

MADISON POLICE POLICY MANUAL

- ❖ Introduction
 - 1-100 Glossary
 - 1-200 Mission Statement and Core Values of the Madison Police Department
 - 1-300 Policies and Procedures

- ❖ Conduct
 - 2-100 Standard of Conduct and Code of Ethics
 - 2-200 General Regulations
 - 2-300 Conducting Interviews of Crime Victims
 - 2-400 Police Discretion

- ❖ 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 Personal Appearance
 - 4-400 Uniform Standards
 - 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
 - 4-1500 HR 218 Law Enforcement Officer Safety Act of 2004 for Retired Madison Police

- ❖ 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/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 and Crash Investigation
 - 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
 - 10-400 Drug Recognition Expert Policy
 - 10-500 Mounted Patrol Use
 - 10-600 Social Media

- ❖ Police Records
 - 11-100 Reporting Policy
 - 11-200 Policy Guidance for Inspection of Public Records and Documents
 - 11-300 TIME System Procedures

- ❖ 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
 - 12-600 Recording Suspect Interviews

INTRODUCTION

1-100	Glossary
1-200	Mission Statement and Core Values 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 MISSION STATEMENT AND CORE VALUES OF THE MADISON POLICE DEPARTMENT

MISSION STATEMENT

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

MPD CORE VALUES

Human Dignity

We acknowledge the value of all people and carry out our duties with dignity, respect, and fairness to all.

Service

We strive to deliver a high degree of service in an unbiased manner.

Community Partnership

We believe that the police can only be successful in improving safety and the quality of life the community enjoys when police and members of the public work together to address issues directly.

Integrity

We are committed to performing our work with the highest degree of honesty, integrity and professionalism.

Continuous Improvement

We seek to continually improve ourselves, and the quality of our service to the community.

Diversity

We value diversity.

Leadership

All employees are leaders. We value the talents, creativity, and contributions of all employees.

1-300 POLICIES AND PROCEDURES

DEVELOPMENT OF POLICY

It is important that all members of the Department have an adequate opportunity to offer suggestions for additions or revisions to policy and that there is a standard procedure for doing so. The standardized procedure which follows will allow anyone with a suggestion for change, or those who will be affected by a change, to easily and appropriately offer their ideas and concerns.

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

The Chief of Police has designated the Lieutenant of Professional Standards as chair of the Policy Review Committee (PRC). The PRC makeup should attempt to be representative of the various members of the Department and will act as an advisory group to the Chief and Management Team. The PRC will review proposed changes in policy as well as continually review existing policy. Personnel having suggestions for, or concerns with policy, should make contact in writing with the Chief of Police or any member of the PRC. The suggestion or concern should include an explanation of the problem, a proposed solution and all available information that is relevant to the problem.

Efforts will be made by the PRC to solicit and consider comments from department members as well as those outside the department who may be affected by changes in a specific policy. It may be appropriate to seek comments from persons outside the Department who have expertise in the area of policy in question.

The PRC will develop a draft of proposed modifications to policy. Others may also author proposed policy modifications, as designated by the Chief or Lieutenant of Professional Standards. The draft will be reviewed by Professional Standards and may be reviewed as appropriate, by other entities affected by the new or revised policy such as MPD partner agencies, the Officer Advisory Council, Civilian Advisory Council, City Attorney's Office, MPPOA/AMPS, etc. The draft will then be submitted to the Management Team for review and finalization. After review by the Management Team, the completed policy will be submitted to the Chief for approval. Upon approval, policy changes will be distributed to all personnel. The Lieutenant of Professional Standards shall assure that modifications to policy are updated on the department's computer network and website.

MAINTENANCE AND DISTRIBUTION OF POLICY AND PROCEDURES

Procedural Memos

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

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

Review and Revisions of Procedure

Outdated or inadequate procedures should be brought to the attention of the Chief of Police or commanding officer of the affected department unit. Department members will be notified of new or revised procedures and will be responsible for implementing them upon notification.

Madison Police Policy Manual

Each employee will receive an initial issue of the Madison Police Policy Manual. Employees are responsible for updating their copy of the manual as changes in policy are issued. The Madison Police Policy Manual 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
2-300	Conducting Interviews of Crime Victims
2-400	Police Discretion

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.

202 - PROHIBITION AGAINST RACIAL PROFILING

It is the policy of the Madison Police Department to expressly prohibit any officer-initiated actions that rely upon racial profiling. Specifically, officers of MPD are

trained and directed to engage only in those law enforcement activities that are driven by articulable behavior, or information that leads the police to a particular individual (or individuals) who are engaged or have been engaged in criminal activity.

During the performance of their duties, members of the Madison Police Department shall not use racial or ethnic stereotypes as factors in selecting whom to stop, cite, arrest or search. An officer may use race or ethnicity when it is relevant as to whether a person matches a specific description of a particular suspect(s).

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 a municipal ordinance for which a corresponding state criminal statute exists;
 - 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. Officers shall take reasonable measures to ensure the security and safe storage of department approved weapons. 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 – RADIO COMMUNICATIONS SYSTEMS

Members of the department shall use police radio 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.

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 and Civilian Staff who are authorized to operate city-owned motor vehicles shall promptly notify their commanding Officer if their driver license status changes to other than valid.

3. *Effective Date: 02/20/2012.* Employees shall report any changes to their legal name within twenty-four (24) hours of making such changes, by submitting the information in writing to the Chief's office.

Members of the Department shall use the same surname (last name) that is currently on record with their taxpayer I.D. # (Social Security number) for all formal work related matters and departmental identification. Examples of formal work related matters include but are not limited to payroll, reports, affidavits, citations, subpoenas, and warrants. Departmental identification includes items such as ID cards, business cards, and name tags.

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

Command approval is required for search warrants for any building or dwelling, but not for search warrants for property or vehicles already in MPD custody.

Based on the case circumstances a tactical entry may be necessary. Forcibly entering a dwelling or other occupied premises for the tactical execution of search warrants will only be performed by personnel who have appropriate training and who are in uniform or otherwise clearly identifiable as police officers.

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

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 HARNESES

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.

2-300 CONDUCTING INTERVIEWS OF CRIME VICTIMS

The Madison Police Department believes that the rights of victims should be protected. Wisconsin State Statute 950.02 (a) 1. in part, defines a victim as “a person against whom a crime has been committed.” Madison Police employees should exercise the following principles in regard to victims.

- Respond equally, respectfully, and compassionately to all victims/witnesses.
- Protect victims/witnesses from further victimization to the extent possible.
- Prior to, or following an interview refer victims to crisis and support services as soon as possible after victimization.
- Complete interviews in an ethical and fair manner while following legal and constitutional guidelines.
- Treat all those interviewed with respect and dignity.
- Remain patient and open minded while listening to victim/witness account.
- Utilize simple terminology appropriate to victim/witnesses age, sophistication, and intelligence level.
- Protect the confidentiality of the victim/witness information in as much as possible by law and policy.
- The duration of interviews will be generally dictated by the needs of the investigation. In reference to the duration, consideration should be given to such things as victim/witness fatigue, psychological trauma, medical needs, and victim advocacy rights.
- When dealing with crime victims, investigative techniques involving trickery and/or deception shall be utilized as a last resort when the integrity of the allegations is in serious doubt. That doubt may stem from investigative information provided from varied sources including victim statements, witness statements, suspect statements and forensic evidence.

2-400 POLICE DISCRETION

Police officers, of necessity, exercise professional discretion in deciding whether or not to arrest citizens for violations of the law. Other specific laws, department policies, or orders of a supervisor may further limit officers' discretion and direct whether or not to effect an arrest.

In general, police officers, using sound professional judgment, may take the following factors into consideration when deciding whether or not to arrest a citizen:

1. The seriousness and nature of the offense (generally, the more serious the offense, the more likely arrest is the preferred course of action);
2. The potential that arrest will effectively aid in the resolution of a conflict;
3. The availability of legal alternatives to arrest that would adequately resolve the conflict or problem;
4. The likelihood that the citizen will be deterred from future violations by warning and education;
5. The officer's belief that the citizen made an honest mistake in violation of the law;
6. The victim-witness's interest in prosecution;
7. The likelihood of formal prosecution of the offense;
8. The potential that arrest will create more serious breaches of the peace or other problems (e.g., inciting riot);
9. Legitimate competing priorities for police resources.
10. The officer's belief that the arrest will protect members of the community and/or the citizen.

The following factors are among those that are improper for a police officer to consider in deciding whether or not to make an arrest:

1. The citizen's economic status, race, ethnicity, gender, or other status for which the law prohibits legal discrimination;
2. The revenue likely to be generated by fines or penalties imposed upon conviction;
3. The personal or professional relationship that the citizen has with the police officer or with other influential citizens;
4. The personal advantage to the officer for processing or avoiding processing of the arrest (e.g. overtime compensation, desire to finish tour of duty, avoidance of paperwork, etc.).

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.

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.

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 protect the safety of such visitors.

The Captain of Investigative Support 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 Captain of Investigative Support 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 Captain of Investigative Support will forward the recommendations to the Chief of Police for approval.

The Captain of Investigative Support will maintain a recordkeeping system for dignitary requests.

The Captain of Investigative Support or designee will ensure that an after action report is completed for each event.

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.

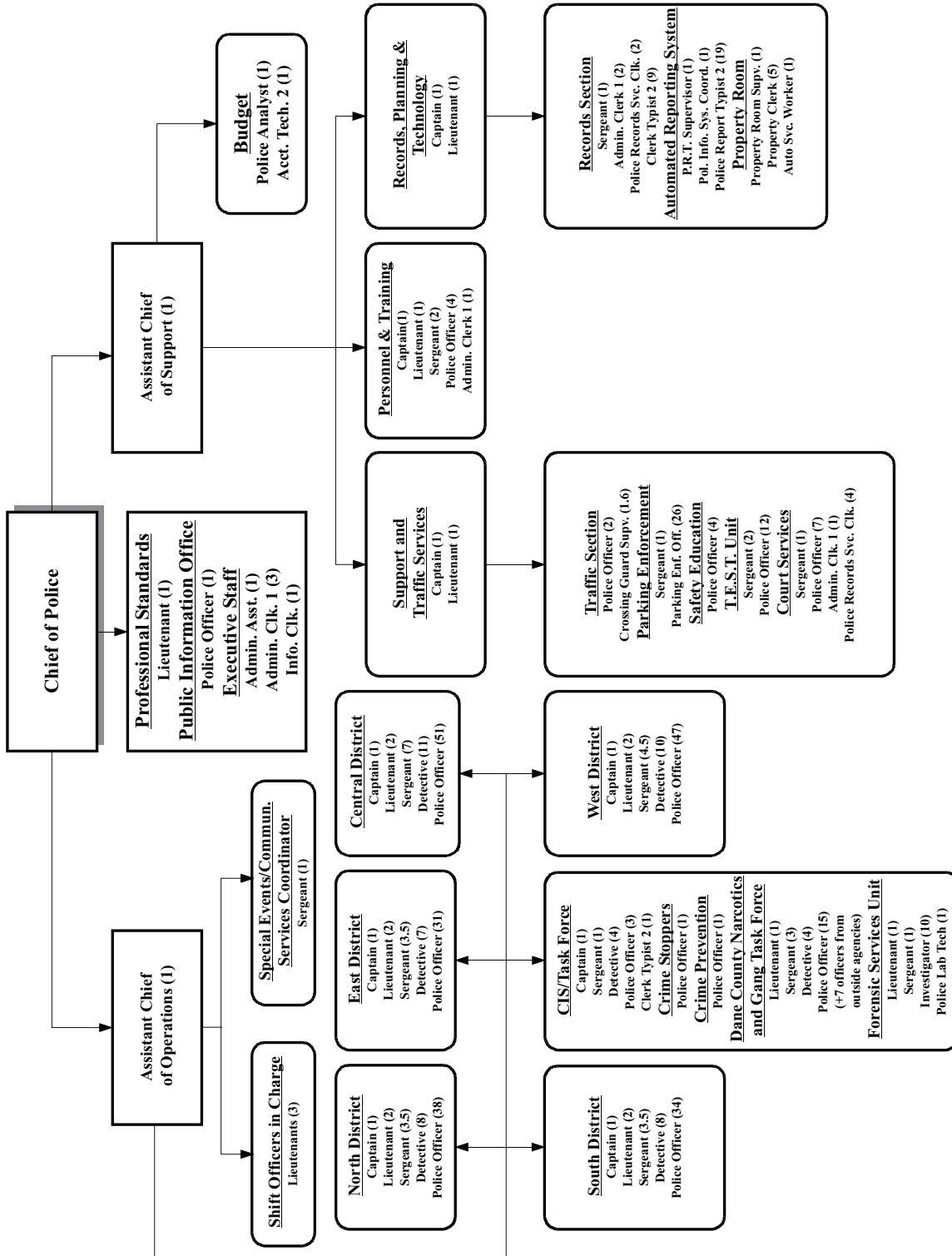
Other reports may be read, reviewed and countersigned as the Officer in Charge’s workload permits.

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	Personal Appearance
4-400	Uniform Standards
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
4-1500	HR 218 Law Enforcement Officer Safety Act of 2004 for Retired Madison Police

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 PERSONAL APPEARANCE

All members of the department are visible representatives of the City of Madison and its Police Department. The purposes of this policy are to:

- Ensure that MPD employees present a professional image to citizens we have contact with and to other MPD employees.
- Provide consistent standards on what is appropriate to wear to work.
- Help provide a safe workplace.

This policy applies during work hours to all commissioned and non-commissioned members of the Madison Police Department unless otherwise specified.

No personal appearance policy can cover all contingencies, so employees must exert a certain amount of judgment in their choice of appearance and clothing to work. If an employee is uncertain in these areas they should ask their supervisor.

COMPLIANCE RESPONSIBILITY

Responsibility for complying with MPD personal appearance and uniform standards rests with each MPD employee. However, each commanding officer and supervisor is also responsible for ensuring that employees within their command or immediate supervision comply with this policy.

PERSONAL HYGIENE

All employees shall ensure that their body and clothing is kept clean to prevent offensive odor.

TATTOOS AND BRANDING

1. Tattoos and branding may be required to be kept covered if they are political, have a potential negative impact to MPD, or have potentially offensive words, terms, logos, pictures, cartoons, or slogans.
2. Visible tattoos and branding on the ears, head, or face are prohibited. Visible tattoos on the neck area are prohibited unless approved by the Chief of Police.

FINGERNAILS

Fingernails shall be no longer than one-half inch from fingertip and shall be professional in appearance.

HAIR AND HAIR ACCESSORIES

The length and bulk of an employee's hair shall not be such that it presents an unprofessional, unkempt, or neglected appearance.

Extreme unnatural hair colors are prohibited. Hair accessories must be professional in appearance. If wigs and hair pieces are worn, they must conform to the established grooming standards.

Uniformed officer's and uniformed civilian's hair shall be restrained or arranged in such a way as to not extend more than two inches below the bottom of the collar. It shall not in any way obstruct the visibility of any uniform insignia, interfere with vision or the wearing of the uniform hat/cap, or the proper placement of protective head gear or the gas mask.

FACIAL HAIR

1. Employees may wear beards, Vandyke goatees, mustaches, or other arrangements that present a groomed appearance when maintained in a neat, clean manner.
2. 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.
3. Facial Hair shall not exceed 1-1/2 inches in length.
4. Officer's facial hair shall be trimmed or shaved so as not to interfere with the proper seal of the gas mask.

JEWELRY

1. Jewelry worn shall be professional and may not have potentially offensive words, terms, logos, pictures, cartoons, or slogans.
2. Earlobe hoops or plugs (used to enlarge piercing holes in the earlobes) are not allowed.
3. Officers and uniformed civilians may wear two rings on each hand, which cannot have a height over one half inch from the top of the finger.
4. Officers and uniformed civilians may wear one wrist watch.
5. Officers and uniformed civilians shall not wear more than two earrings on each ear. They shall not be larger than 10mm each.
6. Uniformed officers and uniformed civilians shall not wear any visible necklace, unless authorized by the department (e.g, ID chain).
7. Uniformed officers and uniformed civilians may wear one bracelet which fits close to the skin. Medical bracelets are also allowed.

BODY PIERCING

The wearing of body piercing jewelry by officers, other than allowed earrings, is prohibited on body areas that are visible to the public. Non-commissioned personnel may wear one piece of body piercing jewelry no larger than 5mm that is professional in appearance, doesn't pose a safety risk, and doesn't interfere with the employee's job performance.

NON-UNIFORM CLOTHING

Non-uniformed employees of the department should recognize that their appearance and dress reflect on the department in a manner similar to that of uniformed employees and therefore shall be professional in appearance. The non-uniform clothing standards below are minimum standards. Particular job duties (for example-representing MPD at a meeting or event) may require the employee to dress to a higher standard. It is expected that employees will be aware of those situations and dress appropriately. They should contact their supervisor if they have questions about particular situations. There may also be times where job duties would reasonably allow for a lower standard of clothing than what is listed below. In those situations an employee shall obtain supervisor's approval before dressing to a lower standard.

1. Clothing shall be neat and clean and shall not be torn, frayed, stained, excessively faded, or sheer to the skin.
2. Clothing must cover the midriff and back.
3. Clothing shall not be excessively loose or tight fitting and must not impede work or pose safety hazards when people are doing the work required.
4. Clothing, buttons, badges, or pins shall not have political or potentially offensive words, terms, logos, pictures, cartoons, or slogans. US Flag pins are allowed that are no larger than one square inch.
5. Non-commissioned employees may wear shorts that are knee length or longer and are professional in appearance. Athletic shorts shall not be worn.
6. Undergarments shall not be visible.
7. Non-uniformed commissioned employees potentially engaged in field work shall not wear sandals, open toed shoes, or open backed shoes.
8. Strapless, halter, spaghetti strap, and low-cut shirts or dresses shall not be worn unless worn under another blouse, shirt, jacket, or dress.
9. Tank tops or muscle shirts shall not be worn unless worn under another shirt.
10. Beach-style flip-flops, bedroom slippers, and other shoes that are not professional in appearance shall not be worn.
11. Headgear shall be appropriate for the circumstances and surroundings of the particular work environment the person is engaged in at the time. Scarves are allowed, as are head covers that are required for religious or medical purposes, with a Commander's approval.
12. Sweatpants, bib overalls, lounge pants, and athletic pants are not acceptable attire while working in an office environment.
13. The minimum clothing standard for court for a male employee would be dress shoes, dress pants, shirt, and a sport coat or tie. The minimum standard for a female employee would be dress shoes, shirt or blouse, dress pants or skirt, dress or suit.

4-400 UNIFORM STANDARDS

POSSESSION OF UNIFORMS AND NECESSARY EQUIPMENT

All officers shall possess a serviceable military style uniform and the necessary equipment to perform uniformed field duty. If an officer's regular job duties do not require the wearing of the military style uniform, it is necessary for them to have the uniform immediately available.

MILITARY STYLE UNIFORM GUIDELINES

1. No uniforms or equipment may be worn or carried on-duty unless it has been approved by the Chief of Police. Lists shall be maintained of approved uniform and equipment items. These lists will include items for specialized units and assignments.
2. Officers shall wear the military style uniform while on duty unless their assignment allows otherwise.
3. The uniform shall be kept clean and pressed and be worn complete with silver or gold (rank appropriate) buttons, insignias, badge, and nametag in place. It should not be torn, faded, or frayed, although it is understood that this situation can occur during regular job duties. 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.)
4. The full military style uniform consists of a uniform shirt with MPD patches on both shoulders, and uniform trousers. An employee shall wear the uniform shirt and trousers that are approved for their particular assignment.
5. 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.
6. When any uniform shirt is worn open at the collar, officers may wear only t-shirts which are white, navy blue, or black in color. When wearing a long-sleeve uniform shirt, a mock or turtle neck, navy blue or black in color, may be worn with the collar folded once. No visible insignia of a commercial nature is allowed.
7. Uniform shirt sleeves will not be worn rolled up when in public view. SET and SWAT officers are exempted from this rule while wearing their specialized BDU shirts, unless their Commander rules otherwise.
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. The Purchasing Clerk shall keep the list of authorized pins.

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 SET and SWAT teams may wear their SET or SWAT 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, SET or SWAT). 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 SET or SWAT 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 if possible, not the collar.
17. When a uniformed officer directs traffic, the safety vest or reflective side of the Spring/Fall jacket shall be worn, whether in an on-duty or special employment status. The department-issued raincoat, with the reflective side out may be worn instead of the traffic vest.
18. The following supplemental equipment is required while wearing the military style uniform.
 - a. A plain black belt with 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.

19. The full military style uniform will be classified as follows:

Dress Class A	Class A	Class B	Class C
Commander Overcoat (if purchased)	Approved Outer Garment	Approved Outer Garment	Approved Outer Garment
8 point hat (outdoors, optional)	Approved Hear Gear (outdoors)	Approved Head Gear (optional)	Approved Head Gear (optional)
Dress Blouse			
White Long Sleeve Uniform Shirt, Navy tie	Approved Class A Uniform Shirt, long sleeve, (tie required) or short sleeve	Approved Class A Uniform Shirt, long sleeve (tie optional) or short sleeve	Approved Tactical Uniform Shirt
Approved Class A Uniform Trousers (4 pocket)	Approved Class A Uniform Trousers (no cargo or TDU style)	Approved Uniform Trousers	Approved Tactical Trousers
Black shoes (non-athletic)	Black approved (non-athletic) footwear	Approved Black Footwear	Approved Black Footwear
No Name Tag on Outside of Commander Overcoat	Duty Belt	Duty Belt	Duty Belt

20. Officers with the rank of Police Captain and above shall maintain a Class “A” Dress uniform. Officers with the rank of Police Lieutenant shall have the option of maintaining a Class “A” Dress uniform. Dress Class A uniforms shall be worn at official ceremonies of the Department (e.g. funerals, memorial services, graduations) or as directed by the Chief of Police.
21. Officers shall wear a Class A uniform to all court appearances (including probation and parole revocation hearings), to special assignments, or any other time as directed by a supervisor. It is expected that officers who have court scheduled during their regular work hours will wear a Class A uniform to the court appearance, though it is understood that in limited circumstances it may not be possible to change into a Class A uniform prior to the court appearance.
22. Officers shall have the option of wearing Class A or Class B uniforms for their daily assignments unless otherwise directed by MPD policy or a MPD Supervisor.
23. Rank Insignia
- a. Rank insignia shall be worn on the epaulets of the of the outer most garment when possible (including Dress Blouse), except rainwear.
 - b. All insignias shall be worn on the shirt collar.

24. Honor Guard members shall only wear the approved Honor Guard uniform.
25. Blazer Uniform
 - a. The Blazer uniform is authorized as an alternative uniform and may be worn by any officer with the approval of a Commanding Officer.
 - b. Officers electing to wear the blazer may wear a shirt, tie, and coordinated trousers from their own wardrobe, which is in line with contemporary business attire.
26. Bike Uniform

Officers may wear the approved bike uniform only when assigned to ride MPD bicycles for the duration of their shift. The bike uniform will consist of:

 - a. Approved MPD bicycle shirt.
 - b. Approved athletic shorts, pants, shoes, and black or navy blue socks.
 - c. Protective helmet.
 - d. Full duty belt, including weaponry as required in the Police Weaponry guide.
 - e. Approved MPD bicycle jacket.
 - f. Officers may also wear the military style uniform while using the bicycle, but in that situation must wear a protective helmet and yellow reflective vest over their uniform for greater visibility. With supervisor's approval for tactical reasons, an officer may refrain from wearing the yellow reflective vest.
27. Mounted Patrol Uniform

Mounted Patrol officers may wear the Mounted Patrol uniform while assigned to Mounted Patrol activities. The Mounted Patrol uniform will consist of:

 - a. Approved MPD Mounted Patrol shirt. The approved Class A MPD uniform shirt may be worn for ceremonial activities.
 - b. Approved MPD riding pants.
 - c. Approved MPD riding boots.
 - d. Approved MPD Mounted Patrol jacket.
 - e. Protective helmet.
 - f. Full duty belt.

IN-SERVICE DRESS/EMPLOYEE DEVELOPMENT

Officers shall dress in clothing and gear consistent with their regular assignment unless notified otherwise by a member of the Training staff.

SPECIAL DUTY JOB

Officers working “special duty” jobs in uniform shall adhere to the military style uniform guidelines in this policy. If the assignment requires a non-military style uniform dress, officers shall dress in clothing consistent with the non-uniform clothing standards in this policy.

BODY ARMOR

It is the policy of the Madison Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

If the officer’s assignment is uniform field work in an enforcement capacity rather than administrative or support capacities, body armor shall be worn. Officers are responsible to ensure that body armor is functional and does not interfere with the performance of their duties. Exceptions will be at the discretion of the commanding officer.

HEAVY BODY ARMOR

Officers may utilize personally owned, department approved supplemental heavy body armor while on duty in accordance with these provisions:

1. Only approved heavy body armor and accessories will be utilized. Heavy body armor carriers will indicate “POLICE” on the front and back, and may not be modified without approval of the Captain of the Personnel and Training Team.
2. Officers will ensure that their individually owned heavy body armor is properly maintained and regularly inspected.
3. Officer must complete training and firearms qualification (as established by the Captain of the Personnel and Training Team) while wearing heavy body armor prior to using it in the field. All use of supplemental heavy body armor will be in accordance with departmental training.
4. Supplemental heavy body armor is not authorized for full-time wear. It may be utilized anytime an officer reasonably believes the potential for a deadly force threat from a firearm exists.
5. Officers will not utilize heavy body armor not assigned to them unless exigent circumstances are present.

BADGES

Officers on duty must carry their assigned badge and departmental identification card on their person. Officers wearing the military style uniform will have their badge displayed on the outermost garment worn. Officers not wearing the military style uniform who have their primary handgun visible must have their badge displayed either on the front of their waistband or on their chest area.

Parking Enforcement Officer Uniform

1. Parking Enforcement Officers shall wear the prescribed uniform while on duty unless their assignment allows otherwise. The prescribed uniform shall consist of items that have been authorized by the Chief of Police.
2. The uniform shall be kept neat and clean at all times. Madison Police Command Staff shall determine the wearability of the uniforms.
3. The uniform will consist of authorized pants, shorts, gray short- or long-sleeve polo shirts, gray short- or long-sleeve military style shirts, authorized jackets or sweaters and approved footwear and headgear.
4. Long- and short-sleeve uniform shirts may be worn open at the collar, with all but the top button buttoned.
5. When any authorized gray uniform shirt is worn open at the collar, officers may wear approved undershirts. These undershirts shall be black, white or navy blue in color. It is not authorized to wear long-sleeve undershirts with short-sleeve gray uniform shirts.
6. As of October 5, 2009 the white shirts were no longer authorized for purchase. Parking Enforcement Officers who still maintain wearable white shirts are authorized to continue their use as an authorized uniform.
7. Officers who choose to continue to wear the white uniform shirts are required to wear a white undershirt or appropriate undergarment at all times. These undershirts may consist of plain white t-shirts, long-sleeve jersey shirt or turtleneck. Parking Enforcement Officers have the option to purchase white undershirts using their own funds or may purchase the authorized white Under Armor gear using funds from their uniform account.
8. Madison Police Command Staff shall determine if the appearance and condition of the white uniform shirt continues to meet department standards. (Reference Item 2)
9. Authorized uniform sweaters may be used as an acceptable outer garment over an approved undershirt (turtleneck).
10. A Madison Parking Enforcement Patch must be displayed on the outer most garment at all times. When wearing uniform jackets and coats, a badge must be worn and it is required that a uniform shirt, uniform sweater, or authorized turtleneck be worn underneath at all times.

11. Parking Enforcement Officers must wear authorized ANSI Safety Vests when they are required to perform their duties in traffic or in reduced visibility conditions.
12. The approved footwear shall consist of black boots or shoes, when wearing uniform pants, and must be kept clean and polished. Approved footwear when wearing uniform shorts shall consist of white or black shoes with white or black socks. With prior approval sandals may be worn during the summer months and must be black or navy in color. Sandals may only be worn when wearing uniform shorts. They must be an athletic type sandal (Colombia, Nike, Teva, Etc.) with straps securing both the foot and ankle.
13. Parking Enforcement Officers wishing to purchase their own white tennis shoes (due to limited approved choices) may do so. These shoes must be free of bright colors, overly graphic designs or lights.
14. Wearing authorized headgear is optional.
15. Any items that Parking Enforcement Officers wish to incorporate into the approved uniform list must be brought to the attention of the Parking Uniform Committee.

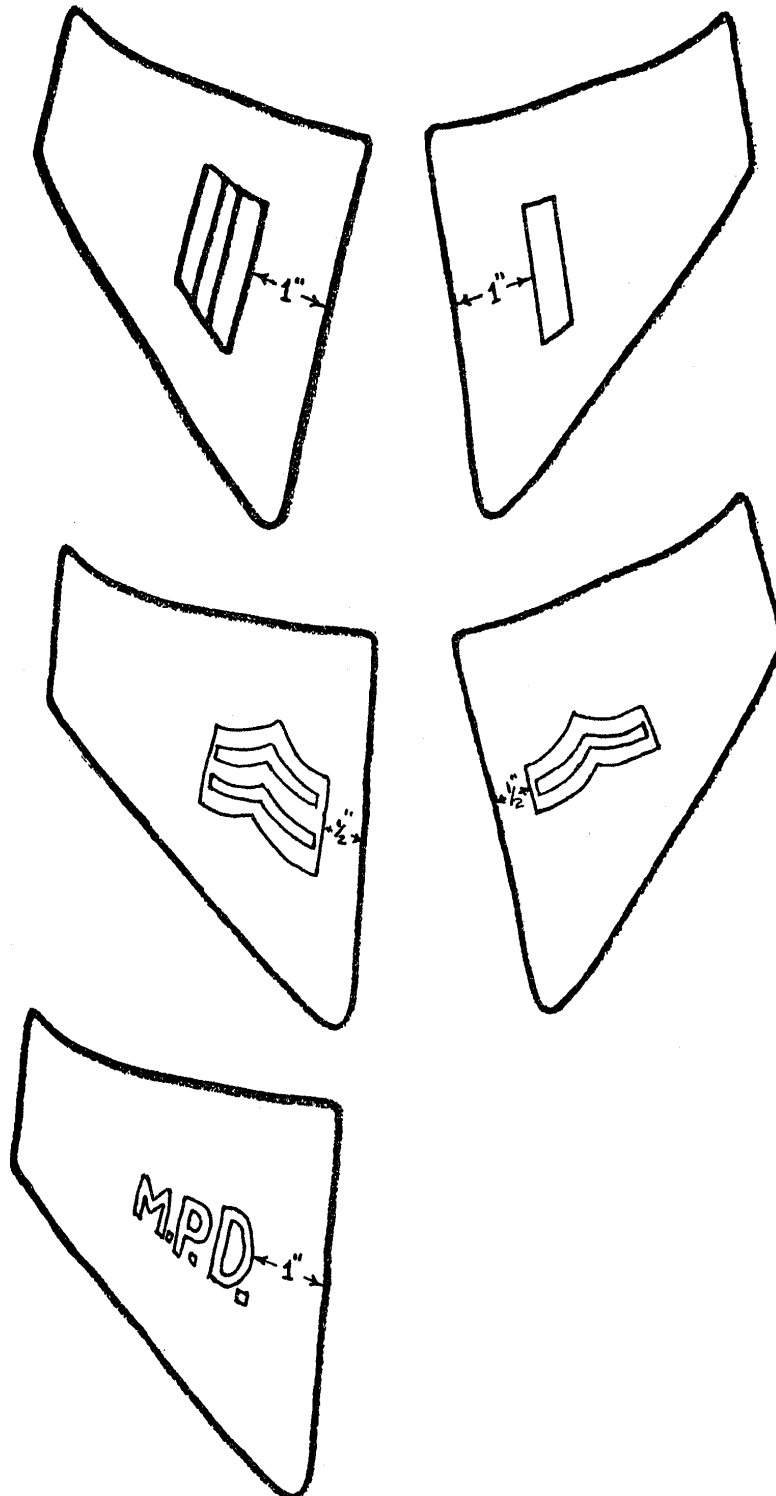
UNIFORM ACCOUNT

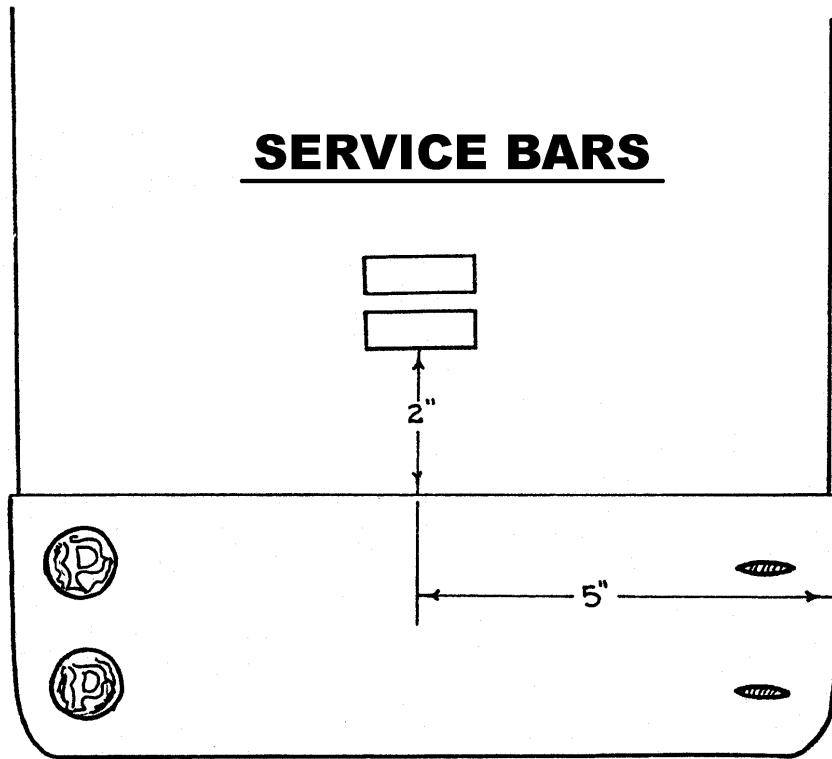
1. Existing agreements between the City of Madison and the labor unions which represent uniformed personnel of the Madison Police Department spell out current provisions for use and administration of uniform accounts.
2. Under no circumstances are employees permitted to exceed the amount available in their account. It is the employee's responsibility to track their account balance, and they are responsible for any applicable tax.
3. All uniform and equipment purchases for use on-duty by personnel on the monthly clothing allowance must be approved items consistent with this policy.

ADDENDUM A

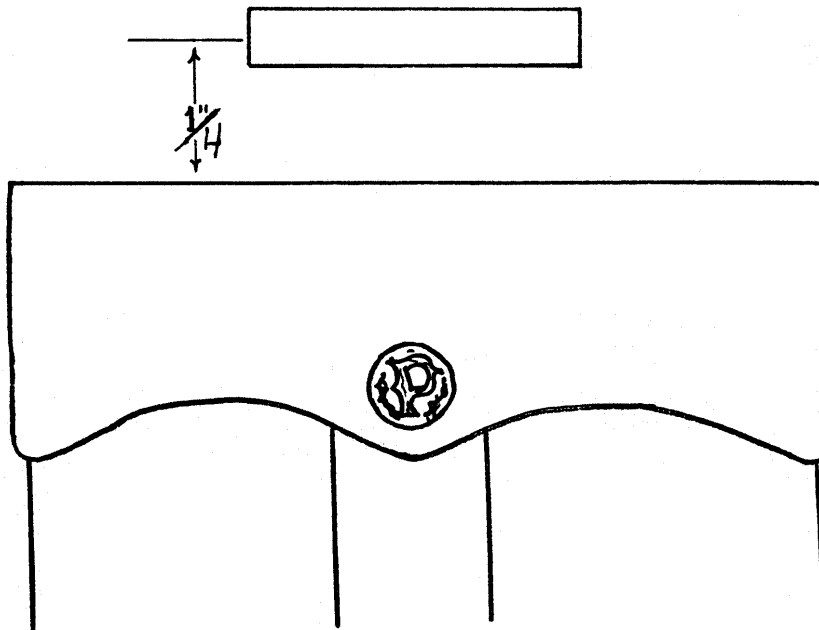
Collar Insignias

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



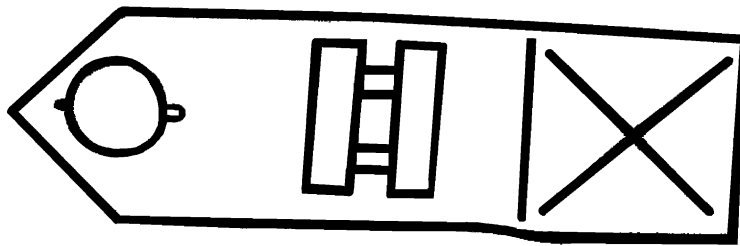
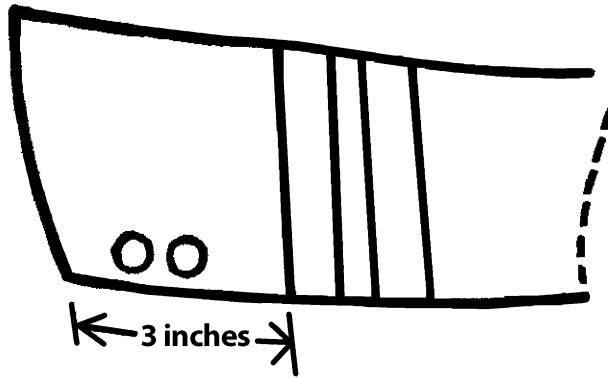


NAME TAG POSITION



Commander's Overcoat

- Sleeve Bars: 4 bars: Chief of Police
- 3 bars: Assistant Chief of Police
- 2 bars: Captain
- 1 bar: Lieutenant



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.

All commissioned personnel shall carry a fully loaded handgun, one extra fully loaded magazine and a pair of handcuffs on their person while on duty pursuant to the guidelines in this policy unless otherwise directed or waived by a commander for special circumstances.

Officers will qualify in accordance with department standards with any handgun carried on or off duty.

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 primary holster requiring a different carrying method must successfully qualify with that holster prior to use on duty. Any officer transitioning to a weapon-mounted lighting system must successfully qualify with that system prior to use on or off duty.

Officers shall not carry more than two handguns.

The Chief of Police may authorize special weapons and/or ammunition to be carried by S.W.A.T. officers.

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 at a minimum, the factory Glock components needed which per Glock Inc. requires 5.5 lbs of force to fire. If an officer chooses, they can utilize, if installed by Glock or a certified armorer a configuration that makes the trigger pull heavier as long as Glock factory parts are utilized.
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 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.

An officer may not be simultaneously qualified for more than one brand of semi-automatic pistol to be used as a primary weapon.

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

Detectives and Plain-Clothed Personnel: When detectives or plain-clothed officers wear their weapon in plain view, they will also display their MPD badge in a manner that is clearly visible and have their MPD identification on their person.

Specifications for Secondary Firearms

1. All secondary weapons must meet the following specifications:
 - a. Smith & Wesson, Sig Sauer, Glock, Beretta, Ruger or Walther brand
 - b. Double action or Safe action Glock as specified above
 - c. Semi-automatic action only or revolver
 - d. .380, .38, .357, 9mm, .40 caliber or .45 caliber
 - e. Carrying any other type of handgun must be approved by the Chief of Police or designee in advance.
2. Officers will qualify with their secondary weapons annually. 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.
3. 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.
4. Officers may be responsible for ammunition and weapon maintenance for secondary and off-duty weapons.

Off-Duty Firearms Carry

1. Officers wishing to carry a handgun while off duty based on their authority as a Madison Police Officer must comply with these guidelines:
 - a. Officers carrying a handgun while off duty, must have a badge and MPD identification on their person.
 - b. Officers carrying a handgun while off duty are responsible for knowing and acting in accordance with the Off-Duty Officer Responsibilities policy and all other relevant MPD policies.
2. Officers who have been issued a license to carry a concealed weapon under 175.60 Wis. Stat. may carry weapons as authorized for any license holder by applicable state law. Officers carrying a weapon off duty pursuant to a license issued under 175.60 Wis. Stat. are limited to carrying in places and circumstances a license holder would be.
3. No firearm may be carried 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.

General Specifications

Only department-authorized service ammunition shall be carried on or off duty. Officers are only authorized to use magazines designed and marketed by the manufacturer of the weapon being carried.

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. A weapon mounted lighting system is considered to be an extension of the weapon and shall not be removed from the weapon except for repairs, battery/bulb replacement, or when training without the lighting system is desired.

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. Holsters must meet the following specifications:
 - a. Uniformed personnel, while working in the field in a patrol capacity, 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 back of the slide or 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 personnel, not working in the field in a patrol capacity, 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. The holster will allow the handgun to be reholstered and secured with one hand.
 - c. Plain Clothes/Blazer Personnel shall carry a holster or fanny pack 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. The holster will allow the handgun to be reholstered and secured with one hand.
3. Primary duty holsters are to be worn in a manner that allows for a strong hand draw stroke.

4. Shoulder holsters which meet the following specifications are authorized:
 - a. The holster will be worn in the manner intended by the manufacturer, and secured to the waist belt.
 - b. The holster will have the capability of allowing the handgun to be returned to the holster with one hand.
 - c. 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 an officer reasonably believes that the potential for the authorized use of deadly force may exist.
 - b. When it is necessary to secure in a safe place or check on the serviceability of the weapon.
 - c. At an approved range.
2. Confronting Suspects with Drawn Handgun
 - a. 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.
 - b. If applicable to the officer's particular weapon system, the pistol will be in double action mode, and the weapon will not be cocked.
 - c. If applicable to the officer's particular weapon system, 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 APPROVED RIFLES / ADMINISTRATIVE GUIDELINES

1. Officers will only use department authorized rifles.

2. No modification, alteration, or installation of any part on any department assigned or individually owned rifle shall be made without the approval of the Captain of the Personnel and Training Team or his/her designee.
3. Only officers who meet department training requirements are authorized to use department approved rifles and will use them in accordance with department training, policy, and established safety procedures.
4. Officers shall ensure that their department assigned and/or individually owned rifle is properly maintained, regularly inspected, and serviced in accordance with department training.
5. The Captain of Personnel and Training or his/her designee shall maintain rifle assignments and records.
6. Except for exigent circumstances, officers shall not use a rifle not assigned to them.
7. Uniformed officers assigned to and engaged in field operations shall ensure that their authorized rifle is properly secured in their squad at the start of their shift unless approved by a supervisor. This requirement does not apply to off-duty or special assignments.
8. Rifles transported in police vehicles shall be secured in the mounting brackets provided or be cased in the vehicle's trunk. The rifle should have an empty chamber, have the safety on, and have a magazine loaded with the prescribed number of rounds as established by the Captain of Training.
 - a. Only department approved rifle ammunition is authorized to be carried on duty.
 - b. A total of at least two magazines loaded with the prescribed number of rounds as established by the Captain of Training.
9. In police vehicles equipped with a prisoner transport screen, the screen shall be in the up or closed position when transporting prisoners, suspects, or persons under protective custody when a rifle is secured in the passenger compartment.
10. In the event an officer's rifle becomes fouled, is suspected of having a partial or complete barrel obstruction, or is otherwise not in a serviceable condition, it shall be immediately made safe and placed out of service until proper cleaning and/or repairs can be made. The officer responsible for the rifle shall promptly make written notice to the Training Team's In-Service Sergeant noting the nature of the problem. If the rifle will be unserviceable for an extended period of time, the officer will be issued a department owned loaner rifle zeroed to the officer.
11. In the event an officer's rifle is collected as evidence, the Training Team's In-Service Sergeant or his/her designee will issue a department owned loaner rifle zeroed to the officer as soon as possible.

12. Storage for rifles will be provided in each district station armory.

Individually Owned Rifles

Officers who have completed department approved training may carry and utilize an AR-15 A2/A3 style 5.56mm/.223 rifle they personally own while on duty.

The rifle shall meet the following criteria:

1. Be made by Colt manufacturing
2. Be semi-automatic
3. Have a minimum barrel length of 16 inches
4. Have a full or multi-position collapsible stock. No folding stocks are allowed.
5. Have a sling attached
6. Be equipped with iron sights

Optional Accessories for Authorized Rifles

1. Department owned rifles may be equipped with a flashlight. The flashlight mount must:
 - a. Not require a modification of the rifle hand guards as delivered by Colt;
 - b. Be able to be stored in the rifle mounting rack system in the squads.
2. Individually owned rifles may be equipped with the following accessories purchased at the owner's expense:
 - a. Flashlight
 - b. A vertical forward grip
 - c. A tactical hand guard or free floating hand guard. A low-profile gas block may be used in conjunction with an extended free floating hand guard.
 - d. An alternative stock and/or pistol grip
 - e. An Ambidextrous safety and/or charging handle
 - f. A "winter" trigger guard
3. Department owned rifles may not be equipped with optical sights.
4. Individually owned rifles may be equipped with optical sights.

5. Only department approved optical sights can be used on duty. The Captain of Personnel and Training or his/her designee will maintain a list of the approved optical sights.
 - a. If equipped with optics, the optics must allow for simultaneous utilization of the iron sights.
 - b. Officers utilizing an optical sighting system must qualify with that sighting system and iron sights prior to using the rifle on duty.
 - c. Officers may use a fixed-power magnifier in conjunction with the approved optic. The magnifier must utilize a mounting system that allows it to be instantly folded or rotated out of the way so the primary optic can be used without the magnifier, while remaining attached to the rifle. The Captain of Personnel and Training or his/her designee will maintain a list of the approved optical sights and magnifiers.
 - d. Rifle optics shall never be used as a replacement for binoculars.
6. Current SWAT members may add additional accessories to individually owned rifles with the approval of the SWAT commander.
7. Installation of accessories that require disassembly beyond the standard field strip must be completed by a trained armorer or gunsmith, and inspected by a department armorer prior to duty use.

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 1/2 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 personnel, while working in the field in a patrol capacity, shall have a Department authorized baton immediately available in their vehicle.
2. All uniformed personnel, while working in the field in a patrol capacity, are required to carry department authorized chemical agent. Carrying of department-authorized chemical agent is optional for non-field personnel.
3. All uniformed personnel, while working in the field in a patrol capacity, are required to carry a department authorized electronic control device (ECD). This does not apply to personnel who have not been trained in the use of an electronic control device, or if no device is available.
4. The use or carrying of any non-authorized firearm, electronic control device, ammunition, chemical agent, or agent-dispensing device is prohibited.
5. 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 (e.g., 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 an 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

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: Awarded to a Madison Police Department employee who has shown exceptional creativity, initiative and/or determination to find solutions to a problem utilizing a problem solving approach to identify and effectively deal with a problem(s), that if not addressed, would continue to negatively impact the department and/or community.

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

Each year, the Personnel Lieutenant or Chief designee will be responsible for selecting members of the Nomination Committee. The committee will review all information, commendations, letters or nominations. The committee will meet and recommend individuals who qualify for the above-mentioned awards. All recommendations will be forwarded to the Chief for final approval. The Personnel Lieutenant will contact individuals who submitted nominations that were not approved and notify them of that decision. Those individuals will then have ten days to appeal the decision. That appeal should be sent to the Chief of Police and to the Administrative Assistant to the Chief of Police. The Chief of Police will have final decision on the appeal. The awards presentation will coincide with National Law Enforcement Week in May of each year. The Nomination Committee will consist of:

1. Officer Advisory Committee Representative

2. MPPOA Representative
3. Personnel Lieutenant (or Chief's designee)
4. Community Representative
5. Local 60 member of MPD
6. Civilian Advisory Committee Representative
7. Sergeant
8. Detective
9. Civilian Supervisor

The Personnel Lieutenant will select all the members of the Nomination Committee, except for the MPPOA Representative, who will be selected by the MPPOA President. There will be a three-year term limit for all committee members, except for the Personnel Lieutenant or Chief's designee. Initially, the Personnel Lieutenant will identify some of the committee members to serve one- or two-year terms in order to establish a yearly turnover.

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.

All complaints will be assigned a conduct review number and entered into the Professional Standards & Internal Affairs (PS&IA) records system. Allegations of unlawful conduct or significant potential rule violations will be given a PS&IA investigation number. At any time during a conduct review, when discipline is anticipated a PS&IA investigation number shall be assigned.

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. Supervisory Responsibility

Supervisors assigned to investigate a complaint against an employee are responsible for conducting a thorough and fair investigation, and for respecting the dignity of all persons involved. If a citizen requests confidentiality of their name when submitting a request it shall be documented by the supervisor accepting the complaint.

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, a significant rule violation such as excessive use of force, or the complainant can show good cause for not making the complaint within the specified time limit. These complaints will be limited to a supervisory review of the available information.

5. Prompt Disposition of Complaints

Investigations of complaints against employees of the Department will be prompt, and disposition of conduct reviews will be within 60 days of the assignment of the complaint. Disposition of PS&IA investigations will be within 90 days of the assignment of the complaint. An extension of these time limits may be granted by the Chief of Police.

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. No citizen will be required to submit a complaint in writing.
3. Written complaints can be sworn to by the complainant before an official authorized to administer oath (e.g., a Notary Public).

Instructions for: *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:

- a. Have the complainant fill in his/her name.
 - b. Have the complainant read the attestation form and the attached facts forming the basis of the complaint.
 - c. Raise your right hand and ask the complainant to do the same while the oath is being administered.
 - d. Administer an oath to the complainant utilizing the following words: "Do you solemnly affirm 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.
 - e. The complainant must sign his/her name in the presence of the Notary Public, and the Notary Public must then sign as a witness and notarize the document in the presence of the complainant.
 - f. If a translator, or alternate signer, has been utilized during the above procedure, he or she must sign in the applicable space.
4. A citizen may 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. Supervisors receiving citizen complaints will obtain the nature of the complaint and a description of the events in question. All citizen complaints shall be documented in the PS&IA records system.
2. If the incident in question can be readily resolved because there are no disputed facts, and there is not an allegation of a significant policy violation (i.e., alleged criminal conduct, excessive use of force, or other violations that if sustained would result in a letter of reprimand or more severe disciplinary action) the supervisor may make a preliminary finding on the complaint. A written record of the complaint and predetermined disposition will then be forwarded to PS&IA for review.
3. A supervisor taking a complaint with a significant allegation of misconduct shall document the nature and description of the allegation as well as the contact information for witnesses. This will be submitted to PS&IA in writing. The supervisor should then follow the appropriate command notification protocol.

ALLEGATIONS OF CRIMINAL ACTIVITY, SERIOUS MISCONDUCT AND CRITICAL INCIDENTS

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

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

RESPONSIBILITY OF THE PROFESSIONAL STANDARDS AND INTERNAL AFFAIRS OFFICE

1. PS&IA will review, classify, document, and assign all incoming complaints.
2. PS&IA shall review the complaint history for the implicated employee on all incoming complaints. This information shall be shared at the staffing with the Chief, and also with the district/section commander.
3. Allegations of minor violations, for employees with no previous sustained conduct that would be related, will be assigned a conduct review number. Allegations of significant rule violations such as unlawful conduct, excessive use of force, violations that if sustained would result in discipline, or employees with previously sustained similar complaints will be given a PS&IA investigation number. A PS&IA investigation number will also be assigned to any conduct review that may result in discipline.
4. 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.
5. PS&IA will generally assign conduct reviews for minor complaints to the command staff of the involved employee for investigation.
6. PS&IA will ensure that the Chief of Police and the employee's commanding officer have been notified of significant complaints.
7. 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.
8. In cases where citizen complaints are filed against arresting officers, the investigation of an allegation will generally be conducted promptly. However, the investigation may be suspended, only at the direction of the Chief of Police, until the court proceedings are completed. In these cases a notice will be placed in the case file and the commanding officer of the involved employee will be notified
9. 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.

10. In cases of potential criminal conduct when it is necessary to assign additional investigators, the PS&IA will directly supervise the investigation and assigned investigators.
11. At the point that an investigating supervisor on any significant case reaches a predetermination, the file shall be reviewed for concurrence by the command officer of the employee.
12. Command officers shall review all completed complaints. The investigating supervisor will forward the file to the employee's commander for review and concurrence. The commander will be required to sign off on the investigation.
13. 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 72 hours in advance, unless waived by the employee.
 - f. The investigation was completed within the allowable time period.

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.
3. When possible, allow for 24 hours notice before an investigative interview.
4. Respecting the dignity of all persons involved in an investigation.
5. When appropriate, referring employees to the City's Employee Assistance Program.
6. 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.

7. When a complaint is sustained the investigating supervisor shall confer with PS&IA and the district/section commander to determine if the complaint will be sent to the Chief for a potential disciplinary action.
8. Conducting a predetermination hearing, when a complaint is sustained and might result in disciplinary action.
9. 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.
10. Forwarding all documents of the completed investigation through the chain of command to the PS&IA for review and maintenance of the record.
11. Advising a complainant who is not satisfied that they have the option to pursue their complaint to the Police and Fire Commission.

COMPLAINT DISPOSITION

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

1. Exonerated: The alleged incident occurred, but was lawful and in accordance with policy.
2. Unfounded: The evidence shows that the alleged conduct did not occur.
3. Not Sustained: The allegation is not supported by a preponderance of evidence.
4. Sustained: A preponderance of evidence shows that the action of the employee was not consistent with Department policy.

In all cases the investigator shall review available information to determine if a policy violation occurred. When a complainant or witness fails to follow through with the investigating supervisor, the attempts to contact the complainant/witness shall be documented in the record.

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 PS&IA or the Commander/Manager of the employee. This notification should be made as soon as possible, but not later than 10 days following completion of the investigation and command review procedure.

MANAGEMENT PREROGATIVE

Nothing in this policy shall be construed to limit the management prerogative of the Chief of 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.

PROFESSIONAL STANDARDS AND INTERNAL AFFAIRS RECORDS

1. The PS&IA will maintain records of:
 - a. All complaints investigated as conduct reviews.
 - b. Complaints that are assigned PS&IA investigation numbers.
 - c. A record of all received complaints, including dispositions.
 - d. Complaints against civilian employees.
 - e. Pursuit reviews.
 - f. Expired work rules/performance improvement plans.
 - g. Documentation of verbal counseling.
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, or not sustained 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.

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 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 PS&IA 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, and a copy 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.

LOCKER ROOM PRIVACY POLICY

Madison Police Department locker room facilities are provided for use only by authorized Department members. The Department recognizes the privacy rights of individuals using the locker rooms and the following policy is set forth to protect an individual's privacy as mandated by WI State Statute 175.22.

- Only individuals authorized by the Chief of Police or a commanding officer may, when necessary, enter and remain in the locker room to interview or seek information.
- No person may use a cell phone or any other recording device to capture, record, or transfer a visual representation of any person in the locker room. Any audio recording requires the authorization of the Chief of Police.

4-1500 HR 218 LAW ENFORCEMENT OFFICER SAFETY ACT OF 2004 FOR RETIRED MADISON POLICE

PROCEDURAL POLICY

The United States Congress passed the Law Enforcement Officer Safety Act of 2004, commonly referred to as HR 218 and codified as 18 USC Sec. 926B and C, which amended Chapter 44 of Title 18, United States Code by authorizing active and qualified retired law enforcement officers to carry a concealed firearm under certain conditions. It shall be the policy of the MPD to implement the Law Enforcement Officer Safety Act (LEOSA), 18 USC. Chapter 44 Section 926C under the following conditions and limitations.

PURPOSE

The purpose of this policy is to set out the procedures by which **only Retired Madison Police Officers** may obtain identification cards required by the federal statute.

1. Retired MPD police officers interested in obtaining weapons qualification and a LEOSA Identification Card are subject to this procedural policy.
2. Non-MPD retired officers will be referred to their respective agency or a local County Sheriff's department for HR 218 weapons qualification.

DEFINITIONS

Unless otherwise specifically stated in MPD regulations, policies or procedures, the definitions listed below are intended to apply to this procedural policy only.

Qualified Retired Law Enforcement Officer: means an individual who;

1. Retired in good standing from service with MPD as a law enforcement officer other than for reasons of mental instability;
 - a. Retired in Good Standing: Means at the time of retirement, the officer was not the subject of a disciplinary investigation and/or facing disciplinary action that could have resulted in his or her termination for misconduct or unfitness for duty.
 - b. Mental Instability: Means a medically determinable behavioral, psychological, and/or biological impairment. To retire for "reasons of mental instability" means that the officer was medically separated from service for "mental instability" as defined herein or was facing removal for reasons of "mental instability" at the time of a years-of-service or disability retirement.
2. Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, and prosecution of, or the incarceration of any person for any violation of law and had statutory powers of arrest;

- a. Before such retirement was regularly employed as a law enforcement officer with MPD for an aggregate of fifteen (15) years or more; or
 - b. Retired from service with MPD after successfully completing probation of due to a service connected disability (duty disability) as determined by the MPD. **Duty Disability** means “duty disability” as determined under Sec. 40.65, Wis .Stats.
3. Has a non-forfeitable right to benefits under the retirement plan for MPD;
 4. Has during the most recent twelve (12) month period, met at the expense of the individual, States of Wisconsin standards for training and qualification for active law enforcement officers to carry firearms;
 - a. At present, the State has left it to local jurisdictions to determine their own firearms training/qualification standards for active law enforcement officers.
 - b. Consequently, MPD testing standards for active law enforcement officers as described in this policy shall apply until such time as the State establishes a statewide standard.
 5. Is not under the influence of alcohol or other intoxicating or hallucinatory drug or substance; and
 6. Is **NOT** prohibited by federal law from receiving a firearm.

Law Enforcement Officer Safety Act Card: means an identification card issued by MPD pursuant to the Law Enforcement Officer Safety Act of 2004, 18 USC Sec.926(d)(1) that contains the following:

- A photo of the applicant identified as “retired officer.”
- The type of firearm with which the applicant qualified.
- Qualification date.
- Expiration date

Firearm: Means a semi-automatic handgun that is the same type as authorized to be carried by active duty MPD officers and is capable of discharging the following caliber ammunition:

- 380 cal.
- 45 cal.
- 40 cal.
- 9 mm

“Firearms” excludes revolvers of any kind and other devices named in HR 218, 18 USC Sec. 926C(e)(1)(2)(3).

PROCEDURE

1. Retired Officer Database:
 - a. MPD will maintain a database of retired officers. This database will indicate whether the retired officer is eligible to request a LEOSA identification card under HR 218 and this policy.
 - b. For the purpose of establishing this database, MPD will utilize criteria items 1 through 3 under the definition of a “Qualified Retired Law Enforcement Officer” to determine initial eligibility to receive a LEOSA identification card.
2. Determination of Eligibility:
 - a. Record of Service: MPD will use the MPD database and USC Title 18, Chapter 44, Sec. 926C(c) as a guideline to determine initial eligibility of the applicant and must determine that the applicant:
 - i. Retired in good standing from service with MPD as a law enforcement officer other than for reasons of mental instability;
 - ii. Before such retirement was authorized by law to engage in or supervise the prevention, detection, investigation, and prosecution of or the incarceration of any person for any violation of law and had statutory powers of arrest;
 - (1) Before such retirement was regularly employed as a law enforcement officer with MPD for an aggregate of fifteen (15) years or more or;
 - (2) Retired from service with MPD after successfully completing probation due to a service connected disability (duty disability) as determined by MPD.
 - iii. Has a non-forfeitable right to benefits under the retirement plan for MPD;
 - b. Background Check: A complete local, state, and federal background will be performed by MPD to establish the legal ability of the retired officer to possess a firearm and to determine the applicant’s eligibility to participate in the weapons qualification test under this policy. Grounds for failure of the background check include: any condition, circumstance, conviction or event which would make it unlawful for the applicant to possess a firearm; and/or any conduct engaged in or offense committed by the applicant which would be considered grounds for refusal to hire if engaged in or committed by an applicant for employment as a police officer in the Madison Police Department.

An applicant who fails the background check will not be permitted to continue in the process and the application will be denied.

- c. Firearms Qualification: The State of Wisconsin has not yet established a state standard for firearms training or qualification beyond that required for basic recruit training. Absent such a standard, it has become the responsibility and accepted practice of each law enforcement agency in the State to establish its own basic firearms qualification standard.
 - i. MPD will establish an official basic firearms test for this program.
 - ii. All MPD retired officers are to meet the standards established by MPD for training and qualification for active MPD officers to carry a firearm of the same type as the firearm intended to be carried by the retired officer.
 - iii. MPD retired officers will be notified of the elements of the qualification course and the time and date of the next qualification session at the time of application for a LEOSA identification card.
- d. Issuance of I.D. Card: MPD retired officers who have been determined to be initially eligible must pass the background check and successfully complete the basic MPD firearms test to receive a LEOSA identification card.
- e. Denial of I.D. Card:
 - i. Within the provisions of the Law Enforcement Officer Safety Act and this policy, the Chief of Police or designee will exercise the right to question, approve or deny any request for an identification card described in this policy or the LEOSA.

3. Application for Law Enforcement Officer Safety Act Identification Card:

- a. Eligible retired MPD applicants may request a Law Enforcement Officer Safety Act identification card by written application to the Madison Chief of Police or designee either upon retirement or anytime thereafter by completing the application form attached to this policy and submitting the established fee. Failure to submit a complete application will result in denial of the LEOSA identification card. A complete application shall include the following:
 - i. Acknowledgement that the LEOSA identification card **does not confer any law enforcement authority** and is strictly limited to the provisions of the Law Enforcement Officer Safety Act;
 - ii. Acknowledgement that the retired officer has read and is familiar with the Law Enforcement Officer Safety Act of

2004 and that she/he is a qualified MPD retired law enforcement officer as defined by this policy and the LEOSA.

- iii. Acknowledgement that any authorization regarding concealed carry under the LEOSA is strictly limited to the type of firearm on which the individual qualified hereunder.
 - iv. A signed declaration that the retired MPD officer is not prohibited from purchasing or possessing a firearm by either federal or state laws;
 - v. A signed waiver and release of claims and agreement to indemnify, defend, and hold harmless the City of Madison, its agents, officers and employees from any and all liability arising from any and all claims, suits, and actions related to carrying a firearm as authorized by the LEOSA of 2004.
 - vi. The acknowledgements, declarations and agreements in paragraphs i thru v shall be provided by MPD and included in the application packet either as part of the application or as a separate form(s).
 - vii. With respect to any applicant who retired on a “duty disability” under Sec. 40.65, Wis Stats., documentation that the retirement was not due in whole or in part to “reasons of mental instability” as that term is defined under the provisions of the Law Enforcement Officer Safety Act.
- b. Fees: At the time of application submission the applicant shall submit a non-refundable fee set by MPD to cover administrative costs, background check, the test session and supplies. The fees will be established by the Police Chief and adjusted annually as necessary to reflect the forgoing costs.

4. Pre-Weapons Qualification Requirements:

- a. Only MPD retired officers who have been determined to be eligible, have submitted a complete application and have successfully passed the background check will be scheduled for the weapons test. Prior to the weapons test, retired MPD officers must provide the following:
 - i. A receipt or other proof of payment of the non-refundable fee set by MPD to cover administrative costs, the background check, the qualification session and supplies. The applicant will supply the required ammunition for the course;
 - ii. A completed release, waiver of liability, and indemnification form required by MPD that contains the following:
 - (1) Release and waiver of liability and indemnification related to the use of any MPD designated weapons range used in the qualification process.

- (2) The “Waiver and Release Form” shall be titled as such and provide: I am a retired MPD police officer who is eligible to attempt to qualify to carry a concealed firearm, pursuant to the Law Enforcement Officers Safety Act of 2004 (18 USC Sec. 926C). I recognize that MPD is not legally required to provide me with firearms instruction or a firearms qualification course. I understand that to do so, I will be required to fire my weapon under the direct supervision of MPD or Dane County or other MPD authorized entity instructors. I agree to indemnify, and hold harmless the City of Madison, its officers, agents and employees for any injury caused by my participation in this qualification test process. I further waive any claim for damages against the City of Madison, its officers, its agents and employees for injury suffered by me while participating in this qualification test process.
 - iii. A completed release, waiver of liability, indemnification and assumption of risk form as required by the site owner.
 - b. At the time of weapons qualification, the retired MPD officer applicant must sign a declaration that; (1) s/he is not under the influence of alcohol or other intoxicating or hallucinatory drugs or substances; and (2) is not prohibited by federal law from receiving a firearm.
5. Weapons Qualification:

MPD or its designee agency will periodically host a firearms qualification test for MPD retired officers.

 - a. Retired MPD officers will be required to:
 - i. Successfully complete and pass the basic MPD firearms test to the standards as currently required for active duty officers. Failure to pass the qualification will result in denial of the application and no card being issued.
 - ii. Qualify only with firearms approved under this policy.
 - iii. Complete release, waiver and liability and assumption of risk form and any other forms as required by the MPD and site owner.
 - b. During the qualification session MPD will:
 - i. Have the applicant sign the release, waiver, indemnification and assumption of risk documents as required by MPD and the site owner and the declaration required under 4.b. and all qualification required documents related to the qualification

- session. These documents will be collected by MPD and maintained in the applicant's Department database and/or file.
- ii. Provide an information sheet informing the retired MPD officer that issuance of a LEOSA identification card does not confer any authority to act as a law enforcement officer or an agent of the City of Madison or the City of Madison Police Department.
 - iii. Provide an information sheet advising each applicant that s/he is solely responsible for becoming familiar with the LEOSA of 2004 (HR 218) and all local, state and federal laws relating to possession/use of firearms.
 - iv. Provide MPD approved range personnel to administer the firearms qualification test established pursuant to this policy.
- c. MPD approved test administrator may terminate the test session in his/her discretion in the event he/she considers that the applicant is not eligible to participate and/or for safety reasons.
 - d. An applicant who fails the weapons test shall be given one more opportunity to successfully complete the test during the same qualification session.
6. I.D. Card Issuance:
- a. MPD will issue to the applicant in person the department's approved LEOSA identification card upon:
 - i. The applicant's successful completion of the weapon course.
 - ii. Final review of all eligibility requirements by the Chief of Police or his/her designee.
 - b. All LEOSA I.D. cards shall remain the property of MPD. The cardholder shall surrender his/her card to the Chief of Police or designee upon written notice setting forth the reasons for such surrender.
 - c. LEOSA I.D. cards shall expire twelve (12) months from the date of issuance.
 - d. All LEOSA I.D. cardholders must maintain a current address and telephone number with MPD and report any changes within 10 days after the change.
 - e. I.D. card renewals, reapplication after application denial, reapplication after failure to successfully complete the weapons test, and/or request to be qualified on another approved firearm shall follow the same procedure as for initial application.

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.

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.

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. In addition, PSO's will serve as the first point of contact for the OIC when a critical incident has occurred. Upon notification, the PSO reviews the incident, coordinates contact between the involved employees and the responding CISM provider, and makes arrangements for follow up as appropriate.

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, a Peer Support Officer, or the Peer Support Program Supervisor. 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 an on-duty Peer Support Officer, and/or the Peer Support Program Supervisor 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 PSO or Program Supervisor 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 a PSO or Program Supervisor is not immediately available, the OIC or Commander may contact the Critical Incident Stress Management (CISM) provider directly. In some cases, the PSP Supervisor may contact a Peer Support Officer to respond in to coordinate contact between the involved employees and the responding CISM provider. If a Peer Support Officer is not available, the OIC, Commander, and/or PSP Supervisor will designate a supervisor or other officer outside the Peer Support Program 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 PSO/PSP Supervisor, upon notification of a critical incident, shall review the circumstances and contact the CISM provider. The PSO shall respond to coordinate the contact between the involved employees and the responding CISM provider.

The PSO/PSP Supervisor 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. Subsequent to a critical incident, the OIC may authorize administrative leave for involved employees for the remainder of that work shift. The granting of any additional administrative leave shall be in accordance with Policy 5-600 Temporary Administrative Leave.
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, Peer Support Supervisor 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.

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/significant others deal with personal, behavioral, or medical problems.

CITY EMPLOYEE ASSISTANCE PROGRAM (EAP) PROCEDURE

The Employee Assistance Program utilizes a full-time Coordinator and an internal network of employees, designated as Peer Support Officers who are nominated and receive special training. The program also contracts with an external EAP Provider giving employees or family members the option of being served internally or externally.

An employee or family member wishing to utilize the EAP has the following options:

1. Contact the City of Madison EAP Coordinator – The City EAP Coordinator provides direct services to city employees and their families. In addition, the City EAP Coordinator is responsible for joint oversight of the MPD Peer Support Program.
2. Contact an MPD Peer Support Officer (PSO) – Peer Support Officers have received specific training to be a resource for those seeking assistance with personal and work-related stress.
3. Contact the City's external EAP Provider – The external EAP Provider is a private EAP firm with which the City contracts for employees and families who wish to be assisted by a service outside of the City's program.

EAP GENERAL GUIDELINES

1. 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.
2. 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.
3. 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.

4. 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.

CONFIDENTIALITY GUIDELINES

All contacts with the City EAP Coordinator, Peer Support Officers, and external EAP Provider shall remain strictly confidential unless:

1. Prior written consent is obtained from the employee using the City EAP Coordinator, or the external EAP Provider, that specifies exactly what information may be disclosed, to whom, and for what purpose.
2. An unexplained, unusual, or suspicious death
3. A case of suspected child neglect or abuse
4. A threat to one's own life or safety, or that of another
5. A report of committing, having committed, or threat to commit a crime
6. A threat to public health or safety
7. A report or information required to be reported by police per S.S. 968.075 (WI Domestic Abuse Law)

Peer Support Officers are not afforded the same legal privilege regarding confidentiality that the City EAP Coordinator and external EAP Providers receive. There is no guarantee that a court, whether civil or criminal, will not under some circumstances be able to order either the individual seeking assistance through the Peer Support Program, or a Peer Support Officer to whom the individual spoke, to disclose any conversations which may have taken place, unless the Peer Support Officer has a confidentiality privilege under Chapter 905 of the Wis. Stats. (Clergy, etc.).

EAP REFERRAL OPTIONS

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 a 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 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 whenever possible.

There are three types of referrals to the EAP:

1. **SELF-REFERRAL:** Employees with personal problems are encouraged to seek help on their own initiative before health or job performance is affected. They can discuss their problems with the City EAP Coordinator, a facilitator of their choice (including the department Peer Support Officers) or the external EAP provider. The EAP will assist the employee in contacting his/her health care provider or in contacting appropriate community resources to provide service for that type of problem. The EAP will also follow up with employees to make certain they gain access to needed services.
2. **SUPERVISORY:** Whenever an employee with an established record of acceptable work evidences a pattern of inconsistent or deteriorating job performance that fails to respond to supervisory input (e.g., verbal instructions, written job instructions, discussion of job performance), the supervisor should encourage the employee to contact the City EAP Coordinator, one of the Peer Support Officers, or the External EAP provider.
3. **CO-WORKER:** When an employee believes that a co-worker 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, the Peer Support Program, or other treatment sources. The employee may also contact the City's EAP Coordinator who will discuss available options.

MPD PEER SUPPORT PROGRAM

The purpose of the Peer Support Program is to provide a core group of personnel who are trained to provide support, information and referral to employees and family members who are seeking assistance whether it is related to a critical incident, day-to-day work stress or personal life stress.

PROGRAM STRUCTURE

Oversight of the Peer Support Program will be the responsibility of the Captain of Personnel and Training and a designated Program Supervisor at the rank of Lieutenant.

Role of Program Supervisor (Lieutenant)

1. Work with the City EAP Coordinator to facilitate program use and assure adherence to program guidelines.
2. Responsible for supervision of Peer Support Officers (PSO) and overall program implementation and utilization.
3. Work with the City EAP Coordinator to provide ongoing training for Peer Support Officers, as well as other department training on EAP/CISM programs.
4. Coordinate regular meetings and share information with Peer Support Officers.

Role of Peer Support Officer

1. To serve as a peer support person for employees and their families seeking information on EAP resources for issues such as work or personal stress, emotional stress, addictions, financial stress, relationship difficulties, and family concerns.
2. Peer Support Officers will not provide therapy or counseling but will act as a referral person to available resources.
3. Peer Support Officers will coordinate group critical incident defusings/debriefings by working with the responding CISM provider to assess specific intervention needs.
4. Make follow up contacts with affected officers at intervals to be determined by the mental health provider.

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 that 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.

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. Peer Support 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.

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 oneself, 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 and order the suspect to desist from unlawful activity.

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 scene 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 the District where the incident occurred and the District of the involved employee(s).
 - c. Notify the Chief, Assistant Chief of Operations, Assistant Chief of Support Services, Captain of Investigative Services and Lieutenant of Investigative 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. Ensure that services regarding involved personnel have been provided.
 - b. Direct the investigation of the incident.
 - c. 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).
 - d. 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.
 - e. The OICI lieutenant will contact the District Attorney or a Deputy District Attorney at the earliest practical opportunity to inform him/her of the incident and investigation.
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 coordinated by PSIA, after consulting with the OICI Commander.
 - ii. The involved officer(s) will be given the opportunity to provide voluntary statements. PSIA will communicate with the officer(s)' Union Representative or legal counsel on this issue. No officer will be disciplined for declining to make a voluntary statement.
 - iii. If the officer(s) elect to provide voluntary statements, the OICI commander will assign personnel to conduct the interviews.
 - iv. If the officer(s) decline to provide voluntary statements, the Assistant Chief of Operations (or designee), after consultation with PSIA and the OICI Commander, will determine whether the officer(s) will be ordered to provide statements. If the officer(s) are ordered to provide statements, the following procedure will be adhered to:
 - PSIA will order the officer(s) to provide a statement, and the order will be documented in writing.
 - A separate case number will be drawn for the compelled interview.
 - The OICI Commander, after consultation with PSIA, will assign detectives that have not been involved in the initial investigation to be the primary interviewers.
 - Detectives conducting the compelled interviews will report directly to PSIA, and the original reports will be maintained by PSIA. Content of the compelled interview (and reports documenting the compelled interview) will only be used for internal investigation/review of the incident, and will not be released to the District Attorney's Office (or other prosecuting entity), the OICI Investigation Team, or to

any member of the public. Compelled statements will only be subject to release when no possibility for criminal prosecution (of the subject of the compelled interview) remains.

- ii. Deviations from this procedure may only occur with the approval of the Chief (or designee).
6. Duties of the District Captain or designee.
 - a. Ensure adequate supervision at all scenes.
 - b. Ensure that involved personnel have had appropriate opportunities to contact family members, Union officials, and/or attorneys.
 - c. Ensure that EAP services have been offered.
 - d. Place the officer(s) on a minimum of one-day paid administrative leave. Confer with the officer's Commander and/or Assistant Chief of Operations regarding additional days. This may include additional paid administrative leave time or a temporary special assignment.
 - e. Ensure that within 72 hours of the incident, the involved officer(s) are contacted by a department approved traumatic stress professional.
 - f. Ensure that regular command briefings are given to the Chief and Assistant Chief of Operations.
 - g. If applicable, ensure that Policy 5-300 Significant Exposure to Blood Borne Pathogens is followed.
 7. Assistant Chief of Operations
 - a. Shall have oversight of the criminal investigation.
 - b. Coordinate media releases until such time that this responsibility is delegated back to the District.

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

It is the policy of this Department that officers, while in the performance of legal duties, shall always employ force in a manner that is objectively reasonable based on the totality of the circumstances. *GRAHAM v. CONNOR*, 490 U.S. 386 (1989) The reasonableness test is an objective one and must be judged from the perspective of a reasonable officer at the scene.

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.

FORCE CONSIDERATIONS

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

1. The existence of alternative methods of control.
2. Physical size, strength and weaponry of the person as compared to the officer.
3. The nature of the encounter.
4. Actions of the person.
5. 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 presence and verbal commands shall always be the preferred method of control. Because verbal commands are not always effective or appropriate in gaining compliance, officers may escalate the degree of force 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.

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

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

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

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. 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 three (3) 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 when an officer reasonably believes a lesser degree of force would be insufficient to control the situation.
2. An officer shall never intentionally strike a person's head with a baton unless such an action is justified under the use of deadly force.
3. Officers shall only use 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. Deployment of impact projectiles at non-vital areas is considered non-deadly force. Impact projectiles may only be used under the following circumstances:
 - a. To overcome violent or assaultive behavior or its threat; if the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
 - b. To control persons in order to prevent them from harming themselves or others.

Additionally, an officer must reasonably believe that a lesser degree of force would be insufficient to control the situation, or that it is necessary to deliver force at a safe distance from the suspect/subject.

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. Officers shall apply handcuffs in a manner prescribed by the Chief of Police through Departmental training.
3. When handcuffs prove to be insufficient in restraining an individual (e.g., kicking, attempting to flee, etc.), officers may employ the use of additional department-approved restraining devices.
4. 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.
5. Individuals who are placed in the maximum restraint position should be continuously monitored for breathing and circulation.

USE OF SPIT HOODS

1. A spit hood is a temporary protective device, which may be used on persons that display behavior or threatening behavior that pose a hazard of exposure to bodily fluids transmitted by spitting, wiping blood from their face/head, or wiping/blowing nasal discharges at or onto officers.

2. Officers should use only department approved spit hoods. In an emergency situation if not readily available, officers may utilize other breathable items, such as pillowcases, surgical masks, etc.
3. Officers shall apply the spit hood in accordance with department training.
4. Persons wearing the spit hood must be closely monitored and shall not be left unattended.
5. Officers shall document the use of the spit hood including the circumstances requiring its use in their report of the incident. A copy of the report shall be routed to Training.

USE OF FORCE REPORTING REQUIRED

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

1. Firearms
2. Baton
3. Chemical Agents,
4. Handcuffs or other restraining devices,
5. Physical force

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

USE OF FORCE REVIEW AND INVESTIGATIONS

All instances of the use of non-deadly force shall be reviewed for compliance with MPD policy by an appropriate supervisor.

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

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

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 found¹ 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,² 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.³
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.

ENFORCEMENT ACTION OUTSIDE OF JURISDICTION

Wis. Statute 175.40 empowers a law enforcement officer to take enforcement actions outside of his or her territorial jurisdiction, within the state of Wisconsin, under certain circumstances. This policy outlines the circumstances under which Madison Police officers may intervene while outside of the territorial jurisdiction of the City of Madison and the actions that may be taken.

¹ "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.

² "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.

³ "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.

This policy applies only to those Madison Police officers are on duty at the time the incident. This policy does not apply to officers who are off-duty or acting under a mutual aid request.

1. Madison Police officers shall take intervention or enforcement action when:
 - a. The officer is on duty and on official business outside of the City of Madison but within the State of Wisconsin; and
 - b. The officer would be authorized to take action if the incident occurred in the City of Madison; and
 - c. The officer is acting in response to:
 - i. An emergency situation that poses a significant threat to life or of bodily harm; or
 - ii. An act the officer reasonably believes is a felony.
2. Madison Police officers may take enforcement action including making arrests and issuing citations:
 - a. On the entire width of boundary highways and on the entire area of boundary intersections, for any violation of either the state criminal code or any City of Madison ordinance.
 - b. When in fresh pursuit of a person suspected of having committed a violation of either the state criminal code or any City of Madison ordinance in the City of Madison.
3. Determining appropriate enforcement action.
 - a. This policy authorizes Madison Police Department officers to act as if they were within the territorial jurisdiction of the City of Madison.
 - b. When acting under this policy the officer shall comply with all Madison Police Department regulations, policies and procedures.
 - c. The officer shall consider a number of factors when determining the nature and extent of intervention action to be taken. These factors include but are not limited to:
 - i. The nature and particular circumstances of the situation.
 - ii. The level of threat presented.
 - iii. Availability of appropriate equipment and personnel.
 - iv. Officer-Subject factors based on a tactical evaluation.
 - v. The officer's assignment and whether taking action will significantly compromise that assignment.

- vi. Other tactical considerations.
4. Range of appropriate action.
- a. In the case of an emergency situation that poses a significant threat to life or of bodily harm an officer shall take immediate intervention action to prevent such harm or stabilize the situation, or both. The action may include:
 - i. Any combination of stopping, detaining, or arresting a suspect;
 - ii. The use of force sufficient to control the situation and in compliance with Department policies;
 - iii. Rendering aid and assistance to victims;
 - iv. Identifying and interviewing victims, witnesses and suspects;
 - v. Assisting local law enforcement agency as requested; or
 - vi. Taking other action that would be authorized under the same circumstances if the events had occurred in the City of Madison.
 - b. When encountering a situation which the officer reasonably believes constitutes a felony, he or she may:
 - i. Take immediate intervention action as outlined above; or
 - ii. Notify a local law enforcement agency for appropriate intervention.
 - (1) In determining the appropriate response the officer shall consider the immediacy and level of threat presented by the crime.
 - c. Under this guideline an officer may elect to report the incident to local authorities and serve as a witness in a property crime or the officer may elect to intervene with appropriate force and make an arrest in the case of a personal crime that poses a significant threat to life or of bodily harm.
 - d. An officer is not required to take intervention action, even in the case of violent felonies, when doing so will either compromise the officer's current assignment or when circumstances present an unreasonable risk of escape of prisoners in the officer's custody. In such cases the officer shall at a minimum immediately notify local authorities and take whatever action possible while maintaining the security of any prisoners.
 - e. When an officer takes action in a circumstance that poses a significant threat to life or of bodily harm, he or she shall:

- i. Notify the local law enforcement authority as soon as practical;
 - ii. Assist and cooperate with local law enforcement agencies;
 - iii. Notify his or her supervisor, or the OIC as soon as practical; and
 - iv. Upon return to the City of Madison, complete a detailed report of the incident and action taken.
- f. When in fresh pursuit outside of the City of Madison, for an offense committed in the City, an officer may take action as if the officer were in the City. In doing so, the officer shall:
- i. Comply with Madison Police Department regulations, policies and procedures;
 - ii. Notify the local law enforcement agency and assist that agency in the investigation of any offenses that occur in that jurisdiction;
 - iii. Notify his or her supervisor or the OIC; and
 - iv. Complete reports of the incident as required by Department policy.
- g. When acting on boundary highways or in boundary intersections, an officer is not required to make any notification or take action other than that which is required if the incident occurred entirely within the City. This does not prevent the officer from informing the adjoining jurisdiction as a matter of professional courtesy.

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 (driver posts on the citation); or
2. Comply with Sec. 345.24 (Officer completes the Release to a Responsible Party form)

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 a significant investigation 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 interviews. Every attempt shall be made to record an in-custody interview of a juvenile in accordance with State Statute.
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.

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.

1. Warn and Release

A juvenile may be released with no further action, if the offense is minor in nature.

2. Municipal Ordinance Violations

A juvenile may be released after receiving a City Ordinance. 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. Criminal Charge

A juvenile may be released after being taken into custody for the commission of a crime. An Arrest Notification Form will be properly completed and disseminated. Fingerprints should be taken. A new photograph should be taken unless the juvenile's appearance has not significantly changed since the last photograph. The juvenile shall be released to a parent, guardian or legal custodian or other responsible adult.

4. 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 FOR JRC

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 Temporary Physical Custody Request Form should be completed prior to transporting the juvenile to JRC. A copy of this form should be forwarded to the juvenile court detective.
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 detective.

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 from a motor vehicle, the officer may conduct a search of the vehicle if there is a reason to believe the vehicle contains evidence of the offense for which the arrest has been made. The search is limited to those places in the passenger compartment where the evidence in question could be located. The search must be contemporaneous to the arrest.

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/parking impoundments; 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

A vehicle may be seized for forfeiture when an officer has probable cause to believe any of the following (a supervisor's approval is required):

- a. That the vehicle has been used to facilitate the sale, delivery or manufacture of controlled substances;
- b. That the vehicle has been used in the unlawful manufacture or commercial transfer of gambling devices;
- c. That the vehicle has been used to transport any property or a weapon used or to be used in the commission of any felony;
- d. That the vehicle was used in violation of 946.70 (Impersonating a Peace Officer);
- e. That the vehicle was used in violation of 944.30, 944.31, 944.32, 944.33 or 944.34 (Prostitution/Pandering/Solicitation);
- f. Other reasons authorized by 973.075 or by any other statute.

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

A vehicle seized for forfeiture will be transported to a police facility for storage. An officer who seizes a vehicle for forfeiture shall completely inventory the contents immediately upon its arrival at a police facility, using the Madison Police Department vehicle inventory form. 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 will be transported to a police facility for storage. A vehicle seized as evidence shall be completely inventoried as soon as practicable after its arrival at a police facility, using the Madison Police Department vehicle inventory form, 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.

5. Recovered Stolen Vehicles

Recovered stolen vehicles that are not believed to be connected to any other crimes generally should not be impounded. Instead, they should be processed for evidence at the location of recovery and released to the owner. If the owner is not available to take custody of the vehicle, it should be transported to a private storage facility for safekeeping pending release to the owner. An inventory should not be conducted.

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.

Abandoned and scofflaw vehicles (unpaid parking citations) may be towed pursuant to guidelines established by the Traffic Captain. These vehicles will be towed to a private storage facility and should not be inventoried.

Parked vehicles that are unreasonably leaking gas/oil/fluids or otherwise creating a safety hazard may also be towed. These vehicles should be towed to a private storage facility and should not be inventoried.

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

A vehicle impounded under this section should not be inventoried, and should be transported to a private storage facility.

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. The Madison Police Department vehicle inventory form will be used to document the vehicle's contents.

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.

Vehicle contents should be noted on the inventory form and returned to the vehicle in most instances. Contraband or evidence located during an inventory should be seized

and property tagged. 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.

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.

7-500 HANDLING OF EVIDENCE, CONTRABAND, FOUND OR LOST PROPERTY

This policy establishes procedures for processing, maintaining and disposing of evidence in a manner that insures the evidentiary value of the property as well as the integrity of the Department and its employees.

RESPONSIBILITY

Between the hours of 5:00 AM to 6:00 PM Monday through Friday, 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 for coordinating the handling of secured property.

PROPERTY INTAKE ROOMS

The Property Intake Rooms have been provided for temporary storage of evidence, found property and recovered stolen property. Evidence packaging supplies and storage lockers are provided within the Property Intake Rooms which have 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 specific locker is designated in each District's intake room for small items such as ID cards, driver 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.

TAGGING PROPERTY

1. All items will be entered into New World using the Quick Intake system. There is a guide for this system in each Intake Room. The item(s) should also be entered in the log book kept in each Intake Room.
2. Each container will be marked on the packaging or with an attached string tag with a minimum of the case number, officer name and IBM, description, and barcode number. The following should also be included: subject's name, date and time of collection, offense, and location where found.
3. Each package will be assigned it's own barcode number. Only one barcode number will be assigned per package.

4. Some types of property require special intake procedures or special storage. Officers having questions should consult with the Property staff, or, if they are unavailable, the Officer in Charge for guidance.

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. Criminal Cases
 - a. 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.
 - b. Marking Revolvers: Open the cylinder and scribe on underside of top strap of weapon.
 - c. Marking Pistols: Scribe under the grips and on the back of the clip near flood plate.
 - d. Marking Shotguns & Rifles: Pull bolt back and scribe inside receiver.
 - e. Firearms which are to be checked for latent fingerprints should be properly packaged and sealed with the identification data placed on the outside of the package.
3. In non-criminal cases firearms should be tagged with a string tag through the trigger guard.
4. All firearms should be placed in a gun box with the case number, date, officer name/IBM number and weapon description on the outside.

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.

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 Madison Police Department lab. The evidence must be entered into New World Quick Intake, 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 Madison Police Department lab, entered into New World Quick Intake 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 but should be immediately taken to the First Street Storage Unit. 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).

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. Offense
 - c. Date and time of collection
 - d. Name of person withdrawing the sample
 - e. Identification of each tube collected
 - f. Location of each tube

The blood kit itself must be sealed appropriately with the following information placed on the outside of the kit: date, suspect name, officer's name, case number and offense type.

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. Deceased Person: The Coroner takes the blood.
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. The blood kit box should also be properly sealed and marked on the outside with the date, case number, officer name, suspect name and offense.
2. 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.
3. Disposition of Samples. It shall be the responsibility of the assigned follow-up officer 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.
4. 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 officer shall periodically monitor the value of maintaining other biological evidence in the property room .
5. 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 CCB 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 maintain custody of the evidence once sealed by the medical personnel.

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 entered into New World Quick Intake, marked and sealed, and secured in a Property Intake 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.

CASH HANDLING

Accurately counted paper money will be photocopied (serial number side) prior to being separately packaged in a clear plastic evidence bag. The amount of cash will be reflected on the bar code sticker. The photocopies will be attached to the original report to be filed in Records. Coins must also be accurately counted and placed in clear plastic bags with the amount reflected on the bar code sticker. Coins do not need to be photocopied.

DRUGS AND DRUG PARAPHERNALIA

Drugs and drug paraphernalia will be packaged separately from each other and other property.

KNIVES AND OTHER SHARP OBJECTS

All knives and other sharp objects will be packaged in a safe manner. Plastic tubes are available in the intake rooms for knives, syringes, etc. If the object will not fit in one of the tubes, store the item in a sturdy box.

HAZARDOUS PROPERTY

Property that is infectious, infested, flammable, toxic and/or noxious should be entered into New World and placed in the small outbuilding next to the Evidence Storage Facility on the First St. lot. All items should be clearly marked to indicate what kind of hazard they pose. A biohazard label should be placed on any property that is contaminated with anything that may pose a biohazard threat.

VEHICLES

Vehicle Storage

Only vehicles that are of evidentiary value are to be towed to the Vehicle Impound Facility (VIF) building. An Officer must follow the wrecker to maintain a chain of custody and to admit the wrecker to the building. The tow driver and any other non-MPD personnel entering the building must complete logbook entries documenting arrival and departure from the facility.

Stolen or recovered vehicles should not be towed to the VIF unless unusual circumstances exist and the officer has supervisory approval. Recovered stolen vehicles should be towed to wrecker storage after being processed at the scene, when possible.

Hit and run vehicles should not be towed to the VIF unless unusual circumstances exist, or serious injury is involved and the officer has supervisory approval. All other

hit and run vehicles should be towed to the tow company storage facility after being processed at the scene, when possible.

All other vehicles should be towed in accordance with current procedures.

Intake of Vehicles at the VIF

All vehicles stored at the VIF must be entered into New World Quick Intake and assigned a barcode, following current procedures.

Release of Vehicles from the VIF

Vehicles are only to be released from the VIF in accordance with the current procedures, as outlined in the "Vehicle Impound Facility Procedure" memo.

AIR-DRYING

1. Items requiring air-drying should be placed in the Special Air-Dry lockers available at the Central District Intake Room. If these are not available, any other locker in the Central District Intake Room may be used. A note should be placed on the outside of the locker indicating "air drying". **Do not air dry in standard lockers at other districts.**
2. Within four days, officers must complete the packaging of the item(s). If absent from duty for more than four days arrangements should be made with a commissioned co-worker to complete packaging of the items (if the items are dry).

CHAIN OF CUSTODY

Written documentation for the removal or disposition of any item in evidence will be submitted to a Property Clerk. Any officer involved in the evidence chain shall document transportation or disposition of any evidence in a police report.

RELEASE OF SENSITIVE EVIDENCE/PROPERTY

Certain types of evidence and property create a higher liability by their very nature and shall be subject to special restrictions for temporary or permanent release.

Designated Evidence/Property

The following categories of property or evidence fall within these guidelines:

1. All controlled substances/drugs.
2. Any functional firearms.
3. US Currency amounts in excess of \$100.
4. Individual items with an estimated value in excess of \$1000. (Excluding vehicles.)

Authorization

Temporary or permanent release of any of the property/evidence listed above, must have documented authorization by one of the following commanding officers:

1. The Chief, or any of the Assistant Chiefs or Captains
2. A commanding officer from the District to which the case is assigned
3. The on-call detective Lieutenant
4. The Dane County Narcotics and Gang Task Force Lieutenant.

The temporary release of any controlled substances/drugs that have been designated to be destroyed may only be authorized by the Assistant Chief of Support Services.

Documentation

The temporary or permanent release of any of the designated sensitive evidence/property shall be documented on a Sensitive Temporary Release/Receipt Form or in an email from the authorizing Commander which includes the same information as this form.

In addition to this form, any officer to whom designated sensitive evidence or property is released shall complete an official police report documenting the handling and disposition of this property/evidence.

DISPOSITION OF PROPERTY REQUIREMENTS**Unclaimed Property**

State Statutes 66.0139 and 170.07-170.11 regulate the manner in which property coming into the possession of the Police Department is handled.

Items Not to Be Sold at Auction

It is required that items such as firearms, 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 or any Class A explosive, including M-80's and other powerful fireworks, 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 or disposed of in accordance with State Statute.

Other Property Released to Owner:

Other property will be released to the owner according to procedural guidelines set up by the Commander in charge of the Property Room.

Property Tag Retention

The Property Room Intake Report, generated when items are entered into New World, will be routed to the responsible District or Unit for review and disposition.

PROPERTY ROOM INVENTORIES/REVIEWS

An administrative review of the Property Room inventories and records shall be completed on an annual basis. This review will include a yearly audit to be conducted of all evidence and property contained within the property system. Property Room records shall be reviewed annually. Any identified chain of custody patterns should be examined further. Any variances or irregularities identified as a result of an audit of the property system inventories or records will be documented by the Supervisor and/or Commander designated to monitor those processes. This documentation shall be forwarded to the Assistant Chiefs of Operations and Support and the Chief of Police for review.

INVESTIGATIONS

8-100	Critical Incident Analysis
8-200	Barricaded Person/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 and crash investigation
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/HOSTAGE SITUATIONS

OBJECTIVES

The objectives of this department in dealing with barricaded person or hostage situations are:

1. preservation of life;
2. apprehension of perpetrator(s) using a reasonable amount of force;
3. securing available evidence to assist in the appropriate disposition of the perpetrator(s).

Safety Priorities

The basis for operational and tactical decisions will be based on the following safety priorities:

1. hostages and citizens;
2. law enforcement personnel;
3. suspects and subjects.

Hostage Situations

A hostage situation is defined as a scenario in which a person is being held against his or her will by an armed, potentially armed or otherwise dangerous suspect. The department will respond and take necessary steps to free innocent persons who are endangered and being held illegally against their will. Officers may take direct and immediate action—up to and including deadly force—in situations where a hostage is at imminent risk and the officers' reasonable actions have a high probability of neutralizing the deadly force threat or preventing the situation from escalating.

Barricaded Person Situation

An individual who has taken a position in a physical location that does not allow immediate police access and who is refusing police orders to exit. This could be a criminal suspect, or a person who is not suspected of committing a crime but who is the focus of a legitimate police intervention effort.

If a barricaded subject/suspect situation involves dangerous or assaultive behavior directed towards citizens or officers, involves a risk to public safety, or involves suspects wanted for serious felony crimes, officers—including SWAT personnel, if needed—will respond and resolve the situation. In other barricaded subject/suspect situations the benefits of forcing the suspect/subject from the location will be weighed against the potential costs (resources, impact on neighboring community, risks involved with tactical interventions, etc.).

If the decision is made to resolve the situation, minimally intrusive techniques (negotiation, time, illumination, etc.) should be considered and initially applied if practical. More intrusive techniques (chemical agents, distraction techniques, robotics, K9, tactical entry, etc.) should only be utilized when there is a lawful justification to arrest the suspect/subject or take him or her into physical custody.

SWAT Involvement

SWAT should be activated for confirmed hostage situations, and for barricaded person situations involving suspects/subjects believed to be armed. Initial requests for SWAT activation should be made to the SWAT tactical team lieutenant. A full-team SWAT activation should generally be approved by the SWAT Commander and Assistant Chief of Operations. However, SWAT use may be approved by any MPD supervisor if no SWAT commander/supervisor can be contacted, or in case of extraordinary emergency where command approval would be impractical. The SWAT commander will be notified as soon as possible of any SWAT usage that did not have prior authorization.

On-duty SWAT personnel may respond to assist with tactical situations as needed. Where possible, a SWAT supervisor will respond to the scene to oversee the utilization of SWAT personnel. If used for on-duty tactical situations, SWAT personnel will only be used in a manner that is consistent with the Team's training and standard operating procedures.

The actions of SWAT will be consistent with department use-of-force policy, MPD SWAT standard operating procedures, and with standard professional practices in the area of police tactical response.

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

All identification procedures utilized by the Madison Police Department will be formulated to ensure the reliable and accurate identification of criminal suspects while safeguarding innocent persons from mistaken identification. Specific procedures for conducting show-ups, photo lineups and in-person lineups will minimize suggestiveness and be consistent with research and national best practices.

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.

LAW ENFORCEMENT-RELATED DOMESTIC ABUSE

The purpose of this policy is to establish procedures for handling matters of domestic violence and abuse involving law enforcement officers and for implementing prevention strategies. This policy will provide law enforcement executives and department employees guidance in reporting and responding to and investigating domestic violence incidents involving agency employees and law enforcement officers, thereby discouraging and reducing acts of domestic violence by employees of law enforcement agencies.

The Madison Police Department will not tolerate domestic violence by its employees. Understanding that enforcing any actions against fellow officers can be complex and uncomfortable, this policy lays out procedures to help reduce the intimidation felt by responding officers. Responding officers are expected to handle these incidents in accordance with MPD policy and could face disciplinary actions if they do not report, investigate, or follow procedures correctly. Moreover, this agency will not tolerate any retaliation against responding officers or anyone who reports an incident of officer-involved domestic violence. Such retaliation is strictly prohibited and in violation of this policy.

This policy offers an approach toward officer-involved domestic violence. The procedures seek to educate officers at all phases of their career and use early intervention and awareness strategies as well as disciplinary measures, when necessary, to reduce victimization and increase the chances of officer career stability. Furthermore, whenever incidents of domestic violence are alleged to have occurred, the department will act quickly to protect the victim, investigate the allegations, arrest the perpetrator, and conduct appropriate administrative and criminal investigations.

Finally, federal law prohibits police officers convicted of qualifying misdemeanor domestic violence crimes from possessing firearms.

This policy applies to all agency employees, whether sworn or not.

Strategies–Prevention

1. Early warning and intervention: The department will utilize pre-hire screening procedures to screen out candidates with a history of domestic violence. In addition to the pre-service training of officers, officers and their families will be invited to attend an orientation and training on domestic violence and this policy. Throughout an officer's career, the department, supervisors, and officers will attempt to identify warning signs of domestic violence and intervene prior to an incident happening. Employees remain responsible for their conduct and are encouraged to seek help and to avail themselves of appropriate resources when necessary.

2. Prevention through education and training: The department will collaborate with advocacy groups on ways to educate officers and their families and conduct periodic training on domestic violence issues throughout officers' careers.
3. Collaboration with victim advocacy agencies: The department will continually foster relationships with local advocacy groups and include those advocacy groups in planning and offering training and in responding to domestic violence incidents.

Strategies—Incident Response

Incident response: Critical elements in responding to an officer-involved domestic violence incident include specific procedures for a department response, communications response, patrol response, and on-scene supervisor response.

1. Department members will follow specific procedures to respond to officer-involved incidents, ensure victim safety, for seizing and removing weapons from the officer involved, and for conducting appropriate follow-up.
2. Post-incident administrative and criminal decisions: After an officer-involved domestic violence incident, a designee of the chief will conduct two separate investigations. The administrative investigation will determine if the officer violated any departmental policies and procedures. The criminal investigation will determine if there is probable cause to believe an officer violated any laws, and whether a referral to the District Attorney's Office is appropriate.
3. Victim safety and protection: The department acknowledges the significant obstacles of victims of officer involved domestic violence. Departmental staff will work with community resources on victim safety and confidentiality. A designee of the chief will create a lethality assessment/safety plan as appropriate. Any perception of victim or witness intimidation/coercion will be promptly and vigorously investigated.
4. Members must be mindful of their duty to comply with MPD policies and procedures including the reporting requirements of MPD policy 2-249 *Reporting Significant Violations*. When the victim is an employee, consideration will be given in the reporting requirements of policy 2-249, as appropriate, to preserving the rights of the victim, including his/her personal safety. The department recognizes that when an officer, or other employee is the victim of officer involved domestic violence there may be reluctance, on the part of the victim, to report the abuse.

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
215 S. Hamilton St.
Madison, WI 53703-3297
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
215 S. Hamilton St., Rm. 1000
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 AND CRASH INVESTIGATION

The traffic enforcement objective of the department is to reduce traffic crashes 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.

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.

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 non-resident.

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 crash 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 crash occurred on public property or private property held open to the public, and:
 - a. the crash resulted in a reported injury or fatality of a person;
 - b. the crash resulted in damage to one person's property to an apparent extent of \$1,000 or more;
 - c. the crash resulted in damage to government-owned property, to the apparent extent of \$200 or more, or to a government-owned vehicle, to the apparent extent of \$1,000 or more.

2. Officers will respond to, investigate, and may complete the Madison Police Department's accident report (MPD4000) when:
 - a. the crash resulted in less than an apparent \$1,000 damage to either owner's property/vehicle, and;
 - b. the crash resulted in no reported injuries, and;
 - c. there are citizens requesting police documentation of their crash.

After an officer responds to a crash scene, and determines that the crash does not meet the criteria for a reportable MV4000, citizens can mutually decide that they would rather simply exchange names at the crash 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 crash resulted in property damage only and occurred during a time period when the OIC has determined that severe weather conditions, or other unusual circumstances has increased the number of crashes beyond the department's capacity to respond.
 - b. All of the vehicles/pedestrians involved in the crash have left the scene of the crash 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 obtain an MV4002 Self Report of Accident form from the DOT website or any law enforcement agency.

4. Officers will not complete an MV4000 or MPD4000 when:

The crash involved a collision between bicycles and/or pedestrians, and no motor vehicles. In this case, a report should be completed as an Incident Report.

5. Officers will submit addendum reports, (Officer's Report Form) when:

All of the information about the crash 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 crash where probable cause exists for a violation that is a causal factor in the crash, regardless of which form is used to document the investigation. Supervisor approval is needed when probable cause exists and no citation is issued.

Issuance of Citations at Motor Vehicle Crashes

1. MV4000

Citations shall be issued at motor vehicle crash scenes whenever an MV4000 is completed and when the officer can establish probable cause to believe that a traffic violation has occurred. Complete identity of all known witnesses and their statements shall be included in the accident report.

2. Madison Police Department Traffic Crash Form (MPD4000)

Although a MPD Traffic Crash 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 required to issue citations whenever they can establish probable cause to believe a traffic violation occurred in such situations.

3. Review of Traffic Crash Reports

Shift Sergeants will have primary responsibility to review district traffic crash reports for completeness, accuracy and enforcement action, (if appropriate), on a daily basis. District Lieutenants will be responsible to ensure that the review process occurs on a timely basis.

The reviewing Sergeant shall return any reports requiring follow-up to the authoring officer with instructions and shall copy the District Lieutenant of that officer.

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 Traffic and Specialized Services.

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 crashes. A field supervisor will be responsible for assessing the crash scene and any associated injuries to determine if an Investigator should be called to the scene.

2. Procedure

If the field supervisor determines a crash is a serious injury or fatal crash:

- a. The field supervisor will be in charge of the crash scene and will be responsible for coordination of the initial investigation.
- b. The field supervisor at the scene will consult with the OIC to determine if a Traffic Specialist and additional Investigators are needed. The OIC should give particular consideration to the need for a Traffic Specialist when a driver has fled the scene of a serious injury traffic crash.

- c. If the OIC deems it necessary that a Traffic Specialist is needed, a Traffic/Specialized Services or Forensics Supervisors should be contacted in the following order:

Lieutenant of Traffic
Lieutenant of Forensics Services Unit Captain of Traffic
- d. A Forensics Services Unit Investigator(s) will be dispatched to manage the collection of evidence and documentation of the crash 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. If appropriate, reports will be placed under Major Case files in New World. PRTs will place the original reports in a folder at the Control Point. The Traffic Section will be responsible for any original reports until they are turned over to the Records Section.
- j. The 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 Specialized Services Traffic Section.

DEPARTMENT VEHICLE TRAFFIC SAFETY

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.

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.

CITY VEHICLE/EMPLOYEE TRAFFIC CRASH INVESTIGATION PROCEDURE

Definitions

The following definitions will apply for reporting purposes under this policy:

Traffic Crash: Any contact between a City owned or on-duty employee driven vehicle and another vehicle, pedestrian, or object, resulting in evident damage or reported injury.

Incident: Any time a City-or on-duty employee driven 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.

Investigation

When an officer is dispatched to investigate a vehicle traffic crash involving a City-owned vehicle and/or an on-duty City of Madison employee, the officer shall:

1. Investigate the crash in a manner consistent with MPD policies and request a Field Supervisor be dispatched to the scene to oversee the investigation.
2. Determine the causal factors of the crash and if probable cause exists that one of the drivers committed a traffic violation.
3. Complete an MV4000 (MPD 4000 short form not to be used) and dictate the report before the end of the shift (**basket 3**).
4. Route the original reports and any citations issued by on-scene supervisor directly to the Captain of Traffic and Specialized Services for review.

A field supervisor will be required to respond to all motor vehicle crashes involving City of Madison vehicles or on-duty employees. If a supervisor is not available, the Officer-in-Charge will make the determination as to whether an Investigator or Police Officer will investigate the crash. **Under no circumstances will a department employee investigate an accident in which they were involved.** If the operator of the department vehicle involved in the crash is a commissioned officer, he/she may be required to complete an addendum to the MV4000.

If probable cause exists for a violation by an **on-duty** City employee, the on-scene supervisor shall:

- a. For MPD employees: Complete and route a memo to the Captain of Traffic detailing the probable cause for the violation and the circumstances involved, including any duty related mitigating factors.

OR

- b. For non-MPD City employees: Complete **and issue** the appropriate citation.

Before the end of their shift the on-scene supervisor will send notification via e-mail to the Captain of Traffic providing at minimum the following information: - MPD case number - date, time, location - employee name and agency - injuries & citation information. The Captain of Traffic will forward this information to the City Risk Manager.

In the event of a serious injury crash, the Investigation of Motor Vehicle Accidents Involving Serious Injury or Death policy will be followed. As a standard procedure, all crashes involving on-duty City employees in which serious injury or death occurs shall be submitted to the City Attorney and/or the District Attorney for review.

Review and Follow-Up

For crashes involving on-duty MPD employees:

All traffic crash reports involving on duty MPD employees will be routed to the Captain of Traffic for review.

The Captain of Traffic (or his/her designee) and the Vehicle Operations Review Committee will meet within 21 days of a crash involving an MPD employee to whom a citation may be issued. For this review, the committee should include a minimum of two line members in addition to the Chair. Consideration should be given to establishing probable cause, mitigating circumstances, equity with similar incidents and training or equipment issues. The Captain of Traffic will be responsible for the decision regarding whether a citation will be issued. The Chief of Police will review this decision.

If it is determined that a citation is warranted, the on-scene supervisor will be responsible for issuance of the citation. The involved employees Commanding Officer will be notified of the decision.

In addition, the Department will assess whether remedial training or internal discipline is appropriate.

For crashes involving all other on duty City of Madison employees:

All traffic crash reports involving on-duty (non-MPD) City employees will be routed to the Captain of Traffic for review.

The Captain of Traffic (or his/her designee) will review the circumstances of a crash involving an issued citation. Consideration should be given to establishing probable cause, mitigating circumstances, equity with similar incidents. For this review, the employee's supervisor or Department Head may be consulted. The Captain of Traffic will be responsible for a decision regarding whether the citation will stand or be withdrawn. The employee's supervisor or Department Head will then be notified.

Recordkeeping

The Captain of 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 Lieutenant of Personnel and Training on a quarterly basis. Included will be the number of crashes for each employee in the last five years and brief details regarding the specific incident and cause.

Vehicle Operations Review Committee

All reports involving crashes involving on-duty employees shall be routed to both the Captain of Traffic and the Lieutenant of Personnel and Training. Supervisors and OICs will insure these reports are completed on a timely basis. All reports on pursuits should be routed to the Lieutenant of Personnel and Training.

The Vehicle Operations Review Committee will review crashes involving on-duty City of Madison Police Department employees. This may include operations of City-owned vehicles, leased vehicles or privately owned vehicles if the operator is on duty. The committee may also be asked to review pursuits or operations that command staff consider potentially hazardous or unprofessional.

The following items should be considered during the review:

1. Type of vehicle involved.
2. Environmental factors.
3. Training and experience of the operator.
4. Past incidents involving similar circumstances.
5. Applicable policy and procedures.

The results of the review will be disseminated to appropriate managers. This review may include recommendations for policy or procedure review, additional training or equipment modifications.

The Lieutenant of Personnel and Training, or their designee, will chair the committee. In addition to the chair, the committee will consist of four to six MPPOA members of the department and a Parking Enforcement Officer. When selecting members, consideration should be given to their training and assignment, utilizing persons who regularly operate city vehicles in conditions similar to those experienced by line personnel and may include Traffic Specialists, E.V.O.C. Instructors and Officers or Sergeants assigned to patrol.

The Lieutenant of Personnel and Training will determine the need to meet and schedule meetings based on the number of incidents requiring review. Minimally, the committee shall meet quarterly.

Reporting Damage to Vehicles

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 Fleet Services personnel may make the appropriate inspection and/or repairs.

In the event of a crash or report of any damage to a department vehicle (e.g., Patrol, Detectives, DCNGTF, Parking Enforcement Officers), 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 routed to the Captain of Traffic.
- c. Record damage in the Vehicle Damage Book in the OIC’s Office prior to the end of that shift;

WITHDRAWAL OF PARKING TICKETS

Parking tickets may only be withdrawn by a Traffic/Specialized Services or Court Services 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 Traffic/Specialized Services or Court Services 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 a Traffic/Specialized Services or Court 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.

A Traffic/Specialized Services or Court Services Supervisor 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.

Officers are required to obtain approval from their commander or the OIC prior to arresting or detaining any person solely for a suspected violation of immigration laws, even if requested by ICE.

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
10-400	Drug Recognition Expert Policy
10-500	Mounted Patrol Use
10-600	Social Media

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.

10-400 DRUG RECOGNITION EXPERT POLICY

The DRE Program will assist in identifying persons who are operating a motor vehicle under the influence of a drug other than, or in addition to, alcohol. Officers trained in this skill will also be a valuable resource for other criminal investigations where the presence of drugs may be an important issue.

DEFINITIONS

Drug Recognition Expert (DRE):

An officer who has been certified to provide a standardized evaluation of a suspect who is suspected to be under the influence of a drug other than alcohol.

Drug Influence Evaluations:

An evaluation performed by a DRE that includes reviewing the investigating officer's observations of the suspect, a cursory examination of the suspect and when appropriate, the standardized 12-step evaluation process.

PROCEDURE

The DRE's Drug Influence Evaluation is primarily intended for subjects with an alcohol concentration of under 0.12%.

An officer may contact a supervisor or the Officer In Charge to determine if a DRE should be brought in under the following circumstances:

1. When an officer has made an arrest for an OWI related offense and the alcohol content is not consistent with the level of observed impairment.
2. When an officer is investigating a drug related offense where evidence of impairment would be beneficial to the investigation.
3. In the event of a crash involving fatalities and/or serious injuries, where there is evidence of illicit or prescription drug use.

The OIC will be responsible to review requests for a DRE to be called in to duty.

RECORDKEEPING PROCEDURES

Each DRE is responsible for maintaining appropriate records related to DRE activities.

10-500 MOUNTED PATROL USE

Subject to the provisions of this policy, mounted patrol horses trained in patrol applications may be utilized for routine patrol, special events, crowd control, public relations, and search and rescue.

The mounted officer is at all times responsible for the control of his or her horse. If there is a dispute on the manner in which a mounted patrol team is to be used, the final decision will be made by the mounted officer.

Mounted Patrol officers must be deployed as a team of at least two riders when functioning in a patrol capacity.

EQUIPMENT

Mounted officers will wear an approved riding helmet at all times when mounted and on duty.

CONTROL AND ARREST PROCEDURES

Mounted Patrol units shall only use that force that is reasonable and necessary to control a suspect under the circumstances, consistent with the provisions of the Use of Non-Deadly Force policy.

INJURY CAUSED BY MOUNTED PATROL HORSE

If a Mounted Patrol horse injures a person, the following steps shall be taken:

1. Evaluate the person's 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 mounted patrol supervisor.
6. Obtain witness statements, if possible.
7. Attempt to obtain a consent for release of medical information from the person.
8. The horse handler shall document the incident in a report.
9. A patrol or Mounted Patrol supervisor shall submit a report to the Chief of Police.

MUTUAL AID REQUESTS

MPD Mounted Patrol units will, when possible, assist other agencies pursuant to a mutual aid request. MPD mounted officers assisting other agencies will act in accordance with this policy at all times.

MOUNTED PATROL VEHICLES AND TRAILERS

1. Vehicles and trailers associated with the Mounted Patrol will be kept at a location designated by the Mounted Patrol supervisor. Members of the Mounted Patrol Unit may use these vehicles as follows:
 - a. Transporting horses to and from deployment locations;
 - b. Taking horses to the veterinarian, chiropractor, farrier;
 - c. Picking up mounted patrol equipment;
 - d. Driving to work-related mounted patrol training;
 - e. Other Mounted Patrol related activities as approved by the Mounted Patrol supervisor.
2. When operating the vehicles (on or off duty) handlers will comply with MPD policy 4-500.

MOUNTED PATROL TRAINING

1. New riders and horses will undergo initial training prior to being authorized for active duty.
2. All riders and horses will engage in regular maintenance training, and periodic assessment as necessary.
3. The Mounted Patrol supervisor is responsible for ensuring that each officer and horse receives adequate training and maintains appropriate skill levels.

RECORDS

1. Each rider is responsible for maintaining records of all mounted patrol field activities as designated by the Mounted Patrol Supervisor.
2. The Mounted Patrol supervisor is responsible for maintaining overall MPD Mounted Patrol records, and for verifying that individual riders are maintaining appropriate records.

10-600 SOCIAL MEDIA**601 - DEPARTMENT-SANCTIONED USE OF SOCIAL MEDIA****Purpose**

The Madison Police Department endorses the use of web-based and mobile-based technologies designed to facilitate internet communications, known as “social media,” to enhance communication with the public, to disseminate information in an accessible and timely manner, and to solicit collaboration with the community. This policy establishes a standard of conduct and content for all items posted to any social media site or application by any personnel authorized and trained to represent the Department to the public through these channels of communication.

APPLICATION

This policy applies to all Madison Police Department employees and personnel using or posting to social media as an authorized representative of the Department.

POLICY

This policy serves to clarify and establish guidelines and prohibitions for Department-authorized use of social media. These guidelines and prohibitions build on policy requirements put forth in the Law Enforcement Code of Ethics, Madison Police Department Mission Statement and Core Values, as well as all applicable portions of Madison Police Department Policies and Procedures, City of Madison Administrative Procedure Memoranda, and established city, state, and federal law.

As representatives of the Department in all public settings, personnel have a responsibility to communicate accurate and timely information to the public in a professional manner. Authorized personnel posting to social media sites on behalf of the Department are expected to adhere to all standards of conduct and to present information in a respectful, professional, and ethical manner. Authorized personnel are approved by the Captain of Support Services.

Appropriate use of Department-sanctioned social media sites may include, but is not limited to, community outreach and engagement, recruitment, release of time-sensitive and emergency information, soliciting information regarding an investigation or activities, and promoting safety and informing the public about crime prevention tips and tactics.

All pages and accounts maintained on behalf of the Department will contain a statement indicating the official nature of the account, as well as general contact information for the Department; where possible, a disclaimer will be posted on these pages, as well, stating that opinions expressed by visitors to the page do not reflect the opinions of the Department, and a statement of notification regarding comment moderation and open records requirements.

Where possible and appropriate, digital postings should link directly to information available through the City of Madison website, most commonly the MPD section of the website. Linking to sources outside of the official internet presence maintained by the City of Madison and its various departments and offices is strictly prohibited

without the express permission of the Executive Captain of Support, or the designee of that individual.

Records of all posts to social media sites will be retained per open records regulations as established by the City of Madison. These records will be maintained by City of Madison Information Technology. All content posted to these sites on behalf of the Department, as well as in interaction with the Department, will be stored in a manner such that they are accessible for open records requests.

Use of personally-owned devices, such as home computers and mobile computing devices, is allowed as long as access to the software is accomplished through the use of a City IT developed web browser application.

Department personnel shall abide by all Terms of Service as stipulated by the site or software; this includes, but is not limited to, a prohibition of falsely identifying oneself on a site or sites, infringing on copyrighted material, and violating the privacy or rights of other users.

Department personnel are prohibited from sharing, transmitting, or posting classified or sensitive information, or the contents of police records, or any matters relating to official police business, or knowledge gained during the course of their professional duties. (See MPD Policy 2-237 and City of Madison General Ordinance 3.35(5)(d).)

Department approved representatives are prohibited from using their affiliation with the MPD or the City of Madison as grounds to endorse or promote products, opinions, or causes; the Department should not be made to appear to condone or support any public, private, or personal enterprise through digital posts made to any social media site. (See MPD Policy 4-1000.)

Review and Revision of Policy

Due to the rapidly changing nature of technology and the constant development and updating of applications used for internet communications, this policy will be reviewed by the Executive Captain of Support Services for relevance, applicability, and legality on an annual basis and revised as appropriate.

602 - INVESTIGATIVE USE OF SOCIAL MEDIA

Purpose

The Madison Police Department endorses the use of web-based and mobile-based technologies designed to facilitate internet communications, known as “social media,” for the purpose of investigating criminal activities and actors. This policy establishes a standard of conduct in regards to the use of these forms of technology and communication for investigative purposes.

Application

This policy applies to all Madison Police Department employees and personnel using or posting to social media as an investigative tool during the course of an investigative operation or assignment.

Policy

This policy serves to clarify and establish guidelines and prohibitions for Department-authorized use of social media for investigative purposes. These guidelines and prohibitions build on policy requirements put forth in the Law Enforcement Code of Ethics, Madison Police Department Mission Statement and Core Values, as well as all applicable portions of Madison Police Department Policies and Procedures, City of Madison Administrative Procedure Memoranda, and established City, State, and Federal Law; however, because investigations utilizing social media may involve undercover or confidential activities, and therefore may require a certain level of dissimulation and clandestinity, portions of these requirements, specifically those put forth in APM 3-16 and MPD Policy, may not be universally applicable to actions taken during such investigations.

The use of social media as an investigative tool may be used by members of the Department during pre-employment screening and active investigation; in situations where reasonable suspicion has been established; to gather information or evidence related to missing or wanted persons, gang involvement, and web-based crimes; to research the activities, associates, location, and other information related to a suspect or suspects; as an anticipative means of investigation for reducing crime, fear, and disorder in the community; and to further the objectives of preventing, solving, and prosecuting crimes.

Should protected or privately accessible information gained from an investigation be included in a report or utilized for arrest, prosecution, or other legal action against a party or parties, the Department cannot guarantee that information accessed will not be made public through open records requests or other legal methods of disclosure. Individuals engaging in collecting information in reference to an investigation should therefore use discretion and take precautions to document and utilize only information pertaining to the investigation when accessing sensitive or private data.

Unless authorized based on pre-existing undercover investigative guidelines or procedures, or otherwise approved by the Chief, or a designee of the Chief, no Department personnel shall engage in activity on the internet constituting a violation of federal, state, or local law. (See MPD Policy 2-200.)

Review and Revision of Policy

Due to the rapidly changing nature of technology and the constant development and updating of applications used for internet communications, this policy will be reviewed by the Executive Captain of Support Services for relevance, applicability, and legality on an annual basis and revised as appropriate.

603 - OFF-DUTY USE OF SOCIAL MEDIA

Purpose

The Madison Police Department endorses the use of web-based and mobile-based technologies designed to facilitate internet communications, known as “social media,” in a responsible, professional, ethical and legal manner. This policy establishes a standard of conduct for all Department personnel related to their

employment while using all forms of social media, whether utilizing currently established or forthcoming technologies.

Application

This policy applies to all Madison Police Department employees and personnel.

Policy

This policy serves to clarify and establish guidelines and prohibitions for Department personnel's personal use of social media, and seeks to mitigate negative consequences of the personal use of such technology that may have bearing on Department personnel in their official capacities. These guidelines and prohibitions build on policy requirements put forth in the Law Enforcement Code of Ethics, Madison Police Department Mission Statement and Core Values, as well as all applicable portions of Madison Police Department Policies and Procedures, City of Madison Administrative Procedure Memoranda, and established City, State, and Federal Law.

Department personnel have a duty to represent honestly, respectfully, and legally their dedication to the profession of law enforcement while on- and off-duty. Department personnel are expected to represent the Core Values of the Madison Police Department at all times, even while using the internet for personal purposes. All Department personnel are reminded that they are committed to act as representatives of the Department at all times, while on and off duty, and that all policies, memos, and applicable laws governing personnel conduct also apply to conduct associated with the use of social media.

Due to the nature of the work and policies of the Department, these standards should be expected to be more proscriptive than those put forth in City of Madison APM 3-16. Employees will not post, transmit, share, publish or otherwise disseminate any of the following:

1. Any information gained by reason of their employment with the Madison Police Department (without permission from the Chief or designee). This includes classified or sensitive information, contents of police records, any matters relating to official police business, or knowledge gained during the course of their professional duties. (See MPD Policy 2-237 and City of Madison General Ordinance 3.35(5)(d).)
2. Information that would impair working relationships within the Department or with partner agencies, impede performance of duties, impair discipline and harmony among coworkers, or negatively impact the public perception of the Department.
3. Any images of Department logos, uniform, or property in a manner that may negatively affect or cause reputational harm to the public's perception of the Department. Department personnel are permitted to use photographs or video recordings taken during Department-sanctioned, official ceremonies and events, such as graduation, promotional ceremonies, Honor Guard ceremonies, etc. (See MPD Policy 2-268.)

4. Any material that may provide grounds for undermining or impeaching an employee's testimony.
5. Any material that endorses or promotes products, opinions or causes and that could reasonably be considered to represent the view or position of the Department (without permission from the Chief or designee).

Other departmental policies, procedures and directives may apply to the off-duty use of social media. The Department will not be actively monitoring personal social media accounts of its employees. monitoring of a personal site will only take place if a concern/complaint is brought to the attention of the Department.

Review and Revision of Policy

Due to the rapidly changing nature of technology and the constant development and updating of applications used for internet communications, this policy will be reviewed by the Executive Captain of Support Services for relevance, applicability, and legality on an annual basis and revised as appropriate.

POLICE RECORDS

11-100	Reporting Policy
11-200	Policy Guidance for Inspection of Public Records and Documents
11-300	Time System Procedures

11-100 REPORTING POLICY**REPORT**

A report is required in all cases involving arrests, the use of force, stop and frisk, criminal investigations, and property/evidence handling. A report is also required in any other incidences when an employee is on-site and/or involved in a self-initiated action. These reports shall document matters as required by training, policy, and/or procedure.

The appropriate official police report format will be used to record information that is developed or received by any member of the department assigned a case number. A field report or dictated report shall be utilized as the primary report and where applicable the forms listed below are authorized to serve as a primary report:

1. Traffic Crash Forms MV4000 and MPD4000
2. A UTC, municipal, electronic, or parking citation (NOT misdemeanor citations)

It is not necessary to complete a separate report on a “private property” parking complaint. However, a case number is required and at a minimum, the name of the complainant, address, phone number, and terminology of the “no parking” sign shall be included on the back of the parking citation.

3. Protective Custody Conveyance Form
4. Subpoena - (Case Number, Date, Time and Officer, top right)
5. Summons - (Case Number, Date, Time and Officer, top right)
6. Fire Station Violation Complaint - (Case Number and date on top right)
7. Boom Car Violation Complaint

SUPPLEMENTAL REPORTS, ATTACHMENTS, AND OTHER FORMS

Members of the department are required to prepare and submit a supplemental report in all situations where actions should be recorded or information forwarded which is not covered in the original/primary report. The following will be used as a supplement to a Primary Report;

1. Submitted after follow-up or for technical personnel to record actions taken subsequent to the submission of an original/primary report;
2. Explaining an MV4000 or citation where the space provided on the original form is insufficient or as otherwise required (i.e., juvenile alcohol-related offenses).

All attachments shall have the case number placed in the upper right hand corner of documents and the most obvious/legible place for non-documents. Store retail theft reports will have “state” or “municipal” added in the upper right hand corner if an

arrest has been made. One set of attachments shall accompany the original report and another set shall be left in district for the detective lieutenant.

Victim Rights Information (VRI), Municipal Rights Pamphlet, Juvenile Arrest Notification forms, and Stop Cards shall be completed and issued or filed appropriately.

SELF-REPORTING

Self-reporting occurs by call in, walk in, or internet submission. If an officer is dispatched to a call, the officer may not refer the complainant to self-reporting unless approved by the OIC or a supervisor or if the city has gone to Priority dispatching.

REPORT CONTENT

Language Should be Understandable, Accurate and Concise

1. Foul/abusive language should only be quoted to describe another's actions or accurately document a statement taken by an officer.
2. Names and difficult word spellings should be checked for accuracy.
3. Standard abbreviations for street types and titles (e.g., PO, Dep, Sgt, Dr, LPO) or agencies (e.g., DCJ, DCHS, DCMH) may be used. Abbreviations of commonly used terms (e.g., w/o, veh, approx) may not be used.
4. Reported information must be legible including members' signatures, where required.
5. Unreadable documents shall be returned to the responsible officer for correction.
6. A black ballpoint pen must be used for completing all citations/required forms so that readable copies can be made (exception – MV4000).
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.
9. Ten codes may not be used in report narratives.

REPORT 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.

1. Detective Lieutenants or their designee's shall review all district reports.
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

reviewer 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 reviewer should contact the appropriate work unit indicating what next day follow-up is required. If immediate attention is necessary (e.g. directing that an arrested person be released) the reviewer will ensure that the appropriate action is taken.
4. All reports returned for corrections shall be re-submitted, in a timely fashion, as a supplemental report containing the requested changes.

CAD/MDC CALL NOTES

Employees should complete reports on incidents when an 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. 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 liquor license establishments (bars and restaurants), 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 (e.g., traffic accident, unable to locate vehicle or driver).

False Security Alarms

False security alarms from a governmental agency, unless a continuing problem exists. Any alarms that fall within the guidelines of Verified Response. False fire alarms always require a report.

Assist Calls

Requiring no follow-up action.

1. Assist outside agencies.
2. Assist citizens.
3. Delivering messages.
4. 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.

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. Officers may take enforcement action if appropriate. (e.g., driving complaints, extra patrol, etc.)

Simple Conveyances

Unrelated to offense or intoxication.

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, Wis. 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.

11-300 TIME SYSTEM PROCEDURES

Madison Police Department uses the Transaction Information for the Management of Enforcement (TIME) System. The TIME system grants access to the following data service agencies: Wisconsin Department of Justice Crime Information Bureau (CIB), the FBI Criminal Justice Information Services (CJIS) Division, the FBI National Crime Information Center (NCIC), the National Law Enforcement Telecommunication System (NLETS), Canadian Police Information Centre (CPIC), the Wisconsin Department of Transportation (DOT), the Wisconsin Department of Natural Resources (DNR), and the Wisconsin Department of Corrections (DOC).

SYSTEM USAGE

ONLY authorized users for valid law enforcement/criminal justice purposes shall use the TIME System.

PENALTY FOR MISUSE

The Department of Justice Crime Information Bureau as well as the Madison Police Department may investigate any alleged misuse of the TIME System. Individuals determined to have misused the TIME system may be subject to internal discipline, criminal and/or civil penalties under state and federal law.

SECURITY**Time Coordinator**

The Madison Police Department shall designate an individual to serve as a TIME coordinator. The coordinator's responsibilities include training authorized users and ensuring that authorized users are in compliance with data service agencies' policies and regulations.

General Security

Access to TIME terminals shall be limited so that only authorized users will be able to view and access information from the system. In order to qualify for authorization, a TIME user must pass an initial background check. To maintain technical security, the Madison Police Department shall designate an individual to serve as a Point of Contact (POC). The POC shall identify who is using the system, identify how the system is connected, and ensure that appropriate technical security measures (such as data encryption, etc.) are implemented.

CRIMINAL HISTORY RECORD INFORMATION (CHRI)

Information from CHRI and the FBI Interstate Identification Index (III) shall only be obtained for designated purposes outlined below. This information is not to be disseminated to non-criminal justice agencies or persons. Dissemination to another criminal justice agency requires a secondary dissemination log that will be maintained for 1 year. III records received cannot be disseminated via radio broadcast or cellular phones unless there is a situation affecting the safety of an officer or the general public.

Authorized Purpose Codes

Code C: Code C is used for Criminal Justice/Law Enforcement purposes and is accepted by CIB and III. Adult and juvenile records will be supplied. This code is used for official duties in conjunction with the administration of justice (such as detection, apprehension, detention, prosecution, etc.).

Code J: Code J is used for Criminal Justice/Law Enforcement employment applicants and is accepted by CIB and III. Adult and juvenile records will be supplied.

Code D: Code D is used Domestic Violence/Stalking and is accepted by CIB (only adult records will be returned) and III (only returns information not sealed by state). This code is used by agencies providing a record to a court hearing for Domestic Violence, and is for court use only. Actual Domestic Violence incidents will use Code C.

Code H: Code H is used for checking suitability of Public Housing Applicants and is accepted by CIB (for adult records only) and III (for identification only).

Code F: Code F is used for the return of Firearms to Lawful Owner and is accepted by CIB and III. Both adult and juvenile records are supplied. This code is used for the return of firearms to owners after theft, improper seizure, etc.

Code E: Code E covers other Authorized Employment Purposes and is accepted by CIB ONLY (which ONLY supplies adult records). III will not accept this code. This code is used for when criminal history is required by state statute, local ordinance, or federal regulation.

Secondary Dissemination

CHRI information obtained through the TIME system will only be disseminated to authorize parties for valid purposes. The original authorized user must ensure that the recipient is properly authorized to receive the information. If CHRI information is released to another authorized user not initially specified, the Department shall log the dissemination.

Storage and Disposal of CHRI Information

CHRI records shall not be maintained in case files to avoid disclosure of out-of-date/inaccurate records under Wisconsin open records law. Data from the TIME System shall be disposed of in a secure manner by shredding, incineration, etc.

Probable Cause

A hit on TIME is not sufficient for probable cause. A hit on TIME only comprises part of the probable cause analysis and must be viewed in conjunction with other available information. As the time period increases, the significance of the hit decreases.

III INFORMATION

On the request screens for the 000 and 158, the "Justification/Case#" field shall be filled out to explain why the request was run. Usually, an MPD case number will be

sufficient. If no case number exists, a brief explanation will suffice. The "IBM#" field must be filled in each time a user runs a triple-III.

TRAINING

Each authorized user shall be trained in usage of the TIME System within 6 months of employment and retested biennially to reinsure proficiency.

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
12-600	Recording Suspect Interviews

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 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 COMPUTERS

Mobile Data Computers will be operated and utilized in accordance with this policy. Officers are expected to use the mobile computers properly, and in compliance with City APM 3-9. 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 mobile computer. Silent dispatching of calls by mobile computer is not authorized except with permission from the Officer-in-Charge.

All commissioned personnel expected to use mobile department computers in the course of their duties will be provided training for proper usage.

MANDATORY FUNCTIONS

In addition to radio confirmation, patrol personnel must use the mobile data computer for the following if possible:

1. En-route to Call: Indicates an officer was dispatched and is en-route.
2. Arrived at Scene: Indicates the officer has arrived.
3. In Service: Indicates the officer has cleared from a call. The primary officer will enter the disposition code, designating whether a report will be completed on the incident.

OPTION USE OF MOBILE COMPUTERS

The use of other mobile computer functions (out of service, data checks, message send, etc.) is optional. Certain information (e.g., telephone numbers, complainant's names, etc.) may be relayed through mobile computer messages alone.

RULES FOR MOBILE COMPUTER USE

1. Inappropriate or unprofessional messages will not be sent via mobile computer.
2. When operating a motor vehicle, officers will use due caution in using a mobile computer.
3. Limited personal use is tolerated, and limited to individualized communication that is not in violation of City APM 3-9.

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).

12-600 Recording Suspect Interviews

OVERVIEW

The purpose of this policy is to establish guidelines for recording interviews of suspects. It is the policy of the Madison Police Department to use electronic recording systems to provide accurate documentation of events, actions, conditions, and statements made during law enforcement interviews. The use of the electronic recording system shall be in accordance with applicable laws and Department policy.

WHEN RECORDING IS REQUIRED

All custodial interviews of adults suspected of committing a felony shall be recorded. All custodial interviews of juveniles shall be recorded when feasible, and without exception when questioning occurs at a place of detention. Any police facility, including Madison Police District Stations, the Juvenile Reception Center and any in-patient treatment facility, will be considered a “place of detention.” The Madison Police Department recognizes that in some circumstances, victim/witness statements may be electronically recorded. If electing to do so, officers shall adhere to the current policy and practices.

The recording may be audio, or both audio and video. Interviews requiring recording may occur in the field or in Madison Police Department facilities. Miranda warnings shall be provided in accordance with Department policy.

If a custodial interview of a juvenile occurs in the field and is not recorded, the officer shall document in a report the reason the interview was not recorded.

The law does not require that officers recording a custodial interview inform the subject that the questioning is being recorded. If asked, officers should ordinarily disclose whether recording is occurring.

Once a recording of an interview begins the recording should not be stopped. If a break in the interview occurs, record the time the break starts and the time the interview resumes. Any stopping or resuming of recordings shall be articulated in the officer’s report.

Exceptions:

The following are exceptions to the recording requirements listed above:

1. The suspect refuses to provide a statement if it is recorded. The officer must audibly record the refusal or document the refusal in a report.
2. The statement was part of routine prisoner processing.
3. The recording equipment did not function properly.
4. The statement was made spontaneously and not in response to questioning.
5. Exigent circumstances prevented recording or made recording not feasible.

6. The officer, at the outset of the interview, reasonably believed that the offense being investigated was not a felony.

Custodial interviews taking place in an MPD facility can be recorded using the Dictaphone system (with either a handheld walkabout or a landline speakerphone) or using the electronic video and audio recording systems available in the interview rooms. Custodial interviews conducted within a squad car can be recorded using the in-car data capture system. Officers shall refer to MPD Policy 12-100 In-Car Data Capture System for protocols related to that system.