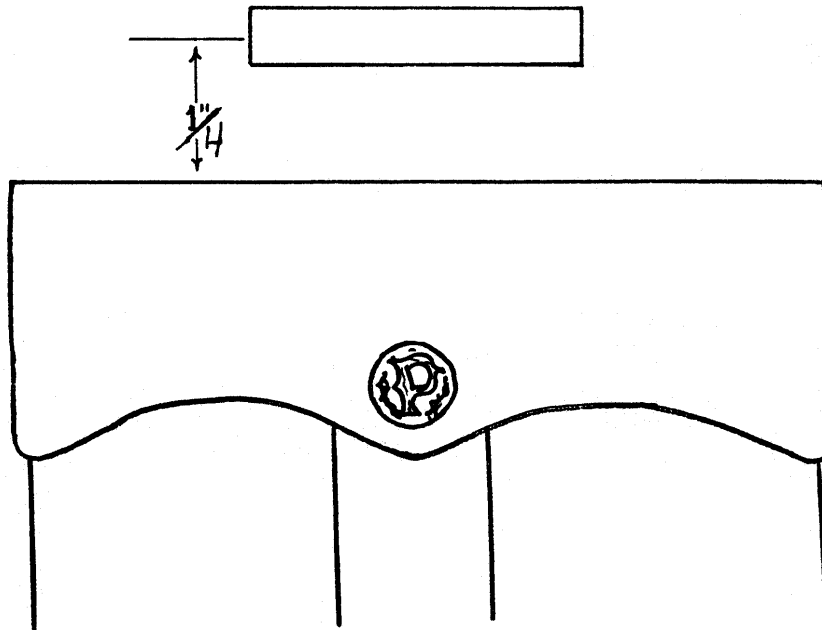
Collar Insignias

All insignias are to be centered between top and bottom of collar.





**NAME TAG POSITION**



## 4-400 PERSONAL APPEARANCE

All members of the department are visible representatives of the City and its Police Department. Therefore, during duty hours, clothing and grooming should be neat and clean. All policies apply to both uniformed and non-uniformed officers unless otherwise specified.

### PERSONAL HYGIENE

It is the responsibility of all employees to ensure that their body and clothing is kept clean to prevent offensive odor.

### TATTOOS AND BRANDING

1. Visible tattoos on the ears, head, face or neck area are prohibited.
2. Officers with tattoos/branding may be required to keep them covered if they are unsightly or offensive.

### FINGERNAILS

1. Fingernails will be no longer than one-half inch from fingertip.
2. Fingernail color will be in good taste and subdued in appearance.

### HAIR

1. Hair will be neatly trimmed, clean and styled.
2. All styles must not detract from the employee's appearance as a professional. Extreme haircuts such as tracks, designs, decorations, sculptures cut into the hair, cornrows and Mohawks are prohibited.
3. Extreme or unnatural hair colors are prohibited.
4. If wigs and hair pieces are worn, they must conform to the established grooming standards.

### HAIR LENGTH

1. Uniform officers' hair will not extend more than two inches beyond the bottom of the shirt collar at the center of the back, and will not interfere with the wearing of a uniform hat/cap.
2. The length and/or bulk of an employee's hair shall not be such that it presents an unprofessional, unkempt, or neglected appearance.

### HAIR ACCESSORIES

1. Hair accessories that may be worn include bobby pins, hair bands, and hair clips.

2. Hair bands worn by uniformed officers must be of a solid color of white, black or navy blue.
3. Hair clips worn by uniformed officers must be a plain shape and in the color of white, black or navy blue, or natural hair color.
4. Decorative or fashion hair accessories not mentioned above are prohibited by uniformed officers.

## **SIDEBURNS**

Sideburns will be neatly trimmed and tapered in the same manner as the haircut. They will be evenly trimmed on each side of the face.

## **MUSTACHES AND BEARDS**

1. Officers may wear beards, Vandyke goatees, mustaches or other arrangements that when maintained in a neat, clean manner, present a groomed appearance.
2. Facial hair shall not exceed one and one half inches in length.

## **JEWELRY**

1. Officers may wear one stud/post earring in each earlobe, but the earrings cannot be larger than 5mm.
2. Uniform officers shall not wear any visible necklace, unless authorized by the department (i.e., ID chain).
3. Officers may wear one wrist watch.
4. Uniform officers shall not wear bracelets unless it is a medical bracelet.
5. Officers may wear two rings, but cannot have a height of over one half inch from the top of the finger.

## **BODY PIERCING**

The wearing of body piercing jewelry, other than allowed earrings, is prohibited in body areas that are visible to the public.

## 4-500 POLICE WEAPONRY

This policy defines authorized handguns, holsters, allowable alterations to handguns, and rifle use.

### HANDGUNS

#### **Shall be carried on duty as herein provided.**

Officers will qualify in accordance with department standards with any handgun carried on or off duty. No officer will be simultaneously qualified to carry revolvers and semi-automatic pistols. Unless used as a secondary weapon, an officer may not be simultaneously qualified with more than one brand of semi-automatic pistol. This restriction does not apply to a secondary weapon.

Officers will qualify with their secondary weapons at the same time they qualify with their primary weapon. Officers will be required to draw their weapon, in the qualification course, from the concealed carry position utilized on duty. The method of carry must be approved by the Training Team at the time of qualification.

The carrying of any other brand of revolver or semi-automatic handgun must meet specifications and be approved by the Chief of Police or designee in advance. Secondary weapons are intended only as an emergency backup weapon in the event the primary weapon is lost, non-functional or inaccessible to the officer. Those secondary weapons in .380 caliber may be carried as an off-duty weapon but would not be authorized as a primary duty weapon.

Any officer transitioning to a new duty or secondary weapon, must successfully qualify with that weapon prior to use on or off duty. Any officer transitioning to a new holster, or carrying method must successfully qualify with that holster or method prior to use on duty.

#### **Specifications for Primary Duty Firearm**

The approved primary duty handguns for members of the department will be:

1. Glock Models 17 (9mm), 19 (9mm), 26 (9mm), 22 (.40 cal.), 23 (.40 cal.), 27 (.40), and 21 (.45 cal.) and 30 (.45 cal.) equipped with either the 8 lb. trigger connector or the 5 lb. trigger connector with the standard New York spring.
2. Any Officer that carries a Glock Sub-Compact Model as their primary duty weapon must use a magazine extender when in Military Uniform.

Officers currently qualified with other handguns, either revolver or semi-auto pistols will be allowed to continue to remain qualified with those weapons authorized in policy as of January 1, 1996. Those officers wishing to change primary firearms after this date will be required to change to the approved Glock models above.

The Training section will determine what weapon model all newly hired officers will carry while on probation.

Detectives, Plain-Clothed, and Undercover Personnel: When the officer's duties take him or her outside an MPD facility the weapon shall be fully concealed and the employee shall not be readily identifiable as a police officer (i.e., no badge or MPD logo visible).

### **Specifications for Secondary or Off-Duty Firearms**

1. For those currently qualified on revolvers as a primary duty weapon, the specifications are:
  - a. Revolver Specifications:
    - i. Smith & Wesson brand
    - ii. Six-shot capacity
    - iii. Barrel length of 3 inch minimum - 4 inch maximum
    - iv. Steel frame
    - v. Double action
    - vi. Capable of firing a .38 special cartridge
    - vii. Round or square butt
    - viii. Fixed or adjustable sights
    - ix. Blue or stainless steel finish, other finishes must be pre-approved by the Captain/Personnel and Training Team
  - b. Additional Revolver Specifications for Plainclothes / Blazer / Headquarters assigned personnel:
    - i. 5 or 6 shot capacity
    - ii. Barrel length of 2 inch minimum - 4 inch maximum
  - c. Secondary Weapon Specifications
    - i. Revolver
      - (1) 2" Barrel minimum - 4" maximum
      - (2) 5 or 6 shot capacity
      - (3) Smith and Wesson brand
2. For those currently qualified on a semi-auto pistol as a primary duty weapon specifications are:
  - a. Smith & Wesson, Sig Sauer, Glock, Beretta or Walther brand



- b. Double action or Safe action Glock as specified above
- c. Semi-automatic action only
- d. .380, 9mm, .40 caliber or .45 caliber

### **General Specifications**

Officers may carry any authorized handgun while off duty but are responsible for knowing and acting in accordance with the Off-Duty Officer Responsibilities policy.

Legal permission to carry a weapon is vested in the authority of a police officer, however an officer may only carry a concealed weapon(s) authorized by this policy while off duty.

No weapon may be worn off duty when an officer is consuming intoxicants. See the Use of Intoxicants/Controlled Substance policy and Wisconsin Statute 941.20(1)(b) which prohibits any person from carrying a firearm while intoxicated.

The Chief of Police may authorize special weapons and/or ammunition to be carried by E.R.T. officers while engaged in E.R.T. operations.

Officers shall not carry more than two handguns.

Only department-authorized service ammunition shall be carried on or off duty.

No modification, alteration, or installation of any part in any authorized firearm shall be made without the approval of the Captain of the Personnel and Training Team or designee. Firearms with actions altered beyond established safety guidelines are not permitted. Trigger shoes are not permitted. Non-standard grips must be approved by the Captain of Personnel and Training Team or designee. Officers shall not disassemble their weapons beyond the basic "field strip" unless the officer is a certified armorer for that particular weapon.

Handguns will not be available for purchase through the department, however officers may obtain a letter from the Personnel and Training Team confirming Police Officer status and may have the weapon sent directly to the department provided all costs are paid in full prior to shipment.

All officers are required to carry a fully loaded weapon and a minimum of six extra rounds of department-issued service ammunition when armed with a revolver on duty or one extra magazine fully loaded with department-issued service ammunition when armed with a semi-automatic pistol on duty.

Only officers who use speedloaders during firearms qualification may carry them.

Officers are only authorized to use magazines designed and marketed by the manufacturer of the weapon being carried.

### **HOLSTERS**

1. The department will provide the initial issue duty holster to all new employees. Officers may purchase other approved holsters through their

uniform and equipment account. The department will replace duty holsters that are damaged in the course of duty.

2. Officers, when authorized, may purchase, at their own expense, a non-issued holster meeting the following specifications with approval from the Captain of Personnel and Training Team or designee:
  - a. Uniformed Field Personnel shall carry a holster which is designed to secure the specific weapon carried. The holster will be plain black, have a safety strap which covers the hammer, and possess characteristics which secure the weapon so as to withstand strenuous activity whether snapped or unsnapped. The holster will have solid belt loops and allow a handgun to be reholstered and secured with one hand.
  - b. Uniformed headquarters-assigned personnel shall carry a holster which is designed to secure the specific weapon being carried. The holster will be plain or basket weave, black in color, with safety strap and be capable of securing the weapon so as to withstand strenuous activity whether snapped or unsnapped.
  - c. Plain Clothes/Blazer or Off-Duty Personnel shall carry a holster designed to secure the specific weapon being carried. The holster will be equipped with a safety strap or some other means of securing the weapon so as to withstand strenuous physical activity.
3. Holsters are to be worn in the standard “strong-hand” side position.
4. Shoulder holsters which meet the following specifications are authorized:
  - a. The holster will hold the handgun in a vertical position, with the muzzle pointed towards the ground.
  - b. The holster will be worn in the manner intended by the manufacturer, and secured to the waist belt.
  - c. The holster will have the capability of allowing the handgun to be returned to the holster with one hand.
  - d. The holster will be equipped with a safety strap or other means of securing the weapon so as to withstand strenuous physical activity.
5. Captains may permit subordinate officers to carry a holster that deviates from the above, or authorize other means of carrying their weapon; such permission shall be in writing and placed in the employee’s personnel file.
6. Secondary weapons must be holstered and fully concealed on the torso in such a manner as to remain secure during vigorous physical activity.

**DRAWING THE HANDGUN AND CONFRONTING SUSPECTS**

1. A handgun may be removed from its holster in the performance of duty under the following circumstances and only with the finger outside of the trigger guard:
  - a. When it is necessary to secure in a safe place or check on the serviceability of the weapon.
  - b. At an approved range.
  - c. When an officer reasonably believes that the potential for the authorized use of deadly force may exist.
2. Confronting Suspects with Drawn Handgun
  - a. The handgun will be in double action mode and the weapon will not be cocked.
  - b. The finger will remain outside of the trigger guard until such time as circumstances exist which reasonably indicate a danger to life or of great bodily harm.
  - c. After being fired, a semiautomatic pistol may remain in the cocked/single action mode until such time as the immediate threat of death or great bodily harm has been neutralized. The weapon will then be restored to double action mode by use of the decocking lever.

**DEPARTMENT RIFLES / ADMINISTRATIVE GUIDELINES**

1. Officers will only use department issued rifles.
2. Only officers who qualify during training will be issued and/or authorized to use department rifles and will use them in accordance with department training and policy.
3. Rifles will be mounted only in Patrol, TEST, Task Force, ERT and any other vehicles approved by the Chief of Police or his/her designee.
  - a. Rifles transported in police vehicles shall be secured in the mounting brackets provided or cased in trunks, have an empty chamber, have the safety on, and a 30-round magazine loaded with 18 rounds of department-issued ammunition, inserted in the magazine well.
  - b. Officers using vehicles equipped with rifle mounting brackets shall insure that a serviceable rifle is properly secured in the bracket at the start of their shift.
4. Officers will not alter rifle sight settings. If, during an administrative check, officers discover the sights have been altered, the rifle will be immediately taken to the OIC and exchanged for a serviceable rifle.

5. Rifles shall be properly and regularly serviced by assigned department rifle maintenance persons or armorers.
  - a. If an officer's rifle becomes fouled, is suspected of having any partial or complete barrel obstruction, or is otherwise not in a serviceable condition, it shall be immediately made safe and exchanged for a serviceable rifle. The OIC or his/her designee, or district supervisor, shall promptly notify in writing to the Sergeant of Training the suspected problem and request service for the weapon.
  - b. Upon notification of an unserviceable rifle, a department rifle maintenance officer or armorer shall take steps to return the rifle to a serviceable condition and make it available for use as soon as possible.
6. Rifle service assignments and records shall be maintained by the Captain of the Personnel and Training Team or his/her designee.
7. Rifles shall not be used to dispatch animals except in emergency situations or approved by a supervisor.

#### **Rifle Safety Procedures**

1. Rifles shall at all times be handled in accordance with department training, policy and established safety procedures.
2. When inspecting, loading or unloading rifles, officers shall:
  - a. Insure the safety is on.
  - b. While seated in the front passenger compartment of a police vehicle, place the muzzle toward the engine and away from any portion of an officer's body.
  - c. Remove the magazine.
  - d. Pull the charging handle to the rear and lock the bolt back by depressing the lower half of the bolt catch. If a round is in the chamber, it should be ejected by this action.
  - e. Visually inspect the chamber to see that it is empty, keeping fingers out of the ejection port to prevent injury.
  - f. Close the action by pulling the charging handle to the rear and then releasing it.
  - g. Inspect the magazine. Ensure the magazine is NOT fully loaded as a malfunction may result in that condition. The stack of rounds should depress at least a ½ inch. Then insert the magazine into the magazine well. Tug aggressively down to insure the magazine is properly seated.
  - h. Close the dust cover.

- i. Inspect the sights to insure they have not been altered.
  - j. Secure the rifle in the vehicle mounting bracket.
3. If removing a rifle from a police vehicle inside a police facility, follow steps one through five above.
4. In police vehicles so equipped, the prisoner transport screen shall be in the up/closed position when transporting prisoners, suspects, or persons under protective custody.

### MISCELLANEOUS WEAPONRY

1. Uniformed field personnel shall have immediately available, and may carry only a department-authorized baton.
2. All uniformed field personnel are required to carry department authorized chemical agent. Carrying of department-authorized chemical agent is optional for non-field personnel.
3. The use or carrying of any non-department issued baton, sap, palm sap, sap gloves, or similar device or instrument is prohibited.
4. The use or carrying of any non-authorized firearm, electronic control device, ammunition, chemical agent, or agent-dispensing device is prohibited.

### FIREARMS IN THE DANE COUNTY COURTHOUSE

It is the policy of the Madison Police Department to actively participate in the safe and secure operation of the Dane County Courthouse (DCC). Courthouses are locations where disputes involving the most volatile human emotions are resolved, and thus can create unique potential dangers. Madison Police Officers shall recognize this environment and exercise extreme care when bringing a firearm into the Dane County Courthouse.

1. On-duty MPD sworn employees performing official duties are authorized to carry firearms in the DCC regardless of attire (i.e., military, utility, professional uniform or civilian).
2. On-duty employees shall:
  - a. Wear a visible breast/pocket badge if wearing the military, utility or professional uniforms. While in civilian attire, a pocket badge and/or MPD ID card shall be displayed on the outer garment.
  - b. Wear an agency-approved holster and adhere to all Department firearms safety and weapon retention procedures.
  - c. When in civilian attire, wear an outer garment (coat, jacket, vest) to cover the firearm. A badge on a belt clip or MPD ID card shall be displayed near the firearm.

- d. Have MPD-issued identification on his/her person and produce this identification to Sheriff's staff or weapons screener upon request.
  - e. Officers engaged in undercover activities are exempt from the above visible identification requirements and may provide weapons screening staff with other evidence of law enforcement status.
3. On-duty employees entering the DCC through the main entrance on Hamilton Street shall, upon request of Sheriff's staff or a weapons screener, provide proper identification and state the reason of the visit and sign-in. If an employee is not on official business, his/her firearm shall be secured in a gun locker near the main entrance, and he/she shall submit to weapons screening procedures.
  4. Off-duty employees requiring access to the DCC for the purpose of attending to personal business shall enter the DCC through the public entrance on Hamilton Street and will submit to weapons screening. If armed, they will be required to secure their firearm in a gun locker near the main entrance and will be required to submit to weapons screening procedures. MPD employees who are not on duty and not on official business are not authorized to carry firearms in the DCC.

**4-600 IDENTIFICATION OF POLICE OFFICERS**

The department and the community have a legitimate concern that commissioned employees not in uniform provide proof of identification. Any contact between any employee and a citizen results in obligations and responsibilities for both parties. It is extremely important that there be no doubt in the minds of citizens that they are dealing with a police officer and that they be protected from individuals who would impersonate a police officer. To provide these protections and to stress the importance of identification, it is required that:

1. Officers on or off-duty and not in full police uniform identify themselves as police officers prior to taking any enforcement or corrective action. This also applies to gathering any police information, unless the assignment by its nature (e.g., undercover activities) precludes such identification.
2. Commissioned employees identify themselves by name, rank and badge/employee # when requested to do so.
3. Plain-clothes officers on duty offer their badge and department I.D. for examination to all persons whom they officially contact.
4. A police officer in full uniform present a department identification card if identity is questioned by a citizen who, the officer feels, is sincere in the request and honestly has doubt about the officer's identity.
5. On-duty plain-clothes officers pin or affix their badge on their outer garment when involved in a police group action where their identity may be questioned by either citizens or other police officers.

**4-700 OFF-DUTY OFFICER RESPONSIBILITIES**

Off-duty police officers have the same peace officer authority under Wisconsin Statute 62.09(13) as they have when on duty, namely to take action in any situation where a public offense has been committed, or where there is probable cause to believe a public offense has been committed, or where there is an immediate danger to person or property and the perpetrator of such offense is likely to escape. However, off-duty officers should:

1. Not take advantage of their police authority in circumstances arising from their own quarrels, those of their families, or those of their neighbors, unless serious circumstances exist.
2. Be aware that the provisions of the Identification of Police Officers Policy require that police officers not in uniform identify themselves prior to taking any enforcement or corrective action.
3. When outside normal jurisdictional limits, first give consideration to notifying the responsible law enforcement agency. Normally, unless an officer witnesses a serious crime, or there is an immediate danger to person or property, the officer should defer to the responsible law enforcement agency.
4. Not arrest traffic violators on sight, except when the violation is especially flagrant or involves an accident or driving under the influence of intoxicants.
5. Be aware that when an officer elects to take action pursuant to those circumstances enumerated in this policy the officer is actively engaged in the performance of his/her duties, and conduct is governed by the policy, regulations and procedures of the department.



## **4-800 TEMPORARY RESTRICTED DUTY ASSIGNMENT**

When an employee's ability to perform responsibilities of a sworn law enforcement officer is temporarily limited by reason of a physician-certified medical condition, (e.g., illness, injury, pregnancy), the department will attempt to provide a temporary restricted duty assignment, when meaningful assignments are available. The temporary restricted duty assignment work days and hours will be determined by the needs of the department.

### **TEMPORARY RESTRICTED DUTY PROCEDURE**

In order to qualify for initial assignment and continued participation in a restricted duty assignment, employees shall:

1. Promptly notify their Commanding Officer and shift OIC of any existing medical condition that could limit their ability to perform the responsibilities and duties of a sworn law enforcement officer.
2. Obtain prior approval of your commanding officer or the shift OIC for temporary restricted light duty assignment.
3. Notify their physician of the possibility of temporary restricted duty assignment and promptly schedule appointment to obtain written verification of limitation.
4. Notify their Commanding Officer of any changes in their medical conditions, or of any condition that could potentially require special medical attention while on duty.

### **CRITERIA FOR TEMPORARY RESTRICTED DUTY ASSIGNMENTS**

Employees may be assigned temporary restricted duty if the above criteria are met and:

1. A physician outlines limitations due to employee's medical condition.
2. The restricted duty assignment is in the best interest of the department; the assignment is to specific work which should be done and would not be done or would be indefinitely postponed otherwise.
3. The assignment is for a reasonable period of time, depending on the employee's particular circumstances.

### **PART-TIME RESTRICTED DUTY**

Employees may be returned to less than full time restricted duty when the criteria outlined above are met and the assignment could reasonably enable rehabilitation.

**TIME OFF**

Employees shall be granted vacation, COA, Sick leave, disability leave and/or wage insurance benefits in accordance with applicable labor contracts and/or City Ordinances.

**RETURN TO FULL DUTY**

Employees shall be returned to full duty status upon a physician's written certification.

**RESTRICTED DUTY SUPERVISION**

The Captain of Personnel and Training shall coordinate temporary restricted duty assignments consistent with the needs of the Department. Other Commanders will contact the Captain of Personnel and Training to request the services of temporary restricted duty employees.

**RESPONSIBILITIES OF COMMANDING OFFICERS REFERENCE RESTRICTED DUTY**

Commanding Officers of those officers assigned to restricted duty have the responsibility to ensure systems coordination for payroll, personnel issues and for receiving and reviewing medical reports.

1. Payroll records of restricted duty officers will continue to be maintained by their shift supervisors.
2. It will be the responsibility of the officer to coordinate with their commanding officer to schedule workdays, hours and absences.
3. Employees assigned to temporary restricted duty shall submit a physician certified medical report regarding their medical status and progress toward full duty at least every 60 days or as required by their commanding officer.

Commanding officers having employees expected to be assigned to long term restricted duty may transfer, when mutually agreeable the above responsibilities to another team where the officer is expected to work for the unforeseen future.

**RESTRICTED DUTY GUIDELINES**

Officers serving in a restricted duty status generally receive assignments that place them in positions that minimize direct officer-to-person contact with the public. Officers shall not to wear military style uniforms, display badges, carry guns, or operate a marked vehicle without prior written authorization of Captain of Personnel and Training.

1. Written exceptions to this policy may be made by the Captain of Personnel and Training on a case-by-case basis at the time the officer reports for a restricted duty assignment.
2. The Captain of Personnel and Training may make appropriate exceptions after conferring with the commanding officer of the restricted duty employee and reviewing the physical capabilities of the officer, nature of the

assignment, and evaluating all potential safety risks of the officer, colleagues, and the public. Appropriate forms for this purpose are attached to the "Restricted Duty Procedure" information sheets available in the OIC's office.

**RESTRICTED DUTY OFFICERS PROHIBITED FROM SPECIAL EMPLOYMENT**

Officers assigned to temporary restricted duty will not allowed to work special employment until a physician's written certification is received stating the employee may return to full duty status.

**4-900 OUTSIDE EMPLOYMENT****SPECIAL DUTY****Scope**

All police functions performed by members of the Madison Police Department fall within the authority and responsibility of the Chief of Police, and will remain under his/her control at all times.

All requests made by agencies, whether public or private, for commissioned personnel to act in their capacity as police officers for special duty employment, will be directed to the Chief or designee and processed through official channels. The Chief or designee will determine, in each case, the desirability of such employment and the conditions under which it will be performed. There will be no individual contracts for services. All employment while functioning in the capacity of police officer is prohibited, unless specifically authorized by the Chief or designee.

Requests for special duty employment for employees are subject to the provisions of 3.47(5) of the Madison Municipal Code. The following policy and procedures will be employed to implement the mandates of the Code.

**Criteria for Assignment**

Each special duty request will be individually considered to insure that duty is only authorized in compliance with this policy. In considering a special duty request, the Captain of the Personnel and Training Team, or designee, will insure a conflict with the public's interest does not exist prior to the assignment of officers.

Special duty employment will not be approved when:

1. A labor dispute is involved.
2. The special duty requestor would, in any way, restrict the officer from performing his/her duty as a police officer.
3. The officer would be involved in pictures or advertising endorsing commercial products while he/she is identified as a Madison Police Officer.
4. The requested special duty would have an adverse impact on the reputation of the department.
5. Employment is outside the city. (Exceptions may be made for other governmental agencies).
6. The special duty employment does not help accomplish the objectives of the department.

Careful review will be given any request for special duty employment when the prospective employer holds any license issued by the City of Madison, to help insure the requested service does not conflict with the public's interest.

## **Requests for Special Duty Employment**

All requests made to the department for special duty employment of police officers must be referred to the Captain of the Personnel and Training Team, (P&TT) or designee for processing. It will be the responsibility of P&TT to insure that State Statutes, City Ordinances and department Policies are adhered to in these assignments. All violations observed by departmental personnel shall be brought to the attention of the officer's commanding officer for investigation. The Captain of P&TT, or designee, will determine the desirability and necessity of making an assignment based on the type of service desired, the nature of the requesting organization, and the possibility of the need to assign regularly scheduled personnel to the request. If special duty employment is appropriate, assignments will be made so as to fairly distribute the assignments among those officers who desire such employment. To this end, the Captain of Personnel and Training Team or designee shall maintain special duty employment records.

## **Assignments for Special Duty Employment**

Provided that special duty employment requests from organizations are received sufficiently in advance of the requested service, or in the event that the requested service will extend over a significant period of time, the person designated by the Captain of P&TT shall post notices in the Locked Bulletin Board and fax a notice to other decentralized districts to inform all interested officers that the assignments are available. The notice will indicate the date(s), hours, and nature of the assignment. Officers interested in a specific assignment or assignments can then sign up for that assignment in the special duty book maintained in the Executive Section. Requests by an organization or employer for a specific officer(s) will be reviewed by the Captain of P&TT. The employer's specific reasons for requesting a particular officer(s) will be balanced against the need to distribute such opportunities equitably.

## **Applicability of Department Policies, Regulations and Procedures**

All department regulations, policies and procedures apply to special duty employment as they would if an officer was on regularly assigned duty.

## **Responsibility for Compensation**

Organizations who request commissioned personnel, pursuant to the special duty employment policy, do so because of the need for authority vested in police officers. They request officers for specified periods of time, and at a specified rate of pay. The organization is then billed by the City for the work of the officers during the specified hours of the special duty employment.

The department, however, recognizes that certain police action which occurs during special duty employment may require the officer to work beyond the specified hours. In such cases, the department will compensate the employee at time-and-one half for the actual time worked in excess of the hours of special duty employment, provided:

1. The completion of work is necessary prior to the employee's next work day; and,

2. The completion of the work is authorized, in advance, by the Officer-in-Charge.

In no case, however, will compensation be appropriate from both the special duty employment and regular duty employment for the same period of time.

## **OUTSIDE EMPLOYMENT IN A NON-POLICE CAPACITY**

Part-time employment for Police Department employees is subject to the provisions of Section 5.03(2), 3.35(19) & 3.47(5) of the Madison Municipal Code. The following policies and procedures will be employed to implement the mandates of the Code.

It is the policy of the department to permit employees to engage in part-time employment only if the employment does not interfere with nor diminish their ability to perform Police Department duties, and is in keeping with the high standards and dignity expected of City employees.

No employee is permitted to work additional employment of any type exceeding fifteen (15) hours per week.

Before any employee is permitted to engage in part-time employment, permission of the department must be obtained through the following procedure:

### **Approval Process**

Requests for permission to engage in outside employment must be submitted on an "Outside Employment Form" to their Commanding Officer. The Commanding Officer will investigate to see if the request is in keeping with the department policies. The following will be considered:

1. The nature of the employment, including the hours, location and the personal and professional hazards involved.
2. The anticipated effect the employment will have on the employee's ability to perform departmental duties.
3. The degree to which the employment meets departmental standards.

Requests to engage in outside employment for an establishment holding a Class B permit or Class A or B liquor license, for employment as a cab driver, insurance investigator, or for employment with a firm that holds a municipal license shall receive careful review to assure the employment does not conflict with public interest or present the appearance of favoritism towards the firm. Employment will not be approved in any other capacity that is not in keeping with the high standards expected from a department employee.

The Commanding Officer will forward the request, together with a recommendation and rationale, to the Chief of Police for action. The Chief of Police will confirm or deny the request and direct that the original copy be returned to the individual. One copy of the request will be placed in the personnel file and one copy will also be

maintained in the outside employment folder by the Captain of the Personnel and Training Team.

Any employee engaged in outside employment in a non-police capacity will submit a report to their Commanding Officer annually in January, and at any other time there are any changes in the nature and conditions of employment. The Commanding Officer will review the desirability of permitting said employment to continue. At any time the Commanding Officer determines, for any reason, that it is not in the best interest of the department to permit an employee to continue outside employment, the Commanding Officer shall inform the employee of that fact. The Commanding Officer shall then prepare a report of the reasons for this determination, and submit the report to the Chief of Police for action. The employee involved will be permitted to submit a statement with the Commanding Officer's report. If the Chief determines that continued outside employment by that employee is not in the best interest of the department, the Chief shall order the employee to terminate the outside employment.

**4-1000 POLITICAL ACTIVITY**

Police officers share the individual right to engage in political and other protected first amendment activity. However, police should not use their authority or the indicia of office, such as the uniform or title, for this purpose because of its inherently coercive nature; nor should they engage in collective political activity which compromises their ability to view objectively conflicts with which they may be called upon to deal.

Madison City Ordinance specifically regulates political activity by members of the Police and Fire Departments. All police officers should familiarize themselves with the provisions of 3.47(8) (1995):

“(8) Political Activity.

- (a) No employee while on duty or on official City business shall, for the apparent purpose of influencing the outcome of any referendum, or improving the chance of election of a person seeking elective office:
  - 1. Wear or display an campaign material.
  - 2. Distribute any campaign material.
  - 3. Solicit, receive or give subscriptions, contributions or service for any candidate or referendum position.
  - 4. Actively campaign for any candidate or any referendum position.
- (b) No employee while on duty or other official City business or off duty shall in any way coerce or attempt to coerce subscriptions, contributions or service from subordinate employees in support of a political party or a candidate for elective office or for or against a referendum position, or retaliate against or reward an employee for refraining from participating in any political activity. No employee on or off duty shall use her or his title or position or indicia thereof in any elective political activity.
- (c) This subsection does not apply to a response by a legal custodian or subordinate of the custodian to a request to locate, reproduce or inspect a record under Sec. 19.35, Wis. Stats., if the request is processed in the same manner as the custodian or subordinate response to other requests to locate, reproduce or inspect a record under such section or to an employee providing other information within the knowledge of the employee by virtue of her or his City position if such information is made equally available upon request to any other person.
- (d) Police Officers and Firefighters shall observe the applicable rules of the Police and Fire Departments relating to political activity.



- (e) No elected official or candidate for a City elected office shall promise an appointment to any municipal position as an apparent reward for any political activity.
- (f) Pursuant to 5 U.S.C. Sec. 15.02, employees who positions are federally funded in whole or in part may not be candidates in partisan elections without first being granted an unpaid leave of absence.”

## 4-1100 PROMOTIONAL PROCESS

### ELIGIBILITY REQUIREMENTS

#### Eligibility Requirements for the Rank of Detective or Investigator

Four (4) years or more Police Officer experience with MPD from the date of hire to the starting date for the Investigative Academy.

#### Eligibility Requirements for the Rank of Sergeant:

1. Five (5) years or more experience as a Police Officer on MPD, or
2. Four (4) years or more experience as a Police Officer on MPD and one (1) year or more experience as a MPD Detective or Investigator.

#### Eligibility Requirements for the Rank of Lieutenant:

1. Detectives, Detective Supervisors, and Investigators: five (5) or more years of experience in rank before the starting date of the Quality Leadership Academy.
2. Sergeants: two (2) years or more of experience in rank before the starting date of the Quality Leadership Academy.

#### Eligibility Requirements for the Rank of Captain and Above:

Only candidates presently holding the rank of Lieutenant or above will be considered. There are no minimal time in rank requirements. The process for promotion to the rank of Captain or above will be determined by the Chief.

### DESCRIPTION OF THE EIGHT STEP PROMOTIONAL PROCESS

#### Announcement

1. Captain of Personnel and Training determines the number of anticipated vacancies in each rank on an annual basis.
2. Formal announcement of the number of projected vacancies for each rank (and the subsequent size of each panel) and publication of the dates and times of the Leadership and Investigative Academies. This announcement will include a request for personnel intending to compete in the process to submit a buckslip formally declaring their intention to compete.
3. Eligible personnel submit a buckslip to the Captain of Personnel and Training expressing their intention to compete in the promotional process and the rank for which they intend to compete.

#### Screening Process for Admission to the Leadership or Investigative Academy

1. Captain of Personnel & Training announces the formation of oral interview boards for admission into the Quality Leadership Academy and the

Investigative Academy and solicits interested personnel to serve on the boards.

2. Members of the Personnel and Training team are responsible for selecting five (5) people to serve on an oral interview board for the QL Academy (to include one (1) Lt., one (1) Sgt., one (1) detective or Investigator, and two (2) police officers) and five (5) people to serve on an oral interview board for the Investigative Academy (to include one (1) Lt., one (1) Sgt., one (1) detective, one (1) Investigator, and one (1) police officer). (Both boards must have at least one female, one minority, and one white male member.)
3. Current supervisor submits input, based on the employee's performance in the last twelve months, to the Captain of Personnel and Training by completing the appropriate form.
4. Eligible candidates submit a resume to the Captain of Personnel and Training, who distributes it to members of the oral interview board for the QL Academy and the oral interview board for the Investigative Academy.
5. Oral interviews are conducted by the two boards
6. Candidates who are eligible to attend either the Leadership or Investigative Academy on duty are identified and notified with the publication of a formal eligibility list prepared by P&TT.

#### **Successful Completion of the Leadership or Investigative Academy**

1. Personnel and Training coordinate and offer Leadership Academy, consisting of the following two parts for the ranks of Sergeant and Lieutenant.
  - a. General quality improvement methods and Leadership skills.
  - b. Technical competence skills that are rank specific.
2. Personnel and Training coordinate and offer Investigative Academy, consisting of the following two parts for the ranks of Detective and Investigator:
  - a. General quality improvement methods.
  - b. Technical competence skills that are rank specific.
3. Promotional candidates attend appropriate academy, while on duty, and must successfully complete written pass/fail and practical exams associated with the academy they are attending.

#### **Formation of the Promotional Boards for Each Rank**

1. Captain of Personnel & Training Team announces the formation of promotional boards for each rank and solicits interested promotional board nominees.

2. Members of the Personnel and Training Team put together the promotional boards, consisting of five (5) people for each board, based on the following compositional criteria for each rank:
  - a. Investigator Board
    - One Lieutenant from the Detective Team
    - One Sergeant from the Ident Lab
    - One Police Officer
    - One Investigator
    - One Outside Representative who is a resident of the City of Madison
  - b. Detective Board
    - One Lieutenant from the Detective Team
    - Two Detectives or Detective Supervisors (or one of each)
    - One Police Officer
    - One Outside Representative who is a resident of the City of Madison
  - c. Sergeant Board
    - One Lieutenant
    - One Sergeant
    - One Detective, Detective Supervisor, or Special Investigator One Police Officer
    - One Outside Representative who is a resident of the City of Madison
  - d. Lieutenant Board
    - One Captain
    - One Lieutenant
    - One Sergeant
    - One Detective or Detective Supervisor
    - One Outside Representative who is a resident of the City of Madison

There must be at least one white male, one female, and one minority member on each of the boards. The outside representative must be somebody from outside the department who is familiar with the

values and philosophy driving Quality Leadership and Quality Improvement methods.

### **Oral Interviews**

1. The Captain of P&TT schedules oral interviews for each eligible promotional candidate.
2. Promotional boards conduct oral interviews.

### **Identification of Panels for each Rank**

1. Promotional board reviews resumes and results of oral interviews.
2. Promotional boards evaluate and compare candidates within each rank to each other.
3. Promotional boards identify the panels for each rank, consisting of the number of annual anticipated vacancies in the rank plus three (3), with no movement onto panels allowed after a promotion.
4. Highest ranking person from MPD on each promotional board provides feedback on request to any candidate that did not make the panel.

### **Promotional Panel**

1. The panel expires after a period of one year unless extended by the Chief.
2. After the panel expires, the Chief provides feedback to all members of panels who did not get promoted.

### **Appointment for Promotion**

1. The Chief designates an employee for promotion to the interim rank from the panel.
2. This preliminary recommendation is forwarded for approval to the Police and Fire Commission.
3. The appointment to the promoted rank is subject to the final recommendation of the Chief and the approval of the PFC pursuant to WS 62.13(4)(a), which is reserved for 12 months, unless extended by the Chief, for a period not to exceed 6 months.

## 4-1200 DEPARTMENTAL AWARDS

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

1. Medal of Valor: The Medal of Valor is the highest recognition of achievement presented by the Madison Police Department. The Medal of Valor shall be awarded to department personnel who distinguish themselves with extraordinary acts of bravery or heroism above and beyond that normally expected in the line of duty. Personnel must have displayed extreme courage by placing their own safety in immediate peril in the pursuit of their duties.

If a member uses poor judgment or procedures which created the necessity for his/her action, they will not be eligible for this award.

2. Lifesaving Award: Awarded for saving a human life.
3. Meritorious Conduct Medal: The Meritorious Conduct Medal shall be awarded to department personnel who distinguish themselves by meritorious achievement or meritorious service. Meritorious actions are those which clearly surpass that which is normally required or expected. The degree of merit need not be unique but must be exceptional and superior. Acts of courage which do not meet the voluntary risk of life requirements for the Medal of Valor may be considered for the meritorious medal.
4. Blue Star Award: The Blue Star shall be awarded to department personnel who receive a wound or injury of a degree necessitating hospitalization or the immediate care of a physician. This injury must be a serious nature capable of causing death or extended disability. To qualify for this award, the wound or injury must have appeared to have been caused by the deliberate actions of another in an attempt to cause injury to the member or some other person, thing, or property, or in the attempted apprehension of said person, or in an attempt to save a human life placing oneself in immediate peril.
5. Citizen Recognition Award: Whenever any employee believes that behavior coming to his/her attention, personally or throughout a third party, is deserving of recognition by the Department, the employee should indicate the circumstances of the incident in writing and forward it to the Chief of Police for proper processing. Examples of behavior which might be deserving of the department's recognition range from a simple extension of assistance to an act of bravery which subjected the citizen to a high risk of injury or which contributed to the saving or significant prolonging of human life. Subject to approval by the Chief of Police, the Awards Committee may recommend a letter expressing the department's appreciation; a Life Saving Commendation, a Community Service Award, or a Valor Medal.
6. Outstanding Service Award: Outstanding service represents performance by an employee during a 12-month or more period which demonstrates a quality and/or quantity of work clearly and significantly exceeding the requirements of a position. This would also include work-related act(s) by an employee which results in exceptional performance on a special project, or occurrences

in which the employee has demonstrated exceptional knowledge, skills or ability within the scope of assigned duties and responsibilities. An employee who has demonstrated a sustained community service, either on or off duty, is eligible for this award.

7. Outstanding Support Award: This award is intended for an individual who is not employed by the Madison Police Department, but who in his/her profession has supported the Madison Police Department in an extraordinary effort. This would include, but not be limited to, other police agencies, Probation and Parole, Human Services, or other agencies that through a collaborative effort work with the police department. Individuals who volunteer their time to the Madison Police Department are eligible for this award.
8. Problem-Solving Award: The Problem Solving Award shall be given to members of the Department who clearly demonstrate the understanding and practice of substantive problem solving with internal systems or in conjunction with the community or other stakeholders. Problem solving initiatives can involve shorter, one time responses or can involve a broader response over a longer period of time that result in efficiencies and better practices for those impacted by the problem. The result of the problem solving initiative does not necessarily need to eliminate the problem completely, but should have some positive impact on the problem such as properly managing the problem, reducing the scope of the problem, reducing the harm of the problem, improving the process or shifting the problem to the correct resource.

## ELIGIBILITY

Any commissioned or non-commissioned member of the Madison Police Department is eligible for the awards, except the Citizen Recognition Award and the Outstanding Support Award. A recipient can only obtain one award for each event, except for the Blue Star Award. The recipient should be given the highest award for which she/he is eligible.

## NOMINATION PROCESS

A nomination can come from any source, both internally and externally. However, if a supervisor becomes aware of an event or performance that would make an individual eligible for any commendation or award, that supervisor **shall** forward all information concerning the event to the Chief's Office. The Chief's Office will be the central collection point.

## NOMINATION COMMITTEE

A committee will review all information, commendations, letters or nominations. The committee will select individuals who qualify for the above-mentioned awards. The committee will meet and establish award recipients prior to the presentation. The awards presentation will coincide with National Law Enforcement Week in May of each year. Each February, a member of the Officer Advisory Committee will be selected and this individual will be responsible for selecting the additional members of the committee. The Nomination Committee will consist of:

1. Officer Advisory Committee Representative
2. Union Representative
3. Chief or his/her designee
4. Community Representative
5. Non-Sworn member of the Madison Police Department
6. Sergeant
7. Detective

**WEARING OF RIBBONS**

An officer has the option to wear the approved ribbon for the Medal of Valor, Life Saving Award, Meritorious Conduct Medal and the Blue Star Award.

**NOMINATION FORM**

A form has been developed to be utilized by all personnel on a year round basis. This will facilitate nominating people for these awards while an incident is fresh in their minds.



## 4-1300 COMPLAINT ACCEPTANCE AND INVESTIGATION

### 1. General Purpose

Because it is essential that public and employee confidence be maintained in the ability of the Department to investigate and properly resolve complaints against its employees, policies or procedures, and that the rights of the employee, as well as those of the public, be preserved, the Madison Police Department is committed to investigating complaints in an open and fair manner with the truth as its primary objective. Therefore, the Department will accept complaints against its employees, policies or procedures, and will investigate all such complaints to the appropriate disposition.

### 2. Employee's Responsibility

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

### 3. Supervisors assigned to investigate a complaint against an employee are responsible for conducting a thorough and fair investigation, and for respecting the dignity of all persons involved. Persons making a written complaint will be informed that the written complaint, including their name, may be subject to public disclosure unless they request in their complaint that their name be kept confidential.

### 4. Guideline for Complaint Acceptance

Citizen complaints will not be investigated if the complaint is received more than 90 days after the alleged incident, unless the complaint involves an alleged criminal violation or the complainant can show good cause for not making the complaint within the specified time limit.

### 5. Prompt Disposition of Complaints

Investigations against employees of the Department will be prompt, and disposition will be within 60 days of the assignment of the complaint. An extension of this time limit may be granted by the Chief of Police.

## RESPONSIBILITY FOR ACCEPTING/REFERRING COMPLAINTS

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

## METHODS AVAILABLE FOR RECEIVING CITIZEN COMPLAINTS

The methods available for receiving complaints from citizens are listed below and should be appropriate to the nature of the complaint as determined by the investigating supervisor.

### 1. Verbal complaints can be tendered by a complainant either personally or by telephone.

2. A complainant may tender a complaint in writing. Investigating supervisors should request a written complaint when the details of the event can be more clearly memorialized in writing.
3. Written complaints can be sworn to by the complainant before an official authorized to administer oath (e.g., a Notary Public).
4. A citizen can file any complaint against a commissioned employee with the Board of Police and Fire Commissioners, as provided in Wis. State Statute 62.13.
5. Citizens who have complaints against any policy or procedure of the Department will be directed to submit their complaint in writing to the office of the Chief of Police.

### **RESPONSIBILITY OF SUPERVISOR RECEIVING CITIZEN COMPLAINTS**

1. Minor Complaints – Generally, “minor” complaints are reports of conduct that, if proven true, would likely result in actions less than a letter of reprimand.
  - a. Supervisors receiving “minor” citizen complaints will obtain the nature of the complaint and a description of the events in question.
  - b. If the incident in question can be readily resolved (i.e., no investigation necessary, no disputed facts, otherwise resolved upon intake to the satisfaction of the complainant, etc.) the supervisor should make a preliminary finding on the complaint.
  - c. A written record of the complaint (and disposition, if applicable) will then be forwarded to the PS&IA office. Minor performance issues of a non-disciplinary nature do not need to be forwarded.
2. Non-minor Complaints – Generally, “non-minor” complaints are reports of conduct that, if proven true, would likely result in a letter of reprimand or more serious discipline.
  - a. During business hours on weekdays, citizens who telephone or appear in person to make “non-minor” complaints against an employee will be advised to contact the PS&IA office.
  - b. When the PS&IA office is closed, or the PS&IA Lieutenant is unavailable, citizens with “non-minor” complaints will be referred to a supervisor or the Officer in Charge.
  - c. Supervisors receiving “non-minor” complaints will obtain the nature of the complaint, a description of the events in question, the names of any witnesses, and how the complainant/witnesses can be re-contacted.
  - d. A written record of the complaint will be forwarded to the PS&IA office as soon as practical.

## COMPLAINT ASSIGNMENT/CLASSIFICATION

1. Upon receiving notice of a complaint, the PS&IA Lieutenant will document the intake of the complaint, and will either assign the complaint a complaint number or classify it as a “conduct review.” Generally, “minor” complaints and “non-minor” complaints that can be readily resolved (with a disposition other than sustained) will be classified as conduct reviews.
2. Generally, “minor” complaints will be assigned by the PS&IA office to the commanding officer of the involved employee and “non-minor” complaints will be investigated by the PS&IA Lieutenant.
3. Any complaint that will result in a letter of reprimand or more serious discipline will be assigned a complaint number.
4. When there are allegations of insubordinate or disrespectful behavior towards a supervisor, the commanding officer of the involved employee will designate someone other than the directly involved supervisor to investigate. In other instances, when the appearance of an interpersonal conflict exists, the commanding officer of the involved employee may designate a non-involved supervisor to conduct the investigation. The intent of this policy is to reinforce the atmosphere of fairness and objectivity, and to insure due process.

## INVESTIGATING SUPERVISOR RESPONSIBILITY

Investigating Supervisors are responsible for the following:

1. Being familiar with and conducting investigations in accordance with MPD policy and procedure, and with chapter 164 of the Wisconsin Statutes.
2. Conducting thorough and fair investigations whether “minor” or “non-minor.”
3. Respecting the dignity of all persons involved in an investigation.
4. When appropriate, referring employees to the City’s Employee Assistance Program.
5. Separating witnesses, when appropriate, while conducting an investigation. Employees may be ordered to not discuss their involvement in an investigation with others. Such an order should only be imposed for the length of time reasonably necessary. It is not the Department’s intent to restrict employee’s rights to prepare a defense to a complaint filed against them.
6. Advising a complainant who is not satisfied that they have the option to pursue their complaint to the Police and Fire Commission.
7. Conducting a predetermination hearing, when a complaint is sustained and might result in disciplinary action.

8. When investigating a complaint that appears to be “non-minor,” contacting the PS&IA office as soon as possible.
9. Forwarding the results of the completed investigation through the chain of command to the PS&IA office for review. criminal in nature.

### **RESPONSIBILITY OF THE PROFESSIONAL STANDARDS AND INTERNAL AFFAIRS OFFICE**

1. The Professional Standards and Internal Affairs Office (PS&IA) will investigate allegations of criminal conduct by employees, allegations of excessive use of force by employees, and other serious matters, as determined by the Chief of Police.
2. The PS&IA office will document, classify and assign all incoming citizen complaints.
3. The PS&IA office will advise the Chief of Police of “non-minor” complaints, and will ensure that the employee’s commanding officer is informed as soon as possible.
4. Notification of the involved employee(s) will be completed at the discretion of the investigating supervisor in order to preserve the integrity of the investigation.
5. In cases where citizen complaints are filed against arresting officers, the investigation may be suspended, at the direction of the Chief of Police, until the court proceedings are completed.
6. When the PS&IA investigator is unavailable or unable to conduct an investigation, a command officer assigned by the Chief or Police or his designee will be responsible for the investigation.
7. In cases of potential criminal conduct when it is necessary to assign additional investigators, the PS&IA office will directly supervise the investigation.
8. Investigations completed by the PS&IA office will be forwarded through the employee’s chain of command for review and concurrence.
9. The PS&IA office will audit and report to the chief of Police the results of each investigation to insure that:
  - a. The investigation was conducted in a fair and thorough manner in accordance with chapter 164 of the Wisconsin Statutes.
  - b. If warranted, a predetermination hearing was conducted.
  - c. A representative was present, if requested by the employee.
  - d. The predetermination hearing was scheduled during the employee’s normal working hours.

- e. The predetermination hearing was scheduled, in writing, at least 24 hours in advance, unless waived by the employee.
- f. The investigation was completed within the allowable time period.

### COMPLAINT DISPOSITION

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

1. Exonerated: The alleged incident occurred, but was lawful and in accordance with policy.
2. Unfounded: The evidence shows that the allegation was false.
3. Not Sustained: The allegation is not supported by a preponderance of evidence.
4. Sustained: A preponderance of evidence shows that the action of the employee was not consistent with Department policy.
5. No Finding: Circumstances dictate a disposition of no finding. These can include: a complaint received outside of the 90 day time limit; a complainant wishing to withdraw the complaint; a complainant no longer available or not cooperating with the investigation; a complaint received on a retired employee, or on a person not employed by MPD; or a minor complaint informally resolved to the satisfaction of the complainant.

### ALLEGATIONS OF CRIMINAL ACTIVITY, SERIOUS MISCONDUCT AND CRITICAL INCIDENTS

1. In all cases where a felony or other serious misconduct is alleged, the following will be contacted as soon as possible:
  - a. The PS&IA Lieutenant
  - b. The employee's commanding officer
  - c. The Chief of Police
2. When the investigating supervisor determines that there may be probable cause for a criminal violation the case shall be forwarded to the District Attorney's office for review. This does not preclude an immediate physical arrest if there is a threat to public safety.
3. Allegations of criminal conduct that are not clearly unfounded may be taken to the District Attorney's Office for informal review at the investigator's discretion.
4. The same legal standards regarding Miranda warnings shall be applied to employees as would be applied to individuals not employed by the Department

5. Employees involved in serious misconduct, which could result in discipline, termination or criminal charges, shall be offered services from the City's Employee Assistance Program. This does not preclude offering employee assistance services in other disciplinary matters.

### **NOTIFICATION OF DECISION**

Following completion of a complaint investigation, the employee(s) who are the subject of the complaint, and the complainant(s), shall be informed of the disposition by the Chief of Police. This notification should be made as soon as possible, but not later than 10 days following completion of the investigation and command review procedure.

### **MANAGEMENT PREROGATIVE**

Nothing in this policy shall be construed to limit the management prerogative of the Chief or Police, nor any other supervisory officer, to take corrective action whenever appropriate. The Chief of Police may file formal charges against an employee, with the appropriate authorities, irrespective of a citizen or internal complaint.

### **INSTRUCTIONS FOR USE OF "FORM REQUIRED FOR ATTESTATION AND NOTARIZATION"**

When a written complaint is notarized, the attestation and notarization form will be attached, unless the complaint is already notarized. Department notaries should follow the procedure outlined below:

1. Have the complainant fill in his/her name.
2. Have the complainant read the attestation form and the attached facts forming the basis of the complaint.
3. Raise your right hand and ask the complainant to do the same while the oath is being administered.
4. Administer an oath to the complainant utilizing the following words: "Do you solemnly swear that the facts contained in your complaint are true and correct to the best of your knowledge, so help you God?" If the complainant objects to the words "so help you god" omit those words.
5. The complainant must sign his/her name in the presence of the Notary, and the Notary must then sign as a witness and notarize the document in the presence of the complainant.
6. If a translator, or alternate signer, has been utilized during the above procedure, he or she must sign in the applicable space.

### **COMPLAINTS AGAINST CIVILIAN EMPLOYEES**

1. Complaints against civilian employees will generally be investigated or assigned for investigation by the employee's commanding officer.

2. Complaints against civilian employees involving criminal activity or serious misconduct may be assigned to the PS&IA office at the direction of the Chief of Police.
3. Commanding officers will forward complaint files of civilian employee investigations to the PS&IA office for permanent storage.

### **PROFESSIONAL STANDARDS AND INTERNAL AFFAIRS RECORDS**

1. The PS&IA office will maintain records of:
  - a. Complaints that are assigned PSU complaint numbers
  - b. Complaints that are investigated as “conduct reviews”
  - c. A record of all received complaints, including dispositions
  - d. Complaints against civilian employees
2. A record of dispositions of investigations finding a sustained violation of policy resulting in a letter or reprimand or greater sanction will be maintained in an employee’s personnel file.
3. No records of complaints resulting in the dispositions of unfounded, exonerated, not sustained or no finding will be maintained in an employee’s personnel file.
4. PS&IA records will not be released from the Department without approval from the Chief of Police.

FORM REQUIRED FOR ATTESTATION AND NOTARY

STATE OF WISCONSIN )

)

COUNTY OF DANE )

\_\_\_\_\_, being first duly sworn on oath,  
(Name of Complainant)

deposes and says that he/she is the complainant in the above described matter; that he/she has read the foregoing complaint and knows the content thereof; that the same are true and complete to his/her own knowledge, except to those matters therein stated upon information and belief, and as to those he/she believes the same to be true.

**Wisconsin State Statute 946.66; False Complaints of Police Misconduct (2)** Whoever knowingly makes a false complaint regarding the conduct of a law enforcement officer is subject to a Class A forfeiture.

\_\_\_\_\_  
(Complainant's signature under oath)

\_\_\_\_\_  
(Translator/Signer, if applicable)

WITNESSES:

1) \_\_\_\_\_

2) \_\_\_\_\_

Subscribed and sworn before me  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public, Dane County, Wisconsin  
My Commission is (permanent)  
or (expires on \_\_\_\_\_)



## 4-1400 ADMINISTRATION OF SANCTIONS/DISCIPLINE

Some of the primary tasks of supervisors are encouraging, counseling and, if necessary, disciplining or correcting the behavior of employees. The purpose of this is to direct individual effort into effective and productive action.

The exercise of corrective action requires foresight and planning rather than mere reaction. It involves an evaluation of the human factor which, when combined with proper motivation and recognition of individual, and group effort, results in self-discipline.

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

The department recognizes that problems in the work place may be related to alcoholism, other drug dependency, emotional disorders, or other personal problems. In order to address problems such as these, the department has an Employee Assistance Program. Employees and supervisors are encouraged to use the program as a prevention measure, as well as a parallel system to the disciplinary process.

### SUPERVISOR'S RECOMMENDATION

Should the investigating supervisor determine that a personnel complaint is sustained or sustained not based on allegation, the employee's supervisor will make a recommendation on what action is warranted. Generally, prior to the recommendation, the employee's supervisor will participate in the predetermination hearing. Those predetermination hearings will be held to address conduct that, if proven true, would result in a letter of reprimand or greater discipline. Predetermination hearings need NOT be held if, after completing the investigation, the investigator determines:

1. The complaint disposition should be classified as unfounded, exonerated, or not sustained or no finding; or
2. The conduct, if sustained, would warrant action less than a letter of reprimand.

All investigatory recommendations will be reviewed by the affected employee's chain of command.

### SANCTIONS

Employees found to have committed sustained policy violations may be subject to sanctions including, but not limited to: verbal counseling, a written reprimand, suspension, demotion, or termination. Such employees may also be required to attend remedial training, counseling, alcohol/drug assessment, psychiatric evaluation or any other training, treatment or evaluation reasonably deemed necessary by the Chief of Police (or designee).

**REVIEW**

Prior to the imposition of disciplinary action, the recommendation will be forwarded, through the Division's chain of command, to the Professional Standards Unit to ensure consistency and uniformity of discipline within the department. The Chief of Police or designee will have final authority on imposition of discipline.

**SUSPENSION**

Should an employee be suspended, without pay, the order shall be issued by the immediate supervisor and co-signed by the division commander and the Chief of Police. Disciplinary actions against commissioned personnel requesting demotion or dismissal will be filed by the Chief of Police with the Police and Fire Commission, pursuant to Wisconsin Statute 62.13.

Disciplinary actions against civilian employees will be in accordance with the AFSCME Local 60 contract in effect for represented employees, and the City ordinances for non-represented employees.

**NOTIFICATION/DOCUMENTATION**

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

**MINOR OFFENSE DOCUMENTATION**

Generally, first-time minor offenses will result in counseling and/or verbal reprimand by the employee's supervisor. Notations of these non-disciplinary actions will be forwarded to the PS&IA office, and may be kept at the Unit level. Subsequent or similar violations within a six (6) month period will receive formal attention. If no additional violations occur within the six (6) months following the reprimand/counseling, the notation may be removed from the employee's unit/district file (with the original remaining in the PS&IA office).

**PERSONNEL ASSISTANCE**

5-100 Line of Duty, Life-Threatening Injury or Death of an Employee

5-200 Critical Incident Response

5-300 Significant Exposure to Blood Borne Pathogens

5-400 Employee Assistance Program (EAP)

5-500 Civil Actions Against Police Department Employees

5-600 Temporary Administrative Leave

**5-100 LINE OF DUTY, LIFE-THREATENING INJURY OR DEATH OF AN EMPLOYEE****GOAL**

To assist employees and their families in dealing with the stress of a tragic event through proper preparation.

**EMPLOYEES INFORMED**

Employees should inform their families of what processes are available to them should they be seriously injured or killed, as well as what to expect as a response from the department should this occur.

**NOTIFICATION TO FAMILY**

In order to make prompt notification to an employee's family, in the case of a serious injury or death, an Employee Emergency Notification File (See attached form) will be kept in the Officer-in-Charge's Office. This alphabetical file will contain a notification sequence for each employee of the Madison Police Department, indicating who should be notified first, second and third, their addresses and phone numbers. Employees should include in this sequence someone who would be able to contact/locate dependents who are in school or additional people to be contacted. There is space provided for optional information such as clergy, medical conditions, and a preference for who would make the notification. Notifications will be made in person.

This file should be updated anytime the employee wants a change in that sequence, and should be updated annually by District and/or Unit Commanders.

**IN THE EVENT OF A LINE OF DUTY, LIFE-THREATENING INJURY OR DEATH OF AN EMPLOYEE:**

1. The responsibility of the Field or First Line Supervisor will be to:
  - a. Identify who was directly involved.
  - b. Assign support person for employees directly involved.
  - c. Keep involved employees together unless they are witnesses to the incident and must be interviewed.
  - d. Assume responsibility of the scene until relieved by another supervisor or Detective/Investigator.

2. The responsibility of the Officer-in-Charge will be to insure that the following occur:
  - a. In the event of a life threatening injury of employee:
    - i. Notify immediate family
      - (1) This information is contained in the “Employee Emergency Notification Form” located in the Officer-in-Charge’s Office.
      - (2) Check with family for any “special needs,” i.e., child care.
      - (3) Arrange for transportation, usually another squad to hospital or other location.
    - ii. Notify Employee Assistance Program (EAP) Coordinator.
    - iii. Notify and brief chain-of-command personnel (Chief, Team Captain, Lieutenant).
    - iv. Notify Public Information Officer, if necessary.
    - v. After immediate family has been contacted, allow any officer, whether directly or indirectly involved, to notify their own family regarding their welfare.
  - b. In the Event of the Death of an Employee
    - i. Notify Chief and the Employee’s Team Leader (Captain, Lieutenant or designee) and,
    - ii. Discuss best location to notify family (hospital, home, etc.).
    - iii. Discuss who will be present at time of notification and who will do notification (refer to “Employee Notification Form”).
    - iv. Notification should be done in a timely manner.
    - v. Notify Coroner.
    - vi. Notify EAP Coordinator or designee.
    - vii. Notify Public Information Officer.
    - viii. After immediate family has been contacted, allow any officer, whether directly or indirectly involved, to notify their own family regarding their welfare.

3. The responsibilities of the EAP Coordinator or designee will be to:
  - a. Act as overall coordinator for all service for the involved family and department personnel which include short-term as well as long-term needs.
  - b. Respond to the station and get briefed by the Officer-in-Charge.
  - c. Notify the critical incident team member.
  - d. Determine who was most directly involved and provide immediate assistance.
  - e. Provide a mandatory informational briefing (informal) for all personnel from the affected shift prior to the end of their shift.
  - f. Schedule a mandatory debriefing for officers involved.
  - g. Offer debriefing for involved family, including spouse, significant other, children and parents.
  - h. Keep district teams, management team and Public Information Officer updated.
  - i. Conduct follow-up meetings to keep all other employees updated as to the facts of the case
4. Command Staff
  - a. Available staff should report to the station to get briefed by the Officer-in-Charge or EAP Coordinator.
  - b. Decide who and how the notification will be done, based on the Employee Emergency Notification Card.
  - c. Provide follow-up meetings for the family to assist with federal, state, and City death benefits, employee's property at work, funeral arrangements, and honor guard.
  - d. Notify Worker's Compensation in the event of death of employee.

**EMPLOYEE EMERGENCY NOTIFICATION FORM**

EMPLOYEE NAME: \_\_\_\_\_ IBM NO: \_\_\_\_\_

EMPLOYEE ADDRESS: \_\_\_\_\_

EMPLOYEE PHONE NUMBER: \_\_\_\_\_

NOTIFICATION SEQUENCE

(1) NAME: \_\_\_\_\_ RELATIONSHIP: \_\_\_\_\_  
(OPTIONAL)

ADDRESS: \_\_\_\_\_ PHONE NO: \_\_\_\_\_

EMPLOYER: \_\_\_\_\_ PHONE NO: \_\_\_\_\_

EMPLOYER ADDRESS: \_\_\_\_\_

WORK SCHEDULE & HOURS: \_\_\_\_\_

ADDITIONAL INFORMATION: (Optional: Medical Condition/Special Circumstances,  
etc.): \_\_\_\_\_

(2) NAME: \_\_\_\_\_ RELATIONSHIP: \_\_\_\_\_  
(OPTIONAL)

ADDRESS: \_\_\_\_\_ PHONE NO: \_\_\_\_\_

EMPLOYER: \_\_\_\_\_ PHONE NO: \_\_\_\_\_

EMPLOYER ADDRESS: \_\_\_\_\_

WORK SCHEDULE & HOURS: \_\_\_\_\_

ADDITIONAL INFORMATION: (Optional: Medical Condition/Special Circumstances,  
etc.): \_\_\_\_\_

(3) NAME: \_\_\_\_\_ RELATIONSHIP: \_\_\_\_\_  
(OPTIONAL)

ADDRESS: \_\_\_\_\_ PHONE NO: \_\_\_\_\_

EMPLOYER: \_\_\_\_\_ PHONE NO: \_\_\_\_\_

EMPLOYER ADDRESS: \_\_\_\_\_

WORK SCHEDULE & HOURS: \_\_\_\_\_

ADDITIONAL INFORMATION: (Optional: Medical Condition/Special Circumstances,  
etc.): \_\_\_\_\_

(\*) CLERGY: \_\_\_\_\_ PHONE NO: \_\_\_\_\_  
(OPTIONAL)

INDICATE BELOW IF YOU HAVE A PREFERENCE FOR WHO WOULD MAKE ANY EMERGENCY NOTIFICATION, IF POSSIBLE:

NAME: \_\_\_\_\_ PHONE NO: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

INDICATE, IF YOU HAVE A PREFERENCE, WHICH DEPARTMENT EMPLOYEE YOU WOULD LIKE TO HAVE AS A LIAISON BETWEEN FAMILY AND POLICE DEPARTMENT TO ASSIST WITH MAKING CONTACTS FOR FUNERAL ARRANGEMENTS (I.E., HONOR GUARD), GETTING BELONGINGS FROM LOCKER/DESK, CONTACTING PAYROLL, COMPTROLLER'S OFFICE, AND OTHERS FOR ELIGIBLE BENEFITS.

1. NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

2. NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

ANY OTHER SPECIAL REQUESTS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## 5-200 CRITICAL INCIDENT RESPONSE

The department recognizes that even though stress is inherent in policing, occasionally employees become involved in incidents, which place them under such great emotional strain, that characteristic symptoms of psychological distress may develop.

Members of the department react differently to the same situation. All members play an important role in recognizing such events and insuring that the procedures outlined herein are followed for the welfare of their fellow employees.

### DEFINITIONS

**Assessment** - A review of the circumstances of a critical incident, officer involvement and subsequent support needs to determine appropriate response and follow-up.

**Defusing** - An initial small group response to a critical incident that is often conducted within 12 hours of a crisis event by the CISM provider and a Peer Support Officer when available. Defusing is designed to provide an initial forum for ventilation and information exchange. It provides an opportunity for assessment and is sometimes followed by a Critical Incident Stress Debriefing.

**Debriefing (CISD)** - A structured, group crisis intervention facilitated by a mental health professional (CISM Provider) to facilitate psychological closure and reconstruction. It is a group discussion where participants are encouraged to discuss the critical incident and their reactions to the incident. Suggestions are provided for coping and stress management. Peer support is welcomed and encouraged, when appropriate.

**CISM Provider** - A select group of mental health professionals that are contracted with to provide Critical Incident Stress Management services in response to critical incidents. These services may include, but not be limited to, assessment, defusing, debriefing, follow-up and outreach to affected family members/significant others.

**Critical Incident Facilitator (CIF)** - A Police Officer that has been given the responsibility to be the first point of contact for the OIC when a critical incident has occurred. Upon notification the CIF reviews the incident, coordinates contact between the involved employees and the responding CISM provider, and makes arrangements for follow-up as appropriate.

**Peer Support Officer (PSO)** - A Madison Police Officer that has been selected by his/her peers to be available as a resource for other Officers. The PSO is trained to provide assistance to co-workers through listening, understanding and providing appropriate referrals when necessary.

**GUIDELINES FOR DETERMINING A CRITICAL INCIDENT**

A critical incident is a situation faced by personnel that causes them to experience unusually strong emotional reactions that have the potential to interfere with ability to function either at the scene or later. A situation does not have to be a major disaster to be classified as a critical incident.

The following are examples of critical incidents:

1. The serious injury or death of any Madison Police personnel in the line of duty.
2. The serious injury or death of a member(s) of the public while an employee(s) is performing regular duties or functions. Special attention should be given to incidents that involve a child(ren), a family member, friend, neighbor, or where an association to these can occur.
3. A suicide or homicide of an employee.
4. Any incident in which there is unusual media coverage.
5. Any incident that can be considered a serious physical or psychological threat to an employee in the line of duty.
6. Loss of life that follows extraordinary and prolonged expenditures of physical and emotional energy in a rescue attempt.
7. A series of incidents that may have cumulative effects.
8. An incident in which the circumstances are so unusual or so distressing as to produce immediate or delayed emotional reactions that surpasses normal coping mechanisms.

**CHARACTERISTIC SYMPTOMS FOLLOWING A CRITICAL INCIDENT MAY INCLUDE:**

1. Being unable to talk about the event and the feelings associated with it.
2. Feeling detached and withdrawn - keeping emotional distance from family and friends.
3. Avoiding recreational or work activities that are reminders of the incident.
4. Experiencing recurring and intruding memories and feelings about the incident. This may occur during sleep.
5. Feeling preoccupied and experiencing impaired memory and concentration, and having difficulty completing tasks.
6. Feeling hyper-alert, startling easily, having difficulty sleeping.

While these symptoms are characteristic of several emotional disorders, their development after a psychologically traumatic event represent a fairly common and normal response.

Involvement in a critical incident requires some adjustment by all persons, and the development of the symptoms in no way indicates weakness or mental illness in an employee. If, however, an employee suppresses, denies, or in any other way fails to work through the normal psychological pain associated with a stress reaction, the potential for development of a serious emotional disorder exists.

## PROCEDURAL GUIDELINES

To assist personnel in adjusting to a critical incident, the department has developed the following procedure:

1. Any department member recognizing an employee's involvement in a potential critical incident shall immediately inform the Officer-in-Charge if the event has occurred during the shift or otherwise shall contact the department's Critical Incident Facilitator (CIF) or designated backup. The OIC shall review the facts surrounding the event and make a determination as to whether it falls within the guidelines of a critical incident. In addition, the OIC should evaluate if there are known aspects about the involved employee's life experience that could adversely compound the employee's reaction such as:
  - a. Recent exposure to a similar situation.
  - b. Recent death of a family member.
  - c. Family member who sustained serious injury as a result of similar incident.
  - d. The victim of the critical incident is personally known to the employee.
2. If the OIC determines that the incident falls within the definition of a critical incident, the OIC shall immediately notify the Critical Incident Facilitator (CIF) and the Command Staff of the involved employee(s) or the District where the incident occurred in the case of multiple District employees.

The OIC shall give the CIF pertinent information to include case number, time the event occurred, employees involved and each of their roles in the incident and the nature of the incident.

When the critical incident has occurred during the shift, and the CIF and his/her back up is not immediately available, the OIC or Commander shall contact the Critical Incident Stress Management (CISM) provider directly. In this case, the OIC or Commander may contact a Peer Support Officer to coordinate contact between the involved employees and the responding CISM provider. If a Peer Support Officer is not available, the OIC will designate a supervisor or other officer to coordinate this contact. Coordination of contact shall include determining the location for the defusing, ensuring involved officers respond to the defusing, and assisting the CISM provider as needed.

3. The CIF, upon notification of a critical incident shall review the circumstances and if appropriate, contact the CISM provider. The CIF shall respond to coordinate the contact between the involved employees and the responding CISM provider, or shall designate a Peer Support Officer to perform this duty.

The CIF shall coordinate, as needed, with the CISM provider to provide additional debriefings or follow up for involved employees or their families.

4. Employees with significant involvement in a critical incident are mandated to take part in one defusing or assessment. A defusing may take place in the same shift as the incident or an assessment may be scheduled at later time.
5. The involved employee may be given a temporary duty assignment if deemed appropriate by the employee's CO or Officer-in-Charge. Compensation shall be made in accordance with contractual provisions.
6. Employees may experience a reaction due to involvement in a critical incident that does not come to the attention of a Commander or OIC. In cases such as this, it shall be the responsibility of the involved employee to contact the Employee Assistance Program, CIF or a Peer Support Officer to discuss a confidential referral.
7. All individual referrals and the content of a defusing or debriefing session shall remain strictly confidential. The only exception is when, under extraordinary circumstances, an employee is believed to be an imminent threat to the safety of him/herself or others.

**5-300 SIGNIFICANT EXPOSURE TO BLOOD BORNE PATHOGENS**

The policy of the Madison Police Department regarding significant exposure to Human Immunodeficiency Virus (HIV), Hepatitis B virus (HBV), Hepatitis C virus (HCV), and other BLOOD BORNE pathogens in the occupational setting is to offer testing, counseling, and follow-up for employees so exposed in the course of their work for the department. Note: This policy has been adopted from the City Health Department.

**DEFINITION**

An exposure must be certified as significant by a physician. Significant exposure of an employee in the occupational setting is defined as the employee having sustained a contact which carries a potential for a transmission of HIV, HBV, HCV and other BLOOD BORNE pathogens by one or more of the following means:

1. Transmission of blood, semen, or other body fluid into a body orifice.
2. Exchange of blood during the accidental or intentional infliction of a penetrating wound, including a needle puncture.
3. Entry of blood or other body fluid into an eye, an open wound, an oozing lesion, or where a significant breakdown in the skin has occurred.
4. Other routes of exposure, defined as significant in rules promulgated by the department. The department, in promulgating the rules, shall consider all potential routes of transmission of HIV identified by the Centers for Disease Control of the Federal Public Health Service.

**RIGHTS AND RESPONSIBILITIES**

1. Employer
  - a. Offers testing, counseling and follow-up that may include vaccination to the Employee through Worker Compensation.
  - b. Initiates contact with the source individual. If the source individual has no medical provider or financial resources for testing, the Police Department may offer and provide HIV/Hepatitis B and HCV testing.
  - c. May not obtain test results of the Employee.
  - d. May require that the Employee seek medical assessment but cannot require that the Employee be tested.
  - e. May request source be tested for HIV/HBV and HCV.
  - f. If source refuses, a court order may be processed through the District Attorney's Office.
2. Employee
  - a. Uses universal precautions per Madison Police Policy and Procedure.

- b. Informs employer when a potentially significant exposure has occurred.
  - c. May obtain testing, counseling, and follow-up with their medical provider.
  - d. May refuse testing, counseling, and follow-up services.
  - e. May obtain HIV/HBV/HCV test results on the source in any of the following circumstances:
    - i. The source consents to be tested and consents to release the test results to the exposed employee.
    - ii. Previous HIV/HBV/HCV tests were conducted on the source.
    - iii. Through a court order.
  - f. Must keep all test result information from a source strictly confidential.
3. Source
- a. Has the right to be informed that a potential significant exposure has occurred.
  - b. May refuse to be tested unless court order has been obtained.

## LEGAL REFERENCE

1. Wisconsin State Statutes 252.15(2)7
2. OSHA Final Rule, CPL Part 1910.1030 "Occupational Exposure to Blood borne Pathogens"

## PROCEDURE

1. Occupational exposure to HIV/HBV/HCV occurs.
  - a. Employee Follow-up:
    - i. The exposed employee reports to the supervisor as soon as possible after exposure occurs.
    - ii. The supervisor and employee complete the Work Injury Incident Form (Worker Compensation Program).
    - iii. The supervisor notifies the employee of their option of completing the "Determination of Exposure to Blood/Body Fluids" form.
    - iv. The supervisor offers the employee HIV counseling by Madison Department of Public Health AIDS/HIV Specialist.

- vi. The employee seeks assessment from an emergency room or personal physician as soon as possible (within 48 hours).
  - vii. The physician assesses the significance of the exposure.
  - ix. The employee returns all copies of the Work injury Incident Form to the Chief's Office (Worker's Compensation Clerk) for proper processing and routing to the Worker's Compensation Office to assure payment for medical follow-up.
  - x. The employee notifies the Workers compensation Clerk of the date(s), time and location of HIV and/or Hepatitis vaccinations. The test results are confidential and are maintained with physician.
2. Source Follow-Up Procedure (Significant Exposure Only)
- a. The supervisor offers the procedure to the employee at the time of exposure. This procedure is optional and may only be used when the source of the exposure can be identified.
  - b. The supervisor contacts the source individual and explains that a significant exposure occurred. The supervisor requests that the source consent to be tested for HIV/HBV/HCV. The supervisor also explains the rights of the source to refuse to be tested. (Have hospital personnel present as witness, if possible.)
  - c. If the source consents to be tested, the testing may be done by their private physician. If no financial resources are available to cover the testing, the Police Department will provide testing free of charge to the source.
  - d. If the source consents to be tested and to release the test results, the supervisor provides a "consent to Release HIV/HBV/HCV Test Results" form (see attached) with the employee named to receive the test results. The supervisor also obtains the name and address of the provider who will be conducting the test. A stamped envelope addressed to the employee and marked confidential is sent to the provider with the signed release form. A copy of the consent is provided to the employee.
  - e. If the significant exposure occurs while the employee is providing emergency care, the employee may receive the source's previous HIV/HBV/HCV test results (if any exist). This process is facilitated by infection control at the medical facility where the employee seeks follow-up. The employee must complete a significant Exposure Form at the hospital.
  - f. If the source individual refuses consent, a court order will be sought. The process should be started by an officer informing a supervisor of the significant exposure. The officer must then be examined by a

physician. The physician must then certify that a significant exposure has occurred. A self-explanatory affidavit has been prepared and must be completed by the physician at the time of the examination. This affidavit must be notarized.

Once this is completed, the officer or a supervisor should contact their commanding officer and inform them of the significant exposure. The affidavit must be forwarded to the commanding officer. The commanding officer or designee will deliver the police reports and the affidavit to the District Attorney as soon as possible.

The District Attorney or his staff will then apply for a court-ordered HIV test of the source individual. The court must schedule a hearing on the matter within twenty days of receipt of the District Attorney's application. If the court finds probable cause that a significant exposure has occurred, the court may order the individual to submit to a HIV test. The health provider must disclose the results of this test to the involved officer.

3. Post-Exposure Follow-Up

Following a significant occupational exposure immediate medical evaluation of the employee is recommended. After the initial assessment, periodic screenings and/or immunizations are advised. The exposed employee has the responsibility to initiate follow-up at the appropriate times.





STATE OF WISCONSIN IN CIRCUIT COURT
DANE COUNTY
BRANCH \_\_\_\_\_

In the matter of

Case No. \_\_\_\_\_
Petitioner
vs.

Respondent (Initials/DOB Only)

AFFIDAVIT OF M.D.

STATE OF WISCONSIN
DANE COUNTY

\_\_\_\_\_, M.D. Being first duly sworn, on oath states as follows:

- 1. That he/she is a physician licensed to practice medicine in the State of Wisconsin.
2. That on \_\_\_\_\_ at \_\_\_\_\_ PM/AM he/she examined the petitioner, a police officer for the City of Madison, WI.
3. That as a result of that examination, he/she believes that the petitioner suffered a significant exposure as defined in Section 252.15(1)(em) of the Wisconsin Statutes which carries a potential for transmission of HIV.
4. That he/she believes that the significant exposure occurred while the petitioner was performing his/her official duties as a police officer for the City of Madison and was providing care or services to the respondent.
5. That he/she makes this affidavit in support of the petitioner's request for a petition seeking court ordered testing of the respondent pursuant to Section 252.15(2)7 of Wisconsin Statutes.

Dated: \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_. M.D.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ Notary Public
State of Wisconsin
My Commission Expires: \_\_\_\_\_
(S Seal)

## 5-400 EMPLOYEE ASSISTANCE PROGRAM (EAP)

The City of Madison is responsible for carrying out varied and complex programs, policies and missions. The City's key resource in meeting this responsibility is its employees. The City is therefore concerned about problems that employees experience which may interfere with their job performance and/or jeopardize their ability to effectively carry out their job responsibilities.

It is the policy of the City of Madison at all levels and locations to maintain and promote an Employee Assistance Program (EAP) that will help employees and their family members (including alternative families or significant others) deal with personal, behavioral, or medical problems.

### DEFINITIONS

1. Alcoholism: A chronic and progressive illness which results from consumption of alcohol to the extent that it definitely and repeatedly interferes with health, safety, and/or job performance.
2. Other Drug Dependency: A condition produced by the repeated use of a drug and characterized by psychological and/or physiological dependence to the extent that it interferes with health, safety and/or job performance.
3. Emotional Disorder: An emotional condition characterized by thoughts and actions which are unrealistic, irrational, or inappropriate to the extent that it interferes with health, safety, and/or job performance.
4. Other Personal Problems: Problems which interfere with the employee's health, safety and/or job performance, e.g., marital, family, financial, legal or emotional problems.

### CITY EMPLOYEE ASSISTANCE PROGRAM (EAP) PROCEDURE

Because problems of alcoholism, drug dependency and emotional problems can be successfully treated and because realistic acceptance will encourage employees to take advantage of **confidential** counseling and treatment services available, it is the policy of the department to handle such problems within the following framework:

1. An employee wishing to utilize the EAP should contact the City EAP Coordinator, an EAP facilitator or the City's Assessment and Referral Service. EAP facilitators are volunteers from throughout City employment who have completed a training program which qualifies them to make referrals to community professionals.
2. All contacts with the City EAP Coordinator, facilitators, or Assessment and Referral Services shall remain strictly confidential unless:
  - a. Prior written consent is obtained from the employee using the EAP which specifies exactly what information may be disclosed, to whom, and for what purpose.

- b. Information disclosed to a facilitator concerns any of the following and the facilitator has first contacted the EAP Program Coordinator.
  - i. an unexplained, unusual or suspicious death
  - ii. a case of suspected child neglect or abuse
  - iii. a threat to one's own life or safety, or that of another
  - iv. a report of committing, having committed, or threat to commit a serious crime. (serious comes from EAP).
  - v. a threat to public health or safety
  - vi. a report or information required to be reported by police per s.s. 968.075 (WI Domestic Abuse Law)
  - vii. under extraordinary circumstances, an employee is believed to be an imminent threat to the safety of themselves or others.
3. It will be the option of the employee to accept or reject referral for diagnosis or professional treatment. The department encourages employees to seek help on their own initiative.
4. The fact that an employee accepts, rejects, or fails to respond to treatment for alcoholism, drug dependency or personal behavioral/medical problems will not diminish the employee's responsibility to meet required job performance standards.
5. Implementation of this policy will not require, nor result in, any special regulations, privileges or exemptions from administrative practices applicable to job performance requirements, nor, shall there be an inconsistency with labor agreements.
6. Supervisory referral to this program should be based on unacceptable job performance.
7. Management and supervisory personnel will follow procedures which assure employees that job security or promotional opportunities will not be jeopardized by a request and/or referral for diagnosis and treatment.

## RECORDKEEPING

1. City records of supervisory referrals and actions taken under this program will be maintained in strictest confidence.
2. No records shall be maintained when employees refer themselves; only anonymous information for statistical evaluation will be recorded.
3. No reference to any EAP records will be placed in an employee's personnel file, except as it applies to specific charges leading to disciplinary or corrective actions.

4. Discussion or speculation about an employee's personal problems violates EAP confidentiality requirements, and is prohibited.
5. Police Officers who are EAP referral facilitators must, in good faith, follow all EAP guidelines and may deviate from them only when they are in conflict with applicable city ordinance, state statute and/or departmental policy. Prior to any deviation, contact with the EAP Program Coordinator shall be attempted.

## INTERVENTION

Alcoholism, drug dependency and personal/emotional problems may become progressively more serious and uncontrollable, and this process often culminates in a person becoming involved in a crisis situation resulting in disciplinary action, dismissal, criminal prosecution, hospitalization, or even death. The department recognizes that this process may be interrupted and reversed with effective intervention and treatment.

Often persons affected will be unaware or deny the extent of the problem, and they will not be motivated to seek help. It is in an employee's best interest that positive or aggressive steps are taken to intervene before the situation deteriorates to the crisis point and that coworkers and supervisors intervene prior to that time.

Intervention is defined as attempting to halt the progression of alcoholism, drug dependency, or emotional/personal problems by referring the affected person to professional treatment. It does not require employees to counsel one another.

When an employee believes that a coworker is experiencing one of these problems, but is not seeking treatment or is denying the problem, the employee should attempt to intervene by expressing concern in a caring manner and by making an informal referral to the EAP or to a treatment source. The employee should also contact the City's EAP Coordinator who will discuss available options.

## SUPERVISORY RESPONSIBILITY

All supervisory personnel will fulfill their responsibilities by:

1. Focusing on job performance, not personal problems. Employees may choose to discuss personal problems with a supervisor, which is acceptable, however, it is not the responsibility of the supervisor to act in a diagnostic role;
2. Documenting specific instances where an employee's work performance, behavior, or attendance fails to meet acceptable levels or is deteriorating;
3. Planning and conducting all appropriate supervisory interventions when there is a job performance problem; (supervisory intervention may include job counseling, retraining or disciplinary action);
4. Explaining the City EAP when counseling or disciplining an employee for poor job performance;

5. Recognizing when an employee has a continuing work performance problem, conducting an interview with the employee, focusing on poor work performance (have specific documentation, including dates, times, places and specific employee behavior). Lengthy discussions about personal or family problems should be avoided.
6. Recommending the City EAP to deal with possible personal problems which may be causing poor work performance;
7. Continuing to monitor and document the employee's job performance until the job performance problem ceases;
8. Continuing to document the specific unacceptable work performance or behavior.

### OFFICIAL REFERRAL

When an employee's conduct or job performance remains below acceptable levels and it appears that informal referral or other supervisory intervention has failed to result in satisfactory improvement, the supervisor shall:

1. Contact the City's EAP coordinator and describe the employee's specific behavior or work performance. Discuss appropriate steps and attempt to arrange an appointment for the employee and coordinator to meet voluntarily.
2. If the employee accepts a referral, attempt to obtain voluntarily a signed form which will authorize the release of information related to whether or not the employee is continuing to accept assistance.
3. Contact the City's EAP Coordinator to determine whether employee made contact after the referral.
4. When appropriate, conduct a disciplinary investigation paying particular attention to documenting:
  - a. Specific incidents involving unacceptable work performance or behavior (include numbers, dates and times); and
  - b. Steps which have been taken to correct the problem. (Number of counseling sessions, referrals, previous disciplinary actions etc.).
5. If the employee's performance continues to be unacceptable, continue progressive disciplinary action to correct the problem in accordance with the Compliance Acceptance and Investigation Policy.
6. Utilize official referral at each level of progressive disciplinary action.

## 5-500 CIVIL ACTIONS AGAINST POLICE DEPARTMENT EMPLOYEES

### PROCEDURE

Should any employee of this department receive notice naming him/her as the defendant in any action or special proceedings stemming from any act or omission on his/her part while functioning in his/her official capacity or arising out of employment with the City, the following procedure should be taken by that employee:

1. A written report should be submitted to the Chief of Police and the President of the appropriate union where appropriate, advising them of the pending action and requesting legal counsel.
2. The notice of the action received by the employee must accompany the Chief's copy of the report. A copy of the notice should be submitted to the appropriate union President. The notice, along with a report from the office of the Chief of Police, will then be forwarded to the City Attorney. Upon receipt, the City Attorney will issue a receipt for the notice acknowledging his/her receiving it. It is very important that this procedure be implemented promptly upon receipt of the notice by the employee.
3. Section 270.58 Wisconsin Statutes has been amended and now provides that failure by the officer or employee to give notice to the department head of action or special proceeding commenced against the officer or employee as soon as reasonably possible shall be a bar to recovery by the officer or employee from the State or political subdivision of reasonable attorney's fees and costs of defending the action. Such attorney's fees and expenses shall not be recovered if the State or political subdivision offers the officer or employee legal counsel and such offer is refused by the defendant officer or employee.

We remind all employees that in order for the provisions of your labor agreement with the City to be binding, the above outlined procedures must be followed.

### OBLIGATION OF THE CITY

Wisconsin Statutes 62.115, 270.58 and 895.35 sets forth the obligations of the City to its employees. Section 270.58 Wisconsin Statutes provides that the City will be responsible for all judgments against its employees providing that said employee is shown to be acting within the scope of his/her employment.

### COVERAGE

The City is self-insured against claims which are less than \$25,000. Additional coverage is provided by an insurance policy carried by the City.

**REPRESENTATION**

The City Attorney's Office will provide an attorney for defense in actions or special proceedings resulting from acts or omissions of employees acting within the scope of employment.



## 5-600 TEMPORARY ADMINISTRATIVE LEAVE

The department recognizes that even though stress is inherent in policing, occasionally employees become involved in incidents, which place them under such great emotional strain, that characteristic symptoms of psychological distress may develop. When an employee is unable to perform the responsibilities of a sworn law enforcement officer by reason of a non-physical work related condition, the department may provide a temporary administrative leave of absence.

### SUPERVISORY RESPONSIBILITY

When a supervisor believes an employee is unable to perform the responsibilities of a sworn law enforcement officer due to a non-physical, work related condition, they shall immediately notify one of the employee's commanders.

The affected employee's commander may grant the employee up to three (3) days of administrative leave if the commander believes the employee is unable to perform the responsibilities of a sworn law enforcement officer due to a non-physical condition that appears to be work related.

Upon granting administrative leave, the commander shall:

1. Ensure that an Employee Accident Form is completed.
2. Determine if the employee is in need of City services or referral. When appropriate, contact the EAP/ Critical Incident Coordinator.
3. Notify the Captain of Personnel as soon as possible.

### CAPTAIN OF PERSONNEL RESPONSIBILITY

Upon notification of granted administrative leave, the Captain of

Personnel, or their designee, shall:

1. Review the available information indicating the non-physical condition appears to be work related.
2. Notify the EAP/ Critical Incident Coordinator if appropriate.

If the available information indicates the employee may not be able to return to duty after the period of administrative leave, the Captain of Personnel shall contact the affected employee and inform them of the following:

1. The availability of EAP resources, if appropriate.
2. The requirement that the employee obtain medical documentation that they are unable to perform their duty responsibilities and are receiving treatment for the condition.
3. The process for application for worker's compensation.
4. The options regarding the use of sick leave, compensatory leave or vacation.

5. The process to apply for family and medical leave of absence and/or disability leave of absence.

The Captain of Personnel may authorize the extension of administrative leave for up to twelve (12) workdays. Upon extension of administrative leave, the Captain of Personnel shall:

1. Notify the Chief.
2. Notify the employee of the length of the extension.
3. Advise the employee they will be required to use an alternative form of leave at the conclusion of the administrative leave.
4. Notify the Commanding Officer of the employee.

**USE OF FORCE AND CALL RESPONSE**

|       |  |
|-------|--|
| 6-100 | The Use of Deadly Force                            |
| 6-200 | The Use of Non-Deadly Force                        |
| 6-300 | Guidelines for the Operation of Emergency Vehicles |
| 6-400 | Mutual Aid Requests                                |

## **6-100 THE USE OF DEADLY FORCE**

Recognizing our legal and moral obligation to use force wisely and judiciously, it is the policy of this department that deadly force will never be resorted to unless an officer reasonably believes that a lesser degree of force would be insufficient to defend the life of another, one's self, or in limited situations, to apprehend a dangerous felon, or control an animal.

### **DEADLY FORCE DEFINED**

As used in this policy, deadly force refers to the intentional use of a firearm or other instrument, the use of which would result in a high probability of death.

### **DEADLY FORCE AUTHORIZED**

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

1. in the defense of another person who the officer has reasonable cause to believe is in imminent danger of death or great bodily harm;
2. in defense of one's self, when there is reasonable cause to believe one is in imminent danger of death or great bodily harm;
3. to effect the arrest or prevent the escape of a suspect who the officer has reasonable cause to believe has committed, or attempted to commit, a felony involving the use or threatened use of deadly force, when a high probability exists that the suspect, if not immediately apprehended, may cause death or great bodily harm;
4. to protect one's self or another from an animal which an officer reasonably believes may cause great bodily harm if not immediately controlled, or to end the suffering of an animal gravely injured or diseased after considering public view, safety, and other reasonable dispositions.

### **VERBAL WARNING**

Before using deadly force, officers shall, if reasonably possible, identify themselves, order the suspect to desist from unlawful activity, and threaten to use deadly force if the lawful order is not obeyed.

### **DEADLY FORCE IS NEVER AUTHORIZED**

1. Warning shots will not be fired.
2. From a moving vehicle, unless an officer has reasonable cause to believe that one's self or another is in imminent danger of death or great bodily harm.

3. At a moving vehicle unless an officer has reasonable cause to believe that one's self or another is in imminent danger of death or great bodily harm or Deadly Force Authorized, paragraph 3, regarding certain felons applies.
4. Officers shall not use deadly force when its use unreasonably risks the lives of innocent bystanders.

### **USE OF FORCE TECHNIQUES/INSTRUMENTS**

1. The intentional punching, striking, or grabbing the throat (trachea) or blocking or restricting the carotid neck arteries creates a substantial likelihood of death or great bodily harm and is therefore considered deadly force and shall be used only in accordance with this policy.
2. Members of the department are permitted to carry folding knives with a blade no longer than 4 inches for utility purposes while on duty. Fixed-bladed knives are authorized only for members of the Emergency Response Team (ERT) and only while operating in such a capacity in special circumstances with the written permission of the Chief of Police.

### **AUTHORIZED USE OF FIREARMS**

Authorized firearms (on or off duty) may be used for target practice or competition at a firing range, or other safe area

### **INVESTIGATION OF THE USE OF DEADLY FORCE**

It is important to recognize that employees, in the course of carrying out their responsibilities, may be confronted by violence and may be required to use deadly force to protect their life or the life of another person. Employees who are compelled to exercise deadly force may experience severe emotional trauma.

The investigative inquiry is to be conducted in a thorough, accurate and factual manner and must also take into consideration the psychological, physiological and legal ramifications that such incidents have upon the officer, their family and the community.

The Chief of Police will annually designate the members of the Officer Involved Critical Incident (OICI) investigative team.

#### **Use of Force Not Resulting in Death or Injury**

When an officer is responsible for the accidental or intentional use of deadly force which does not result in death or injury,

1. Officers shall inform their supervisor or the Officer-in-Charge of the incident as soon as possible.

2. The supervisor notified or the supervisor assigned shall make an investigation of the incident pursuant to department policy.

### **Use of Force Resulting in Death or Injury**

When an officer is responsible for the accidental or intentional use of deadly force which results in death or injury,

1. Duties of Involved Officers
  - a. Officers shall inform a supervisor or the Officer-in-Charge of the incident as soon as possible.
  - b. Control the scene until relieved.
  - c. Identify witnesses for subsequent interviews. Involved officers shall not participate in the interviews of witnesses.
  - d. Reporting requirements for principal officers will be covered by contact with the OICI team.
2. Duties of On-scene Supervisor
  - a. Assume responsibility for the security and preservation of the scene.
  - b. Contact officers involved to identify the crime scene and identify potential witnesses.
  - c. The on-scene supervisor shall immediately notify the dispatcher to broadcast a message if no officers have been injured.
  - d. In the event an officer is injured, immediately notify the Officer-in-Charge.
  - e. The on-scene supervisor shall 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.)
  - f. Establish a command post and give location to the Dane County Public Safety Communications (911 Center).
  - g. Temporarily move the involved officer a short distance away from but accessible to the scene. A non-involved fellow officer shall be assigned to accompany the involved officer, unless the involved officer prefers to be alone. 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.

- h. Provide an opportunity for the involved principal personnel to contact Union officials or legal counsel as soon as practical. Provide phones and numbers as needed.
  - i. Upon arrival of the OICI Investigation Team, brief them on the incident and relinquish the investigative responsibility to its commander.
  - j. Assist at the scene as needed.
  - k. Complete a report unless otherwise directed by the OICI commander.
3. Duties of the Officer-In-Charge (OIC).
- a. Notify the OICI team commander or designee.
  - b. Contact operational team leaders of involved district(s).
  - c. Notify the Chief, Assistant Chief of Operations, and Assistant Chief of Support Services.
  - d. 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 be done in a discreet manner, MDT, phone, etc.
  - e. In the event of an injury or death of an employee, notify immediate family per the Line of Duty, Life Threatening Injury or Death of an Employee policy.
  - f. Notify the Professional Standards and Internal Affairs Unit, and the Public Information Officer (PIO).
  - g. All media releases shall be cleared through the OICI Commander and the Office of the Chief of Police.
4. Duties of the OICI Commander
- a. Assume command from the on-scene supervisor.
  - b. Ensure that services regarding involved personnel have been provided.
  - c. Direct the investigation of the incident.
  - d. Limit the OICI Team's investigative interview(s) of the principal officer(s) until directed to proceed with the

- interview(s) by Professional Standards/Internal Affairs (PSIA).
- e. If appropriate, the OICI Commander or their appointee shall provide information to all commissioned personnel regarding the pertinent facts of the incident within 24 hours.
5. Duties of the OICI Investigation Team.
- a. Investigate incident.
  - b. Retrieve and take custody of the weapon used by the officer(s). The supervisor 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 OICI Team shall take custody of the officer's weapon in a discrete manner and may replace it 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).
  - c. If necessary, have the officer(s) returned to the scene to respond to the needs of the investigation.
  - d. Interview principal officer(s)
    - i. Contact with the involved officer(s) will be controlled at the discretion of the OICI Commander after consultation with PSIA.
    - ii. Only members of the OICI Criminal Investigation Team will conduct an investigative interview with the officer(s) regarding the specifics of the incident.
    - iii. The participants of the interview shall be limited to members of the OICI team, the involved officer and their legal counsel or an advocate of involved officer's choice.
6. Duties of the Assistant Chief of Operations.
- a. Ensure that involved personnel have had appropriate opportunities to contact family members, Union officials, and/or attorneys.
  - b. Ensure that EAP services have been offered.
  - c. Place the officer(s) on a minimum of one-day paid administrative leave. Confer with the officer's Commander



regarding additional days. This may include additional paid administrative leave time or a temporary special assignment.

- d. Ensure that within 72 hours of the incident, the involved officer(s) are contacted by a department approved traumatic stress professional.

### **District Attorney Review**

All reports involving the use of deadly force by department personnel which cause injury or death shall be submitted to the District Attorney for review.

### **MPD Policy Compliance Review**

All instances of the use of deadly force 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 Use of Deadly Force policy.
  - b. PSIA will report the findings of the internal investigation directly to Assistant Chief of Support Services.
2. Assistant Chief of Support Services
  - a. Shall oversee all internal investigation resulting from the accidental or intentional use of deadly force which results in death or injury.
  - b. Shall review administrative command decisions which result in the deployment of deadly force.

## **6-200 THE USE OF NON-DEADLY FORCE**

Recognizing our legal and moral responsibility to use force wisely and judiciously, it is the policy of this Department that force shall never be resorted to until officers reasonably believe it is necessary in the performance of legal duties.

### **NON-DEADLY FORCE DEFINED**

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

### **NON-DEADLY FORCE AUTHORIZED**

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

1. Detaining a person reasonably suspected of unlawful behavior.
2. Effecting an arrest.
3. Overcoming resistance.
4. Preventing escape.
5. Protecting oneself or another.
6. Maintaining order.

### **DEGREES OF NON-DEADLY FORCE**

Officers shall only use the degree of force reasonably believed to be necessary to control a situation considering the following factors:

1. The existence of alternative methods of control.
2. Physical size, strength and weaponry of the person as compared to the officer.
3. The nature of the encounter.
4. Actions of the person.
5. Exigent conditions (i.e., availability of backup, number of persons involved, etc.).
6. The severity of the offense.
7. Whether the suspect poses a threat to the safety of officers or citizens.
8. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

Control of a person through verbal commands shall always be the preferred method of control. Because verbal commands are not always effective or appropriate in gaining compliance, officers may escalate the degree of force based on the actions of the person they are attempting to control.

The concept of escalating/de-escalating degrees of force is based on an officer's reaction to a specific action of the person s/he is attempting to control. Officers are not required to begin a confrontation with dialogue and escalate step by step until control is gained if it is reasonably believed that the reaction would be ineffective or inappropriate based on the actions of the person they are attempting to control. Once a person is under control, officers are required to revert to the lowest degree of force necessary to maintain that control.

### STATE OF WISCONSIN INTERVENTION OPTIONS

| Mode                          | Tactic                                     | Purpose   |
|-------------------------------|--|---|
| <b>A. Presence</b>            | Professional Presence                      | To present a visible display of authority                       |
| <b>B. Dialog</b>              | Tactical Communication                     | To verbally persuade  |
| <b>C. Empty Hand Control</b>  | Escort Holds                               | To safely initiate contact                                      |
|                               | Compliance Holds                           | To overcome passive resistance                                  |
| <b>D. Control Devices</b>     | Oleoresin Capsicum (O.C.)<br>Aerosol Spray | To overcome active resistance or its threat                     |
|                               | Electronic Control Device (ECD)            | ***   |
|                               | Passive Countermeasures                    | To decentralize   |
|                               | Active Countermeasures                     | To create dysfunction   |
|                               | Incapacitating Techniques                  | To cause the immediate, temporary cessation of violent behavior |
| <b>E. Intermediate Weapon</b> | Intermediate Weapons                       | To impede a subject   |
| <b>F. Deadly Force</b>        | Firearm                                    | To stop the threat  |

**\*\*\* ECD use is only permitted as outlined in this policy**

The Intervention Options matrix is not simply a Continuum of Force; rather, each Mode, Tactic and Subcategory reflects an option that an officer may chose in order to deal with a particular situation. Note that each Mode contains a series of sub-steps, reflecting increasingly more intrusive force

options. Several different Modes may be used to establish control in any given situation, and force options within different Modes may be appropriate in any given situation. Presence and Dialog will commonly occur throughout the duration of any confrontation.

Whatever situation an officer faces, the officer assesses the totality of the circumstances in light of his or her training and experience. The officer chooses the intervention option that he or she feels is reasonably necessary to gain control (the objective for any police use of force). Anytime that a given force option fails to result in control, the officer has the option of disengaging or escalating to a higher level of force (within that Mode or in another Mode) in order to attain Control.

### **THE USE OF OLEORESIN CAPSICUM SPRAY (O.C. 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 passive resistance.
2. Officers shall only direct O.C. Spray in a manner as prescribed by the Chief of Police through departmental training.
3. Oleoresin capsicum (O.C.) Spray shall not be used once an individual is subdued and under control.
4. If practical, the individual should be provided with an opportunity to eliminate the effects of the irritant by washing and flushing the affected areas with water. Further, the officer should inform such individuals that it is not advisable to use creams, ointments, or bandages on the affected areas

### **CHEMICAL AGENT USE**

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

### **ELECTRONIC CONTROL DEVICE USE**

1. An approved electronic control device (ECD) may only be utilized by officers that have successfully completed training in its use. Deployment and use of the electronic control devices will be in accordance with departmental training and procedure.
2. An ECD is not a substitute for deadly force—in cases where a subject is believed to be armed with a dangerous weapon, an officer may not arm him or herself with an ECD unless another officer at the scene has the immediate ability to deliver deadly force. 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.
4. Deployment of an ECD will be evaluated using the criteria in this policy and within the framework of the Use of Force Intervention Options matrix. An ECD may only be used under the following circumstances:
  - a. To overcome violent or assaultive behavior or its threat; if the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
  - b. To control persons in order to prevent them from harming themselves or others.
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 operating a motor vehicle.
  - d. 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. Officers shall evaluate all subjects against whom an ECD has been deployed. The subject shall be medically evaluated 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 five (5) or more ECD firing cycles; or one continuous firing cycle of twenty-five (25) seconds or more.
9. If the ECD probes have penetrated the skin in a sensitive area (head, neck, groin or breast of a female) the subject will be conveyed to an emergency room for removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them.
10. Removing the air cartridge to deploy an ECD in the drive-stun mode is not authorized as a primary ECD deployment technique.

## BATON USE

1. A baton may be used only when an officer reasonably believes a lesser degree of force would be insufficient to control the situation.
2. An officer shall never strike a person's head with a baton unless such an action is justified under the use of deadly force. This section is not intended to apply to an accidental strike to the head as a result of resistance.
3. Officers shall only use Department-approved batons and techniques.
4. Department-approved batons are the only authorized impact weapons. Flashlights, radios, firearms, etc., are not recommended as impact weapons; however, the Department 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 departmental training.
2. Impact projectiles are not a substitute for deadly force—an officer may not arm him or herself with an impact projectile weapon unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with impact projectile weapons should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. It is the responsibility of the officer arming him or herself with an impact projectile weapon to ensure that the weapon is loaded with impact projectiles each time the weapon is deployed.
4. Like any use of force, deployment of impact projectiles must be evaluated using the criteria in this policy and the State of Wisconsin's Use of Force Intervention Options. Deployment of impact projectiles at non-vital areas is considered non-deadly force, but is considered to fall just above baton strikes (at the upper range of the “impact weapon” category”) on the force continuum. The intentional

deployment of impact projectiles at the face, head or neck is considered deadly force.

5. All persons taken into custody who have been struck with an impact projectile will be conveyed to an emergency room for medical clearance.
6. The investigative requirements of the Use of Deadly Force policy will be followed only if deployment of an impact projectile results in death or great bodily harm.
7. Absent an imminent risk of harm to officers or citizens, impact projectiles will not be used in crowd control situations. Impact projectiles will not be used to move or disperse crowds.
8. 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.

#### **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. When handcuffs prove to be insufficient in restraining an individual (e.g., kicking, attempting to flee, etc.), officers may employ the use of additional department-approved restraining devices.
3. In an emergency situation when a Department approved restraining device is not available, the Department recognizes that alternative devices may have to be employed. In such situations, approved devices should be substituted as soon as reasonably practicable.
4. Individuals who are placed in the maximum restraint position should be continuously monitored for breathing and circulation.

#### **USE OF FORCE REPORTING REQUIRED**

1. It is the responsibility of any officer who uses physical force, or any of the following enumerated weapons, items or devices, to complete an original or supplementary report on the incident involved, and to specifically note the circumstances necessitating and manner of such use:
  - a. Firearms (e.g., striking with or pointing of any firearm),
  - b. Baton (e.g., the striking, blocking or pushing of any person),

- c. Chemical Agents,
- d. Handcuffs or other restraining devices,
- e. Physical force (e.g., striking, punching, pushing or restraining any person).



## 6-300 GUIDELINES FOR THE OPERATION OF EMERGENCY VEHICLES

Members of the department shall at all times operate city vehicles with due regard for the safety of all persons. When operating under emergency conditions, officers shall carefully balance the risks involved against the public interests, recognizing always that the exemptions provided by law to authorized emergency vehicles do not protect an operator from the consequences of reckless disregard for the safety of others.

In many situations, several emergency vehicles may be responding to the scene at the same time. Officers shall be especially alert in these situations to insure the safe arrival of all emergency vehicles responding.

Intersections present a special hazard to emergency vehicles. Officers should always slow the speed of their vehicles when approaching an intersection and be able to stop, if necessary.

### AUTHORIZED EMERGENCY VEHICLE SITUATIONS

1. In response to calls of an emergency nature;
2. In pursuit of an actual or suspected violator of the law; or
3. While obtaining evidence of a speeding violation. (See below: Use of Warning Devices, Paragraph 3.)

### USE OF WARNING DEVICES

1. The red or red and blue lights shall be activated whenever an officer, in the course of duty, stops, stands or parks an assigned vehicle contrary to the rules of the road. Officers may, however, elect to only use vehicle hazard flashers, rather than the red or red and blue lights on their vehicles, whenever it is necessary to stop, stand or park in a space adjacent to a curb, which is not a legal parking space, as long as the vehicle does not obstruct a traffic lane.
2. The red or red and blue lights and siren shall be used whenever an officer, in the course of duty, passes through a stop sign or signal, operates contrary to regulations governing direction of movement or turning, or exceeds the speed limit.
3. An officer may exceed the speed limit without giving audible and visual signal, if the officer is obtaining evidence of a speeding violation; however, the officer shall activate this equipment and attempt to stop the violator once sufficient evidence is obtained for the violation.
4. Officers responding to a call which is reasonably believed to be a felony in progress, may exceed the speed limit without giving audible signal but should give visual signal when doing so will not

compromise a tactical response. When not giving a signal, the officer must reasonably believe that one of the following exists:

- a. Knowledge of the officer's presence may endanger the safety of a victim or other person.
- b. Knowledge of the officer's presence may cause the suspected violator to evade apprehension.
- c. Knowledge of the officer's presence may cause the suspected violator to destroy evidence of a suspected felony, or may otherwise result in the loss of evidence of a suspected felony.
- d. Knowledge of the officer's presence may cause the suspected violator to cease the commission of a suspected felony before the officer obtains sufficient evidence to establish grounds for arrest.

## **USE OF OTHER SAFETY EQUIPMENT**

Safety belts will be used in accordance with the Use of Safety Belt Harnesses Policy.

## **CIVILIAN MEMBERS OF THE DEPARTMENT**

Although civilian members of the department shall, for the protection of the public, operate the red or red and blue lights of a police vehicle if it becomes necessary to stop, stand or park contrary to the rules of the road (i.e., to protect persons and vehicles at an accident scene or at the location of a traffic hazard until an officer's arrival), they are never authorized to operate the vehicle's red or red and blue light and/or siren to exceed the speed limit, to operate contrary to regulations governing direction of movement or turning or to pass through a stop sign or signal.

## **PURSUIT OF VEHICLES POLICY**

### **Pursuit Definition**

A vehicle pursuit occurs when an officer attempts to stop another vehicle by giving both an audible and visual signal and the officer reasonably believes the violator is refusing to stop and is attempting to elude.

### **Gravity of Offense vs. Public Safety**

The department recognizes that decisions to initiate and continue the pursuit of vehicles and suspects who are attempting to elude the police in a vehicle must, as a matter of public policy, reflect a balance of the public interests in the apprehension of violators of the law, and in insuring the safety of all persons who might potentially be endangered by the pursuit. The propriety of any pursuit depends on the specifics of each particular situation, and officers must be prepared to articulate the conditions which existed at the time of their decision. Consideration must be given not only to the nature and gravity of

the offense(s) involved, but also to the degree of danger to the safety of members of our community which may inadvertently arise as a result of a pursuit. The policies reflected in the guidelines which follow are based on the belief that responsible policing may, of necessity, require that the apprehension of a suspect be postponed, even in potentially serious situations. This is particularly true when, at the time of a decision to pursue or to discontinue pursuit, a situation of unreasonable danger to officers and/or other persons exists which outweighs the competing public interests involved in the apprehension of the violator.

### **Assessment or Unreasonable Danger**

In making the initial decision to pursue, and while in pursuit, officers and supervisors must continually evaluate a variety of information to determine whether the pursuit of an eluding vehicle presents an unreasonable danger of death or great bodily harm which outweighs the public interest involved in apprehension. The conditions identified below are among those which must receive consideration. Although they are identified individually, each can have an effect on another. Their value for decision-making purposes is enhanced when considered in combination.

1. Type, actions and speed of the vehicle being pursued;
2. Geographic area of pursuit and its population density;
3. Time of day/day of week;
4. Vehicular and pedestrian traffic present in area;
5. Road and weather conditions;
6. Officer's familiarity with the area of pursuit;
7. Severity of crime for which offending driver is a suspect;
8. Necessity of pursuit by vehicle;
9. Type of squad being operated by pursuing officer.

### **Non-commissioned Passengers**

Pursuit should not be undertaken by any unit which contains prisoners, suspects, complainants, witnesses or other passengers (with the exception of authorized ride-alongs) who are not commissioned law enforcement officers, except under circumstances involving a type 1 pursuit.

### **Unmarked Squads**

Pursuit by officers in unmarked squads not equipped with full internal light packages is not authorized, except under circumstances involving a type 1 pursuit, or when the violator being pursued is wanted for a crime of violence

against another and the violator, unless apprehended, would present a continuing threat to the safety of another person(s).

Pursuit by officers in unmarked squads equipped with full internal light packages is authorized, but the pursuing officer should consider the fact that he or she is operating such a vehicle when deciding whether to initiate or continue a pursuit. Pursuing officers must operate their vehicles with due care, and should be cognizant of the reduced side visibility provided by internal light packages, particularly at intersections.

A full internal light package is defined as follows:

1. Showing to the front of the vehicle: multiple red/blue flashing or rotating lights and headlight flashers; and
2. Showing to the rear of the vehicle: multiple red/blue flashing or rotating lights.

### **Primary Officer Responsibility**

The responsibility for the decision to pursue, the methods to be employed, and the continuation of pursuit rests with the primary officer involved, until a supervisor provides direction or otherwise assumes responsibility for the situation.

### **Authorized Pursuit**

The pursuit of vehicles is authorized in accordance with the following guidelines:

1. **Type 1 Pursuit** - Officers shall pursue, attempt to stop and apprehend, as expeditiously and safely as possible, any person in a vehicle who the officer has reasonable cause to believe:
  - a. Has committed, or attempted to commit, a felony involving the use or threatened use of deadly force, when a high probability exists that the suspect, if not immediately apprehended, may cause death or great bodily harm, or
  - b. Is operating a vehicle in a manner which creates a high probability of death or great bodily harm.
2. **Type 2 Pursuit** - All Other Criminal Violations - officers shall pursue and attempt to apprehend any person who is eluding apprehension in a vehicle when the officer has reasonable cause to believe the person committed any criminal (felony or misdemeanor) violation, but shall discontinue pursuit when the act of pursuit, in itself, creates an unreasonable danger of death or great bodily harm to officers, the suspect or to uninvolved persons.
3. **Type 3 Pursuit** - All Traffic and Ordinance Violations - officers may pursue and attempt to apprehend any person who is eluding

apprehension in a vehicle when the officer has reasonable cause to believe the person committed any traffic or ordinance violation, but shall discontinue pursuit when:

- a. The act of pursuit, in itself, creates an unreasonable danger of death or great bodily harm to officers, the suspect or uninvolved persons, or,
- b. Officers know the identity of or obtain sufficient information to identify the suspect for apprehension at a later time.

### **Pursuit Procedures**

Officers shall adhere to the following procedures in all pursuit situations:

1. Promptly inform the Communications Section of your call number, and the fact that you are in pursuit.
2. Reasonably attempt to inform the Communications Section of the following:
  - a. If your vehicle is unmarked;
  - b. Location and direction of pursuit;
  - c. Description of vehicle being pursued, license number, number of occupants, and, if possible, description of occupants;
  - d. Reason for pursuit (e.g., traffic, armed felon, etc.);
  - e. Estimated speed of vehicle being pursued.
3. Maintain contact with the Communications Center and reasonably attempt to inform them of:
  - a. Changes of direction;
  - b. Speed of vehicles involved;
  - c. Action of vehicle being pursued (e.g., driving reckless, no lights, etc.).
4. The Communications Center, after being notified of a pursuit, shall promptly restrict the channel to emergency transmissions.
5. The Communications Center shall, as soon as possible, replace primary unmarked pursuit unit with a marked unit.
6. Whenever possible, a specific unit should be assigned as a secondary officer by the Communications Section.
7. The secondary unit shall remain a safe distance in back of the pursuit unit and be ready to assist when the violator's vehicle is stopped.

8. Secondary back-up police vehicles shall not attempt to pass or caravan with the primary pursuit unit. All police vehicles – those directly involved in the pursuit, those paralleling the pursuit, and those responding to assist with a pursuit – shall be operated with due regard at all times.
9. Pursuits should be accomplished with a minimum number of vehicles and normally be limited to the primary pursuit vehicle and two additional vehicles. Additional vehicles should maintain a safe distance from the primary pursuit vehicles. The number of units directly involved may be adjusted to fit the situation.
10. As a pursuit proceeds through adjoining patrol districts, officers in these areas may parallel the pursuit course so as to be available in the event their assistance is needed.
11. The primary pursuit unit shall promptly inform the Communications Section of the termination location of the pursuit and will retain responsibility for maintaining control and adherence to department policy and procedure at the scene until the arrival of a supervisor.
12. Upon notification of the apprehension of the vehicle and/or suspect, the Communications Center shall insure:
  - a. Secondary units are informed of the termination point;
  - b. Adequate assistance is on the scene or en route;
  - c. A supervisor is assigned and dispatched to the scene.

### **Supervisor Responsibilities**

Commissioned supervisors have the following responsibilities in all pursuit situations:

1. Monitor the pursuit from the point of notification to its conclusion;
2. Control, if appropriate, by directing and coordinating the police units involved in the pursuit;
3. Terminate any pursuit which in the supervisor's judgment does not conform to the guidelines under Authorized Pursuit.
4. Respond immediately to the scene of the pursuit termination to direct police actions at the scene and to insure adherence to all department policy and procedure.
5. After reviewing the circumstances of the pursuit, the supervisor at the scene shall evaluate whether the actions of the officers involved in the pursuit were in accordance with policy and procedure. This review may also extend to officers not directly involved in the pursuit (i.e., responding officers). The supervisor shall complete a report

(memorandum) and attached pursuit review form, reviewing the circumstances of the pursuit and noting apparent compliance or noncompliance with policy and procedure. The review will be forwarded to the involved employee's commanding officer. If appropriate, the commanding officer will assign further investigation of the incident. The review will then be forwarded to the Chief of Police for final review. The supervisor's review will be stored in the Chief's office.

### **OIC Responsibilities**

The OIC of the shift on which a pursuit occurs shall e-mail the involved officers' commanders with the date and case number of the incident, as well as the press release (if one was issued).

In the event the pursuit terminates in a crash causing injury to any party, the OIC shall immediately notify the involved officer's commander and the Assistant Chief of Operations.

If an officer is injured and requires hospitalization, the Captain of P&TT shall also be notified immediately.

If no field supervisor is available during a pursuit, the OIC will fulfill the duties outlined in Supervisory Responsibilities.

### **Emergency Stationary Roadblocks**

1. Emergency stationary roadblocks are those which, due to the urgency of the situation, must be set up with a minimum amount of notice and preparation for the purpose of stopping a vehicle which is actively attempting to elude the police. Stationary emergency roadblocks will be set up, controlled and/or authorized whenever possible, by a commissioned supervisor or commanding officer. Emergency stationary roadblocks are only authorized under circumstances involving a type 1 pursuit, unless approved by a supervisor.
2. Whenever possible, an emergency roadblock should be set in a well-lighted area, using all emergency visual aid equipment to further light up the roadblock such as:
  - a. Rotating top red and blue lights;
  - b. Headlights aimed away from the path of the eluder;
  - c. Spotlights.
  - d. Takedown and alley lights (aimed away from path of the eluder).
  - e. All officers at the scene of an authorized stationary emergency roadblock, shall position themselves outside of their vehicles and at a safe distance from the block so as to

protect themselves from injury in the event the fleeing vehicle(s) attempts to run through or around the blockade. This does not apply to a pursuit squad positioned in a safe and strategic location.

- f. Officers at the scene of an authorized stationary emergency roadblock shall attempt to remove and/or isolate all non-involved persons from the danger area of the roadblock.
3. An emergency stationary roadblock should never be set up in a dark or blind area, such as just over hills, or around curves, etc. The roadblock must offer an alternative path (other than certain crash) for the pursued vehicle.

### **Selective Enforcement Roadblocks**

Selective Enforcement Roadblocks are those which are planned well in advance and are set up to stop numerous vehicles for purposes such as to check for wanted persons, vehicle defects, etc. Only a commanding officer may authorize a selective enforcement roadblock.

### **Emergency Moving Roadblocks**

Although the use of an emergency moving roadblock is discouraged as a tactical response in pursuit situations, it may, if authorized by a supervisor, be used to stop an eluding vehicle under circumstances involving a type 1 pursuit, provided that doing so would not create an unreasonable risk of harm to uninvolved motorists or pedestrians.

### **Pursuit Intervention Technique (PIT)**

1. The pursuit intervention technique may be used under circumstances involving a type 1 pursuit if:
  - a. The suspect's vehicle is traveling less than 35 miles per hour
  - b. Doing so would not create an unreasonable risk of harm to uninvolved motorists or pedestrians
  - c. A supervisor has approved of using the technique, unless it is unsafe or impracticable to do so.
  - d. The officer performing the PIT has been trained in the technique.
2. Use of the pursuit intervention technique at speeds greater than 35 miles per hour is considered deadly force and shall only be used under authorized deadly force circumstances.
3. Use of any other ramming technique to contact a suspect vehicle and/or force it off a road is considered deadly force and shall only be used under authorized deadly force circumstances.



4. The pursuit intervention technique will not be used on a motorcycle, or similar 2 wheeled vehicle, unless deadly force is justified.

#### USE OF TIRE DEFLATION DEVICES

1. Tire deflation devices will only be deployed by officers trained in their use. Prior to beginning each tour of duty, trained officers will determine if their squad is equipped with a tire deflation device. If the vehicle is equipped with a tire deflation device, the officer shall do a brief inspection of the unit to verify that it is in proper working order.
2. The use of tire deflation devices in accordance with this policy and departmental training does not constitute deadly force. However, tire deflation devices may only be used to stop motorcycles, mopeds or other two-wheeled vehicles when the use of deadly force is justified.
3. Tire deflation devices may be deployed during active pursuits, or to stop vehicles not actively fleeing but refusing to stop. Any other use of tire deflation devices may only be done with a supervisor's approval, unless it is impractical to obtain such approval.
4. The method and technique of deploying tire deflation devices will be in accordance with departmental training.
5. When evaluating the appropriateness of continuing or terminating pursuits, the availability of tire deflation devices can only be considered in conjunction with the factors outlined in "Assessment or Unreasonable Danger" of the Pursuit of Vehicles policy.
6. Reporting Requirements
  - a. Officers deploying tire deflation devices will complete a supplemental report including all pertinent facts surrounding the deployment.
  - b. Supervisors will include officers deploying tire deflation devices in their post-pursuit review, and will document the deployment on the Supervisor's Review of Pursuit Form.
7. Officers equipped with tire deflation devices may continue monitoring an MPD pursuit that continues into another jurisdiction, and may deploy tire deflation devices in accordance with this policy.
8. Involvement in the Pursuit of Another Jurisdiction
  - a. Officers may assist in the pursuits of other agencies that have entered the City of Madison in accordance with the "Involvement in the Pursuit of Another Jurisdiction" policy below, and may deploy tire deflation devices in such instances in accordance with this policy.

- b. Notwithstanding the requirements of the “Involvement in the Pursuit of Another Jurisdiction” policy below, MPD officers may deploy tire deflation devices to stop vehicles fleeing from another agency that have entered the City of Madison without a specific request from the primary pursuing agency. Deployment in these instances will only be done with a supervisor’s approval. Outside agency officers involved in the pursuit will be notified prior to deployment if possible.

### **PURSUIT INTO ANOTHER JURISDICTION**

When acting in accordance with the provisions of this policy, officers may pursue vehicles into adjoining jurisdictions. In this event, the jurisdiction involved should be notified by the Communications Section of the pursuit, the reason for it, and whether direct assistance with the pursuit is requested. Direct pursuit assistance should only be requested if available Madison Police resources are inadequate, or if assistance of a special nature is needed.

### **INVOLVEMENT IN THE PURSUIT OF ANOTHER JURISDICTION**

Madison police officers, as a practice, will not become involved in another jurisdiction’s vehicle pursuit unless specifically requested to do so by the agency involved. Upon receiving a request of this nature, the Communications Section will obtain and relay information to the officers and a supervisor; regarding the request, including vehicle description, direction of travel, the reason for the pursuit, and if the suspect’s identity is known. Madison Police involvement in the pursuit will proceed thereafter in accordance with the provisions of this policy.

If the circumstances of another jurisdiction’s pursuit dictate that a Madison police officer become involved prior to a request for assistance, the Madison police officer must be able to clearly articulate the immediate need for their actions.

## 6-400 MUTUAL AID REQUESTS

### GENERAL PURPOSE

Individual law enforcement agencies within Dane County, and specifically those contiguous with the City of Madison or having jurisdictional boundaries within the City of Madison, share the goal of providing efficient, high quality police services to the communities served during both emergency and non-emergency situations. The Madison Police Dept., as well as adjacent jurisdictions, has a finite amount of resources with which to handle various situations. It shall be the policy of the Madison Police Department to assist with requests for mutual aid in order to strengthen the ability of all to respond to emergency situations.

The primary backup responsibilities for police or peace duties to all jurisdictions within Dane County rest with the Dane County Sheriff's Office. However, the policy of the Madison Police Department is to recognize that providing routine backup, and /or responding to minor assists, and/or assuring officer safety is part of being a good neighbor. Reimbursement for police services provided to outside jurisdictions may, however, be pursued for the provision of services which are extraordinary in nature, require a significant deployment of personnel resources, utilize personnel resources for an extended period of time, or, which are deemed an abuse of the "good neighbor" backup/assist policy.

The purpose of this policy is to provide guidelines and direction to sworn personnel of the City of Madison Police Department upon receiving a request for mutual aid from a jurisdiction outside the City of Madison.

### GENERAL PROCEDURES

City of Madison Police Department personnel may respond to requests of mutual aid, consistent with section 66.0313 of the Wisconsin Statutes, under the following circumstances:

1. Requests for assistance outside the city of Madison must be made via radio, telephone, Mobile Data Terminal/computer (MDT/MDC), or in person.
2. The OIC or a field supervisor must approve requests for mutual aid prior to MPD officers being dispatched to an incident. If the request involves an emergency call, and the OIC or a supervisor is not available, officers may be immediately dispatched. Dispatch shall notify the OIC or a field supervisor as soon as possible.

The OIC/Field Supervisor should give consideration to the following issues before approving mutual aid requests:

- a. The nature of the request.
- b. The exact location of the problem.

- c. The measures taken by the requesting jurisdiction to bring the situation under control, and why they have proven insufficient. The requesting jurisdiction is responsible for providing sufficient information to determine the level of assistance that may be required.
  - d. The estimated number of personnel needed, projected time requirement, amount of equipment, or the need for special units that will be necessary to bring the situation under control.
  - e. The impact on our department, and our ability to meet the emergency service demands within our jurisdiction, if our resources are dedicated to the request.
3. A supervisor/OIC may deny or delay a request for mutual aid assistance outside the City of Madison if the request is likely to seriously impair police services to the City of Madison. Additionally, the supervisor/OIC may withdraw resources (personnel, equipment and/or specialized units) where circumstances require redeployment within the City of Madison.

### SCENE RESPONSIBILITIES FOR EMERGENCY CALLS

1. The designated supervisor of the requesting agency shall be in charge at the emergency site. All city personnel shall follow his/her lawful orders. However, when taking any law enforcement actions, including the use of force, in the requesting jurisdiction, Madison Police personnel shall at all times adhere to the Policies, Procedures and Regulations of the Madison Police Department. Madison Police personnel will utilize only those weapons and tactics with which they have been trained, and with which they have qualified, and will do so only in the manner consistent with that training and qualification.
2. Where the provided mutual assistance involves the loan of a specialized unit, ERT, Special Event Team, hostage negotiation or canine unit, the commander or individual of that specialized unit shall be responsible for the tactical implementation of the mission to be accomplished, as determined and directed by the field commander of the requesting agency.
3. Officers on loan from the City of Madison to another jurisdiction in an emergency shall regularly appraise dispatch on information pertaining to the continued status of the emergency, line-of-duty injuries, or need for relief.
4. City of Madison officers may take only those law enforcement actions permitted under state law for emergency allocation outside our jurisdiction.

5. City of Madison officers providing mutual aid shall only make arrests for offenses directly related to the emergency situation, and shall assist in the preliminary processing of arrestees as follows:
  - a. Identification of arrestees;
  - b. Control of property obtained from arrestees;
  - c. Completion of arrest and reporting documents;
  - d. Transportation of arrestees; and
  - e. Court duty.

### **SUPERVISORY COVERAGE**

In the event that there is not a supervisor available from the requesting agency in a significant incident, MPD personnel will request that a supervisor from either the requesting agency or the Dane County Sheriff's Department respond as soon as possible.

### **RESPONDING OFFICER RESPONSIBILITY**

City of Madison officers responding to a request for mutual aid in a "primary" capacity, in another jurisdiction, will secure the scene with special attention to the safety of citizens and preservation of evidence. MPD personnel will remain on the scene until relieved by the requesting agency or the Dane County Sheriff's Department. MPD personnel will not take the primary investigation outside the city limits, unless authorized by the OIC or field supervisor.

City of Madison officers responding to the request for mutual aid in a "back-up" capacity on routine calls will assist as needed until the call is completed or until they are relieved by the requesting agency or the Dane County Sheriff's Department.

These guidelines do not prohibit individual officers from providing routine assistance and/or back up, as they deem necessary.

### **REIMBURSEMENT FOR POLICE SERVICES RENDERED TO OUTSIDE JURISDICTIONS**

Reimbursement for police services shall comply with provisions of section 66.0513 of the Wisconsin Statutes.

**CONTACTS, ARRESTS, SEARCHES**

|       |  |
|-------|--|
| 7-100 | Arrest, Incarceration and Bail - Adults                  |
| 7-200 | Investigations, Arrest, Search - Juveniles               |
| 7-300 | Stop & Frisk   |
| 7-400 | Searches   |
| 7-500 | Handling of Evidence, Contraband, Found or Lost Property |

## 7-100 ARREST, INCARCERATION AND BAIL - ADULTS

### ARREST AUTHORITY

The basic authority for police officers to make arrests derives from the Wisconsin Statute 62.09(13) which makes it a duty for a peace officer to arrest with or without a warrant and with reasonable diligence to take before the court every person found<sup>1</sup> in the city engaged in any disturbance of the peace or violating any law of the state or ordinance of such city.

This authority to arrest is further broadened by State Statute 968.07 which states:

1. A law enforcement officer may arrest a person when the officer:
  - a. has a warrant commanding that such person be arrested; or
  - b. believes, on reasonable grounds,<sup>2</sup> that a warrant for the person's arrest has been issued in this state; or
  - c. believes, on reasonable grounds, that a felony warrant for the person's arrest has been issued in another state; or
  - d. has reasonable grounds to believe that the person is committing or has committed a crime.<sup>3</sup>
2. A law enforcement officer making a lawful arrest may command the aid of any person, and such person shall have the same power as that of the law enforcement officer.
3. Section 175.40(6) of the statutes provides that a police officer outside of his/her jurisdiction may arrest a person or provide assistance anywhere in the state if the following criteria are met:
  - a. The officer is in uniform, on duty, and on official business. If the officer is using a vehicle, that vehicle is a marked police vehicle.
  - b. The officer is taking action that he/she is authorized to take under the same circumstances in his/her jurisdiction.

---

<sup>1</sup> "Found" or "in the officer's presence" means when officers receive knowledge of the commission of an offense in their presence through any of their senses, or by inferences properly drawn from the testimony of the senses. Usually the officer sees or hears, or both. Following learning that an offense is being committed, the officer must still make good use of the sense of sight in order to identify the specific person committing the offense, arrest the guilty person and identify same at a later date in court.

<sup>2</sup> "Reasonable grounds" and "probable cause" are used interchangeably and justify an arrest without a warrant when: an officer in good faith believes that a crime has been committed; that the person in question committed it; and when the officer's belief is based on grounds which would induce an ordinarily prudent and cautious person, under the circumstances, to believe likewise, Mere "suspicion" alone is never sufficient to authorize an arrest without a warrant.

<sup>3</sup> "Crime" is conduct which is prohibited by State law and punishable by fine or imprisonment or both. Conduct punishable only by forfeiture is not a crime.

- c. The officer is acting to respond to any of the following:
  - i. an emergency that poses a significant threat to life or of bodily harm;
  - ii. acts that constitute a felony.
4. Further, the policy must notify and cooperate with the law enforcement agency having primary jurisdiction.

## **ARREST SCREENING/BAIL**

It is the policy of the department to have the Officer-in-Charge or a designee screen each arrest before the person is incarcerated.

In view of the fact that the purpose of an arrest is to bring the arrested person before the court to answer to a violation, detention in jail until the next session of court is a lawful act by a police officer. However, as a matter of normal practice, certain procedures have been established that in some cases permit the release of the prisoner before the next session of court.

Bail can be set only by a judge and may be set by a judge endorsing the amount of bail on a warrant at the time of issuance; at the arraignment in court, or, by endorsing and issuing a bail schedule in advance.

## **FELONIES**

All persons arrested on felony charges will be incarcerated and with reasonable diligence be taken before the court where only a judge may establish bail.

## **STATE STATUTE MISDEMEANOR CITATIONS**

An officer arresting a person for a misdemeanor charge may elect to incarcerate the arrested person in the Dane County Jail, or may issue a misdemeanor citation without transporting the person to the Dane County Jail or to Patrol. The arresting officer shall issue a misdemeanor citation only if the following criteria apply:

1. The arrested person is positively identified;
2. The arrested person currently resides in Wisconsin;
3. It appears the arrested person will not continue the behavior forming the basis for the charge;
4. The arrested person poses no apparent threat to persons or property;
5. The arrested person does not have a history of failing to appear at court dates for previous offenses;
6. The offense does not fall under the definition of domestic abuse, as defined by Sec. 968.075(1)(a) Wis. Stats.



If the above criteria apply, the arresting officer may also convey the arrested person to the Dane County Jail to be booked and released. If the above criteria do not apply, the arrested person will be incarcerated in the Dane County Jail. Any deviations from this policy must be approved by a supervisor.

If the arrested person refuses to sign the citation, the officer shall inform the person of the court date and time, and that court appearance is mandatory. The officer shall document these facts in their report.

## **CITY ORDINANCE VIOLATIONS (NON-TRAFFIC)**

### **Citation**

Most City Ordinance violations are processed by the issuance of a municipal citation. Officers shall obtain a case number for each incident resulting in the issuance of a citation. The deposit amounts to be used have been established by the Common Council and are indicated by ordinance number in the bail schedule pages for City Ordinance violations.

In instances where a citation is appropriate, officers should, in most cases, release the person after the citation has been issued. An incident report must be completed when the citation resulted from a citizen's complaint or when there is not enough room on the citation to describe the circumstances of the violation.

### **Physical Arrest**

A custodial arrest of a person found in violation of a City Ordinance is appropriate when a citation has been issued, but:

1. The person involved refuses to cease behavior which is in violation of ordinance; or
2. The officer cannot positively identify the violator; or
3. The violator has no permanent address; or
4. The violator is an out-of-state resident.

## **TRAFFIC VIOLATIONS (CITY ORDINANCE OR STATE STATUTE)**

If a person is arrested without a warrant for the violation of a traffic regulation, the arresting officer shall issue a uniform traffic citation. In most cases, the arrested person should then be released.

A custodial arrest for a traffic violation, is appropriate when a citation has been issued, but:

1. The officer cannot positively identify the violator; or
2. The violator has no permanent address; or
3. The violator is an out-of-state resident; or

4. The offense is OMVWI related.

Any person physically arrested for a traffic violation, pursuant to this policy, may be conveyed to Patrol or to the Dane County Jail. The arrested person shall be released if they:

1. Make a deposit under Sec. 345.26; or
2. Deposit their valid Wisconsin operator's license with the officer.

A traffic violator who presents a guaranteed bond certificate (as provided for in Sec. 345.61) shall be released from the scene of the stop, provided that the card is not expired, the bail is covered by the guaranteed amount, and the charge is not listed as an exception on the card.

### **TRAFFIC WARRANT SERVICE GUIDELINES**

Persons served warrants who are unable to post bail or who are served bench warrants will be processed in accordance with Madison Police Department guidelines, including required reports and forms.

1. When a possible traffic or ordinance warrant contact is made, always check with the Data Terminal Operator to ascertain if the warrant is active.
2. When Court Services personnel are unavailable, the opportunity to post required bail will be afforded. A receipt will be issued for all bail collected. If subject is unable to post, jail booking is required.
3. If bail is posted on a warrant and defendant wishes a court date, the officer will contact the court officer for the next available court date within two working days. Receipt should state that defendant wishes to appear in court.
4. Advise the Data Terminal Operator of identity of person served with the warrant to insure removal from the MAPS Wanted Person File.

### **When Serving a Warrant Procedure**

1. Read warrant to defendant.
2. If paying, place money, receipt, warrant and jacket in Patrol ticket slot.
3. If defendant is taken to the Public Safety Building: Place warrant and jacket in warrant tray.

### **PROCESSING PHYSICALLY ARRESTED ADULTS**

1. Appropriate Booking Forms must be completed prior to processing an arrested person into jail or Juvenile Reception Center (JRC).
2. Prior to transporting an arrested person to jail or JRC, officers shall search the person as a routine security measure to ensure that weapons/contraband are not introduced into the jail environment.

3. When processing an arrested adult or 17 year old:
  - a. Conveyance should be made directly to the Dane County Jail UNLESS the arrest is one which requires additional processing, e.g., an intoxilyzer, an interrogation, a strip search, to obtain a City of Madison arrest warrant, an extended consultation with OIC reviewing charges.
  - b. Arresting officer should contact OIC via the telephone to approve charges and establish bail.
  - c. The OIC will confirm that the arrested person has been asked medical condition questions, and where appropriate, direct officers to convey the prisoner to a medical facility for attention and medical release.
  - d. The arresting officer will ensure completion of booking forms to include specific charges and established bail if approved and will present this to jailers along with the completed Probable Cause Form.
  - e. When an arrested person must be medically treated prior to incarceration, officers must complete a Dane County Jail medical clearance form and attach the same to their report. After returning from a medical facility, the arrested person is conveyed to the Dane County Jail.
  - f. When an arrested person is taken to a detoxification facility prior to being taken to jail, the report shall be completed prior to the end of shift. The Booking Forms and PC Affidavit will be placed in the locked file cabinet at Detox. Officers shall complete the release notification form and leave with the nurse at Detox.
  - g. Copies of the Booking Forms received at the jail are to be returned to the Patrol Counter for transfer to Data Control.
  - h. Seventeen year olds arrested only for ordinance violations shall not be incarcerated in the Dane County Jail.
  - i. Arresting officers will ensure the appropriate entries are made in the arrested persons log maintained in Patrol.
4. All reports dealing with an arrested person must be done prior to going back into service. (Exception: OIC approval).7-100 Arrest, Incarceration and Bail - Adults

**7-200 INVESTIGATIONS, ARREST, SEARCH - JUVENILES**

## 1. General Purpose

The intent of the following policy and procedural guidelines is to provide police officers with assistance in making discretionary decisions pertaining to juveniles.

## 2. General Procedures

In dealing with juveniles, more than anywhere else in police work, officers are given wide latitude to make judgments about what is in the “best interest” of the child. The following are general principles set forth to establish the philosophical parameters for decision-making and to satisfy the need for consistency and uniformity.

- a. The department recognizes that the primary responsibility for child rearing is vested in the family structure and that when a serious lapse in meeting this obligation occurs, police intervention may occur.
- b. When children are taken into custody or are the subject of an official action, their parents or guardians shall be notified as soon as possible. Their cooperation in handling the situation should be actively sought.
- c. All investigative, enforcement and security procedures, including interviewing, gathering evidence and apprehension shall be carried out as with any adult, except as otherwise provided in this policy. Departmental personnel will insure that juveniles receive the same constitutional safeguards available to adults.
- d. Every effort should be made to work cooperatively with other community agencies, schools, the juvenile court, and interested citizens, in a community-centered approach.

**CHILD ABUSE AND/OR NEGLECT COMPLAINTS AND INVESTIGATIONS**

The Madison Police Department and its personnel have a responsibility for the protection and welfare of children in the community through identification of situations involving danger to the emotional and physical well-being of children. As no other community service agency has a similar capability to respond immediately to reported incidents of child abuse and/or neglect or to have a firsthand opportunity to observe the signs and symptoms of physical neglect, abuse or exploitation of children, the department will assume this responsibility.

**Procedural Guidelines**

## 1. Receiving Complaints

Complaints should be recorded with all information available from the complainant.

## 2. Validating Complaints

- a. Complaints of child abuse should be investigated immediately not only to protect the child, but for purposes of obtaining evidence.
- b. If physical abuse is apparent, the investigating officer will request the assistance of an Investigator to take color photographs of the child's injuries.
- c. If neglect is apparent, the investigating officer will request assistance of an Investigator to take color photographs of the living conditions.

3. Notifying Concerned Agencies

State law requires us to report to Dane County Department of Social Services within twelve (12) hours.

4. Content of the Officer's Report

All statements of fact should be set forth as specifically as possible, including a complete description of the circumstances which led to the lodging of a complaint (e.g., a neighbor or relative's knowledge of prior unexplainable injuries suffered by the child, or the use of overly harsh corporal punishment techniques by the parents).

- a. Description of the appearance of the victim:
  - i. Bruises, welts, burns, fractures and/or suspected malnutrition;
  - ii. General appearance of the clothing and body;
- b. Statement from victim of how injuries were suffered, where applicable;
- c. Description of living environment and conditions with respect to cleanliness, disarray, temperature extremes, odors, condition of rooms, beds, floor, closets, etc.;
- d. Parental attitude toward the victim, etc.;
- e. Other agencies, if any, which have been involved with the family;
- f. Interviews of witnesses, neighbors, relatives, etc.;
- g. Description of physical evidence and where stored;
- h. Medical information available.

5. Emergency Treatment

If the child requires emergency medical treatment, he or she should be transported to a medical facility. Dane County Human Services Department shall be notified, regardless of the hour, in order to provide protective services for the child.

## INTERVIEWS AND QUESTIONING

All interviews and questioning of juveniles will be conducted with full regard for principles of fundamental fairness and will insure maximum protection of the juvenile's constitutional rights. Officers should exercise good judgment in accepting a waiver from a juvenile. The child's physical condition, age, intelligence, educational level, prior experience with the juvenile justice system, and ability to comprehend the meaning and effect of statements should be carefully evaluated in each case.

1. All juveniles who are taken into custody will be advised of the nature of the crime of which they are suspected. All juveniles will be advised of their Miranda Rights prior to any in-custody questioning.
2. In all instances in which there is a difference of opinion between a juvenile and his/her parents regarding whether or not a juvenile will agree to speak with the police regarding a suspected criminal offense, if the juvenile has the rational capacity to pursue his/her best interest, the juvenile's wishes will prevail (WCCJ, Juvenile Justice Standards and Goals, Standard 3.2(d)).
3. Juveniles taken into protective custody must receive a full explanation of why such action is being taken. The child will be turned over to the personnel of Dane County Human Services and/or the Dane County Juvenile Reception personnel for disposition.

## INTERVIEW(S) OF SUSPECTS IN SCHOOL

All interview(s) on school grounds and in school buildings will be conducted as discreetly as possible, preferably with the consent and assistance of the school administration. If the student is in custody, he/she will be advised of their Miranda Rights. School officials or parents cannot waive or invoke these rights on behalf of the student.

### Procedural Guidelines

1. By Police, on Request of School Authorities

If a school principal has requested assistance from the police department in investigating a crime involving school buildings or students, the police may interview a student suspect in school during school hours. A member of the school staff may be present, unless the student requests otherwise and the staff member's presence does not hinder the investigation.

2. By Police, Without Request of School Authorities

If the police deem it necessary to interview students at school, the police shall first contact the school principal or his/her designee regarding the planned interview, and inform him/her of the necessity to interview the student within the school. This would not apply when emergency circumstances require an immediate interview of a student.

**POLYGRAPH EXAMINATIONS**

A polygraph examination of a juvenile subject will be used as an investigative aid in the same fashion and for the same purposes as for an adult witness or suspect and the juvenile will be advised of their right to refuse the examination and to have the advice of counsel. The Juvenile Waiver Form cited below should be completed before conducting a polygraph examination.

JUVENILE WAIVER FORM

I, \_\_\_\_\_  
(Name of Parent or Legal Guardian)

the parent and/or the legal guardian of \_\_\_\_\_  
(Juvenile's Name)

who was born on \_\_\_\_\_ and is age \_\_\_\_\_, give my consent to the  
(Date of Birth) (Age)

above-mentioned (Son - Daughter - Ward) to be examined using the polygraph  
(Circle One)

technique (lie detection). I have had the nature and the general procedure explained to me by

\_\_\_\_\_  
(Name of Polygraph Examiner)

I understand that I will **NOT** be permitted to be present in the room at the time of the examination, and agree to it with this in mind. It has also been explained to me that legal counsel may be present in an observation room, with the consent of the juvenile being examined.

Signature of Parent or Legal Guardian: \_\_\_\_\_

Date: \_\_\_\_\_

Witnessed: \_\_\_\_\_



## SEARCHES AND SEIZURES

The Madison Police Department will afford to juveniles the same rights as adults.

### Procedural Guidelines

1. Search of Premises with parental permission:

Parents may validly consent to the search of the child's property of which they have joint access and control, but not property outside the control of the parents. Any property under the sole control of the juvenile may not be searched by consent of the parent.

2. Waiver of 4th Amendment protection by a juvenile.

Since consent by a juvenile to waive rights to 4th Amendment protection poses the same problems regarding the child's maturity, intelligence and knowledge as arise in other forms of waiver, police officers must carefully evaluate each situation.

## SEARCHES IN SCHOOL BUILDINGS OR ON SCHOOL PROPERTY

In a joint venture with the School Administration, the Board of Education and the Madison Police Department, guidelines have been established for searches in school buildings or school property.

### Procedural Guidelines

1. By Police, on Request of School Authorities

The Police Department may assist, on request, a school administrator or designee with a search in situations where the administrator or designee has information that he/she believes to be true that evidence of a crime, stolen goods, drugs, weapons, or other contraband, is located on a certain student's person, containers under the student's control, areas provided by the school to that student for storage or automobiles on school grounds.

2. By Police, Without Request of School Authorities

Police officers may only search containers under a student's control, areas provided by the school to that student for storage or automobiles on school grounds with a search warrant or incidental to an arrest and may only search a student's person in school if the student has been taken into custody or in a stop and frisk situation. However, when a student gives permission, the guidelines in the Waiver of 4th Amendment Protection by Juvenile section of this policy will apply.

## ARRESTS OF JUVENILES

## SERIOUS OFFENSES

Juveniles 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.

### **OTHER LAW VIOLATIONS AND STATUS OFFENSES**

Juvenile behavior, involving nuisance or mischievous acts, minor criminal conduct or status offenses, should result in taking a child into immediate physical custody only if it is necessary to remove a child from a situation that could cause harm to the child, by his/her own actions or the actions of others; or if the child's behavior poses a threat to the safety and welfare of other persons or their property and a lesser alternative is not available.

### **AFTERCARE VIOLATORS (PREVIOUSLY PROBATION & PAROLE VIOLATORS)**

The department will accept information concerning court directed rules and conditions for juveniles, on aftercare and/or court ordered supervision. When possible, 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 SCHOOL HOURS**

An officer may take any student into custody during school hours if the officer has probable cause to arrest the student or pursuant to an arrest warrant or juvenile apprehension order. The school principal or designee 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 advise him/her of the circumstances, when such notification is practical. When safe and reasonable, the student may be first summoned to the office by the principal.

### **DISPOSITION ALTERNATIVES**

The general policy of the department is to utilize the most appropriate disposition based on a balance of the needs of the juvenile and the community.

#### **Procedural Guidelines**

Whenever a juvenile 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 of the contact. This notification shall be documented in the report of the incident. The contact portion of the face sheet will be completed on all juveniles who are charged with an offense unless all offenses result in citations.

1. Warn and Release

A juvenile may be released with no further action, if the offense is minor in nature.

2. Cite/Charge and Release to Parents

A juvenile may be released after receiving a City Ordinance citation or being charged with a minor offense. Except, in any case where a juvenile has consumed a drug and/or alcohol, the juvenile shall be released to a parent, guardian or legal custodian or other responsible adult.

3. Referral to Dane County Juvenile Court Reception Center

The decision to refer a juvenile to the Reception Center for the purpose of detention or Intake will be reviewed by the Officer-in-Charge under the following conditions.

- a. Commission of a serious criminal offense;
- b. The case involves the possession, use, or threatened use of a weapon;
- c. The child is unwilling to appear in court, and the parents will be unable to produce him/her upon proper notice;
- d. The child is likely to repeat behavior harmful to him/herself or others;
- e. In incidents where a juvenile continues to resist, is uncooperative, and it appears that he or she will not submit to the control of parents or another responsible adult.

### WHEN PROCESSING AN ARRESTED JUVENILE

1. Conveyance should be made directly to the Patrol Bureau unless release in the field is approved by a supervisor.
2. The arresting officer shall consult with the O.I.C. to approve charges and enter the arrested juvenile in the arrest log, writing the word "Juvenile" behind the name.
3. The Juvenile Intake Form should be completed prior to transporting the juvenile to JRC.
4. Juveniles who are to be taken to JRC should be photographed and fingerprinted. (Exception: If there is a recent photo on file and there are no changes in appearance.)

### PHOTOGRAPHING AND FINGERPRINTING JUVENILES

1. Fingerprints of arrested juveniles are required by the Division of Law Enforcement Services (CIB) in order for the arrest to become a part of the juvenile's record.

Wisconsin Statute 165.83 requires that fingerprints and an updated photo, if their appearance has changed, be taken each time a juvenile 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 burglary 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 juvenile arrests, an officer may transport the juvenile to the police station to obtain fingerprints and/or a photograph prior to releasing the juvenile if an investigative benefit can be articulated.

An officer may affix a fingerprint of a juvenile to a traffic or City Ordinance citation when the identity of the cited juvenile cannot be confirmed.

2. When an arrested juvenile is brought into the station for photos and fingerprinting, 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 picture. 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 officer.

Photographs, two green fingerprint cards, and palm prints of juveniles taken into custody, will be the responsibility of the arresting officer with the assistance of Support Services - Records personnel. The camera in Support Services - Records will be utilized for photos. Instructions on the camera operation are maintained at that point, as are fingerprint cards.

## HANDLING TRUANCY PROBLEMS

The department 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 the educational system.

### **Procedural Guidelines**

Juveniles 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.

## **PROHIBITION AGAINST THE USE OF JUVENILES AS PAID UNDERCOVER PERSONNEL**

The department will not use people with or without remuneration (or tangible reward) under the age of 18 to serve undercover for the purpose of collecting evidence of criminal or delinquent conduct.

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

## **RECORDKEEPING**

The Captain of Records 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**

Departmental records of juveniles 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, except that 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 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 SS. 938.34(4h)(a);

- i. Juvenile is 10 years of age or over 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 over 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 juvenile was adjudicated delinquent.

3. Social welfare agencies;
4. Other law enforcement agencies;
5. Victim(s) of a juvenile 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 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 juvenile when they reach the age of 18.

**7-300 STOP & FRISK**

It is the policy of the department that field interrogations will be conducted in a manner which not only promotes the public safety and safeguards law enforcement officers from harm, but also holds invasions of personal rights and privacy to a minimum.

**STOPS**

A “stop” is the temporary detention of a person for investigation. A “stop” occurs whenever an officer uses his/her authority to make a person halt, or to keep a person in a certain place, or to compel a person to perform some act. If a person is under a reasonable impression that they are not free to leave the officer’s presence, a “stop” has occurred.

**Basis for a Stop**

An officer may stop a person in a public place, after having identified him/herself as a law enforcement officer, if s/he reasonably suspect that a person has committed, is committing, or is about to a criminal offense or ordinance violation. Both pedestrians and persons in vehicles may be stopped.

**Reasonable Suspicion**

The term “Reasonable Suspicion” is not capable of precise definition; however, it is more than a hunch or mere speculation on the part of an officer, but less than the probable cause necessary for an arrest. Every officer conducting a stop must be prepared to cite the existence of specific facts in support of that officer’s determination that a “reasonable suspicion” was present.

**Stopping Vehicle at Roadblocks**

If authorized to do so by a commanding officer, a police officer may order the drivers of vehicles moving in a particular direction to stop. Authority to make such stops shall be given in those situations where such action is necessary to apprehend the perpetrator of a crime who, if left at large, can be expected to cause physical harm to other persons, or to discover the victim of a crime whose physical safety is presently or potentially in danger. Once a vehicle is stopped pursuant to this section, it may be searched only to the extent necessary to determine if the perpetrator or victim is present in the vehicle, and such search shall be made as soon as possible after the stop.

**Police Conduct During a Stop**

Proper justification for a stop does not permit unreasonable conduct during the stop. Every phase of the detention must be reasonable, for the United States Supreme Court has stated in Terry v. Ohio, 392 U.S. 1, 28 (1968), that the manner in which stops and frisks are conducted is “as vital a part of the inquiry as whether they were warranted at all.”



1. Duration of Stop

A person stopped pursuant to these rules may be detained at or near the scene of the stop for a reasonable period of time. Officers should detain a person only for the length of time necessary to obtain or verify the person's identification, or an account of the person's presence or conduct, or an account of the offense, or otherwise determine if the person should be arrested or released.

2. Explanation to Detained Person

Officers shall act with courtesy towards the person stopped. At some point during the stop the officer shall, in every case, give the person stopped an explanation of the purpose of the stop.

3. Rights of Detained Person

The officer may direct questions to the detained person for the purpose of obtaining their name, address and an explanation of the conduct. The detained person may not be compelled to answer questions or to produce identification documents for examination by the officer; however, the officer may request the person to produce identification and may demand the production of an operator's license if the person has been operating a vehicle.

4. Effect of Refusal to Cooperate

Refusal to answer questions or to produce identification does not by itself yield probable cause to arrest, but such refusal may be considered along with other facts as an element adding to probable cause.

5. Effecting a Stop and Detention

Officers shall use the least coercive means necessary under the circumstances to effect a stop and to detain a person.

6. Use of Force

An officer may use only the amount of non-deadly force that is reasonably necessary to stop and detain a person pursuant to these guidelines. The department's Non-Deadly Force Guidelines shall be followed. If an officer is attacked, or circumstances exist that create probable cause to arrest, the officer may use that amount of force necessary for defense or to effect a full-custody arrest.

### **Stopping Witnesses Near the Scene of a Crime**

A police officer who has probable cause to believe that any felony or a misdemeanor involving danger to persons or property has just been committed, and who has probable cause to believe that a person found near the scene of such offense has knowledge of significant value to the investigation of the offense, may order that person to stop. The sole purpose of the stop authorized by this section is the obtaining

of the witness' identification so that the witness may later be contacted by the officer's agency. Officers shall not use force to obtain this information.

## FRISKS

A frisk is a limited protective search for concealed weapons or dangerous instruments.

### When to Frisk

A police officer may frisk any person whom that officer has stopped when the officer reasonably suspects that the person is carrying a concealed weapon or dangerous instrument. The frisk may be conducted at any time during the stop, whenever a "reasonable suspicion to frisk" appears.

### Reasonable Suspicion for Frisk

"Reasonable suspicion" for a valid frisk is more than a vague hunch and less than probable cause. If a reasonably prudent police officer under the circumstances would be warranted in believing anyone in the vicinity was in danger, a frisk is justified. Every officer conducting a frisk must be prepared to cite the existence of such factors in support of the determination that "reasonable suspicion" for a frisk was present.

### General Procedure

1. The officer should begin the frisk at the area of the person's clothing most likely to contain a concealed weapon or dangerous instrument. Usually, an officer should begin the frisk with a pat-down of the outside of the person's outer clothing, and the officer should not reach inside the clothing unless an object is felt which the officer reasonably believes to be a weapon or dangerous instrument. If the outer clothing is too bulky to allow the officer to determine if a weapon or dangerous instrument is concealed underneath, then the outer clothing may be opened to allow a pat-down directly on the inner clothing. If the officer has a reasonable belief, based on reliable information or personal knowledge and observations, that a weapon or dangerous instrument is concealed at a particular location on the person, such as a pocket, waistband, or sleeve, then the officer may reach directly into the suspected area. This is an unusual procedure, and any officer so proceeding must be prepared to cite the precise factors which led the officer to forego the normal pat-down procedure.
2. An officer may also frisk those areas that the person could reach to obtain an object that could be used to harm the officer, if the officer reasonably suspects personal harm should the object not be obtained.
3. If during the course of a frisk, the officer discovers an object which is a container capable of holding a weapon or dangerous instrument and if the officer reasonably believes that it does contain such an item, the officer may look inside the object and briefly examine the contents.

### **Discovery of Weapon, Instrument, or other Property**

If a frisk or search discloses a weapon or instrument, or any other property, possession of which the officer reasonably believes may constitute the commission of a crime, or which may constitute a threat to personal safety, the officer may take it and keep it until the completion of the questioning, at which time it shall either be returned, if lawfully possessed, or seized by the officer.

### **Discovery of Incriminating Evidence**

If, while conducting a frisk, an officer feels an object which is reasonably believed not to be a weapon or dangerous instrument, but the officer does believe it to be a seizable item, the officer may not - on the basis of the officer's authority to frisk - take further steps to examine the object. However, if the nature of the object felt - alone or in combination with other factors provides probable cause to arrest, the officer should tell the person they are under arrest. The officer may then conduct a full-custody search incidental to arrest, but must not take any step to examine the object before making the arrest. If a seizable item is not found, the person should be released.

### **Procedure Following Unproductive Frisk**

If the frisk discloses nothing justifying removal or seizure, and nothing providing probable cause for arrest, an officer may continue to detain while concluding the investigation.

## **RECORDKEEPING**

Adequate records of stop and frisk activity will serve to insure the proper exercise of police authority. They will also greatly enhance an officer's ability to reconstruct what occasioned a stop or frisk, and what took place during this contact. Such records are vital, not only when the stop and frisk results in immediate arrest; they also may be valuable as "leads" in other investigations. Further, such records serve as protection against groundless civil suits.

#### **1. Recording**

Officers must file a report any time there is a stop and subsequent frisk to protect themselves, the department, and the community.

#### **2. Stop Based on Informant's Tip**

If the stop or frisk was based in whole or part upon an informant's tip, the officer making the stop or frisk shall make every reasonable effort under the particular circumstances to obtain and record the identity of the informant. Further, the officer shall record the facts concerning such tip, e.g., how it was received, the basis of the informant's reliability, and the origin of the informant's information.

## 7-400 SEARCHES

### SEARCHES OF PERSONS

A full search of an individual may only be performed under the following circumstances:

1. Incident to any lawful, custodial arrest authorized by Madison Police Department policy;
2. When a search of the person is authorized by a valid search warrant;
3. When the person has consented to a search of their person, and articulable reasons for the search exists. Whenever an officer requests consent to search, the officer shall document the articulable reasons in a police report;
4. The person has been arrested for a criminal offense (non-traffic) which is a violation of state statute, and the arresting officer elects to release the arrested person and issue a municipal or misdemeanor citation. A search may also be conducted for a violation of City Ordinance Trespass which has a non-criminal corresponding state statute.

#### Definition of a Strip Search

For purposes of this policy, a strip search is defined as any search in which a person's genitals, pubic area buttock or anus, or an arrested female's breast, is uncovered and either is exposed to view or is touched by a person conducting the search.

#### Strip Searches Authorized

Strip searches or body cavity searches may only be performed in the following circumstances.

1. a. The person to be the subject of the search is an adult arrested for a felony or for a misdemeanor specified in State Statute 968.255(1)(a)2.; or is a child taken into custody under 938.19 if there are reasonable grounds to believe that the juvenile has committed an act which, if committed by an adult, would be covered under sub. A); and
- b. Probable cause exists to believe that the person to be the subject of the search is concealing contraband or evidence in such a manner that a strip search or body cavity search is necessary to discover or retrieve it.
2. a. The person to be the subject of the search is arrested is arrested for a misdemeanor not specified in 968.255(1)(a)2, a violation of state law punishable by forfeiture, or any local ordinance; and
- b. Probable cause exists to believe that the person to be the subject of the search is concealing a weapon or a thing which may constitute

evidence of the offense for which he or she has been arrested in such a manner that a strip search or body cavity search is necessary.

3. The search is authorized by a valid search warrant or court order.

**Strip searches must be conducted in the following manner:**

1. The officers conducting the search are the same gender as the person to be searched.
2. The officers conducting the search have obtained approval from a supervisor designated by the Chief to grant such approval, unless there is probable cause to believe that the person to be searched is concealing a weapon. The supervisor authorizing the search will complete and sign the strip search authorization form.
3. The search is conducted in a manner so that the person to be searched is not exposed to the view of anyone not conducting the search.
4. The person searched must be provided with written documentation of the search. Such documentation shall include the name of the officers conducting the search, the date and place of the search, and the written authorization from the Chief or his designee.
5. No visual or sound recording is made of the search.

**Definition of Body Cavity Search**

For purposes of this policy, a body cavity search is defined as any search of a body cavity that is also a strip search. Therefore, searches of the mouth, nose or ears are not considered body cavity searches, and do not fall within the restrictions provided by this policy.

**Body cavity searches must be conducted in the following manner:**

1. The search is conducted by a physician, physician assistant or registered nurse licensed to practice in Wisconsin.
2. The officer directing the search has obtained approval from a supervisor designated by the Chief to grant such approval, unless there is probable cause to believe that the person to be searched is concealing a weapon. The supervisor authorizing the search will complete and sign the strip search authorization form.
3. The search is conducted in a manner so that the person to be searched is not exposed to the view of anyone other than the officers directing the search and the medical personnel needed to perform the search. Officers directing the search must be the same gender as the person to be searched.
4. The person searched must be provided with written documentation of the search. Such documentation shall include the name of the officers directing the search, the date and place of the search, and the written authorization from the Chief or his designee.

5. No visual or sound recording is made of the search.

### **Supervisors Permitted to Authorize**

The Chief may designate supervisors who are permitted to authorize searches under this policy. In absence of contrary direction from the Chief, the following supervisors are designated to authorize searches under this policy:

1. All command supervisors (Lieutenants and above).
2. Sergeants assigned to Patrol.
3. Sergeants assigned to the Dane County Narcotics and Gang Task Force.

### **Searching Physically Disabled Persons**

Searches of physically disabled persons shall be conducted pursuant to the requirements of State Statute 968.256 of the Wisconsin Statutes.

### **Crime Victims/Persons Consenting**

The restrictions outlined in this policy do not apply to strip searches or body cavity searches of crime victims, or to others who are not being detained, who have consented to the search. However, the officers conducting the search must be the same gender as the person to be searched, the search must be conducted in a manner that the person to be searched is not exposed to the view of anyone not conducting the search, and no visual or sound recording may be made of the search. Consensual strip searches or body cavity searches of non-victims must be approved by a supervisor.

### **Current Forms**

Most up-to-date Strip Search Forms are located in the filing cabinet in the OIC's Office.

## **SEARCHES, SEIZURES AND INVENTORIES OF MOTOR VEHICLES**

These guidelines establish procedures for searches, seizures, and inventories of motor vehicles. Because seizures and inventories are treated differently as a matter of administration, they are made the subject of separate guidelines. A search is an examination of a person, place, motor vehicle or any other thing with a view toward discovery of evidence (contraband, weapons, things used in committing a crime, loot, and other evidence of crime). A seizure involves taking the vehicle itself into custody. An inventory is an examination of a motor vehicle in police custody to account for objects in the vehicle for which the police are responsible.

The guideline on searches are grouped in terms of common situations in which search opportunities arise: where evidence is found in plain view or open view; where an arrest is made (either non-custodial, as in a minor traffic case, or, more typically, as in full-custody arrest, when the suspect is taken to a detention facility or before a judicial officer); where a search of an unoccupied vehicle is desired; and finally, where consent from the owner or driver is sought.

The procedure contained in the guidelines attempt to maximize police efficiency in controlling crime while at the same time protecting persons from invasions of their privacy.

## **SEARCHES OF VEHICLES CONNECTED WITH ARRESTS**

### **Full-Custody Arrest**

Whenever an officer makes a custodial arrest of a person in a motor vehicle, the officer may conduct a warrantless search of those areas of the vehicle within which the arrested person might readily reach for a weapon or other seizable items at the time of the arrest. The search must be conducted at the time and place of arrest in the immediate presence of the arrested person. If incriminating items are found or probable cause otherwise develops, a wider search may be justified.

### **Stop Followed by Citation**

#### **1. Street Citation**

A person who is “stopped” by an officer and then is given a warning or issued a citation - but who is not placed under full-custody arrest - should not be searched, nor should any vehicle used by such person be searched, unless the officer has consent or reasonably suspects the person to be armed. In that case the officer may “frisk” the person and vehicle for weapons.

#### **2. Stationhouse Citation**

Traffic violators and other persons who are asked to follow an officer to a police facility e.g., non-resident drivers), but who are not placed under full-custody arrest, should not be searched nor should their vehicle be searched. If the officer making the stop reasonably suspects the person to be armed, the officer may “frisk” the person and vehicle for weapons.

## **SEARCHES OF VEHICLES NOT CONNECTED WITH AN ARREST**

### **Seizure of Items in Plain View or Open View in a Vehicle**

An officer lawfully in any place accessible to the public may, without obtaining a search warrant, seize from a motor vehicle any item which the officer observes in plain view or open view (including items observed through the use of a flashlight), if there is probable cause to believe that the item is contraband, a weapon, anything used in committing a crime, loot, or other evidence of crime. These five categories of evidence are hereafter referred to collectively as “seizable items.”

### **Search Based on Probable Cause**

If an officer has probable cause to believe that a vehicle either locked or unlocked, contains seizable items, all those areas of the vehicle which could contain such items may be searched without a search warrant unless:

1. The vehicle does not appear to be movable or easily rendered movable by minor repairs.

2. The vehicle is located on private property not readily accessible to the public.

### **USE OF SEARCH WARRANT**

A search warrant should be obtained when:

1. The vehicle does not appear to be movable or easily rendered movable by minor repairs.
2. The vehicle is located on private property that is not accessible to the public.

### **ENTRY INTO LOCKED VEHICLES OR AREAS**

Whenever possible, an officer shall open a locked trunk or glove compartment by means of a key rather than by force. If keys are not available, instructions shall be obtained from a supervisor as to the method to be used in opening the locked trunk or glove compartment.

### **CONSENT SEARCHES OF MOTOR VEHICLES**

An officer may request consent to search from the person(s) in control of the vehicle whenever articulable reasons for the search exist. No consent search may be made unless the officer has received from the person a voluntary and unequivocal consent to search the vehicle. A "Consent to Search of Vehicle" form may be completed as evidence that the search was consensual. Whenever an officer requests consent to search, the officer shall document the required articulable reasons in a police report.

### **SEIZURES OF MOTOR VEHICLES**

A motor vehicle is "seized" or "impounded" when officers take custody of it and either remove it to a police facility or arrange its removal to a private storage facility. An "inventory" is an administrative process by which items of property in a seized vehicle are listed and secured. An inventory is not to be used as a substitute for a search. Vehicles coming into custody of the police department shall be classified for purposes of these guidelines into six categories: seizures for forfeiture; seizures as evidence; prisoner's property; traffic impoundments; abandonments; and other non-criminal impoundments. The procedures for carrying out the seizure, the need for a warrant, the right to search or inventory a vehicle and the time and scope of any such inventory depend upon how the vehicle is classified.

### **SEIZURES FOR FORFEITURE: VEHICLE USED ILLEGALLY**

1. When Permitted

When an officer has probable cause to believe that a vehicle has been used to transport a substantial amount of intoxicating liquors illegally, to transport for sale or receipt controlled substances in violation of the Uniform Controlled Substances Act, or in the unlawful manufacture or commercial transfer of gambling devices, the vehicle shall be taken into custody and classified as a "seizure for forfeiture". No "seizure for forfeiture" shall be made without the approval of a supervisor.



2. Exception for Federal Offenses

When an officer has probable cause to believe that a vehicle has been used to violate a federal law which provides for forfeiture following violation, as in the case of illegally transporting weapons, narcotics, or contraband liquor, the officer may seize the vehicle regardless of the amount of contraband involved or the prior record of the owner or occupant, and shall seek instructions from a supervisor concerning federal forfeiture procedures.

3. Necessity for Search Warrant

An officer shall obtain a search warrant prior to making a “seizure for forfeiture” whenever the vehicle to be seized is on private property not accessible to the public.

4. Inventory Procedure

An officer who seizes a vehicle for forfeiture shall completely inventory the contents immediately upon its arrival at a police facility. Upon completion of the inventory, the officer shall obtain instructions from a supervisor relating to appropriate further processing of the vehicle. An itemized list of the vehicle’s contents should be attached to each copy of any report completed.

## SEIZURES AS EVIDENCE

1. When Permitted

When an officer has probable cause to believe that a vehicle has been stolen or used in a crime or is otherwise connected with a crime, the vehicle may be taken into custody and classified as a “seizure of evidence.”

2. Exception for Minor Traffic Offenses

A vehicle involved in a minor traffic offense shall not be seized as evidence merely because it was used to commit the traffic offense. This exception does not apply to hit & run offenses.

3. Necessity for Search Warrant

An officer shall obtain a search warrant prior to making a “seizure as evidence” whenever the vehicle to be seized is on private property not accessible to the public.

4. Inventory and Release Procedures

A vehicle seized as evidence shall be completely inventoried as soon as practicable after its arrival at a police facility, unless such an inventory might damage or destroy evidence.

An itemized list of the vehicle’s contents should be attached to each copy of any report completed. Vehicles seized as evidence shall not be released to any person until the appropriate prosecutor or other official has signed a release form indicating that the vehicle seized as evidence is found to be the property

of a person having no criminal involvement in the offense, the vehicle should be returned to such person on an expedited basis.

### **DISPOSITION OF ARRESTED PERSON'S VEHICLE**

When a person is arrested in a vehicle which that person owns or has been authorized to use, and the vehicle is not otherwise subject to seizure, it should be locked and legally parked on the street. If it is not possible to lock the vehicle, any observable items of value should be secured in the trunk of the vehicle. Of course, dependent upon the fact situation, guidelines contained in other subsections may apply. For example, where probable cause exists to believe the vehicle contains seizable items or where probable cause to believe the vehicle has been stolen or used in a crime exists.

If the vehicle is found to be the property of a person having no criminal involvement in the offense, such person shall be notified of the location of the vehicle as soon as practicable.

### **TRAFFIC OR PARKING REMOVALS**

When an officer causes a vehicle to be moved to a location on a public street as close to the original location as possible, consistent with prevailing traffic conditions; vehicles removed shall not be inventoried or searched in any way. However, the officer who caused the vehicle to be removed shall, if possible, close the windows and lock the doors before leaving the vehicle.

### **OTHER NON-CRIMINAL IMPOUNDMENTS**

1. Definition

An officer may take a vehicle into police custody because there is reason to believe that it is part of the estate of a deceased person, or the property of an incapacitated person, or because it is property turned over to the police at the scene of a fire or disaster.

2. Procedure Upon Non-Criminal Impoundment

If an unlocked vehicle is impounded under this guideline, the impounding officer shall remove from the passenger compartment all containers (such as boxes or suitcases) and items of value which are likely to be tampered with or stolen.

Containers shall not be opened; however, they will be sealed to insure the security of their contents. After removing any such property from the passenger compartment, the officer shall inventory the property, make all necessary entries and returns, and place the property in the trunk of the vehicle. The sole purpose for opening the trunk is to store the personal property therein.

The officer shall close all windows and lock the doors and the trunk. The keys for the vehicle shall be taken to the station and properly labeled and stored. No other inventory or search or search of the vehicle shall be made unless

subsequent events indicate that the vehicle should be reclassified as abandoned.

### **PROCEDURE FOR VEHICLE CONTENTS INVENTORY**

Whenever an officer is authorized to inventory a vehicle, the passenger compartment, glove compartments, trunk, and other storage compartments, such as console and dashboard compartments, or ashtrays which may be infinitely varied by automobile designers, may be examined whether or not locked. Areas not included are gas tanks, fluid reservoirs, or structural cavities not likely to be used to store personal effects.

Closed or sealed, locked or unlocked containers, found within any of the above compartments shall be inventoried as “a closed container or unit” and shall not be opened. Included are suitcases, purses, closed or sealed containers (see Wis. Supreme Court State vs. Prober, 98 Wis. 2nd 345, 1980).

Immediately upon completion of the inventory, the officer shall, if possible, roll up the windows and lock the doors and the trunk.

### **WHEN FOREGOING GUIDELINES MAY BE DISREGARDED**

Whenever it appears that any of the foregoing guidelines should be modified or disregarded because of special circumstances, specific authorization to do so should be obtained from the District Attorney’s Office.

**MADISON POLICE DEPARTMENT  
CONSENT TO SEARCH OF VEHICLE**

Date: \_\_\_\_\_

Location of Search: \_\_\_\_\_

Vehicle I.D.: \_\_\_\_\_

Case Number: \_\_\_\_\_

I hereby freely and voluntarily give my consent to officers of the Madison Police Department to conduct a search of:

\_\_\_\_\_  
(insert description of vehicle to be searched)

for evidence of:

\_\_\_\_\_  
(insert common name of crime being investigated)

I understand that the officers have no search warrant authorizing this search, and that I have a constitutional right to refuse permission for them to conduct the search.

(signed) \_\_\_\_\_

Witness:

Witness:

**SEARCH OF RESIDENCES****Instructions for Use of Consent to Search Residence, Form KM-114**

Form KM-114, Written Consent to Search Residence

1. Read the paragraph to the person.
2. Have the person read the same information.
3. Ask if the person understands what they are being asked to do.
4. If the person agrees to give consent for the search of their residence, ask him/her to write in the names of the officers on the first blank line and the specific address, including room or apartment number. The officer will insert a description of the property to be searched for (such as “stolen clothing and money,” “narcotics,” “obscene material,” “burglary tools”).
5. Ask the person to sign the Consent to Search Form.
6. Handle the completed Form KM-114 as an item of evidence.

FORM

POLICE DEPARTMENT  
Madison, Wisconsin  
CONSENT TO SEARCH RESIDENCE

Case No. \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Place: \_\_\_\_\_

I have been advised of my constitutional rights under the Fourth Amendment of the Constitution of the United States in that no lawful search may be made of my place of residence without my own consent or a search warrant. I understand these rights and I hereby freely and voluntarily waive these rights by giving my express consent to

\_\_\_\_\_ officers of the Madison Police Department, to search my residence at \_\_\_\_\_

\_\_\_\_\_ and to seize any \_\_\_\_\_

found therein. It has been explained to me and I fully understand that any articles so found may be used as evidence against me in court if I am taken to court.

\_\_\_\_\_  
(CONSENT TO SEARCH SIGNED BY)

\_\_\_\_\_  
(CONSENT TO SEARCH WITNESSED BY)

\_\_\_\_\_  
(CONSENT TO SEARCH WITNESSED BY)

## 7-500 HANDLING OF EVIDENCE, CONTRABAND, FOUND OR LOST PROPERTY

The Evidence Handbook is a useful tool in determining how and where to mark evidence properly; however, in some instances, employees are advised to deviate from general rules and to use discretion. For example, such items as recovered firearms, valuable antiques, or the proceeds of a burglary, should not be unnecessarily defaced with identifying data as this may later provoke adverse criticism.

### MARKING OF FIREARMS

1. No Loaded Firearms of any type should be property tagged and stored in the Property Room. Proper unloading procedures are described in the Wisconsin State Crime Lab Handbook and an Investigator will assist with the unloading of any weapon which is to be checked for fingerprints.
2. In criminal cases when firearms are recovered, a reinforced identification tag shall be attached with a wire lead seal to the trigger guard. The tag should be marked with identifying data, including serial numbers, description, case number, date, time, officer, location where found, etc.
3. In criminal cases the method of marking firearms for identification is as follows:  
  
Revolvers: Open the cylinder and scribe on underside of top strap of weapon.  
  
Pistols: Scribe under the grips and on the back of the clip near flood plate.  
  
Shotguns & Rifles: Pull bolt back and scribe inside receiver.
4. Firearms which are to be checked for latent fingerprints should be packaged as described in Marking Alternative (below).
5. In non-criminal cases firearms should be tagged with a string tag through the trigger guard.

### MARKING MISCELLANEOUS VALUABLE ITEMS

When marking valuable items, including television sets, stereos, musical instruments, radios, etc., the markings should be as inconspicuous as possible, such as on the bottom, back or inside or by using a reinforced identification tag and wire seal or a string tag containing the necessary identification data.

### MARKING ALTERNATIVE

Items can also be marked by properly packaging and sealing them and then placing the identification data on the outside of the package.

### LIQUID EVIDENCE

1. Non-Volatile Liquids: Because most liquid evidence must be preserved, items such as blood, urine, semen, anti-freeze, etc., should be placed in airtight

containers which are available in the property room. The evidence must be placed on property tag, marked and sealed properly, and must be placed in a locker or the refrigerator whichever is appropriate.

2. Volatile Liquids: Liquid evidence of a volatile nature, such as gasoline, ether, Coleman fuel, should be placed in a clean metal can available in the property room, property tagged and marked and sealed before placing it in a storage locker. Previously opened gasoline cans or similar items should not be stored in the property room. Volatile liquids should never be placed in glass containers.

## COLLECTION OF STANDARD BLOOD SAMPLE IN CRIMINAL INVESTIGATIONS

Blood samples in criminal cases are withdrawn to determine blood types of victim and suspect, and/or to determine the presence of foreign chemicals (e.g., controlled substances, poisons) and should be refrigerated within two hours if possible.

### Blood Draw

1. Blood is to be drawn only by a physician or a person acting under his or her direction. An officer should witness the blood being drawn and shall properly seal, number and mark each tube drawn, and shall report the chain of evidence, including:
  - a. Subject's name
  - b. Date and time of collection
  - c. Name of person withdrawing the sample
  - d. Identification of each tube collected
  - e. Location of each tube
2. If a suspect objects to having blood samples taken, and if there is any doubt about drawing blood without a search warrant, the OIC may need to contact the on-duty District Attorney for advice.
3. Screening for Controlled Substances.

Use the WI Implied Consent Blood Kit when screening for controlled substances. The kit has all the equipment and forms necessary to obtain the blood sample. Follow instructions provided in blood kit.
4. Screening for Blood Type

Use the blood kit provided by the State Hygiene Laboratory. In sexual assault cases, the blood kit and instructions are found in the Wisconsin State Crime Lab Sexual Assault Evidence Kits.
5. Blood From Deceased Person: Is done by the Coroner.



6. Sexual Assaults: Refer to MPD Sexual Assault Checklist for type of samples needed. (Note: All Madison hospitals have Wisconsin State Crime Lab Evidence Collection Kits with Instructions). Officers should utilize both documents when investigating sexual assaults.

### **Procedural Guidelines**

1. Packaging Blood Samples. Within two hours, if possible, after each blood sample tube has been properly sealed and marked with the case number, date, name of subject withdrawn from, officer's name witnessing drawing, and sample tube number, the individual tubes should be packaged in such a way that the glass tube is protected from breaking.
2. Separate Property Tags Required. Place biological specimens, such as blood samples, stomach contents, urine samples, etc., on separate property tags.
3. Refrigeration of Samples (Never Freeze Liquid Blood). For proper analysis of blood samples, it is important that the samples be refrigerated within two hours or as soon as possible after it is drawn. The sample(s) should be property tagged and be placed in the refrigerator located in the Property Intake Room. The key for the refrigerator can be obtained from the OIC or designee.
4. Disposition of Samples. It shall be the responsibility of the follow-up investigator assigned to transport all blood/urine sample(s) in a timely fashion to the State Crime Laboratory when appropriate. This includes samples taken from victim and/or suspects.
5. Disposition of Evidence in Sexual Assault Cases Where no Suspect is Known. Where there is no suspect identified, all blood samples (victim, suspect, or other) shall be turned over to the State Crime Lab for analysis as soon as possible, or until the sample is no longer of evidentiary value. The Crime Lab will analyze the blood samples even though specific suspect is not identified. The follow-up investigator shall periodically monitor the value of maintaining other biological evidence in the property room .
6. Reporting Evidence Chain. Transportation or disposition of any evidence shall be documented in reports by any officer involved in the evidence chain.

### **Collection of Whole Blood in Traffic-Related Cases**

1. WI Implied Consent Blood kits supplied by the State Hygiene Laboratory shall be utilized for traffic-related cases. The supply is maintained by the department, and is stored in the Intoxilyzer Room and area hospital emergency rooms. The kit has all the equipment and forms necessary to obtain the blood sample.
2. Blood is to be drawn only by a physician or a person acting under his/her direction. The arresting officer should witness the blood being drawn and can sign the form in the place for the signature of the person drawing blood. This may release the person drawing the blood from having to appear in court; however, his or her name should be recorded.

## LATENT EVIDENCE

Items of evidence bearing or suspected of bearing latent evidence, (e.g., fingerprints, palm prints, foot or shoe prints) which are to be processed must be placed on property tags, marked and sealed, and placed in the Property Room. If there is danger of destroying possible evidence by marking the item, it must be protected and the package containing the item must be marked. In all cases, the property tag and the container should indicate "Latent Evidence-Attention Identification Section." If there is more than one item, each should be numbered.

## CASH HANDLING

Accurately counted paper money will be xeroxed (serial number side) prior to being separately property tagged in a clear plastic evidence bag. The amount of cash will be reflected on the property tag. The xeroxed copies will be attached to the original report to be filed in Records. Coins must also be accurately counted and placed in clear plastic bags. (The amount of coin will be reflected on the property tag.)

## DISPOSITION OF PROPERTY REQUIREMENTS

### Unclaimed Property

State Statute 66.28 regulates the manner in which property coming into the possession of the Police Department is handled. It is required that abandoned and unclaimed personal property be retained for a period of at least thirty (30) days and that a reasonable attempt be made to identify the property's owner and to return the property. After 30 days, unclaimed property can be sold at a public auction. Auction receipts, after expenses are deducted, will be deposited with the City Treasurer.

### Items Not to Be Sold at Auction

It is required that items such as beer, liquor, fireworks and flammables be destroyed after it is determined it is not necessary to retain the item.

### Explosives

Items capable of exploding such as dynamite, nitroglycerin, pipe bombs etc., will be handled by the Dane County Bomb Disposal Squad and will not be placed in the Property Room.

### Firearms and Ammunition

Firearms and ammunition must be turned over to the Wisconsin State Crime Laboratory when it is no longer necessary to retain them for any reason.

### Seized Items

Items seized during the serving of a search warrant or incident to an arrest which are not later used as evidence in a court case, must be returned to the owner with few exceptions.

**Property Tag Retention**

All property tags must be signed, dated and the disposition must be indicated on the reverse side. The property tag will then be returned to a property clerk for filing and retention.

**INVESTIGATIONS**

|        |  |
|--------|--|
| 8-100  | Critical Incident Analysis                         |
| 8-200  | Barricaded Person/Sniper/Hostage Situations        |
| 8-300  | Robberies in Progress and Silent Robbery Alarms    |
| 8-400  | Bomb Threats                                       |
| 8-500  | Investigation of Certain Person Crimes / Incidents |
| 8-600  | Investigating Sexual Assaults and Their Attempts   |
| 8-700  | Eyewitness Identification                          |
| 8-800  | Domestic Abuse                                     |
| 8-900  | Taking Custody of Newborn                          |
| 8-1000 | Landlord Tenant Disputes                           |
| 8-1100 | Trespassing  |
| 8-1200 | Traffic Enforcement                                |
| 8-1300 | Computer Crimes Investigation Policy               |

## 8-100 CRITICAL INCIDENT ANALYSIS

It is important to critically review operations in order to develop the best method for handling future incidents, reinforce good operating procedure, and prevent or correct any organizational behavior not in keeping with objectives.

A “Critical Incident” is defined as any incident involving a major commitment of department resources, an unusual or unpredicted incident, an incident which requires a call up of personnel from other police agencies, or any other situation or incident which may require critical analysis.

### Procedure

Whenever a critical incident occurs, the senior commanding officer on duty at the time of the incident shall be responsible for scheduling and conducting an analytical debriefing session. It shall be held no later than 10 days after the occurrence of the incident, after the investigation has been completed or all investigative leads have been exhausted. This session shall include representatives from department units, and, whenever possible, any outside agencies involved in the incident. Any commanding officer of the department may request an incident to be designated “critical” and thereby cause this policy to come into effect.

### Outline for Critical Incident Analysis Review

1. Type of incident, location, date, time, senior officer in charge.
2. Summary of Department Operations (units and agencies involved, number of personnel, duration of incident, persons arrested, persons injured, basic facts of incident - should answer Who, What, Why, Where, When and How?).
3. Personnel present at debriefing, date, time (from - to) and location.
4. Successful Operating Procedures (plans made, controls used, command directions, coordination, communications, use of resources, use of force, deployment of personnel, etc.).
5. Operational Procedures to be Improved (plans made, controls used, command directions, coordination, communication, use of resources, use of force, deployment of personnel, etc.).
6. Further Recommendations.

## 8-200 BARRICADED PERSON/SNIPER/HOSTAGE SITUATIONS

### OBJECTIVES

The objectives of this department in dealing with these situations are to:

1. secure safe release of hostages (when involved);
2. minimize risk to uninvolved people and police personnel;
3. apprehend perpetrator(s) with the least possible use of force;
4. secure available evidence to assist in the appropriate disposition of the perpetrator(s).

### General Discussion

The following procedure is presented as a guideline which personnel should use when initially confronted with a confirmed barricaded person, sniper, or hostage situation. It is based on the premise that safety is paramount and the application of force is to be considered as the last alternative within a range of reasonable resolutions.

It is impossible to set forth the exact procedures personnel should follow in every situation. It is, however, expected that they will exercise their best judgment in applying these guidelines to specific cases. It is possible that a given situation may not require the implementation of all the provisions which follow.

### Definitions

1. A Hostage Situation is one in which one or more persons take and unlawfully hold other persons against their will with the use or threat of use of force. The perpetrator(s) may subsequently make demands to secure freedom or other items using the hostage(s) as a bargaining tool. Generally, the location of the hostage(s) and perpetrator(s) will be known (contrasted with a kidnap situation).
2. A Barricaded Person/Sniper Situation is one in which one or more persons take refuge at a location and either use or threaten to use force to repel attempts to apprehend them. The person may subsequently make demands to secure freedom or other items. Generally, this situation differs from a hostage situation only in that a hostage has not been taken.
3. A Temporary Mobilization Point is some location strategically located but isolated from direct contact with the actual situation. It will be used as a temporary base of operations for the Field Commander in deploying personnel, setting up communications and, generally, managing the situation. Changing conditions or discovery of better facilities may cause a change of location. A protracted situation may require establishment of a more permanent command post with more complete facilities and amenities.

## PROCEDURES

Specific procedures for involved personnel to follow upon determination that a situation exists or is reasonably believed to exist:

### **Actions of First Response Officers**

1. Officers subjected to an attack should make personal safety their primary consideration. If not injured or incapacitated, they should remove themselves (and vehicles) from the immediate vicinity and take cover where they can observe the scene, utilizing vehicles, buildings, trees, etc.
2. The officer should then contact and inform the Dispatcher of the incident, giving the exact location of the incident, as well as his/her position. They should request a tactical channel for this incident.
3. The individual officer should not attempt to apprehend the perpetrator unless circumstances indicate apprehension can reasonably be made.
4. All non-uniform personnel shall advise the Dispatcher when responding to the scene, and will report to the mobilization area for assignment.
5. Officers' actions should be directed toward sealing off the area from pedestrian and vehicular traffic and containment by establishment of an inner perimeter until relieved by Emergency Response Team personnel, or the operations commander, or responsible command officer.
6. Officers should attempt to obtain as much intelligence information as possible; e.g., identity and description (physical and clothing) of perpetrator(s) and hostages (where involved), location, evolution of the incident, possible communication and physical access to the location.
7. Officers should attempt to hold (for a thorough debriefing by the Hostage Negotiation Team or other investigators) anyone with firsthand knowledge about the persons involved, location or situation.

### **Actions of Communications Center Staff:**

1. Staff shall immediately notify the Patrol OIC.
2. Staff shall immediately dedicate a radio channel for use of personnel involved in the operation.
3. The voice dispatcher sending units shall at the direction of the primary officer, when possible, designate assigned locations that facilitate containment, but minimize exposure of responding officers. This should be continued until the Field Commander is on location and a temporary mobilization point has been established.
4. Staff should determine if there is a telephone listing at the location of the situation, and upon the command officer's request, advise the suspect(s) that a department negotiator is being sent to the scene and that all communication will be with him/her. If the staff is unable to make contact, they will forward

this information to the responsible command officer at the scene, who will assume responsibility for attempting to deliver this message. Pre-established telephone isolation procedures agreed upon with respective telephone companies shall be activated.

5. Staff should alert the Fire Department and Department of Public Works of the current situation and advise that requests for various equipment might be forthcoming. The Fire Department shall be requested to assign an ambulance to the temporary mobilization point.
6. Staff should begin gathering intelligence relative to the location of the incident and the people involved.

#### **Actions of the Patrol Division Detail Commander**

1. The Detail Commander shall immediately initiate a “call-up” of the Hostage Negotiation Team and direct mobilization of the Emergency Response Team in accordance with current team rosters.
2. The Detail Commander should immediately establish an information center to handle all queries from the public, news media, and off-duty police personnel. The Public Information Officer should be called in to staff this function, or, if unavailable, some other person should be designated.
3. The Detail Commander, as soon as possible, should establish communication with the temporary mobilization point.
4. The Detail Commander should oversee the gathering of intelligence.
5. The Detail Commander should see that a log of transactions relating to the incident is kept. A negotiator may be assigned this function once the operation is under way.
6. The Detail Commander shall notify the Chief of Police of the situation.

#### **Actions of the Field Commander**

1. The Field Commander should respond to and assume control of the scene of the incident.
2. The Field Commander should establish a secure inner (Emergency Response Team personnel) perimeter and a secure outer (Patrol personnel) perimeter.
3. The Field Commander should designate some person to keep a log of all transactions.
4. The Field Commander should quickly establish a temporary mobilization point.
5. The Field Commander shall provide overall command control and coordination of efforts by Patrol and other support personnel including the Hostage Negotiation Team and Emergency Response Team in the absence of their Captain Commander.



**Activation of the Emergency Response Team:**

1. Members of the Emergency Response Team have been trained in the use of weapons, special equipment and tactics in order to be able to more safely provide a coordinated, tactical response to handling barricaded persons/sniper/hostage situations.
2. The Emergency Response Team may be activated under the above circumstances, or anytime that there is a high degree of risk of violence or weapons; or under circumstances where the degree of threat has a high probability of exceeding the capabilities of the available personnel to meet that threat.
3. The primary objective of the Emergency Response Team is the preservation of life. The Emergency Response Team will attempt to resolve situations in such a manner as to minimize the risk of injury or death to innocent persons, officers or the subject(s) involved through the use of skilled negotiations and coordinated tactical response.
4. The actions of the Emergency Response Team will be consistent with department policy regarding the use of force, and the standard professional practices in the area of police tactical response.
5. An entry to the barricade location will only be executed with Command approval, unless there is imminent threat to life.

**Team Activation Procedure**

1. Requests for ERT activation will be made to the Tactical Commander. If this Commander determines that the situation meets the criteria for an ERT activation, a full team activation will occur. The ERT Commander will be immediately notified of the ERT activation.
2. If the situation does not clearly meet that criteria, the Tactical Commander will consult the ERT Commander or Deputy Commander prior to making a decision to use some or all of the ERT Team personnel/resources.
3. ERT Tactical Team members may only be utilized for on-duty tactical situations with approval of an ERT supervisor. Where possible, an ERT Supervisor will respond to the scene to oversee the utilization of the ERT personnel. If used for on duty tactical situations, ERT personnel will only be used in a manner that is consistent with the Team's training and established standard operating procedures.

Actions of the Hostage Negotiation Team will be in accordance with their training and current negotiation techniques.

**Actions of Other Personnel**

Actions of other departmental personnel and personnel from other jurisdictions not previously mentioned will be governed by the direction given them by the Field Commander.

**DEBRIEFING**

A thorough debriefing and clinical study will be performed after any incident is completed. The evaluation will be conducted in a positive way so as to elicit the maximum benefit.

## **8-300 ROBBERIES IN PROGRESS AND SILENT ROBBERY ALARMS**

All robbery in progress reports or robbery alarms will be treated as robberies in progress until such time as an officer is able to positively determine otherwise. Procedures are intended to reduce risk to officers, business employees, and bystanders, and to enhance the probability of making a safe apprehension while minimizing the potential for development of a hostage situation.

### **DEFINITION OF ALARM TYPES**

Robbery in progress calls and alarms fall into four categories:

1. An off-site alarm company advises Dispatch of an alarm.
2. A personal call by a victim or witness to Dispatch that a robbery has occurred and suspects are presumed to have left.
3. A personal call by a victim or witness to Dispatch that a robbery is in progress with suspects at the scene.

### **COMMUNICATIONS CENTER STAFF**

1. The dispatcher will broadcast information regarding an armed robbery on all police patrol channels after activating the Alert Tone.
2. The dispatcher will send a minimum of two units to reported robberies in progress/alarms calls and will, when appropriate, assign a separate frequency for tactical deployment
3. In the event of an alarm only, the dispatcher will immediately attempt to contact an on-site person.
4. Upon receiving a report that an armed robbery has or is occurring, the dispatcher will obtain as much of the following information as possible:
  - a. Last known location of the suspect(s)
  - b. Address and name of business involved
  - c. Physical description of suspect(s)
  - d. Weapon involved (type and number)
  - e. Mode of escape
  - f. Vehicle involved
  - g. Direction of travel

**RESPONDING OFFICERS WILL:**

1. Proceed to the location as quickly and safely as possible and avoid alerting the perpetrator(s) by visual or audible means.
2. If officers at the scene or the dispatcher determines that a robbery is still in progress, maintain containment and confront suspects after they leave the premises. Make use of all available cover, keeping in mind the possibility of multiple suspects. If the suspect(s) exits the building, make every effort to position the necessary number of officers between the building and the suspect(s) in order to prevent re-entry into the building.
3. If through telephone the dispatcher is able to determine that the perpetrator(s) is gone, Dispatch shall instruct an employee to leave the building and to meet an officer at a specific location. Prior to the employee exiting the building, officers at the scene will be informed of the employee's egress.
4. Immediately after it has been determined that a robbery has occurred and the scene is secured, direct non-committed personnel to begin searching the area and obtain pertinent information from witnesses and, as soon as possible, broadcast it to area units.
5. The primary officer and two back up officers shall immediately contact the witness/victim at the scene and obtain a detailed description of the suspect(s). The back up officers shall protect the crime scene and shall be responsible for directing all non-committed personnel to search areas/perimeters until relieved by a field supervisor or commanding officer and for preserving the physical scene.

**RESPONSE BY PLAINCLOTHES PERSONNEL**

1. Plainclothes personnel may respond to robbery alarms and reports of robberies in progress after informing the dispatcher of their response and of the fact that they are in plain clothes.
2. If plainclothes personnel are the first to arrive on the scene, they shall take a perimeter post and take direction from the Officer-in-Charge of the scene.
3. All movement of plainclothes personnel within the perimeter of a robbery will be coordinated with the uniformed personnel on the scene.
4. If a robbery occurs during Detective Team off-duty hours, or when a Detective is not available, the Patrol Lieutenant or designee shall refer to current Detective Team notification directive.

**FALSE ALARMS**

1. If Dispatch receives information that the alarm is false, the responding officers will immediately be notified. If the dispatcher feels the information is suspicious, this will be relayed to the responding officers.

2. Upon notification of a possible false alarm, the responding officers will modify their response from a silent, emergency response to a routine response. The responding officers will visually determine if the scene appears safe. Dispatch will instruct an employee to exit the building and contact an officer on the scene. After such contact, officers should cautiously enter the building and confirm the alarm was false.

### **POLICE ARRIVAL AFTER A ROBBERY**

1. If the dispatcher is notified that the suspect(s) left prior to arrival of officers, he/she shall obtain pertinent information and instruct the employee to meet officers outside. Officers shall proceed with caution in verifying information as outlined above.
2. A complete investigation shall follow.
3. If a Detective is not available or off duty, the Patrol Lieutenant or designee shall refer to the current Detective Team call-back directive.
4. The above procedure will be followed when it is assumed that the suspect is such a distance from the scene as to pose no further threat to the victim.
5. A description of suspect(s) and vehicle(s) and the estimated time lapse should be broadcast to all responding and district units as soon as possible.

### **HOSTAGE SITUATIONS**

If a situation develops involving hostages or barricaded persons, officers shall withdraw to cover/concealment, secure the perimeter, and proceed as outlined in Barricaded/Sniper/Hostage Situation Policy.

**8-400 BOMB THREATS****GENERAL STATEMENT**

In dealing with bomb threats, the highest priority of this department will be to protect the lives of citizens and officers, followed by protection of public and private property and apprehension of offenders.

**PROCEDURE**

When a bomb threat is received by dispatch personnel, the following procedure will be followed:

1. Officers will be immediately dispatched to the scene; and be mindful that radios and cellular phone use could detonate bombs.
2. Dispatch personnel will attempt to notify the individual in charge of the threatened area;
3. Dispatch personnel will notify the Officer-in-Charge or designee, of the threat, and provide all available and updated information;
4. The Officer-in-Charge or designee, after considering the seriousness of the threat, the nature of the target, and any political ramifications of the target, may request an immediate response by the Dane County Sheriff Explosive Ordinance Detail (EOD) and/or the Madison Fire Department. The Fire Department, if called, should be advised of the EOD's response, and vice versa.
5. Officers responding to the scene will enlist the assistance of willing occupants, who are familiar with the premises, to assist in searching and/or evacuating. The initial decision to evacuate will be the responsibility of the person in charge (e.g., building owner, manager, etc.) of the threatened area.
6. If a suspicious object is located, the area should immediately be evacuated and the object left undisturbed, until the EOD arrives.
7. When called, the ranking EOD officer shall be considered in charge of EOD operations at the scene.
8. Any department employee who receives a bomb threat should attempt to ascertain the location of the device, the time of detonation, type of device, any voice characteristics of the caller (e.g., sex, age, excitement level, ethnicity, speech peculiarities), and any distinguishable background sounds. If the bomb threat originally came to the threatened area, employees should attempt to get the above information from the person receiving the threat, and all information should be relayed to the dispatch center.

## 8-500 INVESTIGATION OF CERTAIN PERSON CRIMES / INCIDENTS

Upon receiving any of the following calls for service, the nearest available officer and supervisor will be dispatched to the scene and/or victim's location:

1. homicide or attempted homicide;
2. any death that is not attended by a physician;
3. any serious injury and/or condition where there is reason to suspect the injury/condition was caused by the act or omission of another or the cause is unknown.
4. any death or serious injury involving a motor vehicle where there is intent to injure or kill. (MV accidents, however negligent, will be investigated in accordance with the Investigation of Motor Vehicle Crashes Involving Serious Injury or Death policy.)
5. Any weapons violation believed to have just occurred or in progress.

The supervisor at the scene shall ensure that the Officer in Charge is notified and advised of the circumstances surrounding the incident.

### PROCEDURE FOR NOTIFICATION OF DISTRICT DETECTIVE LIEUTENANTS

1. When additional investigative resources or guidance is needed, the officer, or Officer in Charge (OIC), after consultation, shall call the On Call Detective Lieutenant (if after normal business day) or District Detective Lieutenant, who will evaluate the situation, then decide whether or not a Detective will assist the investigation.
2. In all death investigations, a supervisor will be sent to assist the primary officer in evaluating the circumstances. If a supervisor is not available, a Detective, if available, and/or Uniformed Special Investigator will be dispatched to assist with the investigation. If the investigation confirms natural causes, reporting requirements will be the responsibility of the Police Officer. The Sergeant, Detective, or Investigator will be responsible to ascertain if the Coroner has been notified, if not, they shall see that it is done. If the investigating officer or supervisor believes there are suspicious circumstances involved in the death, they will notify the Officer in Charge (OIC) who will, in turn, put them in contact with the On-Call Detective Lieutenant (if after normal business day) or District Detective Lieutenant. This Detective Lieutenant will evaluate and allocate appropriate resources.

**8-600 INVESTIGATING SEXUAL ASSAULTS AND THEIR ATTEMPTS**

## 1. Adults

- a. The initial responding officer shall advise the victim they may request to be interviewed by an officer of the gender of their choice. Should the victim request an officer of the gender opposite the initial officer, the officer shall immediately notify a supervisor and a reasonable attempt will be made to honor the victim's request.

Once follow up has been assigned to a Detective, the case will remain with the Detective regardless of gender.

- b. In the event of a fresh occurrence, the initial responding officer shall make a reasonable attempt to obtain suspect, officer safety, and other relevant information to relay to other officers as soon as possible.

- c. The officer conducting the victim interview shall:

- i. Notify the OIC of the circumstances of the incident. The OIC will determine if the incident is a 1st or 2nd degree sexual assault or if additional investigative resources or advice is needed, and if so, will ensure that the On Call Detective Lieutenant (if after normal business day) or District Detective Lieutenant is notified of the circumstances. The exception to notification is an incident involving consensual sex between teenagers within 3 years of age.

- ii. Ensure the collection of evidence from the victim and scene(s), (e.g., photos, clothing, etc.), and also medical forensic hospital exam evidence if the assault occurred no more than 72 hours prior to the time it is reported. Meriter Hospital's Sexual Assault Nurse Examiner (SANE) program should be used for collection of biological evidence from the victim.

- (1) If a facility other than Meriter Hospital is used for collection of biological evidence from the victim, an officer of the same gender as the victim shall be present in the exam room to ensure complete and proper collection of evidence.

- (2) An Investigator, at the request of the interviewing officer or a supervisor, shall process the scene of a sexual assault for evidence, including photos.

## 2. Children

- a. The primary officer shall notify Dane County Human Services (DCHS) within 12 hours of the report of a sexual assault of a juvenile per state statute 48.981(1)(2)&(3).



The primary officer shall notify the parents or guardians, if appropriate, of the juvenile victim within 24 hours.

- b. When investigating a sexual assault of a child under the age of 16, the investigating officer shall collect as much information as possible without interviewing the victim. The officer shall notify the OIC of the circumstances. The OIC shall contact the On Call Detective Lieutenant (if after normal business day) or District Detective Lieutenant prior to conducting a detailed interview or physical exam. The subsequent investigation will be at the direction of the Detective Lieutenant or Detective assigned to the case.

3. Arrested Persons for a 1st or 2nd Degree Sexual Assault

The arresting officer shall insure that the OIC is notified of the arrest of a sexual assault suspect as soon as possible. The OIC will contact the On Call Detective Lieutenant (if after normal business day) or District Detective Lieutenant to determine if a detective should oversee the questioning.

## 8-700 EYEWITNESS IDENTIFICATION

To establish a uniform procedure for identification of suspects by witnesses in front of an officer and to promote practices which will safeguard innocent persons while insuring that those who are guilty are arrested and convicted. Procedures which suggest the guilt of a particular suspect to an eyewitness must be avoided. In all cases, the honest recollection of the eyewitness must govern.

### GENERAL RULES FOR ALL EYEWITNESS IDENTIFICATION PROCEDURES

#### When Unnecessary

An eyewitness identification procedure may be unnecessary when the witness:

1. Would be unable to recognize the perpetrator of the offense being investigated; or
2. Knew the identity of the suspect before the offense occurred or learned the suspect's identity without police assistance after the offense.

#### Avoiding Multiple Views in the Field

A suspect—or likeness (a photograph, composite drawing or sketch) of a suspect—should not deliberately be displayed to more than one witness at a time.

#### Avoiding Viewers' Suggestions

A witness who has taken part in an identification procedure must not be permitted to state conclusions within earshot of another person who is about to be, or has been, a viewer.

#### Avoiding Officers' Suggestions

A police officer must not, by word or gesture, suggest opinions to any witness that the suspect committed the crime. Witnesses making inquiries about an officer's opinion shall be informed of this restriction.

#### Maintaining a Record

A complete record of each identification procedure must be made. The time, location, and the identity of those present, including persons being viewed who are not the suspect, must be noted. Statements made by a witness viewing the suspect must be recorded, along with any significant remarks made by an officer, lawyer or suspect.

### SHOW UPS

A confrontation is a limited usage identification procedure in which a suspect is presented singly to the witness.

#### When Permissible

An officer may arrange a presentation between a suspect and a witness whenever the suspect is detained within a reasonable length of time. Consideration should be given

to the freshness of the pursuit, the total amount of time elapsed since the offense and the distance from the crime scene. The witness must be cooperative and state they might recognize the person who committed the offense.

If there is probable cause to arrest, then no show-up should be conducted. In these cases, consideration should be given to completing a photo or in-person line-up as soon as feasible depending on the circumstances.

It is the District Attorney's opinion that the department continue present procedures which require that one-to-one confrontations not occur in the police station. In the event any deviation from this procedure appears appropriate because of unusual circumstances the officer-in-charge should consult with the on-call assistant District Attorney in advance in accordance with the When Foregoing Model Rules May Be Disregarded section of this policy.

### **Presentation Following Temporary Detention**

If an officer reasonably suspects that a person located has committed the offense, but probable cause to arrest the person is not present, the officer may detain the person for a reasonable period of time for presentation purposes. In exercising this authority, the officer may use such force (see Stop and Frisk Policy 4-200) as is reasonably necessary to stop the person or to cause the person to remain in the officer's presence.

#### **1. Location of Presentation**

The witness should be brought to the scene of the detention as soon as possible. A suspect should not be taken to the police station for a one-to-one confrontation. Only with consent, may the suspect may be conveyed to the witness location.

#### **2. Extending Detention**

The suspect cannot be detained for longer than a reasonable period of time. If probable cause to arrest develops during the detention, an arrest should be made and no show-up shall be completed.

#### **3. Release After Confrontation**

If the suspect is not identified by the witness and you lack probable cause, the suspect should be released after obtaining the suspect's name and DOB pursuant to appropriate departmental procedures.

### **Minimizing Suggestiveness**

1. Obtain and document complete description of suspect(s) from witness separately from other witnesses if possible, before the show-up.
2. If possible, do not show the suspect handcuffed or in a squad car. If handcuffed, take measures to conceal this fact from the witness, when possible.
3. Do not convey to a witness before identification that police have a suspect. Advise the witness that the person may or may not be the perpetrator, and

they should not feel compelled to make identification, and the investigation will continue whether or not they identify the suspect.

4. Police should not confirm a witness's positive identification. IE. Police should not tell the witness they made the correct choice or provide information which corroborates the identification.
5. Document the procedure. Attempt to quote the witness's statements.

### **Multiple Witnesses**

If there are several witnesses to a crime, and confrontation of a suspect is feasible and proper, arrangements should be made for each witness to confront the suspect separately. If an identification is made by the first witness, arrest is appropriate and further confrontation by other witnesses should not occur. Witnesses should be instructed not to discuss their identifications with others.

### **Cruising Area of Offense**

Nothing in these guidelines bans the common procedure of transporting witnesses in police cars to cruise the general area in which a crime has occurred in hopes of spotting the perpetrator and arranging a confrontation.

### **Emergency Presentations**

In emergency circumstances, such as when a witness is in danger of death or blindness, or when a suspect is in danger of death, an immediate confrontation may be arranged if medical authorities permit. In these situations, time and location limitations contained in the preceding guidelines can be disregarded. But if the suspect will be hospitalized for a lengthy period and is not a danger of death, then it is proper to follow the guidelines above.

### **Right to a Lawyer**

No person has a right to have a lawyer present at any confrontation procedure.

## **PHOTOGRAPHS (AND OTHER LIKENESSES)**

### **When Photographs May be Used**

The use of photographs to identify criminal suspects is permissible only when a "live" identification procedure is impractical (e.g., there is no suspect; there is a suspect but probable cause to arrest is absent; the suspect cannot be found; a suspect or witness refused to cooperate; or the suspect is in custody some distance from the prospective viewer).

### **Saving Witnesses to View Lineup**

Whenever a witness makes a positive identification from a photograph and probable cause to arrest the suspect is thereby established, photographs should not be displayed to other witnesses if they will later view the suspect at a lineup.

## **Use of Sequential and Simultaneous Photo Lineups**

When possible, photo lineup identification procedures should be conducted sequentially, showing one photo at a time to the witness, rather than simultaneously. Children 10 and under should not be shown a sequential photo lineup but can be shown a simultaneous photo array. To assure an accurate photo array identification, a reasonable number of photographs, currently six, should be shown to a witness even if the suspect is selected almost immediately.

### **Sequential Photo Lineup Procedure**

In order to ensure that inadvertent verbal cues or body language do not influence a witness identification, the person conducting the photo lineup should use the folder system, or lineup Administrator.

In composing a photo lineup, the person administering the identification procedure should ensure that the lineup is comprised in such a manner that the suspect does not unduly stand out. However, complete uniformity of features is not required.

### **The Sequential Photo Lineup Procedure**

1. Include only one suspect in each identification procedure.
2. Select fillers ( nonsuspects) who generally fit the witness' description of the perpetrator. When there is a limited or inadequate description of the perpetrator provided by the witness, or when the description of the perpetrator differs significantly from the appearance of the suspect; fillers should resemble the suspect in significant features.
3. Select a photo that resembles the suspect's description or appearance at the time of the incident, if multiple photos of the suspect are reasonably available to the investigator.
4. Include five fillers (non-suspects) per identification procedure.
5. Avoid reusing fillers in lineups shown to the same witness when showing a new suspect.
6. Ensure that no writings or information concerning previous arrest(s) will be visible to the witness.
7. View the array, once completed, to ensure that the suspect does not unduly stand out.
8. Preserve the presentation order of the photo lineup. The photos themselves should be preserved in their original condition.
9. Read the "Witness Photo Lineup Instructions" to the witness.
10. Confirm that the witness understands the nature of the sequential procedure.
11. Present each photo to the witness separately, in a previously determined order, removing those previously shown.

12. Avoid saying anything to the witness that may influence the witness' selection.
13. Document in writing the lineup procedure, including:
  - a. Identification information and source of all photos used.
  - b. Names of all persons present at the photo lineup.
  - c. Date and time of the identification procedure.
14. When conducting an identification procedure, the lineup administrator or investigator shall preserve the outcome of the procedure by documenting any identification or no identification results obtained from the witness. Preparing a complete and accurate record of the outcome of the identification procedure is crucial. This record can be critical document in the investigation and any subsequent court proceedings. When conducting an identification procedure, the lineup administrator or investigator should:
  - a. Record both identification and no identification results in writing, including the witness' own words.
  - b. Ensure that the photo results are signed and dated by the witness on the bottom or back of the photo.
  - c. Ensure that no materials indicating previous identification results are visible to the witness.
  - d. Ensure that the witness does not write on or mark any materials that will be used in other identification procedures.
15. The witness, if requested may view one or more of the photos again after the sequential photo array procedure have been completed, The District Attorney's Office advises this departure from protocol should be allowed and must be thoroughly documented. This should occur only if the witness requests it after the procedure is completed and should never be at the suggestion of the person administering the photo array.

### **Creating the Sequential Photo Lineup Using the Folder System**

1. There should be five filler photographs and one suspect photograph.
2. Place one filler photograph in folder number 1.
3. Have someone out of your sight place the remaining four filler photographs and the suspect photograph in folder 2 through 6.

or

You place the four filler photographs and the suspect photograph into the folders and shuffle the folders so you do not know which folder the suspect is in, then number the folders 2 through 6.

4. Folder numbered 7 and 8 are empty and are used so the witness does not know when they have seen the last photo.
5. Read the “Witness Photo Lineup Instructions” to the witness.
6. Hand the first folder to the witness for viewing, making sure you can not see who is in the photo and inform the witness not to show you the photo. When the witness is done viewing the photo, he/she will hand it back to the investigator. The second folder will then be handed to the witness and the above process will be repeated through folder number six.
7. Photos will be placed in property.
8. Sign “Witness Photo Lineup Instructions” form and attach to report.

### **Creating the Sequential Photo Lineup Using a Lineup Administrator**

1. There should be five filler photographs and one suspect photograph. (Case Detective)
2. Give the lineup administrator one filler photograph to be used as the first photo shown. (Case Detective)
3. Give the lineup administrator the suspect photo and remaining four filler photos and have him/her mix-up the photos and number them 2-6. Do not tell the administrator, which photo, is the suspect. (Case Detective and Administrator)
4. Photos 7 and 8 are blank and are not shown to the witness, but are used so the witness does not know when they are viewing the last photo. (Administrator)
5. Read the “Witness Photo Lineup Instructions” to the witness. (Administrator)
6. Hand the first photograph to the witness for viewing. When the witness is done viewing the photo, she/he will hand you the photo back. The second photo will then be handed to the witness and the above process will be repeated through photo number six. If the case detective is present during the lineup, they need to be in a position that they cannot see who is in the photo. The witness should be informed not to show any of the photos to the case detective. (Administrator)
7. Photos will be placed in property. (Case Detective)
8. Sign “Witness Photo Lineup Instructions” form and attach to report. (Administrator)

### **Simultaneous Photo Line-Up Procedure**

Although the sequential photo line-up procedure is the preferred protocol, there may be occasional times when a simultaneous photo line-up procedure will be used. The simultaneous photo line-up procedure is the preferred method procedure when working with children 10 and under. It may also be appropriate with disabled victims.

When using the simultaneous line-up procedure, whenever a photograph depicting a definite suspect is displayed to a victim or eyewitness, it should be arranged at random with six or more photographs of different persons. The persons depicted in the photo display—along with the photographs themselves (if several are used)—must be of substantially similar general appearance. However, if a photograph of a proper lineup that includes the suspect is available, it may be displayed singly without any other photographs.

### **Recording and Preserving**

An adequate record of each photograph shown in each display must be made. Photographs must be preserved so that the display can be reconstructed at trial, and photo arrays should be property tagged as evidence.

### **Right to a Lawyer**

No person has a right to have a lawyer present at any pictorial identification procedure, whether it takes place before or after arrest.

### **Post-Arrest Photo Display**

Photo displays may be used after the arrest of the suspect only when a lineup is impractical for one of the reasons specified in Holding a Lineup: Exceptions.

### **Sketches and Composites**

When there is no suspect and the use of the photo array has been, or is likely to be unsuccessful, a non-photographic pictorial representation (e.g., free-hand sketch, Identi-Kit) may be used. If this leads to definite identification of a suspect, no other sketch, composite, or photograph should be displayed to any other witness. However, if probable cause for an arrest still does not exist, a photograph of the suspect should be obtained and the photo display procedure followed.



**Witness Instructions For the Sequential Photo Lineup Procedure**

Read: In a moment I am going to show you a group of photographs one at a time, in a random order. I will show you each photograph once, so review each photograph carefully and take as much time as you need before moving to the next one. All photographs will be shown, even if identification is made prior to viewing all the photos. This group of photographs may or may not contain a picture of the person who committed the crime now being investigated. Keep in mind that facial features such as hairstyles, beards, and moustaches may be easily changed. Also, photographs may not always depict the true complexion of a person – it may be lighter or darker than shown in the photo. Pay no attention to any markings or numbers that may appear on the photos or any other differences in the type or style of the photographs. Please tell me if you recognize anyone in these photographs for whatever reason. Do not tell other witnesses that you have or have not identified anyone.

Reporting Officer: \_\_\_\_\_

I.D.: \_\_\_\_\_

PHOTO LINEUP REPORT FORM

Case Number: \_\_\_\_\_

Viewer: \_\_\_\_\_ Address: \_\_\_\_\_

Relation to Case: \_\_\_\_\_

Type of Photo Lineup: \_\_\_\_\_ Date & Time: \_\_\_\_\_

Location: \_\_\_\_\_

Officers Present: \_\_\_\_\_

Name: \_\_\_\_\_ Duties: \_\_\_\_\_

Name: \_\_\_\_\_ Duties: \_\_\_\_\_

Others Present: \_\_\_\_\_

Name: \_\_\_\_\_ Reason: \_\_\_\_\_

Source of Photographs: \_\_\_\_\_

Persons Depicted in Photo(s): \_\_\_\_\_

NAME

IDENTIFICATION NUMBER

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Subject Identified (if any)

\_\_\_\_\_

Did Viewer initial back of photo identified? \_\_\_\_\_

\_\_\_\_\_  
Signature of Reporting Officer

## LINEUPS

A lineup is an identification procedure in which a suspect is placed in a live group setting and presented to a witness.

### **Holding a Lineup: Exceptions**

When identification by a witness may be obtained, a lineup should be held following the arrest of a suspect, unless one of the following circumstances makes a lineup unwise or impractical:

1. Unusual Appearance of Suspect  
Lack of suitable persons to include in the lineup group
2. Prior Knowledge  
The witness knew the identity of the suspect before the offense occurred or learns the identity without police assistance after the offense; or the prospective viewer has had an opportunity to identify the suspect in an earlier confrontation procedure.
3. Inconvenience  
The suspect is in custody at a place too far from the witness.
4. Lack of Viewers  
There is no witness willing or able to view a lineup.
5. Uncooperative Suspect  
The suspect threatens to disrupt the lineup.
6. Suspect Released from Custody  
The suspect was released on bond or recognizance, before being viewed, and a court order has not yet been obtained ordering the suspect to appear in a lineup.

### **Time of the Lineup**

A lineup, when conducted, should take place as soon as practicable after the arrest of a suspect.

### **Right to a Lawyer**

A suspect has the right to a lawyer for any lineup and has the right to have a lawyer appointed for this purpose if he/she cannot afford one.

### **Advising the Suspect of the Right to a Lawyer**

The suspect shall be told of the right to have a lawyer present to observe the lineup procedure; that if he/she cannot afford a lawyer, one will be provided free of charge; and that the lineup will be delayed for a reasonable time until the lawyer appears.

1. Counsel Already Retained

If the suspect already has a lawyer—whether retained or appointed—and indicates he/she wants the lawyer to attend the lineup, he/she must be allowed to notify the lawyer about the planned lineup and the offense involved.

2. Non-Indigent Suspect Without Lawyer

If the suspect has no lawyer but wants one to attend the lineup, and the suspect states that he/she can afford a lawyer, a reasonable time to retain a lawyer must be allowed.

3. Indigent Suspect Without Lawyer

If the suspect has no lawyer, cannot afford a lawyer, but wants an attorney to attend the lineup, the officer conducting the lineup should contact the District Attorney's Office to provide a lawyer.

### **Lineup Procedure**

1. Number of Participants

All lineups shall consist of at least four persons besides the suspect. Whenever possible, though, the lineup shall be composed of seven other persons besides the suspect. A suspect should not be presented to a victim or witness singly in the police station.

2. Physical Similarity

Persons placed in the lineup should have approximately similar physical characteristics. Factors such as age, height, weight, hair length and color, and physical build should be considered. Sex and race should be the same for all participants, except in unusual cases where the characteristic is difficult to determine (e.g., female impersonator).

3. Positioning Suspect

The suspect may choose the initial position in the lineup and may change position after each viewing.

4. Eliminating Suggestion

Officers should not say or do anything to distinguish the suspect from the other lineup participants.

5. Uniform Conduct of Participants

The non-suspects in the lineup should be instructed to conduct themselves so as not to single out the actual suspect.

6. Compelled Actions

The suspect can be instructed to utter specified words, make gestures, or assume a particular pose, if the viewer so desires. All participants should do whatever reasonable act is required of the suspect.

7. Donning Distinctive Clothing

If a witness describes the suspect as wearing a distinctive item of clothing, and the item (or something similar) is in police custody, the suspect can be compelled to wear the item. Each participant must don the clothing in the order of their appearance in the lineup.

8. Photographs

Photographs shall be taken of all lineups.

### **Refusal to Participate**

Suspects who refuse to participate in a lineup, or to perform as required by the Lineup Procedure shall be informed that they have no right to refuse, and that evidence of their refusal may be used against them at trial. A record of the precise words of the refusal should be made for subsequent use.

If suspects continue to refuse, they should not be physically forced to participate in the lineup or to perform a certain act. Instead, a court order should be obtained directing the suspect to cooperate and participate in the lineup.

### **Role of the Lawyer**

1. In General

The suspect's lawyer shall be allowed to consult with the suspect prior to the lineup, and to observe the lineup procedure. The lawyer may make suggestions, but may not control nor obstruct the procedure.

2. Lawyer's Suggestion

Any suggestions the lawyer makes about the procedure should be considered and recorded. Those suggestions which would render the procedure more consistent with these guidelines should be implemented.

3. Lawyer's Participation

A lawyer should be permitted to be present when a witness states a conclusion about the lineup. However, the lawyer should be instructed to remain silent during both the lineup and the giving of the witness' conclusion.

The lawyer may speak with any witness after the procedure if the witness agrees to speak with the lawyer.

4. Communicating With the Witness

Witnesses taking part in a lineup procedure may be told that they are under no obligation to speak with the lawyer, but that they are free to speak with the lawyer if they wish. The witness' name and address will not be revealed to the lawyer without consent.

## **“INFORMAL” IDENTIFICATION PROCEDURES**

An “informal” identification procedure occurs when an officer arranges to take a witness to observe a suspect who is at liberty. Generally, the suspect will be unaware of the observation.

### **General Rule**

“Informal” identification procedures may be used when a suspect is not in custody because there has been no offense charged.

1. Exceptional Circumstances: Released on Bail

If a suspect has been charged with the offense but has been released on bail, “informal” identification procedures shall not be used, unless the Hospitalization Exception (below) applies. Rather a court order shall be obtained directing the suspect to appear in a lineup.

2. Exceptional Circumstances: Hospitalization

In addition, an “informal” identification procedure may be used when prompt identification is essential and a suspect has been charged with the offense under investigation, but the suspect is hospitalized for extended treatment under non-emergency circumstances. An attorney for the suspect shall be present if the suspect so desires.

### **Specific Procedures**

1. Single Locale

A witness may be taken to a single locale where the suspect is likely to appear, provided the locale is a place where a large number of people of physical characteristics roughly similar to the suspect are likely to be, or pass by at random. This technique can be used when the suspect is known, or when the suspect is unknown but is believed to frequent the locale chosen for viewing.

2. Multiple Locales

When no single locale is likely to meet the above requirement then the witness may be taken to five or more similar locales—at one of which the suspect is believed to be.

### **Recording Informal Procedures**

A detailed record of any “informal” identification procedure must be made. Such a record should include (a) the precise location of any observation; (b) the approximate number of people, similar in description to the suspect, that were viewed; (c) the time period during which the identifications were made; (d) the suspect’s reaction if they became aware that they were being observed; and (e) the witness’ reaction upon seeing the suspect.

### **WHEN FOREGOING MODEL RULES MAY BE DISREGARDED**

Whenever a situation arises in which there is a need for eyewitness identification, and none of the foregoing guidelines appear to be adequate or appropriate for the situation presented, the District Attorney’s Office should be contacted for guidance.

**8-800 DOMESTIC ABUSE**

This department's official response to cases of domestic violence will stress the protection of victim(s), enforcement of the laws, and emphasize the attitude that violent behavior is neither excused nor tolerated. Furthermore, criminal laws will be enforced without regard to the relationship of the parties involved. In this section, "Domestic Abuse" means any of the following, engaged in by a person over 17 years of age against his or her spouse, former spouse, an adult with whom the person has created a child in common, or against an adult with whom the person resides or formerly resided:

1. Intentional infliction of physical pain, physical injury or illness.
2. Intentional impairment of physical condition.
3. A violation of law amounting to first, second or third degree sexual assault.
4. A physical act or threat that may cause the other person reasonably to fear imminent engagement in the conduct described under subdivisions 1, 2, or 3.

**ARREST DISPOSITION - MANDATORY ARREST**

1. The officer will arrest and take a person into custody if ALL of the following apply:
  - a. The officer, after investigating the incident, has probable cause to believe that the person is committing or has committed domestic abuse and that the person's actions constitute the commission of a crime, and
  - b. Either or both of the following circumstances are present and the officer is in a position to legally make an arrest:
    - i. The officer has a reasonable basis for believing that continued domestic abuse against the alleged victim(s) is likely, or
    - ii. There is evidence of physical injury to the alleged victim(s).
  - c. The parties involved are in a domestic relationship as defined by State Statute.
  - d. The report is made within 28 days of the incident.
2. An arrest will be made under the above requirements even though the victim expressly indicates a desire not to prosecute, or indicates an unwillingness to cooperate if the officer reasonably believes that the victim will suffer further injury if an arrest is not made.
3. This decision to arrest will not be affected by the relationship of the parties. Note: marriage is not a bar to prosecution for sexual assault.



4. If the above circumstances exist, and the suspect is not present, a reasonable effort will be made to locate and take the suspect into custody.
5. If an officer is acting on the basis of a domestic abuse report which is received more than twenty-eight days after the alleged incident occurred (excluding the date of the incident), the provisions mandating an arrest do not apply. However, all other provisions would still apply. For instance, if the officer makes an arrest, though not mandated to do so, the no contact provisions would apply.

#### **ARREST DISPOSITION - DISCRETIONARY ARREST (PRO-ARREST)**

1. In most circumstances, which do not meet MANDATORY arrest requirements, an officer should arrest and take a person into custody if the officer has probable cause to believe that the person is committing or has committed domestic abuse and the person's actions constitute the commission of a crime.
2. An officer's decision not to arrest under this section may not be based solely upon the absence of visible indications of injury or impairment.

#### **REPORT REQUIRED WHERE NO ARREST**

1. The domestic abuse arrest law requires a law enforcement officer who does not make an arrest in a domestic abuse incident, to prepare a written report prior to the end of his or her tour of duty stating why the person was not arrested.
2. The report will be sent to the District Attorney's Office for review to determine whether the person involved in the incident should be charged with the commission of a crime.
3. While Statute 968.075 (Domestic Abuse Incidents) compels reasonable efforts to locate and arrest suspects who have committed acts of domestic abuse, there will be limited instances when this is not possible. (Hence, the need to forward a copy of the officer's incident report to the District Attorney's Office.) Examples where an arrest may not be immediately plausible:
  - a. Reasonable efforts to locate and arrest the suspect are unsuccessful.
  - b. The suspect is located but due to incapacitation from alcohol and/or drug use, the suspect is placed under protective custody and conveyed to Detox.
  - c. The suspect has been committed to Mendota Mental Health under the standard for an emergency detention.
  - d. The suspect has received injuries necessitating an overnight admission to a hospital. Consult with the Officer-in-Charge to determine whether a guard should be posted.

4. When probable cause exists to arrest domestic abuse suspect who is at large, the reporting officer will:
  - a. Photocopy the offense/incident sheet for briefing materials.
  - b. Probable cause affidavit will be completed.

### MUTUAL DOMESTIC ABUSE

When the officer has probable cause to believe that persons in a domestic relationship are committing or have committed domestic abuse against each other, the officer does not have to arrest both persons, but should arrest the person whom the officer believes to be the “predominant aggressor.” In determining who is the predominant aggressor, an officer should consider:

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

### TEMPORARY RESTRAINING ORDERS AND INJUNCTIONS

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

1. Contact data to determine that the TRO/injunction exists.
2. Determine whether the TRO/injunction has been served and its specific contents.
3. Serve the TRO/injunction to the suspect if it has not been served, noting date, time of service, and officer name on the back of the TRO copy (includes Xerox, facsimile). Additionally, notify dispatch of the date and time of service. Attach a copy of this form to your report. The victim’s copy of the TRO/Injunction can be used to serve notice to the suspect.
4. When the order has been served, the suspect should be advised to obey the order. Failure to comply with the order will result in the arrest of the suspect for the violation of the order.
5. The officer will make an arrest for a violation of the order when there is an order in existence, the order has been served, and there is probable cause to believe that it was knowingly violated.

**CHILDREN**

1. Note the names and ages of children and whether they were present when the domestic incident occurred.
2. Children should be interviewed about the current incident, history of abuse and abuse toward any other members of the household.
3. If the disposition of a dispute leaves minors in the home without a responsible adult, the officers are to contact the Dane County Department of Human Services for temporary arrangements.
4. In the event that a minor child appears to be the victim of physical and/or sexual abuse, it is the responsibility of the officer to take immediate action, including notifying the Dane County Department of Human Services within 12 hours of report of the incident per Wisconsin Statute 48.981(3).

**CONTACT PROHIBITION; WAIVER**

1. Under the domestic abuse arrest law, unless there is a waiver by the alleged victim, during the 72 hours immediately following an arrest for a domestic abuse incident, the arrested person is required to:
  - a. Avoid the residence of the alleged victim of the domestic abuse incident and, if applicable, any premises temporarily occupied by the alleged victim; and
  - b. Avoid contacting or causing any person, other than law enforcement officers and attorneys for the arrested person and alleged victim, to contact the alleged victim.
2. A law enforcement officer is required to arrest and take a person into custody, if the officer has probable cause to believe that the person has violated the “no contact” requirements.
3. Regardless of whether or not there has been a signed 72-hour no-contact provision, if the arrested person commits an act of domestic abuse during this 72-hour period, and the act constitutes commission of a crime, the penalty increases to a felony.
4. At any time during the 72-hour period specified above, the alleged victim may sign a written waiver of the 72-hour no-contact provision. The department will have waiver forms available for this purpose. If a waiver of the no-contact provision has been signed by the victim, the officer will provide one copy of this waiver to the victim, one copy will be submitted to the Patrol file in the OIC’s office, one copy is provided to the suspect (if located) police data and remaining copies are forwarded with the officer’s incident report.
5. The officer responsible for the arrest of a person for a domestic abuse incident will ensure that the alleged victim is notified of the no-contact provision.

6. Pursuant to state law, the Madison Police Department is responsible for developing a procedure notifying the alleged victim of an alleged domestic abuse incident of the procedure for releasing the arrested person.

**8-900 TAKING CUSTODY OF NEWBORN**

Wisconsin Statute 48.195 allows a parent to relinquish custody of a child 72 hours old or younger to a law enforcement officer, EMS worker or hospital staff worker, while remaining anonymous.

**PROCEDURE**

When an officer is contacted by a parent wishing to relinquish custody of their child who is believed to be 72 hours old or younger, the officer shall take custody of the child and:

1. The officer shall not attempt to identify the parents (or anyone assisting the parents) unless they offer to have their identities known.
2. The officer shall not attempt to detain the parents (or anyone assisting the parents) unless the officer has reason to believe that the child has been the victim of abuse or neglect, or that the person assisting the parent has coerced the parent into relinquishing custody of the child.
3. The officer shall attempt to obtain information about the child's date of birth, medical history or health concerns. The officer shall advise the parent of which local hospital the child will be taken to in case the parent wants to provide health information to hospital personnel. Any information obtained from the parents shall be confidential and released only to medical staff or DCHS.
4. The officer shall arrange to have the child transported to a local hospital. This may be done either by Fire Rescue or the officer using an appropriate child safety seat.
5. The officer shall notify DCHS as soon as possible.

**8-1000 LANDLORD TENANT DISPUTES**

1. Officers should initially take reasonable steps to protect persons or property including separating and/or restraining parties to the dispute, if appropriate.
2. If there does not appear to be an immediate threat to any person or property, officers should contact parties and conduct an investigation being careful to maintain impartiality and discuss the matter separately with each party to avoid heated exchanges.
3. If possible, officers should attempt to determine the underlying cause of the dispute, stress the desirability of a peaceful and lasting resolution and direct the parties to resources which may assist them in reaching such a solution. Officers should not decide conclusions or give legal advice.
4. When investigation indicates a violation of the provisions of Chapter 32 has occurred, officers should issue a citation to the responsible party. Among the provisions of landlord tenant ordinance which are enforceable by issuance of a Municipal City Ordinance citation (see bail schedule) are the following:
  - 32.05(1)(d) Entering tenant's leased premises without at least 24 hours notice.
  - 32.07(3) Failure to provide rent credit.
  - 32.07(8) Failure to return security deposit.
  - 32.05(1)(a) Removing or altering locks furnished with premises without the consent of the tenant.
  - 32.05(1)(b) Removing doors or windows without the consent of the tenant.
  - 32.05(1)(c) Confiscating tenant's personal property in lieu of rent.
5. When investigation establishes probable cause to believe a criminal act has been committed (e.g., criminal trespass, criminal damage to property, battery, disorderly conduct, etc.), and officers have probable cause to believe one of the participants to the dispute is responsible, officers should arrest the person involved.
6. In accordance with State Statute 799.45(2)(a) & (b) only the Sheriff can remove tenants or their property after eviction is commenced and a Writ of Restitution is issued by a judge. Therefore:
  - a. In cases where a landlord has taken possession and is barring a tenant from the premises, officers should first determine whether the tenant has been evicted by court action, and if so, should indicate to both parties that the tenant has the right to recover personal property from the premises, but is not entitled to reenter the premises except for that purpose.

- b. If the tenant is not court evicted, officers should advise the landlord that the tenant has the right to enter and remain on the premises and that the landlord's act in barring entry is contrary to City Ordinance (Section 32.12(3)). The landlord may be advised to contact an attorney or small claims court for assistance in initiating eviction proceedings.
  - c. If the landlord persists in barring entry, he/she should be advised that a violation may be charged by the City Attorney for each day the violation continues. Since violations of this nature are enforceable by summons and complaint, rather than a City Ordinance citation, officers should forward a detailed report to the City Attorney's Office regarding their investigation of the incident.
  - d. Any person who violates any provisions of this section, or fails to comply with any of its requirements shall, upon conviction thereof, be subject to forfeiture or not more than two hundred dollars (\$200) and in addition shall pay costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
7. In accordance with State Statute 799.45(2)(a) and (b), only the Sheriff can, after an eviction is commenced and a Writ of Restitution is issued by a Judge, remove tenants or their property from the tenant's premises. If an officer responds and finds that the landlord has removed the tenant's belongings or is physically prohibiting the tenant from entering the premises without a proper Writ of Restitution, the officer should advise both the landlord and tenant of the appropriate state statutes and again make referral for possible remedy. At no time should an officer force a tenant to remove personal belongings from the premise, unless the officer is first ordered to do so by the Sheriff, or designee.

## REFERRAL LIST (LANDLORD-TENANT)

1. General Referrals
  - a. Building Inspection Unit  
Department of Planning & Development  
Madison Municipal Building  
215 Martin Luther King, Jr. Blvd., Ste. LL100  
Madison, WI 53703  
266-4551 (Ask for a Housing Inspector)  
  
Handle complaints about structural, electrical, plumbing, or heating problems with dwelling. Will inspect premises, order any defects corrected, conduct follow-up check and bring court action if necessary.
  - b. The Department of Agriculture, Trade & Consumer Protection  
2811 Agriculture Dr.  
Madison, WI 53718  
224-4960  
Statewide Consumer Protection Hotline 1-800-422-7128

Handle broad range of tenant complaints including lease, false advertising, and security deposit problems. Write letters to landlords and request that they come in to discuss problem, can bring action if law violated. Literature is available on landlord/tenant rights by calling 224-4960.

Limitations - not for emergencies, takes about two weeks to handle complaints, cannot investigate complaints, cannot represent tenant in court.

- c. Equal Opportunities Commission (Housing Discrimination)  
City-County Building  
210 Martin Luther King, Jr. Blvd.  
Madison, WI 53703  
266-4910

Handle housing discrimination, especially when it involves intimidation and harassment. Provide advocacy, training, and enforcement of MGO 3.23.

Limitations - cannot give legal advice in most cases; cannot represent in court.

- d. Community Development Authority  
Housing Operations Unit  
Madison Municipal Building  
215 Martin Luther King, Jr. Blvd.  
Madison, WI 53703  
266-4675

Can provide low cost housing to elderly persons and families with low incomes (Section 8 Housing).

- e. Public Health Dept. - Environmental Health  
City-County Building  
210 Martin Luther King, Jr. Blvd.  
Madison, WI 53703  
266-4821

Handle complaints concerning garbage, rodents, and other health hazards including air and water pollution and conditions corrected where appropriate. Can enforce compliance by court action or have City crew correct condition.

- f. Dane County Department of Human Services (Welfare)  
1202 Northport Dr.  
Madison, WI 53704  
242-6200



Can handle any problems where tenant is on County welfare; will counsel, try to solve problem by contacting landlords.

If person not on welfare, may be referred. Eligible if low income and over 60, disabled, or mother who is widowed, divorced or abandoned.

Limitations - cannot handle general landlord-tenant problems unless tenant is on welfare. Not equipped to handle emergencies.

- g. Fair Housing Center of Greater Madison  
600 Williamson St., Ste. L4  
Madison, WI 53703  
257-0853, 1-877-647-3247 complaint intake line

Provides counseling and investigative services to persons who allege violations of federal, state, and local fair housing laws. Informs clients of their rights under fair housing laws, investigates alleged incidents of housing discrimination and counsels complainants on their options for administrative and/or judicial remedy.

- h. Community Action Coalition  
1717 N. Stoughton Rd.  
Madison, WI 53704  
246-4730

Assists with security deposits, rent assistance and eviction prevention.

- i. Tenant Resource Center  
1202 Williamson St., Ste. A  
Madison, WI 53703  
257-0006      Rental Rights & Responsibilities  
242-7406      Housing Lists & Eviction Prevention  
257-2799      Housing Mediation Service

Gives information, copies of laws, referrals to appropriate agencies, assist in conflict resolution, provide appropriate forms and general counseling on tenant/landlord issues.

- j. Apartment Association of South Central Wisconsin  
702 N. High Point Rd., Ste. 203  
Madison, WI 53717  
826-6226

Provides members with the information and services needed to manage their rental properties in a professional manner.

Limitations – Not for tenants; you have to become a member of the association to be eligible for services.

## 2. Legal Referrals

- a. Legal Information Center  
265-2396

Provide legal advice to persons with low income, primarily advice on tenants' rights. Can assist in preparing claim of defense for small claims court.

Limitations - basically intended only to give advice, or assistance in preparing own case. Not able to represent in court. Intended for those with low income. Staffed by volunteers; closed during the summer.

- b. District Attorney  
City-County Building  
210 Martin Luther King, Jr. Blvd.  
Madison, WI 53703  
266-4211

Prosecute criminal complaints filed by landlord or tenant in cases involving criminal damage to property or battery.

- c. Legal Action of Wisconsin Inc.  
31 S. Mills St.  
Madison, WI 53715  
256-3304

Provide legal assistance for persons with low income. Can handle eviction issues for tenant who meets financial criteria. Can give advice and represent in court in civil action.

Limitations – Phone intake limited to Monday and Wednesday mornings. There is only one attorney to cover six counties; only service low income groups; will not handle fee generation cases.

- d. Dane County Small Claims Court  
Clerk of Courts  
City-County Building, Rm. GR10  
210 Martin Luther King, Jr. Blvd.  
Madison, WI 53703  
266-4311

Handles civil suits (damages for injury, breach of contract) where amount involved is less than \$5,000. Also handles evictions (no limit on amount). Party is not required to have an attorney. Fees are about \$82.00 and clerks will assist party in starting an action.

The return date for a money judgment is 21 days after the action is begun. (The 21-day deadline is for the defendant to answer in writing if disputing the claim). If no settlement is reached, a trial is set for roughly 1-3 months from the return date.

The first hearing for an eviction/replevin is about 10-20 days after the action is begun. If the tenant(s) are ordered evicted, the Sheriff will evict within 10 days.

Limitations - the minimum wait for a hearing is 8 working days; if the matter goes beyond the hearing stage, the party may need an attorney although not required to have one. The court can only handle matters where damages sought are less than \$5,000.

## 8-1100 TRESPASSING

Legislation which applies to the majority of trespass situations is found in both Madison General Ordinance Section 23.07 (Unlawful Trespass on Private Property) and Wisconsin Statute Section 943.14 (Criminal Trespass to Dwelling).

### TRESPASS TO DWELLING (WISCONSIN STATUTE, SECTION 943.14)

To arrest for this violation, probable cause must exist to believe that the person involved:

1. intentionally entered the dwelling of another;
2. did so without consent of some person lawfully on the premises, and;
3. did so under circumstances tending to create or provoke a breach of the peace. Officers should arrest the person involved if probable cause exists. The decision to charge under ordinance or as a crime must be reviewed with and receive the approval of the Officer-in-Charge.

### DWELLING DEFINED

A dwelling is defined as all residential buildings, including the common halls, porches, passageways, and shared areas of apartments and other residential buildings, as well as individual units within residential buildings.

### UNLAWFUL TRESPASS TO LAND, PROPERTY, BUILDINGS (OTHER THAN DWELLINGS) (CITY ORDINANCE 23.07(2))

In order to be considered in violation, a person must enter or remain on property, building, or land of another, after having been advised by the owner or occupant not to enter or remain on such premises. Officers should thoroughly investigate trespass incidents and be satisfied that they are not being used as “bouncers” or contributing to any discriminatory practices.

### NON-DISCRIMINATION

When an individual is asked to leave premises which are held open to the public for business, and it appears that the allegation of trespassing is based on discrimination by the owner, manager, or employee of the establishment, officers will not enforce trespass provisions, but will only take enforcement action in response to behavior which occurs in their presence (e.g., a crime or an aggravated escalating disturbance).

### PROCEDURE

In the event an owner/agent or occupant advises an officer that a person is not wanted on the property or premises, and requests that the person be removed, officers should conduct an investigation and do the following:

1. Notice must be given by the owner or legal occupant to the person found trespassing that the person is not legally on the property, is not wanted, and is requested to leave.

2. Verbal or written notice must be given by the owner or legal occupant. (In trespass to land, property or premises situations, a property owner can also provide notice by properly posting the property involved.)
3. An officer may relay a written notice from the owner/legal occupant to the person not legally on the premises. An officer may not relay a verbal notice; verbal notice must be conveyed personally from the owner/legal occupant to the person involved.
4. Unless it is clearly established that prior notice not to reenter was given, the person should be properly advised by the owner/legal occupant; be notified by the officer that failure to leave may result in arrest; and be given the opportunity to leave.
5. If prosecution for violation of City Ordinance 23.07(2) is contemplated, does the owner or occupant want the person arrested? Will the owner/occupant testify?

### **UNLAWFUL TRESPASS TO PREMISES HELD OPEN TO THE PUBLIC**

Taverns and restaurants, although not publicly owned, are licensed by the City and held open to the public, thus they are viewed as a form of public accommodation with greater expectations of access and reasonable use by the public. The public is correspondingly expected to behave reasonably and in a manner which does not inappropriately interfere with, disturb, intimidate, threaten, injure, or otherwise impede the legitimate interests of owners and/or other patrons.

The Unruly Patron Ordinance should be used when arrests are made on licensed premises. officers should order unruly patrons out for three months following a City Ordinance arrest and six months following an arrest for a state crime. A record of enforcement will be completed and maintained in the Dispatch Center. When investigating incidents at liquor-licensed or other establishments held open to the public, officers must obtain information. If the circumstances meet the guidelines identified in the above Procedure section, the officer(s) should establish control of the immediate situation, insure that the person receives proper notice not to enter or remain on the premises and take whatever action becomes necessary thereafter.

### **WINDOW PEEPING**

Window peeping cannot be construed as trespass to a dwelling, unless the person is trespassing on or in a location (i.e., porch) which can be considered part of the dwelling.

1. A “trespass to property” charge is appropriate if it can be established that the person involved received prior notice not to enter onto the property involved, or if the person refused to leave the property after being so advised by the owner or legal occupant.

2. A disorderly conduct charge is appropriate only when evidence exists to suggest that:
  - a. the suspect was on the property of a complainant who was disturbed by the behavior;
  - b. the complainant or witness positively identifies the individual involved;
  - c. there is evidence to directly establish that the individual was engaged in peeking into the complainant's window (e.g., the complainant saw a face close to and peering into a window, or the officer views the person looking in a window, or finds the person hiding in the yard close to the house); and,
  - d. when the complainant wants the person arrested and indicates a willingness to participate in prosecution.

## 8-1200 TRAFFIC ENFORCEMENT

The traffic enforcement objective of the department is to reduce traffic accidents and injuries and to facilitate the safe and expeditious flow of vehicular and pedestrian traffic through voluntary compliance with traffic regulations. The department seeks to achieve this objective with a combination of education and enforcement through:

1. programs aimed at exposing specific traffic problems,
2. giving notice and warnings of regulation changes prior to taking enforcement action.
3. taking enforcement action for illegal and potentially hazardous acts without regard for such factors as attitude, intent, or frivolous excuse.

### NON-RESIDENTS

Non-residents are rarely subjected to unfamiliar traffic signs or inconsistent regulations given the Uniform Vehicle Code, therefore, unless a traffic regulation is unique to Madison, do not grant immunity because a person is a nonresident.

### PARKING ENFORCEMENT

Street parking is restricted in various areas of the City to ensure fair access to parking and to expedite the flow of vehicular traffic. All existing parking regulations will be enforced with reasonableness and impartiality in all areas of the City

### TRAFFIC ACCIDENT INVESTIGATIONS

Traffic accident investigations are conducted by our department in order to protect the rights of citizens, detect traffic violations, and to determine enforcement, engineering, and educational needs.

1. Officers will respond to, investigate, and complete the Wisconsin Motor Vehicle Accident Report (MV4000) when the accident occurred on public property or private property held open to the public, and:
  - a. The accident resulted in a reported injury or fatality of a person;
  - b. The accident resulted in damage to one person's property to an apparent extent of \$1,000 or more;
  - c. The accident resulted in damage to government-owned property, (including City of Madison property) to the apparent extent of \$200 or more, or to a government-owned vehicle, to the apparent extent of \$1,000 or more.

Officers will, at a minimum, complete an MPD4000 for all non-reportable accidents involving City of Madison owned vehicles.

2. Officers will respond to, investigate, and complete the Madison Police Department's accident report (MPD4000) when:

- a. The accident resulted in less than an apparent \$1,000 damage to either owner's property/vehicle, and;
- b. The accident resulted in no reported injuries, and;
- c. There are citizens requesting police documentation of their accident.

After an officer responds to an accident scene, and determines that the accident does not meet the criteria for a reportable MV4000, citizens can mutually decide that they would rather simply exchange names at the accident scene, and request not to have an MPD4000 accident report completed.

3. Officers are not required to complete an MV4000 or MPD4000 accident report when:
  - a. The accident resulted in property damage only, during a time period when the OIC has determined that severe weather conditions, or other unusual circumstances has increased the number of accidents beyond the department's capacity to respond.
  - b. All of the vehicles/pedestrians involved in the accident have left the scene of the accident prior to calling police, unless special circumstances prompted their leaving, such as: following a hit and run vehicle, seeking medical treatment or locating the closest phone.

When a. or b. above occur, the officer should advise citizens to contact the Self-Reporting System at 266-9026, and an MVD citizen report form will be mailed to them.

4. Officers will not complete an MV4000 or MPD4000 when:

The accident involved a collision between bicycles and/or pedestrians, and no motor vehicles. In this case, a report must be completed as "Bike Accident" on an Officer's Report Form.

5. Officers will submit addendum reports, (Officer's Report Form) when:

All of the information about the accident cannot be adequately reported in the narrative section of the MVD4000 or MPD4000, e.g., hit & run, witness statements.

6. Officers shall issue citations in any accident where probable cause exists for a violation that is a causal factor in the accident, regardless of which form is used to document the investigation.

### **Investigation of Motor Vehicle Crashes Involving Serious Injury or Death**

In order to insure that motor vehicle crashes involving serious injury or death are handled consistently, the case management of such crashes will be the responsibility of the Support Services Traffic.



1. Serious injuries are those injuries which appear life threatening. Crashes with injuries of questionable severity will be investigated as if they were serious injury/fatal accidents. A field supervisor will be responsible for assessing the accident scene and any associated injuries to determine if an Investigator should be called to the scene.

2. Procedure

If the field supervisor decides an accident is a serious injury or fatal accident:

- a. The field supervisor will be in charge of the accident scene and will be responsible for coordination of the initial investigation.
- b. After consulting with the Officer-in-Charge, the field supervisor at the scene will determine if additional personnel or resources are needed. A Traffic Specialist should be consulted and/or called in on all accidents involving a fatality or serious injury. The OIC should give particular consideration to notifying a Traffic Specialist when a driver had fled the scene of a serious injury accident.
- c. When unusual circumstances exist, or other questions arise, a Traffic Specialist or Support Services Traffic Team supervisors should be contacted in the following order:  
  
Lieutenant of Support Services Traffic  
  
Captain of Support Services Traffic  
  
Sergeant of Support Services/Traffic
- d. An Investigator will be dispatched to collect evidence and document the scene.
- e. Field supervisors will make all assignments, with specific attention to witnesses' statements, blood specimens, and other evidence relative to the investigation.
- f. Whenever possible investigating officers should obtain a signature authorizing the release of medical information from injured persons who are conveyed for treatment. The forms are available in all medical facilities and will insure proper documentation of injuries, which is particularly critical in cases that may result in criminal charges against a driver. The medical release form should be attached to the officer's original report.
- g. Field supervisors will insure that all essential witnesses' statements and all investigators' and officers' reports are completed before ending their shift.
- h. The coroner will be contacted in cases involving a fatality and the information must be included in the appropriate report.

- i. All original reports will be forwarded to the Support Services Traffic Lieutenant before any distribution is made.
- j. The Support Services/Traffic Lieutenant will make all follow-up investigation assignments as needed.
- k. Field supervisors will insure that a Supervisor Serious and Fatal Accident Investigation form is completed for follow-up by Support Services Traffic Section.

### **Issuance of Citations at Motor Vehicle Accidents**

1. MV4000

Citations shall be issued at motor vehicle accident scenes whenever an MV4000 is completed and when the officer can establish probable cause to believe that a traffic violation, other than a felony occurred. Citations are not issued for felony traffic offenses.

Complete identity of all known witnesses and their statements shall be included in the accident report.

2. Driver Information Exchange Accident Form (MPD4000)

Although a Driver Information Exchange Accident Form, rather than a MV4000, may be the report that an officer is required to complete at an accident scene by this policy, officers are nevertheless also encouraged to issue citations whenever they can establish probable cause to believe a traffic violation occurred in such situations.

3. Review of Accident Reports

All motor vehicle accident reports will continue to be reviewed by the Traffic Section for completeness and accuracy. When it appears that enforcement action may have been warranted but was not taken, the report will be sent back to the Officer's District Team Leaders for review. A Team Leader will review the accident report with the officer and determine if enforcement action is appropriate. If so, such will be the responsibility of the officer. Upon completion, the report will be resubmitted to the Traffic Section with information advising the status of enforcement action.

### **Department Vehicle Traffic Safety/Accident Investigation Procedure**

Proper and safe driving of department vehicles is an important job-related responsibility of employees. Injuries and damaged property resulting from preventable employee accidents reflect adversely upon the department's image as a public safety agency. Therefore, the following procedure is intended as a positive education program aimed at reducing preventable motor vehicle accidents by correcting accident-causing driving behavior:

1. All department employees who drive city-owned vehicles may be required to participate in accident prevention in-service programs which will include a review of existing policies, “good practices” in police driving, and special requirements of emergency driving, especially the use of speed and the approaching of intersections.
2. The following definitions will apply for reporting purposes under this policy:

Accident: Any contact between a police department or employee driven vehicle and another vehicle, pedestrian, or object, resulting in evident damage or reported injury.

Incident: Any time a department-owned vehicle:

- a. Has contact with an occupied, privately owned vehicle, or
- b. Is in motion and has contact with a pedestrian or bicyclist, and there is no evident damage or reported injury, a field supervisor will be required to respond to all motor vehicle accidents involving police department vehicles or employees as per policy.

If a supervisor is not available, the Officer-in-Charge will make the determination as to whether an Investigator or another Police Officer will investigate the accident. Under no circumstances will a department employee investigate an accident in which they were involved.

In the event of a serious injury accident, the Investigation of Motor Vehicle Accidents Involving Serious Injury or Death policy will be followed. As a standard procedure, all accidents involving a police department vehicle in which serious injury or death occurs, and the police employee may be culpable, shall be submitted to the City Attorney and/or the District Attorney for review.

All accidents involving a police department vehicle or employee will be documented on a MV4000 or MPD4000 according to guidelines set forth in Policy. All department vehicle incidents will be documented on an Offense/Incident Report and the involved employee will notify a supervisor as soon as possible.

If the operator of the department vehicle involved in the accident is a commissioned person, he/she may be required to complete an addendum to the MV4000 or MPD4000.

It is recommended the supervisor or investigating officer complete an addendum to the MV4000 or MPD4000. The investigating supervisor has the responsibility to take enforcement action consistent with Policy. When warranted but not taken, the Traffic Section will forward the report back to the Officer’s District Team Leaders for review and action consistent with Policy.

Whereas all police employees have an expectation and a need to operate vehicles in optimum condition, it is important for all users of police vehicles

to identify and report possible damage or malfunction of any vehicle. All employees should check the interior and exterior of the vehicle at the beginning and throughout their shift. Any damage discovered shall be reported to a supervisor. It is recognized that occasionally police vehicles may be driven in a manner that could jeopardize the safe operation of the vehicle (e.g., jumping curbs, "bottoming out," prolonged high speed pursuit and off-road driving). Those situations shall be reported on a "Vehicle Problem Report" form, so that Motor Equipment personnel may make the appropriate inspection and/or repairs.

3. In the event of an accident or report of damage to any department vehicle (e.g., Patrol, Detectives, DCNGTF, Parking Monitors), it is the responsibility of the investigating supervisor to:
  - a. obtain a case number;
  - b. ensure that appropriate reports are filed in a timely fashion and denote "Police Vehicle Involved" by placing a "post-it" on the MV4000;
  - c. mark damage with damage indicator sticker;
  - d. record damage in the Vehicle Damage Book in the OIC's Office prior to the end of that shift;
  - e. determine if the accident meets the exemption criteria and complete the "Emergency Vehicle Involvement" form as needed.
4. The Captain of Support Services - Traffic or his/her designee shall compile the number and circumstances of squad crashes, forwarding that information to the Assistant Chief of Operations and the Training Captain on a quarterly basis. Included in that compilation will be the number of crashes for each employee in the last five years, brief details regarding the specific incident, and a general summary as to cause and employee experience level.

## **PUBLIC EDUCATION**

The department stands committed to the concept of education as an important factor in prevention and law adherence. Whenever appropriate, the department will preface any new or concentrated traffic enforcement with a period of public education or reeducation.



**SUPERVISOR SERIOUS AND FATAL ACCIDENT INVESTIGATION**

Location: \_\_\_\_\_

Case # \_\_\_\_\_

Time: \_\_\_\_\_

Date: \_\_\_\_\_

**OFFICERS AT SCENE:**

- |           |           |           |
|-----------|-----------|-----------|
| 1. _____  | 2. _____  | 3. _____  |
| 4. _____  | 5. _____  | 6. _____  |
| 7. _____  | 8. _____  | 9. _____  |
| 10. _____ | 11. _____ | 12. _____ |

PRIMARY OFFICER: \_\_\_\_\_ PHOTOGRAPHS: \_\_\_\_\_

MVD 4000 \_\_\_\_\_ MEASUREMENTS: \_\_\_\_\_

**DRIVER STATEMENTS:** \_\_\_\_\_ **WITNESS STATEMENTS:** \_\_\_\_\_

VEH 1: \_\_\_\_\_ 1. \_\_\_\_\_

VEH 2: \_\_\_\_\_ 2. \_\_\_\_\_

VEH 3: \_\_\_\_\_ 3. \_\_\_\_\_

VEH 4: \_\_\_\_\_ 4. \_\_\_\_\_

STENO: \_\_\_\_\_ STENO: \_\_\_\_\_

**INJURED:** \_\_\_\_\_

HOSPITAL: \_\_\_\_\_ HOSPITAL: \_\_\_\_\_

VICTIM: \_\_\_\_\_ VICTIM: \_\_\_\_\_

OFF. W/VICTIM: \_\_\_\_\_ OFF. W/VICTIM: \_\_\_\_\_

BLOOD KIT: \_\_\_\_\_ BLOOD KIT: \_\_\_\_\_

HOSPITAL: \_\_\_\_\_ HOSPITAL: \_\_\_\_\_

VICTIM: \_\_\_\_\_ VICTIM: \_\_\_\_\_

OFF. W/VICTIM: \_\_\_\_\_ OFF. W/VICTIM: \_\_\_\_\_

BLOOD KIT: \_\_\_\_\_ BLOOD KIT: \_\_\_\_\_

**CORONER:** \_\_\_\_\_ **BREATHALYZER TEST & FORMS:** \_\_\_\_\_

NOTIFIED: \_\_\_\_\_ DRIVER #1: \_\_\_\_\_

TIME NOTIFIED: \_\_\_\_\_ DRIVER #2: \_\_\_\_\_

DATE NOTIFIED: \_\_\_\_\_ DATE NOTIFIED: \_\_\_\_\_

**DISTRICT ATTORNEY:** \_\_\_\_\_ **NEXT OF KIN NOTIFIED:** \_\_\_\_\_

NOTIFIED: \_\_\_\_\_ NAME: \_\_\_\_\_

TIME NOTIFIED: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

DATE NOTIFIED: \_\_\_\_\_

SERGEANT: \_\_\_\_\_ PHONE: \_\_\_\_\_

BY: \_\_\_\_\_

**WITHDRAWAL OF PARKING TICKETS**

Parking tickets may only be withdrawn by a Support Services/Traffic Team Supervisor, unless one of the exceptions below applies. When a parking ticket is withdrawn for any of the following reasons, the disposition must be noted on the original ticket, or the written ticket disposition record. No other method of withdrawing a ticket is authorized.

Tickets issued by Parking Enforcement Officers which result from private parking complaints, and/or which result in vehicles towed may be withdrawn only by a Support Services/Traffic Team Supervisor.

Out of town persons disputing a parking ticket may leave a ticket in a self-addressed envelope, with an explanation, to be reviewed by the Support Services Supervisor. If not withdrawn, it will be returned with a letter of explanation.

The Commanding Officers may withdraw parking tickets for subordinate employees if the ticket resulted from an emergency call-in, holdover, or other circumstances where a citizen would have a ticket withdrawn.

The Supervisor of Support Services/Traffic Team may withdraw a ticket for “meter out of order” when conditions are verified by Traffic Engineering.

The Commanding Officers or OIC may withdraw tickets (with the exception of private property or towed vehicles) issued by police officers under their command or on their shift only.

## 8-1300 COMPUTER CRIMES INVESTIGATION POLICY

### COLLECTION OF COMPUTERS AND OTHER ELECTRONIC EVIDENCE

The seizure of computers or other media containing electronic evidence by members of the Department shall be in accordance with training, Wis. State Statutes and current legal standards.

Officers shall consider contacting a Computer Forensic Examiner (CFE) for assistance in collecting computers or electronic evidence.

Officers shall document the following information:

- Information displayed on the computer screen.
- Connections at the back of the computer.
- The set up configuration of the computer components.
- Detailed account of evidence collection method.

All computer and electronic evidence shall be handled in a manner consistent with current training and MPD evidence handling policy and procedures.

The assigned CFE should facilitate the return of non-contraband equipment, files and media to the owner upon valid request.

### EXAMINATION AND ANALYSIS OF COMPUTERS AND ELECTRONIC EVIDENCE

The purpose of the examination process is to extract and analyze digital evidence from media.

**Extraction** - refers to the recovery of data from media.

**Analysis** - refers to the interpretation of recovered data, and the presentation of the results in a logical format.

The lead investigator shall submit a lab request form to initiate an examination and analysis of a seized computer or electronic evidence.

The lab request should contain the following:

- Legal basis for seizure of the computer (warrant/consent/etc.)
  - If the legal basis was a search warrant, a copy of the warrant should be submitted with the lab request or provided to the CFE.
- Suspect or owner information
- Type of evidence to be evaluated (images, e-mail, documents, etc.)
- Keywords



The lead investigator shall be available to work with the CFE throughout the examination and analysis process.

The CFE shall confirm the scope and validity of the search before the examination commences.

The examination of computers and electronic evidence shall be done by Department personnel specifically trained in this process.

Only equipment and software that is owned and licensed by the Department shall be used in forensic examinations of evidence. The use of any other equipment or software must be approved by the Lieutenant of Forensic Services.

## COMPUTER AND ELECTRONIC EVIDENCE STORAGE

**RM GR68 (lab)** shall only be used for the storage of work product (imaged drives). Original evidence shall not be stored in this room except while being processed.

**RM GR 72** shall be used for the temporary storage of electronic evidence in active cases, and for the storage of archived cases on CD, DVD or other media.

Officers shall document the transfer of evidence from GR72 to the property room.

All electronic evidence used in a criminal investigation shall be archived.

## PROSECUTION

The lead investigator shall provide direction to the CFE regarding the preparation and presentation of electronic evidence throughout the prosecution process.

The CFE shall assist in the presentation and preparation of digital evidence for court to include training and an explanation of the findings to the assigned District Attorney.

Regarding release of information as part of the discovery process:

- The CFE shall, at the direction of the lead investigator, prepare evidence to be released or presented to the defense (copies of media, evidence files, EnCase reports, etc.)
- The CFE shall coordinate with the lead investigator regarding access or release of evidence to the defense.
- Contraband, Child Pornography Images, or 3rd party information in any format, written or electronic shall not be released to the defense without a valid court order.

**REPORTING**

Department personnel shall document all actions and observations in regard to the handling of computer or electronic evidence, consistent with MPD policy and procedures relating to reporting, including but not limited to:

1. Collection of computers and electronic evidence
2. Preservation of evidence collected
3. Acquisition of data from electronic evidence
4. Analysis of electronic evidence
5. Findings as a result of analysis

Images containing child pornography shall not be stored in the records bureau. Documents containing child pornography images shall be placed on property tag in the evidence room.

**SPECIAL CIRCUMSTANCES**

|       |  |
|-------|--|
| 9-100 | Demonstrations and Assemblies                                    |
| 9-200 | Labor Disputes and Picketing                                     |
| 9-300 | Intoxicated Persons  |
| 9-400 | Persons Who Exhibit Abnormal Behavior - Mentally Ill Persons     |
| 9-500 | Enforcement of Obscenity and Pornography Statutes and Ordinances |
| 9-600 | Enforcement of Immigration Laws                                  |

**9-100 DEMONSTRATIONS AND ASSEMBLIES**

1. The Madison Police Department's 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 Department has an obligation to protect citizens' rights while maintaining order, protecting property and ensuring safety. The Madison Police Department 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.
2. Planning for pre-planned events or demonstrations will be the joint responsibility of the Special Events Team and the Command Staff of the District in which the event is to occur. If possible, Departmental personnel should communicate with the event organizer prior to the event.
3. In the event of a spontaneous crowd management/control incident, a patrol supervisor shall respond and assume command of the scene. 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.
4. The Special Events Team, 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 portion of the team is activated. Whenever two (2) 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.
5. Madison Police Department personnel may, at the direction of a SET 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 policy.
6. Personnel involved in crowd control/management situations will at all times act in accordance with MPD use of force policy. Special Events Team 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.

**9-200 LABOR DISPUTES AND PICKETING**

Negotiation and collective bargaining are legally recognized methods of peacefully settling labor disputes. The basic police function is to protect the lawful rights of parties to the dispute; to prevent conflict from erupting into violence; to take whatever action may be necessary to protect lives and property; and to maintain peace. The right to picket and disseminate information in a lawful and peaceful manner will be respected and protected.

**OBLIGATIONS OF DEPARTMENT PERSONNEL**

Police Department personnel when on duty, must be completely impartial and strive to avoid any actions which give the appearance of partiality, therefore:

Members shall make no public statement which reflects preference, in the form of support or opposition, for either side in a labor dispute.

Members shall not accept gifts of any sort, including food or beverages, from anyone involved in a labor dispute.

**PICKETING**

Picketing and information dissemination shall be restricted to those areas which are, or are considered to be, public; however, if the public nature of the premises is uncertain, peaceful picketing and information dissemination should be presumed to be lawful by officers unless told otherwise by a superior officer.

Picketing Restrictions are:

1. Picket lines shall not block public use of roads, sidewalks, or public ways.
2. Violence, threats of violence, deception, coercion, or fraud on the part of any person, or on the part of any agent for any person, should not be tolerated.
3. All citizens shall be guaranteed access to picketed premises, free from violence or threats against them.
4. Destruction of or damage to property will be cause for arrest.

**NOTIFICATION OF PARTIES INVOLVED**

As soon as possible after the start of a labor dispute, the department will undertake to acquaint both parties with department policies in this area and with the manner in which they will be applied in the specific case. Whenever possible, such information will be provided to both parties in the presence of the other.

**COMMUNICATIONS WITH PARTIES INVOLVED**

Communications with both labor and management should be made through designated representatives who should be encouraged to pass on, to those they represent, the information or orders received from the police. Both sides to the dispute should be encouraged to keep the police informed of their intended activities.

**ENFORCEMENT OF LAWS**

All felonies committed during labor disputes will be handled by physical arrest. If an arrest is not immediately possible, every effort will be made to pursue a subsequent felony arrest. Serious misdemeanors and ordinance violations may be handled by arrest or citation as appropriate. Because enforcement of some minor offenses might lead to violence or greater hostilities, enforcement of them will be at the discretion of the supervisor present.

**ENFORCEMENT OF INJUNCTIONS**

No arrests shall be made for violations of injunctions or court orders unless the department is specifically ordered by the court.

## 9-300 INTOXICATED PERSONS

Anyone in protective custody will routinely be searched for weapons. The Alcohol and Intoxication Treatment Act - (Wisconsin Statute 51.45) - gives law enforcement officers authority to respond to the self-destructive behavior of alcoholics and intoxicated persons. The officer's role under s.51.45 is limited to taking the inebriate home or, where appropriate, to taking the person into protective custody and transporting the person to a treatment facility. It is the policy of this department that the authority granted will be applied in a manner consistent with the intent of the Alcoholism and Intoxication Treatment Act and with the objectives of the department.

### INTOXICATED PERSON - DEFINED

One whose mental or physical functioning is substantially impaired as a result of the use of alcohol, e.g., one who has had too much to drink but does not appear to need medical attention and has not done, nor threatened to do physical harm to himself/herself, others, or property. (s.51.45(f))

### Procedures - Intoxicated Person

1. When an officer encounters an "intoxicated person," discretion may be exercised to offer, or not to offer help to the person. The individual may accept or reject the offer. An officer cannot take the "intoxicated person" home, nor to any treatment facility unless the person voluntarily consents.
2. A threat of arrest designed to coerce an "intoxicated person" into accepting assistance is improper.
3. If the "intoxicated person" accepts a ride home, the officer may transport the individual or may arrange to shuttle the person through adjoining districts. If an "intoxicated person" refuses to be conveyed, the officer may also suggest and arrange for public transportation at the person's expense.
4. If the "intoxicated person" consents to be taken to a treatment facility s/he will be transported and turned over to the facility staff. Officers are not required to wait until admission procedures are completed. Further disposition, e.g., treatment, transportation, etc., will be the responsibility of the facility staff who may admit the person, refer to another facility, take the person home, or give the person shelter.
5. A case number and incident report entitled "Conveyance - IP (Intoxicated Person) are required when an officer conveys an "intoxicated person" home, or to a treatment facility. When the conveyance is to a treatment facility, the face sheet of an incident report will be left with the facility staff, with the case number added. If the individual is unwilling to provide any information, the report will be completed to the extent possible.

### INCAPACITATED BY ALCOHOL - DEFINED

A person who, because of alcohol consumption or withdrawal, is unconscious or whose judgment is impaired such that they are incapable of making rational

decisions, as evidenced by extreme physical debilitation, physical harm or threats of harm to themselves, others, or property. Incapacitated by alcohol includes persons who are clearly in need of medical attention, whether conscious or unconscious. (s.51.45(d))

### **Procedure - Protective Custody**

1. Extreme Debilitation is evidenced by one or more of the following:
  - a. Inability to stand without assistance (the need to cling to objects such as buildings, or posts in order to remain standing).
  - b. Manner of walking (staggering, falling, wobbling).
  - c. Presence of vomit, urination or defecation on clothing.
  - d. Dilation of eyes, flushed complexion, alcohol odor on breath.
  - e. Inability to understand and coherently respond to questions asked (name, age, address, destination).
  - f. Delirium tremens (sweating, trembling, anxiety, hallucinations).
  - g. Unconsciousness. (This alone constitutes sufficient grounds to evidence extreme physical debilitation if it is apparent that the condition is related to alcohol consumption. Unconsciousness, even when the individual has consumed alcohol, could be caused by other factors, e.g., diabetic shock. Any individual found unconscious should be conveyed to a hospital for examination.)
2. Physical harm (or threats) to self, others, or property is evidenced by one or more of the following:
  - a. Walking into streets or intersections, negligent of the flow of traffic.
  - b. Sleeping on the street or gutter, where they may be hit by a motor vehicle.
  - c. Sleeping on the sidewalk, where they are subject to being robbed, assaulted, or molested.
  - d. Anger or hostility expressed towards individuals, e.g., family, friends, pedestrians.
  - e. Threats of damage to property or persons, i.e., assault.
3. An officer who encounters a person who is “incapacitated by alcohol” has a statutory responsibility to take that person into protective custody, and to a treatment facility.
4. Protective Custody is NOT an arrest. Officers acting in compliance with s.51.45 are acting in the course of their official duty and are not criminally or civilly liable for false imprisonment.



5. An officer must make every reasonable effort to protect the health and safety of persons incapacitated by alcohol and take reasonable steps to protect themselves.
6. No person in protective custody may be conveyed to their home.
7. At the discretion of the officer, a person in protective custody may be placed in handcuffs.
8. The officer will advise the dispatcher that a person has been taken into protective custody and is being conveyed to a treatment facility.
9. Incapacitated persons in protective custody who are in need of emergency medical care, (e.g., unconscious, lacerations, fractures, concussions), shall be transported to a hospital. Officers need not wait with subjects who are receiving treatment unless they are also under arrest or violent.
10. Incapacitated persons who are in need of medical attention, but not on an emergency basis, shall be transported to a treatment facility.

#### **Procedure - Limited Search**

The outer clothing of anyone in protective custody will be routinely patted down for weapons.

1. This search is authorized for protection.
2. If a weapon or potential weapon is felt during a limited search, it may be removed for examination and may be retained until the person is no longer in protective custody.
3. If the examined item is an unlawfully possessed weapon, the officer will determine whether to incarcerate or to convey the person to a treatment facility. Officer may issue a misdemeanor citation if appropriate.

#### **Procedure - Warrant Checks**

A routine warrant check of all persons taken into protective custody will be made.

1. If a misdemeanor/municipal warrant(s) exists, the person will be taken to a treatment facility. The following documents **MUST** be completed and stored in the file cabinet: Jail Booking Form, PC Affidavit, if required, Injured prisoner Medical Clearance when appropriate, and the original incident reports should be completed and routed in accordance with current reporting practices.
2. If a felony warrant(s) exists, the officer will consult with the Officer-in-Charge or designee to arrange for disposition.
3. If the wanted person needs emergency medical attention, s/he will be taken to a hospital where, depending on the charge, at least one officer will remain. If the person is admitted, hospital staff should be advised to call prior to his/her

release. Deviations will be with the approval of the Officer-in-Charge or designee.

### **Disorderly Conduct/Other Charges**

Some behavior which evidences incapacitation by alcohol might also be used to substantiate a disorderly conduct charge, however, in order to insure that officers' authority is applied in a manner consistent with the intent of the Alcohol and Intoxication and Treatment Act:

1. The Officer-in-Charge or designee may determine that a disorderly conduct arrest is not appropriate and if the person is incapacitated by alcohol, may direct that the person be released, taken into protective custody, and conveyed to a treatment facility.
2. Persons incapacitated by alcohol who have threatened or committed physical harm to themselves, others or property should be taken into protective custody and conveyed to a treatment facility.
3. Officers may encounter resistance and may be required to physically restrain an incapacitated person, particularly if the person is taken into protective custody involuntarily.
4. Officers will respond to the treatment facility, upon request, if a client becomes belligerent, physically abusive, threatening, or clearly disorderly and will assist the facility staff in placing the person in restraints, if they are incapacitated by alcohol (reminder, use of force higher than compliance hold requires a report). Persons present at the facility on a voluntary basis, and not incapacitated may be escorted from the facility.

### **OWI Charges**

A person incapacitated by alcohol who has been arrested for O.W.I. violation, may be taken to a treatment facility after being processed, at the direction of the Officer-in-Charge or designee. This will not affect subsequent prosecution but is intended to provide treatment. The person must be advised that a court appearance is mandatory on the day and time designated on the ticket.

### **Reporting - Conveyance/Protective Custody**

A case numbered incident report is required in every incapacitation by alcohol situation and should be entitled, "Conveyance - Protective Custody."

**9-400 PERSONS WHO EXHIBIT ABNORMAL BEHAVIOR -  
MENTALLY ILL PERSONS**

The department recognizes that police are not qualified to solve the underlying problems of people who exhibit abnormal behavior, however, officers can learn to recognize it. The officer's course of action at this first encounter can both calm the existing situation and increase the chance that if subsequent treatment is needed for the individual it will be more effective. Responses to situations which involve abnormal behavior should reflect a 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 and length of time. (See Field Manual for Procedure.)

## 9-500 ENFORCEMENT OF OBSCENITY AND PORNOGRAPHY STATUTES AND ORDINANCES

Absent citizen complaint(s), no attempt will be made to actively regulate pornography or obscenity when it involves only consenting adults in private, or in places of controlled public access. To make a determination or establish probable cause to believe that printed matter, films, or certain behavior are pornographic or obscene, the question of constitutional protections versus State Statutes or local ordinances is difficult. It is not realistic for police officers to be expected to make judgments in this area, since courts have been unsuccessful in developing an enforceable standard and the U.S. Supreme Court in the Miller case has chosen to invite appellate state courts to establish “local” community standards.

### COMMUNITY INVOLVEMENT

It is unrealistic to expect that individual police officers will embody a “moral sense of the community.” Officers are not expected to determine what consenting adults may see or read. Rather, it is essential that citizens become directly involved in articulating contemporary community standards.

### CITIZEN COMPLAINTS

Citizens who believe that they observed or have information that a state statute or city ordinance has been violated may report such information to any officer or may speak with the Officer-in-Charge or District Command Staff. The citizen complainant should be prepared to assist in the establishment of probable cause to support the allegation that a violation has occurred.

### ACTIVE ENFORCEMENT ROLES

1. Open Displays: Police Officers will take notice of open displays of printed matter which emphasize erotic, lewd, or obscene themes, and which are openly displayed so as to be obtrusive and potentially offensive to the unwilling passerby. Officers will file a report and will not seize such materials without a warrant.
2. Juveniles: Police Officers will be alert to and report the access of juveniles to pornographic, lewd or obscene materials or performances which might be in violation of Wisconsin Statutes.
3. Criminal Syndication: Police Officers will be alert to possible criminal syndication of businesses dealing in pornography or other acts which may be included in a broad definition of obscenity. Information of this type will be forwarded to the Criminal Intelligence Section. The department will combat criminal organizations in this area which purvey pornographic materials or activities to children in this community.

**9-600 ENFORCEMENT OF IMMIGRATION LAWS**

The Madison Police Department recognizes and values the diversity of the community it serves. The purpose of this policy is to provide guidance to our officers on this issue and to ensure equal protection and fairness is afforded to all persons, regardless of their immigration status.

The Madison Police Department will cooperate with the Immigration and Customs Enforcement (ICE) as it would with any other law enforcement agency. However, it is the policy of this department that its officers shall not arrest or detain any person solely for a suspected violation of immigration laws, except upon the request of ICE. All requests by ICE for this purpose will be directed to the Officer in Charge (OIC). The OIC will immediately notify the Chief of Police or one of the Assistant Chiefs of Police for further direction. In the absence of the Chief of Police or Assistant Chiefs of Police, the senior Captain available will be notified.

Madison Police Officers have a responsibility to investigate and contact any person they believe is involved in suspicious activity. If upon investigation probable cause to arrest exists, unrelated to the person's immigration status, officers may effect an arrest for that specific violation.

**IMMIGRATION DOCUMENTS**

Officers shall not ask any person to produce an Alien Registration Card (Green Card) or other immigration document except when assisting the ICE. This does not prohibit an officer from considering an Alien Registration Card as a form of identification if an individual offers it as such. Immigration documents identified as evidence in a criminal investigation may be seized according to State Statute 968.10 (Search and Seizure) and State Statute 968.11 (Search Incident to Arrest).

**RESOURCES**

|        |                                     |
|--------|-------------------------------------|
| 10-100 | Police Canine Use                   |
| 10-200 | Interpreters                        |
| 10-300 | Confidential Sources of Information |

## 10-100 POLICE CANINE USE

Subject to the provisions of this policy, K-9's trained in patrol applications may be utilized for area searches, building searches, tracking, evidence searches, narcotics detection, suspect apprehensions, handler protection and community presentations.

The K-9 handler is at all times responsible for the control of his or her dog. If there is a dispute on the manner in which a K-9 team is to be used, the final decision will be made by the handler.

### SEARCH AND APPREHENSION

A patrol K-9 may be deployed off lead to search for or apprehend a suspect only when the handler believes it is reasonable and necessary to do so, pursuant to the provisions of the Use of Non-Deadly Force policy. Patrol K-9 units shall only use that force that is reasonable and necessary to control the suspect under the circumstances. The K-9 handler shall not allow his or her dog to engage a suspect that has voluntarily submitted to arrest or is in physical custody.

Verbal warnings shall be issued prior to the deployment of the K-9 unless circumstances exist that make such warnings impractical or unsafe.

Searches of populated areas should be done on lead until the dog locates a suspect. The dog may then be deployed off lead in accordance with this policy.

### INJURY CAUSED BY K-9

If a patrol K-9 injures a person, the following steps shall be taken:

1. Evaluate the person for injury and ensure that they receive prompt and appropriate medical attention.
2. Notify the OIC.
3. Obtain photographs of the injury, if possible.
4. Obtain a statement from the person, if possible.
5. Notify the K-9 supervisor.
6. Obtain witness statements, if possible.
7. Attempt to obtain a consent for release of medical information from the person.
8. The K-9 handler shall document the use of force in a report.
9. A patrol or K-9 supervisor shall submit a report to the Chief of Police.

## NARCOTIC DETECTION

K-9's trained in narcotics detection will be used in accordance with their training. Narcotics dogs will not be used inside schools (elementary, middle or secondary) without the authorization of the K-9 supervisor.

## MUTUAL AID REQUESTS

MPD K-9 units will, when possible, assist other agencies pursuant to a mutual aid request. MPD K-9 handlers assisting other agencies will act in accordance with this policy at all times.

## K-9 HANDLER VEHICLE

1. Each handler will be assigned a squad for their exclusive use. Handlers are allowed to keep their squads at their residence, and to use them as follows:
  - a. Driving to and from work;
  - b. During the handler's normal tour of duty;
  - c. Taking the K-9 to the veterinarian;
  - d. Picking up dog food or other required K-9 equipment;
  - e. Driving to work-related K-9 training;
  - f. Any other work-related transportation.
2. When the handler is away from his or her vehicle and the dog is in the vehicle, the vehicle shall be locked and appropriate ventilation will be provided.
3. Patrol K-9 handlers will have an exposed bite sleeve available in the trunk of their vehicle at all times.
4. When operating the squad (on or off duty) handlers will be armed with their duty weapon, will have handcuffs available, and will have police identification—including a badge—with them.

## K-9 TRAINING

1. New handlers and dogs will undergo initial training prior to being certified for active duty. Each team will obtain certification in patrol and/or narcotics use prior to active duty.
2. Each K-9 team will engage in regular maintenance training, and periodic re-certification as necessary.
3. The K-9 supervisor is responsible for ensuring that each K-9 team receives adequate training and maintains appropriate certification.



**RECORDS**

1. Each handler is responsible for maintaining records of all K-9 related calls for service and K-9 training.
2. The K-9 supervisor is responsible for maintaining overall MPD K-9 records, and for verifying that individual handlers are maintaining appropriate records.

**10-200 INTERPRETERS**

1. Bilingual employees offer an important contribution in providing service to non-English speaking persons who have contact with our department. Generally, the department will attempt to use commissioned officers when available for translating purposes. In the event a police officer is not available, however, civilian employees may be considered to assist in translating. The following guidelines should be used:
  - a. Contact the Officer-in-Charge (OIC) to discuss the case and determine if commissioned personnel are available.
  - b. In the event civilians are to be used, consideration shall be given to the following:
    - i. Any request to use a civilian employee must first be approved by their supervisor before initiating contact with the employee.
    - ii. Nature of the request (criminal investigation, obtaining information);
    - iii. How extensive will their involvement be, where, in time, follow-up, potential court testimony, etc.;
    - iv. Safety of employee (in-person/by phone), officer available;
    - v. Any personal conflicts for the employee to become involved.
2. While employees have a right to decline, the OIC or a department commander will have the final authority in deciding their use based on the needs of the department.

## 10-300 CONFIDENTIAL SOURCES OF INFORMATION

The department recognizes that criminal activity in the community is diverse and fluid and that information regarding it is necessary, therefore, Departmental personnel may solicit and use information from citizen sources, regardless of their walks of life, according to the guidelines set forth in this policy.

### VALUE OF CONFIDENTIAL SOURCES

Our purpose for using confidential sources include: making information more rapidly available; gathering information from sources not readily available to the department; communicating with criminal suspects; and making observations or performing assignments in localities where a known person would not be immediately suspected.

Many people who give information have been victims or witnesses of crimes, or may have a strong desire to aid law enforcement. However, there are others who are motivated purely by self interests. With such diversity of individuals providing information, it is necessary in all cases to evaluate the validity of information supplied and try to determine its accuracy.

### INDIVIDUAL OFFICER'S RESPONSIBILITIES

Screening sources is an ongoing process and may be very time consuming and complex. Furthermore, the eventual use of information gained will require substantiating the credibility and reliability of the source. Therefore, officers who have identified citizens who would be willing to provide information and who cannot or will not work with the source are encouraged to refer the citizen to the District Detective Lieutenant in charge of the investigation. The Lieutenant will assign personnel to interview the source and will be responsible for ascertaining reliability and for validating the information in a manner consistent with the recommendations made by the referring officer.

### DEVELOPMENTAL SCREENING OF THE SOURCE

Whenever a person has been identified as a potential source of information the officer to whom the source is responsible will evaluate the utilization of information received with regard to ethical and legal standards.

If the source is the subject of an investigation, and is using information to negotiate improvement of his/her position, the responsible officer must determine what terms are expected, e.g., does the source expect to commit crimes with immunity from arrest? expect any charges to be dismissed or reduced; expect to be paid? expect police protection after the investigation is concluded? and is the investigation consistent with department policies?

The District Attorney's Office should be contacted in order to resolve problems which may be apparent as a result of responses to these questions, prior to the utilization of the information, or the employment of the source as an investigative tool.

## **SOURCE'S IMMUNITY FROM PROSECUTION**

Sources will sometimes offer to exchange information for immunity or release. Such immunity may only be granted by judicial proceeding, at the request of the District Attorney; therefore no officer may grant immunity from prosecution or make promises regarding such a possibility without first contacting the District Attorney's Office and obtaining approval.

## **CONTROL OF SOURCE'S ACTIVITIES**

Upon deciding to utilize a specific person as a confidential source, the source will be informed of what is specifically expected and what activities are prohibited. Sources must be advised that they are not to engage in illegal or improper activities which would result in entrapment, loss of evidence, or jeopardy to further investigation and prosecution. The source must also be informed that illicit personal transactions are forbidden and violations of the agreement will result in enforcement action and termination of previous agreements.

When utilizing a source, officers shall take reasonable action to protect the rights of the subject(s) of an investigation against improper or illegal activities of the source.

## **SOURCE RELIABILITY**

As a partial basis for establishing the reliability of a citizen source, the following information will be considered:

1. the source's reputation with the department;
2. the number of times the source has previously provided reliable information;
3. the number of arrests or search warrants based on past information provided by the source; and
4. the source's motivation for supplying the information.

However, the preferred means by which information will be shown to be reliable is by surveillance of the source when he/she is actively participating for the police. Since this is not always possible, the source's information will be compared with information provided by established reliable sources, and supported with as much physical evidence as possible.

## **PROBLEMS WITH AN INVESTIGATION/SOURCE**

When an officer determines that there is insufficient control over an informant; the information supplied is false; the source has intentionally caused entrapment of the suspect; the source has engaged in other activities which are not legal or ethical or any other unforeseen problem arises, an officer using an informant will contact their commanding officer immediately. The commanding officer will consult with available resources (i.e., the District Attorney's Office) and will make a determination regarding the future of the investigation.

## REMUNERATION FOR SOURCES

Recognizing that during the course of an investigation, sources may have expenses related to it for various reasons, the department will make an effort to reimburse them for required expenditures, and to make it known that the money paid is reimbursement for necessary expenditures only. Where practical, written documentation of expenses will be obtained (e.g., vouchers, etc.).

## PROTECTING THE OFFICER AND THE DEPARTMENT

To protect individual officers and the department from potential accusations:

1. More than one officer will be present during all conversations with sources whenever possible.
2. In cases involving the procurement of illicit drugs or other contraband where money is to be provided to the informant, the denomination and serial numbers of that money will be recorded.
3. Additionally, an officer may choose to search the informant, immediately prior to and after informant contact with the suspect using his/her judgment about reliability in the past and other special circumstances.
4. If a strip search is authorized, an officer of the same sex as the source will conduct the search.
5. Searches of body cavities must be done by medical personnel in appropriate surroundings.

## ENTRAPMENT

Entrapment is defined as an act by an officer which induces a person to commit a crime not contemplated by that person for the purpose of arranging a criminal prosecution against that person. However, it is permissible for officers to “set a trap” by solicitation and affording the opportunity for the person to commit offenses which he/she was predisposed to commit.

**POLICE RECORDS**

11-100 Reporting Procedures

11-200 Policy Guidance for Inspection of Public Records and Documents

## 11-100 REPORTING PROCEDURES

### OFFENSE/INCIDENT REPORT

The Offense/Incident (O/I) Report is a packet which contains the original and carbon copy, and an attached sheet which can be given to the reporting citizen and provides case number, follow-up information, and agency phone numbers. Second and subsequent O/I pages can be on carbonless forms. The Addendum (Investigative Action Report) is to be used to record further information.

An Offense/Incident Report will be used to record information which is developed or received by any member of the department assigned a primary case number unless one of the following forms is authorized as a primary report:

1. Traffic Accident/MV4000 and MPD4000
2. A citation (exception - misdemeanor citations)
3. Subpoena - (Case Number, Date, Time and Officer, top right)
4. Summons - (Case Number, Date, Time and Officer, top right)
5. Fire Station Violation Complaint - (Case Number and date on top right)
6. Irregularity
7. Computer-Generated Reports

#### When Required

An Offense/Incident Report must be filed in all cases involving the use of force, stop and frisk, crime investigations, and should be filed when an employee is involved in on-site, self-initiated actions when there is information pertinent to the department or as otherwise required by policy.

#### Procedures

With the exception of the narrative, the Offense/Incident Report should be handwritten; however, all portions must be legible.

A signature from the person reporting is required in retail theft (except when City Ordinance Citations are issued), missing persons, and runaway juveniles. A block is provided for the signature. If the reporting person is obviously unwilling to sign or physically incapable of signing, "refused" or "unable" should be entered.

1. Private parking complainant must be the property owner, resident manager or parking manager.
2. It is not necessary to complete an incident report on a "private property" parking complaint. However, a case number is required and at a minimum, the name of the complainant, phone number and address, and the terminology of the "no parking" sign shall be included on the back of the parking citation.

## INVESTIGATIVE ACTION REPORT - TYPED ADDENDUM

Members of the department are required to prepare and submit (or cause same) an investigative action report in all situations where actions should be recorded, or information forwarded, which is not covered in the original Offense/Incident report, whether a current or previous case and whether or not the member was dispatched to the scene, or took any related action.

An Investigative Action Report will be distributed as indicated by title, and is always TYPED.

A typed Investigative Action Report will be used when:

1. An original Offense/Incident Report narrative space is insufficient;
2. Submitted as a supplement to a Primary Report;
3. Submitted by follow-up or technical personnel to record actions taken;
4. Explaining an MV4000 or citation where the space provided is insufficient, or as otherwise required (i.e., juvenile alcohol-related offenses).

## REPORT CONTENT

### Language Should be Understandable, Accurate and Concise

1. Foul/abusive language should only be quoted to describe another's actions, i.e., an arrested person.
2. Names and difficult word spellings should be checked for accuracy.
3. Standard abbreviations for streets, courts, etc., may be used.
4. Reported information must be legible including members' required signatures.
5. Unreadable reports should be returned to the responsible officer for correction.
6. A black ballpoint pen must be used for handwritten reports so that readable copies can be made.
7. All names, addresses, phone numbers (private or businesses) must be complete, when possible.
8. Reports must accurately reflect situations investigated by the officer(s) on the scene.

## INTER-DEPARTMENTAL CORRESPONDENCE

1. Memos addressed to All Personnel or to other agencies will have the appropriate index code placed in the upper right hand corner.



2. The “buck slip” is available for the following purposes:
  - a. To report change of address, telephone, marital status;
  - b. To request a copy of a report, fingerprint comparisons, clothing purchase, etc.; and
  - c. To notify other personnel of specific information.

## OFFENSE/INCIDENT TITLES

1. This policy and/or the Bail Schedule lists incident report titles, traffic and parking violation titles. Titles for criminal charges are found in the State Statute Excerpts. Do not use any incident titles other than those provided.
2. The appropriate title must be selected when a crime occurs even if there is no arrest involved. The correct titling can only be made from the information available; subsequent investigation may appropriately change the title.
3. Whenever a juvenile is arrested, designate by placing the word (JUV) directly after the title in the offense/incident block.
4. When more than one crime occurs, use the most serious offense title and list all possible charges in the appropriate box. Identify remaining charges in the narrative section along with appropriate State Statute/City Ordinance numbers.
5. Investigative Action Report titles will reflect the title of the original Offense/Incident report to which they refer.

## SUPERVISORY REVIEW

Written reports must be useful to persons other than the writer, and should be a word picture about what occurred. It must be used to describe a wide variety of actions, and become an official statement of facts. Therefore, supervisors must adhere to the following when reviewing and approving reports.

1. The shift Officer in Charge will read and review reports as provided in the News Media Relations policy. Other supervisors and commanding officers will also review reports as required by their work unit and position.
2. If the report does not adhere to the requirements of the Reporting Procedures policy, and if the reporting officer is not available to make corrections, the reviewing supervisor should forward a copy of the report to the reporting officer’s supervisor or commanding officer, indicating the errors or omissions.
3. If the report does not adhere to the requirements of Reporting Procedures policy, requires urgent modification or attention, and if the reporting officer is not available to make corrections, the reviewing supervisor should contact the appropriate work unit (by phone, email or buckslip) indicating what next day follow-up is required. If immediate attention is necessary (e.g. directing that

an arrested person be released) the reviewing supervisor will ensure that the appropriate action is taken.

## **COMPUTER-GENERATED REPORTS**

Employees should complete reports on incidents when investigation indicates a report is warranted, however employees are not required to complete reports on incidents identified below. Employees who do not complete a report must advise the dispatcher that there will not be a report on the case number involved. Information available on the computer-generated complaint form will be reproduced for records purposes. Nothing in this procedure will prohibit a supervisor from requiring an employee to complete a report on any incident.

### **Calls Canceled**

Calls canceled by the complainant except robberies, calls to taverns, calls which might have involved physical harm or threat of harm to anyone, e.g., family trouble, crimes against persons, etc., where the person canceling the call may not be the victim.

### **Unfounded Calls**

Unfounded calls where nothing is located and no new information is received (example: traffic accident, unable to locate vehicle or driver).

### **Escorts**

Does not include conveyances.

### **False Security Alarms**

False security alarms from a governmental agency, unless a continuing problem exists. False fire alarms always require a report.

### **Assist Calls**

Requiring no follow-up action.

1. Assistance to other law enforcement agencies at hospital emergency room.
2. Assistance to citizens locked out of homes or vehicles.
3. Delivering messages.
4. Assistance to motorists (does not include damaged vehicle or motor vehicle accidents).
5. Assistance to invalids.
6. Assistance to other City departments or government agencies for traffic direction or similar safety precautions.

**Blood Runs**

Blood runs for Red Cross or other emergency personnel.

**Moving Traffic Warrant Served**

Moving traffic warrant served if party posts bail. Attach receipt to warrant before placing both in Court Services lock box.

**On-Street Parking Violations**

Unless vehicle is towed.

**Private Parking**

Private parking when vehicle(s) has been moved prior to arrival.

**District Information**

Documentation and the ability to retrieve information received from citizens who wish to make the police aware of situations which may occur or have occurred in the past. This information may not require immediate action and is provided to officers to make them aware of citizens' concerns, taking enforcement action if appropriate. (Example: driving complaints, extra patrol, etc.)

**Noise Complaints****Simple Conveyances**

Unrelated to offense or intoxication.

**INCIDENT TITLES**

All incidents which are not related to a criminal offense must be titled from the following list of categories:

| TITLE                           | DEFINITION   |
|---------------------------------|--|
| 1. ALARMS                       | False alarms from fire/emergency box alarms constitute a specific offense. (False alarms from a government agency are computer-generated reports.) |
| 2. ANIMAL COMPLAINT             | Indicate type of complaint from categories below:<br>a. Bite<br>b. Stray<br>c. Disturbance<br>d. Injured, where no offense is involved.            |
| 3. ASSIST                       | See Computer-generated reports   |
| 4. BICYCLE ACCIDENTS / INCIDENT | Bike accidents should be on an OIR.  |

| TITLE  | DEFINITION   |
|--|--|
| 5. CHECK AREA / BUILDING / MAN / WOMAN / JUVENILE / VEHICLE etc. | Not related to an offense or other specific category.  |
| 6. CIVIL DISPUTE   | Not related to an offense or other specific category.  |
| 7. CONTAGIOUS DISEASE  | Citizen exposed.   |
| 8. CONVEYANCE  | Simple conveyances; see computer-generated reports.  |
| 9. CONVEYANCE - INTOXICATED PERSON                               | Not related to an offense or other specific category; (see Protective Custody).  |
| 10. DEATH INVESTIGATION  | All deaths where no suspicion of involvement by another exists at the time of the primary investigation, (including suicides). Where an offense is involved, report will be titled accordingly.  |
| 11. DISTURBANCE  | Where no arrest is involved or violation suspected.  |
| 12. DOMESTIC DISPUTE   | Where the parties are related, live together, or know each other more than just casually. Includes Boy-Girl, Family, and Roommate Trouble.   |
| 13. ELOPEMENT  | Unauthorized leave from an institution (i.e., Mendota Mental Health).  |
| 14. ESCORT   | Computer-generated reports not including conveyances.  |
| 15. FIGHT CALL   | Where no more specific category or offense is involved.  |
| 16. FIRE INCIDENT  | Where no arson or other offense is involved.   |
| 17. FOUND PROPERTY   | To be followed by the name of the item i.e., Found Property/Bicycle. Describe property completely and record status designation in property section of report:<br>A Abandoned<br>E Evidence<br>F Found<br>M Missing<br>R Recovered<br>S Stolen |
| 18. INFORMATION  | A general category to be used only where no specific offense exists. (example: Information-Theft).   |

| TITLE                                       | DEFINITION   |
|---|--|
| 19. INJURED EMPLOYEE / SIGNIFICANT EXPOSURE | Include description of injury in incident report if ON DUTY applicable. Workers Compensation Forms must be filed within 24 hours of the injury. Supervisor must review and sign the Workers Compensation Forms.  |
| 20. INJURED PERSON                          | Indicate by the manner in which the person was injured (examples: Injured Person-Accidental Shooting, Injured Person-Fall).  |
| 21. INJURY TO PROPERTY                      | When no offense or more specific category is involved or suspected.  |
| 22. JUVENILE COMPLAINT                      | Where no offense or specific category is involved.   |
| 23. LABOR DISPUTE                           | When no offense or more specific category is involved.   |
| 24. LANDLORD / TENANT TROUBLE               | Where no offense is involved.  |
| 25. LOST CHILD                              | Indicate (Located) if appropriate at the time report is submitted.   |
| 26. LOST PROPERTY                           | Must be followed by the name of item or items (example: Lost Property-Auto). Describe property completely. If property is a container, include a list of contents in the property section or narrative, and indicate type of container in the title (example: Lost Property - Purse and Contents). |
| 27. COMMITMENT                              | Use this rather than Check Man or Woman when appropriate. To be followed by "Commitment" if applicable in emergency detention cases (example: Check Person - Commitment).  |
| 28. MISSING PERSON                          | Indicate whether adult or juvenile in the title.   |
| 29. MISSING PROPERTY                        | To be followed by property type.   |
| 30. MOTOR VEHICLE ACCIDENT                  | Where accident occurred but no MV4000 required (Non ACCIDENT reportable accidents for MVD purposes.) Include names, addresses, etc., of persons involved. Use MPD 4000 when possible.  |
| 31. NEIGHBOR TROUBLE                        | Where no offense or more specific category is involved.  |
| 32. NOISE COMPLAINT                         | To be followed by cause (example: Noise Complaint Loud Party); see computer-generated reports.   |

| TITLE                         | DEFINITION   |
|-------------------------------|--|
| 33. ODOR COMPLAINT            | To be followed by cause (example: Odor Complaint Trash).   |
| 34. OVERDOSE                  | Where no offense is involved.  |
| 35. PRESERVE THE PEACE        | Where no offense is involved.  |
| 36. PROTECTIVE CUSTODY        | To be used when officers use their authority to take a person who is incapacitated by intoxicants/drugs into custody. Generally, these persons are transported to Detox; however, may be hospitalized or receive medical treatment in given circumstances. |
| 37. PROWLER                   | Where no offense or more specific category is involved.  |
| 38. RUNAWAY                   | To be used when juvenile left parent or legal guardian's home. If from an institution, use title "Elopement."  |
| 39. SMOKE COMPLAINT           | Where no offense is involved. To be followed by source (example: Smoke Complaint - Factory).   |
| 40. SOLICITORS                | To be used only when no offense or more specific category is involved.   |
| 41. SPECIAL EVENT             | To be used for selected occurrences which require police assignment. Title should be followed by type of incident (example: Special Event Halloween).  |
| 42. SUICIDE ATTEMPT           | Where no offense is involved.  |
| 43. SUMMONS / SUBPOENA RETURN | Place case number on form served. If the subpoena names an employee, attach department cash register receipt for fees received unless case is unrelated to duty.   |
| 44. THREATS COMPLAINT         | Where no offense or more specific category is involved.  |
| 45. TRAFFIC ARREST            | Use when issuing moving traffic citations and a report is needed to include all available information.   |
| 46. TRAFFIC INCIDENT          | Where no offense or more specific category is involved. This title is not to be used for non-reportable traffic accidents. See #30, Motor Vehicle Accident.  |
| 47. TRASH COMPLAINT           | Where no offense or more specific category is involved.  |
| 48. WARRANT SERVED            | Use when arresting on an active warrant. If the warrant is from an outside agency, indicate by Warrants Served/Juneau County, as an example.   |

| TITLE            | DEFINITION   |
|------------------|--|
| 49. WITNESS FEES | Use to account for receipt of fees when not related to a department case. If case number has been issued, use that number and indicate receiving fees on an investigative action report. |

## **11-200 POLICY GUIDANCE FOR INSPECTION OF PUBLIC RECORDS AND DOCUMENTS**

The public has an abiding interest in law enforcement and in the activities of the department. The news media and members of the public frequently direct inquiries to the department to fulfill police records requests. All public records and documents in the department shall be available for public scrutiny unless special consideration is warranted. The decision to release police records will be determined according to the facts of each case in accordance with the guidance contained herein.

### **PERSONS WHO MAY CONSIDER REQUESTS FOR PUBLIC INSPECTION**

The following officers of this department will consider requests for the inspection of public records and documents in the custody of the department: Chief of Police, Assistant Chiefs of Police and Commanding Officers.

All information concerning policy and procedure will originate from the Chief of Police. Budget requests and logistical information will be released only by the Chief of Police. All comments referring to inter-departmental memos, orders, and communications will originate from the Chief of Police.

Plans, personnel matters, and prepared releases concerning specific news items will be released only by permission of the Chief of Police.

Personnel photographs (and photographs of arrested persons) will be released only by permission of the Chief of Police. Investigative photographs will be released by the Commanding Officer of the Records Bureau.

The Chief of Police may decide that information relating to cases which may involve potential civil liability to the City should be held until a review and approval has been obtained from the City Attorney's Office.

### **ACCESS TO POLICE RECORDS**

Members of the department, only when authorized for a specific purpose, shall have access to the official records maintained by the department. This regulation prohibits all unofficial use of police records. Tampering with records by members of the department is prohibited.

Members of the department shall not divulge the contents of police records to anyone outside the department without permission from their Commanding Officer or the Commanding Officer of the Support Services Team. No member of the department shall divulge any matters relating to official police business without first receiving authorization.

### **INSPECTION VS. NON-INSPECTION OF RECORD**

Whenever inspection of any public records or documents containing information of the kind listed below is requested by a member of the public, the Chief of Police or his/her designee shall give special consideration to the competing public interests favoring inspection or non-inspection before permitting the release of the requested public records or documents.



The term “special consideration” as used herein shall include answering the following question . . .” would inspection of the desired public record or document result in harm to the public interest that would outweigh any benefit to the public that would result from inspection?”

If, in considering the above question and the public policies involved, the releasing officer finds the answer to be “no,” inspection shall be immediately granted.

However, if initial consideration of the request reveals a cogent public policy reason favoring non-disclosure, the person requesting inspection of the public record or document should be orally advised of the reason why it initially appears that inspection cannot be allowed, and if after being so advised, the person requesting the document still desires to view the same, s/he shall be requested to present a formal written request to the Chief of Police, identifying the specific record or document requested and any additional public policy reasons or considerations that favor inspection of the desired public record or document.

If, after consideration of the written request and after further consideration of all public policies involved, the answer to the special consideration question is “no,” inspection shall be granted. However, if after special consideration the answer to the special consideration question is “yes,” and inspection is thus denied, the person requesting inspection shall be advised in writing of precisely how the public will be potentially harmed by the disclosure of the contents of some or all of the said public records or documents. In any event, all remaining portions of any such record or document, the release of which will not be harmful to the public good, shall be released.

## **PUBLIC POLICIES RELATING TO REQUESTS FOR INSPECTION OF PUBLIC RECORDS AND DOCUMENTS WARRANTING SPECIAL CONSIDERATION**

Requests for inspection of public records or documents containing any of the following categories of information shall warrant special consideration of the competing public policies involved before disclosure by the authorized officer. Some public policies favoring non-disclosure of certain information are:

1. Avoid Releasing Pretrial Publicity that may Tend to Diminish the Accused’s Right to a Fair Trial.

The compelling public policy favoring right of an accused to a fair trial free of prejudicial pretrial publicity make “special consideration” of certain types of information contained in otherwise public police records mandatory before any of such information may be released to the public.

The types of information listed in paragraphs a. through g. below, if disclosed prior to trial, may tend to prejudice and thereby diminish the accused individual’s right to a fair trial. The types of information withheld prior to trial to accommodate the accused’s right to a fair trial may be available for release after final disposition of the case, unless other cogent reasons outweigh the public right of disclosure. However, certain information may be released prior to trial, including: the arrested person’s name, age, residence, employment, marital status, and similar background as well as the charge; information summarizing the offense or charge, such as listed on the court

complaint, will be released, the circumstances immediately surrounding the arrest, including time and place of arrest, resistance, pursuit, and possession or use of weapons. Release of police techniques, use of alarms, surveillances, informants, etc. will receive “special consideration” as provided in Section 2.

Consider the foregoing public policy reasons relating to pretrial publicity when weighing the consequence of releasing the following types of information prior to final disposition of the case. (Included in parentheses are additional possible public policy reasons for retaining particular subject matter or types of information which are not related to the public policy associated with “pretrial publicity” which may be separately considered.)

- a. Statements as to character or reputation or criminal or arrest records of an accused person or prospective witness which, if made public, may tend to prejudice, and thereby diminish the accused individual’s right to a fair trial. (Possible additional reason not related to the “pretrial publicity” area of public concern: public disclosure may unduly damage reputations.)
- b. Admissions, confessions, or contents of a statement of alibi attributable to an accused person which, if made public, may tend to prejudice and thereby diminish the accused individual’s right to a fair trial.
- c. The performance or results of any examination or laboratory tests or the accused’s refusal or failure to submit to an examination or laboratory test which, if made public, may tend to prejudice, and thereby diminish the accused individual’s right to a fair trial.
- d. Statements concerning the credibility or anticipated testimony of prospective witnesses which, if made public, may tend to prejudice and thereby diminish the accused individual’s right to a fair trial. (Possible Additional Reasons Not Related to the “Pretrial Publicity” Area of Public Concern are: possible witness harm or harassment and/or possible interference with ongoing criminal investigation)
- e. The possibility of a plea of guilty to the offense charged or a lesser offense, or other possible dispositions of the case which, if made public, may tend to prejudice, and thereby diminish the accused individual’s right to a fair trial.
- f. Opinions concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at the trial which, if made public, may tend to prejudice, and thereby diminish the accused individual’s right to a fair trial. (Possible additional reasons not related to the “pretrial publicity” area of public concern are: possible interference with ongoing criminal investigation and/or public disclosure may unduly damage reputation.)
- g. Opinions expressed by investigating officers which, if made public, may tend to prejudice, and thereby diminish the accused individual’s right to a fair trial. (Possible Additional Reasons Not Related to the

“Pretrial Publicity” Area of Public Concern are: Possible interference with ongoing criminal investigation and/or Public disclosure may unduly damage reputation).

2. Retain Information Relating to Police Investigation and Crime Prevention Techniques.

The public interest is best protected if the criminal element included within the general public is not forewarned of police investigative procedures and crime prevention methods. Thus, “special consideration” should be given before public disclosure of any record or document relating to police investigative procedures or crime prevention methods, including, but not limited to, the following:

- a. Reference to investigative procedures relating to fingerprints, polygraph, blood-alcohol tests, ballistics or other laboratory procedures and conclusion and methods.
- b. Police techniques such as surveillances and the use of informants, alarms, time tables for transactions or transportation of valuables.

3. Consider Adverse Effect once Litigation has been Commenced.

Consider the possible harm to the public good that may result from the release of police information that may diminish the chance of a successful prosecution. Discuss such possible harm with the office of the prosecuting attorney. The public is entitled to be protected against violations of law and to have the law vigorously enforced. Special consideration to the possible harmful effect to the public’s right to be protected against crime shall be given to all requests for information, the release of which may be harmful to the public welfare. Only limited discovery of police information and witnesses is permitted by law prior to trial. Information contained in police public records and documents concerning pending proceedings of which the City or State is a party shall only be released upon court order or in compliance with the law of criminal and civil discovery, after consultation with the attorney representing the City or the State in the proceeding.

4. Consider the Possible Harm to the Public Good that may result from the Release of Information that may hamper Continuing Police Investigations.

Any information concerning or able to be used in a continuing investigation of a police matter shall receive “special consideration.” Not only is there a possibility of prejudice to the potential defendant’s right to a fair trial but also a possibility that premature release of this type of information may hamper police in the swift conclusion of their investigation or other disposition of the case. Descriptions of wanted and missing persons and other current police incidents will be released when the release of such information to the public may aid in the solution of the problem, alert the public to possible danger, or aid in the prevention of crime; however, descriptions of missing persons will receive “special consideration” unless the consent of the family for public disclosure has been obtained.

5. Identity of Informants, Complainants, Witnesses and Victims.

Only with the cooperation and support of the public are police able to perform their function in modern society. Police must continually rely upon the reports and subsequent testimony of concerned citizens to identify and abate criminal activity. Most persons who provide information relating to real or suspected unlawful activity to the police do so with an expectation of confidentiality, unless their testimony is necessary at trial. Individual citizens are often reluctant to assist police if the notoriety and embarrassment of public disclosure is a certainty. A chilling effect on citizen assistance, though hard to measure, would surely result from general and indiscriminate public disclosure of the identity of persons who assist the police in this manner. So too, an informant, once revealed, ceases to perform as an adjunct to the task of law enforcement. Additionally, those persons would be unnecessarily subjected to the increased possibility of harassment and retaliation. "Special consideration" shall be given any information concerning the identify of informers, complainants and witnesses to protect those citizens who assist the police from embarrassment, to protect their safety, and to encourage citizen participation in law enforcement. The names of victims of criminal acts may be released, except where the identification of the person will endanger the individual's safety, hamper further investigation, or is contrary to law.

6. Avoid Releasing the Identity of Persons under Suspicion.

Any revelation of the identity of a person suspected of unlawful activity before arrest or other commencement of lawful proceedings may subject a completely innocent person to public scorn and embarrassment. Additional harm to the public good may result if a suspect or accomplices flee to avoid apprehension. Disclosure may also endanger the suspect's safety. "Special consideration" shall be given to the release of any suspect's identity before arrest or other commencement of lawful proceedings.

7. Retain the Confidentiality of Personnel Records.

"Special consideration" shall be given before the release of any information contained in records concerning departmental personnel. Said records often contain materials concerning financial, medical, social, personal history data, past work evaluation or current job evaluations that are secured upon a pledge of confidence. Any breach of this expectation of confidence would hamper efforts of the department to collect all the information necessary to properly evaluate its personnel. Disclosure of such information may also unduly damage reputations of persons named in such records. Any request for disclosure of information in these records should also be evaluated to identify the existence of financial, medical, social, or personal history or disciplinary data which may also be unduly damaging to reputations.

8. Consider Other Appropriate Non-Listed Reasons for "Special Consideration."

The above enumeration of information categories which should receive "special consideration" is not intended to be exhaustive. Because of the unique nature of each fact situation, the releasing officer must in each case make an individualized judgment concerning the information requested. In

weighing the competing public policy interests the releasing officer may find that, in view of a particular fact situation, certain information not herein enumerated may warrant “special consideration.” In that event, the releasing officer shall follow the procedure set forth herein for that information specifically enumerated as warranting “special consideration.”

## **PUBLIC RECORDS OR DOCUMENTS WHICH MAY NOT BE RELEASED**

Certain records and documents are made confidential and precluded from public inspection by statute or common law. In the following instances inspection may not be granted to the public:

1. Juvenile Records

Requests for inspection of children’s police records may not be granted except to representatives of newspapers or other reporters of news who wish to obtain information for the purpose of reporting news without revealing the identity of the child involved. (Wis. Stats. Sec. 48.26), however, this section will not be invoked if the offense is a traffic violation of Chapters 340 to 349, Wisc. Stats., or a County or municipal ordinance enacted under Sec. 349.06, Wis. Stats.

2. Attorney-Client

Certain information contained in public records and documents in the department is protected by the attorney-client privilege or by the Attorney’s work product rule, and may be protected from release. Each request for information which may be protected by the attorney-client privilege shall be discussed with the attorney responsible for the particular case involved.

## **OFFENSE/INCIDENT CONTROL POINT**

1. All original patrol Offense/Incident reports submitted must pass through the Patrol Control Point.
2. All original copies of patrol Offense/Incident reports will be submitted to the Control Point in their entirety.
3. Patrol Offense/Incident reports and addendums must be submitted prior to the end of a tour of duty unless otherwise authorized by a supervisor.
4. After patrol reports have been reviewed in accordance with the Supervisory Review section of the News Media Relations policy, the Control Point employee will:
  - a. Record the case number and place the original copies in the appropriate receptacle.
  - b. Forward the carbon copy to the responsible follow-up area except if that area had the original case number (e.g. Detectives).
  - c. Make photocopies of reports as required in the Control Point Manual, except for originals from Detectives as noted above.

5. Reports and copies will not be open for public inspection at the control point, except as provided in the News Media Relations policy. The Public Information Officer will collect reports from the receptacle, review them, and forward them to Support Services/Records.
6. Reports for “Major Cases” (homicides, attempted homicides and traffic fatality accidents) will not be photocopied. A file folder at the Control Point will hold all original major case reports, and the Criminal Intelligence Section or Traffic (Hit & Run) section will be responsible for maintaining the originals. Other reports may be handled in this way only with the approval of a commanding officer.

### **DISSEMINATION OF RECORDS**

1. Support Services/Records will photocopy and disseminate records as required by law and file a “buck slip” and/or receipts with the original report indicating copies were sent, to whom, and by whom authorized (except for the City Attorney’s Office and the District Attorney’s Office). Release to agencies or persons not required by law may be authorized only by the appropriate commander via a “buck slip” which will be filed with the report. Filing of “buck slips” and/or receipts with reports will facilitate expungement of records upon court order.
2. Requests by citizens for a copy or inspection of public records/documents in the custody of the department will be processed according to State Statutes and department policy.
3. The News Media will receive general information (e.g., arrested person’s name, age, residence, charge, and circumstances immediately surrounding arrest) from the Patrol Lieutenant or designee.

**EQUIPMENT**

|        |  |
|--------|--|
| 12-100 | In-Car Data Capture System                           |
| 12-200 | Use of Mobile Data Terminals / Mobile Data Computers |
| 12-300 | Automatic External Defibrillator                     |
| 12-400 | Vehicle Assignment and Parking                       |
| 12-500 | Property Equipment Control                           |

## 12-100 IN-CAR DATA CAPTURE SYSTEM

### OVERVIEW

The purpose of this policy is to establish guidelines for the use of the in-car data capture system and the handling of subsequent data. It is the policy of the Madison Police Department to use in-car data capture systems to provide accurate documentation of events, actions, conditions, and statements made during law enforcement contacts. The use of the in-car data capture system shall be limited to trained employees and be in accordance with applicable laws and Department policy.

### IMPLEMENTATION AND CARE OF DATA CAPTURE EQUIPMENT

1. The Chief of Police or his/her designee shall authorize MPD vehicles to be equipped with in-car data capture systems. An in-car data capture system shall consist of a forward facing camera, rear-facing camera, control panel and monitor unit, audio transmitter and microphone, digital recorder/CPU, and data transfer components.
2. The proper care of in-car data capture equipment installed in an MPD vehicle is the responsibility of the employee operating that vehicle.
  - a. Employees shall operate the equipment according to MPD training.
  - b. Employees shall not remove, dismantle or tamper with in-car data capture equipment.
  - c. At the beginning of each shift, employees shall ensure that the in-car data capture equipment is functioning correctly by completing the following procedures:
    - i. Confirm system power-up upon starting the vehicle.
    - ii. Confirm the correct date and time on the monitor.
    - iii. Synchronize the transmitter/microphone to the in-car data capture system in the car.
    - iv. Confirm video and audio recording.
  - d. Employees shall report any problems with the in-car data capture system by:
    - i. Sending an e-mail to the Information Systems helpdesk, [helpdesk@cityofmadison.com](mailto:helpdesk@cityofmadison.com) AND;
    - ii. Completing a Vehicle Maintenance Request form and distributing appropriate copies.
  - e. Officers who have been issued a transmitter/microphone are responsible for the keeping the transmitter's battery charged and wearing the transmitter/microphone whenever their assigned duties



include the use of a squad equipped with an in-car data capture system.

- f. Employees may operate squads with non-functioning in-car data capture systems if no other squad is reasonably available.

### **OPERATING THE IN-CAR DATA CAPTURE SYSTEM**

1. In-car video recording is automatically initiated when a squad's emergency lights are activated. Recorded video data will include events 30 seconds prior to activation of the emergency lights. Employees will activate audio recording equipment as they are able to and as required by this policy.
2. In-car data capture equipment shall be used to record the following:
  - a. All emergency vehicle operations.
  - b. All traffic stops.
  - c. All vehicle pursuits, (i.e. primary and secondary responding employees).
  - d. All transports of in-custody persons.
3. In addition to the required recordings listed above, employees may only use the in-car video capture system to record the following incidents:
  - a. Official law enforcement contacts.
  - b. Person(s) the employee reasonably suspects has committed, is committing, or is about to commit a criminal offense or ordinance violation.
  - c. Transports of persons not in custody.
4. Employees shall make every reasonable effort to use the in-car data capture system to accurately capture events by:
  - a. Leaving the transmitter/microphone power switch in the "On" position while on-duty so that the transmitter/microphone can automatically record audio whenever the in-car video system is recording.
  - b. Wearing the transmitter/microphone in a position so that it can adequately record audio with the built-in microphone or by wearing the external microphone with the transmitter to adequately record audio.
  - c. Selecting the appropriate camera to record events, (i.e. forward camera or rear seat camera).

- d. Reasonably positioning the camera to record events, (e.g. OWI field sobriety tests, etc.).
5. Employees may elect not to audio record conversations between law enforcement personnel when such discussions involve strategy, tactics or supervisors' directives.
6. Once initiated, video and audio recording should not be terminated until the event is complete with the following exceptions:
  - a. Supervisors may order an employee to stop recording.
  - b. Employees may stop recording if there is no evidentiary value in collecting further data.

## DATA TRANSFER AND DOCUMENTATION

1. Employees are responsible for transferring data recordings at least once, during the course of each work shift, at one of the downloading stations.
2. Employees shall transfer data recordings deemed to be evidence of a crime prior to the end of their shift. If the data transfer process requires the employee to be on overtime, the employee shall contact a supervisor or the OIC to obtain approval for overtime.
3. Employees shall document within their official reports, municipal citations, and/or uniform traffic citations that in-car data recordings were made during their law enforcement activities. This documentation shall include:
  - a. Squad number
  - b. Date and time of recording
  - c. Date, time, and location of data transfer, (for criminal evidentiary recordings).
  - d. Confirmation of successful transfer, (for criminal evidentiary recordings).
  - e. For video and audio recordings identified as criminal evidence, the following paragraph shall be inserted into the officers official typed report:

*“On (date and time) I was operating marked/unmarked squad number (####) which is equipped with an in-car data capture system. On (date and time) I successfully downloaded all data files at the (\_\_\_\_\_) data transfer downloading station.”*
4. Supervisory personnel who manage employees using squads equipped with in-car data capture systems shall ensure that:

- a. Employees follow established procedures for the use and operation of in-car data capture systems, handling of video/audio recordings, and the completion of data transfer and documentation.
- b. Repairs and replacement of damaged or nonfunctional in-car video equipment are reported to the City of Madison IS helpdesk, and a Vehicle Maintenance Report form is completed.

## DATA MANAGEMENT

1. In-car data capture system video and audio recordings shall be safeguarded similar to other forms of evidence.
  - a. Evidentiary video and audio recordings submitted by officers will be maintained on a secure computer server, within City of Madison Information Services Operations Center, until the case has been adjudicated, or otherwise disposed of. Designated members of the Forensic Services Unit will be responsible for system administration of all captured and stored video and audio recordings. Disposition of evidentiary video and audio recordings will be completed in accordance with existing department policy for the handling and disposition of evidence.
  - b. Non-evidentiary video and audio recordings will be maintained for 180 days after the date of their creation.
  - c. Data recordings that are the subject of a denied open records request must be maintained until the dispute between the department and those requesting the recordings are resolved.
  - d. Data recordings may be placed on an administrative hold, preventing their disposal, by the Chief of Police or his/her designee, the Professional Standards Lieutenant or a commanding officer. This administrative hold may be discontinued by written request from the Chief of Police, his/her designee or the Commanding Officer responsible for the employees or activity involved in the recording.
  - e. If upon receipt of a complaint concerning the conduct of an employee, the supervisor taking the complaint determines the event has been recorded, that information shall be forwarded to the District Commanding Officer, and the Professional Standards Lieutenant with the details of the complaint.
2. Only designated members of the Forensic Services Unit shall have access to the original in-car data capture system digital file. All requests for digital copies shall be submitted on an Internal MPD "on line" Lab Request Form.

Digital copies for purposes not associated with the investigation or prosecution of a violation of law will only be made and or created subject to one of the following:

- a. Permission from the Chief of Police or his/her designee;
  - b. Request by a Commanding Officer;
  - c. Request by the Professional Standards Lieutenant or his/her designee;
  - d. Required by court order;
  - e. An approved Open Records request.
3. All in-car capture system digital video and audio recording are subject to Wisconsin Open Records Law.

## **12-200 USE OF MOBILE DATA TERMINALS / MOBILE DATA COMPUTERS**

Mobile Data Terminals (MDT's) and Mobile Data Computers (Laptops) will be operated and utilized in accordance with this policy. Officers are expected to use the MDT's/laptops properly, and it is mandatory that certain functions be performed with the MDT/laptop.

All commissioned personnel expected to use MDT's or laptops in the course of their duties will be provided training in their proper usage.

### **MANDATORY FUNCTIONS**

The use of the following MDT/laptop functions by patrol officers is mandatory:

1. Enroute to Call (F2): Officers will use the MDT/laptop to note that they have been dispatched to, and are enroute to a call for service.
2. Arrived at Scene (F3): Officers will use the MDT/laptop to note that they have arrived at the scene of a call. If two or more officers are dispatched to a call, officers must also use the radio to advise dispatch and other units that they have arrived at the call.
3. In Service (F4): Officers will use the MDT/laptop to note that they have cleared from a call and are in service. The primary officer will enter the disposition code, designating whether a report will be completed on the incident. Officers must also use the radio to advise dispatch and others units that they are in service.

### **OPTION USE OF MDTS**

The use of other MDT/laptop functions (out of service, data checks, message send, etc.) is optional. However, all dispatching of, acknowledgment of, and disposing of calls for service will continue to be done verbally over the air as well as on the MDT/laptop. Certain information (e.g., telephone numbers, complainant's names, etc.) may be relayed through MDT messages alone. Silent dispatching of calls by MDT is not authorized except with permission from the Officer-in-Charge.

### **RULES FOR MDT USE**

1. Inappropriate or unprofessional messages will not be sent via MDT/laptop.
2. When operating a motor vehicle, officers will use due caution in using a MDT/laptop.

## 12-300 AUTOMATIC EXTERNAL DEFIBRILLATOR

### GOAL

The goal of the Madison Police Department is to utilize the Automatic External Defibrillator (AED) to increase the probability of resuscitation of a pulseless non-breathing victim.

### QUALIFICATIONS

In order to use the Madison Police Department's AED, an employee must have American Heart Association (AHA) or equivalent training in the administration of CPR and AED use. All sworn employees are required to be trained as Professional Healthcare Providers and to maintain their certification every 2 years or as often as the AHA requires.

### PLACEMENT

An AED will be in the OIC's office in the City County Building at all times.

An AED will be in an accessible area of each remote District Station at all times. The only exception to this will be during hours when personnel are not assigned to work in the District station. During this time, the district AED will also be available for patrol to check out.

Patrol Squads will be designated in each police district as AED equipped. These squads will have interior markings indicating to the operating officer that the squad is AED equipped.

### START OF SHIFT CHECK-OUT PROCEDURE

1. The AED shall be kept in the passenger compartment of the squad, not in the trunk.
2. Officers assigned an AED equipped squad shall at the beginning of his/her shift:
  - a. Insure that the AED is in proper working order by checking the LED display.
  - b. Insure that the AED battery is properly charged by checking the LED display.
3. If an AED unit is not functioning properly, the Out of Use Protocol should be followed.

### OUT-OF-SERVICE PROCEDURE

1. If the "OK" does not appear on the handle or if the battery or service light is on, follow the instructions on the printed card inside the AED jump kit.
2. If Physio-Control representatives cannot be reached or cannot reset the AED, the unit is to be placed out-of-service and the officer will:

- a. Attach a buck-slip to the AED jump kit with a description of the problem.
- b. Send an email to the Personnel and Training Team's AED coordinator describing the problem.
- c. Place the AED in the OIC's office.

## RESPONSE PROTOCOL

Officers equipped with an AED jump kit should respond to all "PNB" or "ECHO" calls in an area where they have a reasonable chance of arriving before the designated EMS unit.

Officers are allowed to respond to "PNB" and "ECHO" calls outside of their district and jurisdiction factoring in but not limited to the following:

1. How familiar you are with the location of the call
2. What your ETA is considering distance, weather, and traffic conditions
3. What the priority of the call is to which you are presently assigned
4. What patrol resources remain available in the City and your district
5. What are the relative locations of other responding AED's

If an officer is dispatched or if they decide to respond themselves, the officer shall inform dispatch that they are responding and give their ETA. The officer should disregard as soon as they are no longer reasonably needed if the call is not in their jurisdiction.

Officers will deploy the AED in a manner consistent with their training.

## POST-USE PROTOCOL

Once an officer has used the AED, they are responsible for the following:

1. Taking the unit out-of-service by placing a buck slip on the jump kit and conveying it to the OIC's office.
2. Sending an email to the Personnel and Training Team's AED coordinator and notifying them of the AED use and the serial number of the unit involved.
3. Filling out an AED use response form.

Exception to the above protocol: If a second "PNB" or "ECHO" call is received, after the AED has been used, the unit can be used again. Keep in mind that there is only one pair of electrodes left, and other equipment may have been used in the first incident.

## 12-400 VEHICLE ASSIGNMENT AND PARKING

### PATROL VEHICLES

Patrol officers are to advise the dispatcher of their vehicle number so that it is recorded on the daily work sheet.

If it is necessary to leave a patrol vehicle parked and unattended on the street at the end of a tour of duty, for whatever reason, it will be the responsibility of the officer to make arrangements with the Patrol Lieutenant or designee to retrieve and store the vehicle in the proper location.

The following applies to officers assigned out of the City County Building.

When not in use, patrol vehicles will be stored in the ramp or at the City Garage. Upon completion of their shift, officers are to bring their vehicles into the basement, unless otherwise advised. Whenever officers complete a tour of duty at a time other than a normal shift change, patrol vehicles must be driven to the ramp or other location directed by the dispatcher.

### NON-PATROL VEHICLES

All non-patrol vehicles are committed and assigned to specific employees, or for specific purposes, and may not be used by other employees except with the permission of their Commanding Officer or designee.

### PARKING

#### Ramp Storage

Vehicles which are designated for ramp storage must be parked in their appropriate stalls.

#### South Carroll Street Short Term Parking Spaces

South Carroll Street Short Term Parking Spaces are available. (Indicated by "Madison Police Vehicles Only" signs.)

#### Basement Short Term Parking

Basement Short Term Parking is available only in stalls marked "Police" or in the aisle behind those stalls. If the aisle is used, the vehicle key must be left with a Property Clerk so the vehicle may be moved for access to the designated stall. Short term means 20 minutes, or less. It is to be used when employees have specific business which necessitates presence in the station (i.e., patrol shift change, supply pickup, complaint taking, or emergency illness).

### MAINTENANCE OF VEHICLES

1. Preventive maintenance is scheduled by computer and the Automotive Service Worker will provide a temporary vehicle during maintenance when possible.



2. When a vehicle is disabled or in need of mechanical repair during a tour of duty, it must be towed, or driven to the First Street Garage. When the Garage is closed, the vehicle will be locked and the key ring placed in the lock box inside the gas station building. One copy of a Vehicle Problem Report Form must be left on the dashboard and the other turned in at the property room at the end of shift.

## COMPLIANCE

Cooperation by all vehicle drivers of the Department is essential. Vehicles should be fueled if the gas gauge indicates one quarter of a tank or less, and vehicles should be kept clean.

## 12-500 PROPERTY EQUIPMENT CONTROL

### RESPONSIBILITY

During hours in which the Property Room is staffed, Property Clerks will be responsible for the control of all property. In their absence, the Officer-in-Charge will be responsible.

### PROPERTY INTAKE ROOM

The Property Intake Room (GA-30) has been provided for temporary storage of evidence, found property and recovered stolen property. Property tags, evidence packaging supplies and storage lockers are provided within the Property Intake Room which has been keyed to allow officers access with department-issued keys. Officers are responsible for following established policies and procedures for packaging of items placed into temporary storage lockers as outlined.

#### Lockers

1. After packaging item(s) officers should place the item(s) in an empty storage locker and lock the door with the attached padlock.
2. Various size lockers are provided and officers are expected to use the appropriate sized locker for the items to be temporarily stored. One locker, marked "storage for small evidence items," is to be used for small items such as ID cards, drivers licenses, etc.
3. If an item is too large to fit into a locker, it may be left on the floor of the property intake room, with a property tag attached to it.
4. If there is more than one container used to hold seized items, it is necessary to mark each container with the case number and description of items within and property tag number to facilitate locating items in the future.

#### Property Tagging

1. Property tags which are numbered consecutively are provided in the property intake room. They must be used in numerical order and any which are voided must be forwarded to the property section.
2. Property tags must be typewritten and attached to the outside of the locker containing the described items.
3. If the items are to be checked for latent fingerprints, the words "Check For Latents" must be typed on the property tag to alert a property clerk.
4. All money (paper with serial number visible) will be photocopied. All money received will be tabulated and placed on tag (coins and paper). Copies will be attached with O.R. and one with Property Tag. Money will be packaged separately in a clear bag from other property and placed on a separate property tag.

5. Drugs and drug paraphernalia will be packaged separately from other property and placed on separate property tag.

### **Air Drying**

1. When air drying is required, leave the unpackaged item(s) in a storage locker with a note on the outside of the locker indicating "air drying."
2. Within four days, complete packaging of the item(s). If absent from duty for more than four days arrange with a commissioned co-worker to complete packaging of the items (if the items are dry).