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.

STANDARD OPERATING PROCEDURE
Use of Deadly Force

Eff. Date _____

Purpose

It is the procedure 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. Members of the department shall act at all times within the standards for use of force established in the Use of Force procedures.

Recognizing our legal and moral obligation to use force wisely and judiciously, it is the procedure 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.

As used in this ~~policy~~ SOP, 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.

Procedure

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. As a warning shot. ~~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. When its use unreasonably risks the lives of innocent bystanders. ~~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~~ SOP.

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~~ SOP.

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~~ the Significant Exposure to Blood Borne Pathogens SOP 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~~ SOP.

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~~ SOP. This excludes instances when officers may be required to euthanize injured animals in the field for humane reasons.

   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.

Deadly Force – Use of

Eff. Date 05/26/2016

Purpose

Consistent with our Mission Statement, the Madison Police Department believes in the dignity of all people and recognizes the value of human life. Since we have a legal and moral obligation to use force wisely and judiciously, it is the procedure of this Department that deadly force will not be resorted to unless an officer reasonably believes that a lesser degree of force would be insufficient.

It is the procedure of the Madison Police Department (MPD) 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. Members of the MPD shall act at all times within the standards for use of force established in the Use of Force procedures. At all times, members of the MPD shall act within the standards for use of force established in the Use of Force procedures and consistent with Department training.

As used in this SOP, 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. The purpose of deadly force is to stop the threat. It is the responsibility of involved officers to render aid when feasible.

Procedure

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

Deadly force is never authorized:

1. As a warning shot.
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. When its use unreasonably risks the lives of innocent bystanders.

USE OF FORCE TECHNIQUES/INSTRUMENTS

The intentional punching or striking of the trachea creates a substantial likelihood of death and is therefore considered deadly force and shall be used only in accordance with this SOP.

INVESTIGATION OF THE USE OF DEADLY FORCE

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

Original SOP: 03/23/2015
(Revised: 03/26/2015,05/26/2016)

Deadly Force – Use of

Eff. Date: ~~05/26/2016~~ 07/10/2017

Purpose

Consistent with the Department's Core Values, the Madison Police Department is committed to valuing and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the Department's fundamental objective and the primary duty of all MPD employees. The application of deadly force is a measure of last resort, only to be employed when an officer reasonably believes all other options have been exhausted or would be ineffective.

The Department is committed to resolving conflicts through the use of communication skills, crisis intervention and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

~~Consistent with our Mission Statement, the Madison Police Department believes in the dignity of all people and recognizes the value of human life. Since we have a legal and moral obligation to use force wisely and judiciously, it is the procedure of this Department that deadly force will not be resorted to unless an officer reasonably believes that a lesser degree of force would be insufficient.~~

~~It is the procedure of the Madison Police Department (MPD) 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. Members of the MPD shall act at all times within the standards for use of force established in the Use of Force procedures. At all times, members of the MPD shall act within the standards for use of force established in the Use of Force procedures and consistent with Department training~~.

As used in this SOP, 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. ~~The purpose of deadly force is to stop the threat. It is the responsibility of involved officers to render aid when feasible.~~

Procedure

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

Deadly force is never authorized:

1. As a warning shot.
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. When its use unreasonably risks the lives of innocent bystanders.

USE OF FORCE TECHNIQUES/INSTRUMENTS

The intentional punching or striking of the trachea creates a substantial likelihood of death and is therefore considered deadly force and shall be used only in accordance with this SOP.

DE-ESCALATION

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

DUTY TO INTERCEDE

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

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention.

INVESTIGATION OF THE USE OF DEADLY FORCE

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

Original SOP: 03/23/2015
(Revised: 03/26/2015, 05/26/2016, 07/10/2017)
(Reviewed Only: 12/22/2016)

Deadly Force – Use of

Eff. Date: ~~07/10/2017~~ 12/06/2017

Purpose

Consistent with the Department's Core Values, the Madison Police Department is committed to valuing and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the Department's fundamental objective and the primary duty of all MPD employees. The application of deadly force is a measure of last resort, only to be employed when an officer reasonably believes all other options have been exhausted or would be ineffective.

The Department is committed to resolving conflicts through the use of communication skills, crisis intervention and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

As used in this SOP, 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 or great bodily harm.

Procedure

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

Deadly force is never authorized:

1. As a warning shot.
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. When its use unreasonably risks the lives of innocent bystanders.

USE OF FORCE TECHNIQUES/INSTRUMENTS

The intentional punching or striking of the trachea creates a substantial likelihood of death and is therefore considered deadly force and shall be used only in accordance with this SOP.

DE-ESCALATION

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

DUTY TO INTERCEDE

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

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention.

INVESTIGATION OF THE USE OF DEADLY FORCE

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

Original SOP: 03/23/2015
(Revised: 03/26/2015, 05/26/2016, 07/10/2017, 12/06/2017)
(Reviewed Only: 12/22/2016)

Deadly Force – Use of

Eff. Date: ~~12/06/2017~~ 03/01/2019

Purpose

Consistent with the Department's Core Values, the Madison Police Department is committed to valuing and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the Department's fundamental objective and the primary duty of all MPD employees. The application of deadly force is a measure of last resort, only to be employed when an officer reasonably believes all other options have been exhausted or would be ineffective.

The Department is committed to resolving conflicts through the use of communication skills, crisis intervention and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

As used in this SOP, 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 or great bodily harm.

Procedure

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.~~ To protect another person or persons from what is reasonably believed to be an imminent threat 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.~~ To protect the officer from what is reasonably believed to be an imminent threat 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.~~ To prevent the escape of a fleeing subject when all of the following are present:

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

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

VERBAL WARNING

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

DEADLY FORCE IS NEVER AUTHORIZED

Deadly force is never authorized:

1. As a warning shot.

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

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

   B. The vehicle is operated in a manner that reasonably appears deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical).

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

USE OF FORCE TECHNIQUES/INSTRUMENTS

The intentional punching or striking of the trachea creates a substantial likelihood of death and is therefore considered deadly force and shall be used only in accordance with this SOP.

DE-ESCALATION

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

DUTY TO INTERCEDE

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

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention.

INVESTIGATION OF THE USE OF DEADLY FORCE

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

Original SOP: 03/23/2015
(Revised: 03/26/2015, 05/26/2016, 07/10/2017, 12/06/2017, 03/01/2019)
(Reviewed Only: 12/22/2016)

Deadly Force – Use of

Eff. Date: ~~03/01/2019~~ 01/15/2020

Purpose

Consistent with ~~the Department's~~ our Mission and Core Values, the Madison Police Department is committed to valuing and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the Department's fundamental objective and the primary duty of all MPD employees. The application of deadly force is a measure of last resort, only to be employed when an officer reasonably believes all other options have been exhausted or would be ineffective.

The Department is committed to resolving conflicts through the use of communication skills, crisis intervention and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

As used in this SOP, deadly force refers to the intentional use of a firearm or other instrument~~, the use of which would result in~~ that creates a high probability of death or great bodily harm.

Procedure

DEADLY FORCE AUTHORIZED

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

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

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

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

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

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

VERBAL WARNING

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

DEADLY FORCE IS NEVER AUTHORIZED

Deadly force is never authorized:

1. As a warning shot.

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

3. At a moving vehicle unless:

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

   B. The vehicle is operated in a manner that reasonably appears deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical).

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

USE OF FORCE TECHNIQUES/INSTRUMENTS

The intentional punching or striking of the trachea creates a substantial likelihood of death and is therefore considered deadly force and shall be used only in accordance with this SOP.

DE-ESCALATION

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

DUTY TO INTERCEDE

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

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention.

INVESTIGATION OF THE USE OF DEADLY FORCE

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

Original SOP: 03/23/2015
(Revised: 03/26/2015, 05/26/2016, 07/10/2017, 12/06/2017, 03/01/2019, 01/15/2020)
(Reviewed Only: 12/22/2016)

Deadly Force – Use of

Eff. Date: ~~01/15/2020~~ 11/02/2020

Purpose

Consistent with our Mission and Core Values, the Madison Police Department (MPD) is committed to valuing and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the Department's fundamental objective and the primary duty of all MPD employees. The application of deadly force is a measure of last resort, only to be employed when an officer reasonably believes all other options have been exhausted or would be ineffective.

The Department is committed to resolving conflicts through the use of communication skills, crisis intervention, and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

As used in this Standard Operating Procedure (SOP), deadly force refers to the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

DE-ESCALATION

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

DUTY TO INTERCEDE

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

~~Procedure~~

DEADLY FORCE AUTHORIZED

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

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

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

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

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

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

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

VERBAL WARNING

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

DEADLY FORCE IS NEVER AUTHORIZED

Deadly force is never authorized:

1. As a warning shot.

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

3. At a moving vehicle unless:

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

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

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

PROHIBITED TECHNIQUES

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

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

~~**USE OF FORCE TECHNIQUES/INSTRUMENTS**~~

~~The intentional punching or striking of the trachea creates a substantial likelihood of death and is therefore considered deadly force and shall be used only in accordance with this SOP.~~

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention.

INVESTIGATION OF THE USE OF DEADLY FORCE

See Madison Police Department Standard Operating Procedure regarding “Officer Involved Critical Incidents”.

Original SOP: 03/23/2015
(Revised: 03/26/2015, 05/26/2016, 07/10/2017, 12/06/2017, 03/01/2019, 01/15/2020, 11/02/2020)
(Reviewed Only: 12/22/2016)

Deadly Force – Use of

Eff. Date: ~~11/02/2020~~ 01/14/2022

Purpose

Consistent with our Mission and Core Values, the Madison Police Department (MPD) is committed to valuing and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the MPD~~epartment~~'s fundamental objective and the primary duty of all MPD employees. The application of deadly force is a measure of last resort, only to be employed when an officer reasonably believes all other options have been exhausted or would be ineffective.

The MPD~~epartment~~ is committed to resolving conflicts through the use of communication skills, crisis intervention, and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

As used in this Standard Operating Procedure (SOP), deadly force refers to the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

DE-ESCALATION

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

DUTY TO INTERCEDE

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

DEADLY FORCE AUTHORIZED

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

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

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

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

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

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

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

VERBAL WARNING

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

DEADLY FORCE IS NEVER AUTHORIZED

Deadly force is never authorized:

1. As a warning shot.

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

3. At a moving vehicle unless:

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

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

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

PROHIBITED TECHNIQUES

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

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

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with ~~his or her~~ the officer's training to any individual who has visible injuries, complains of being injured, or requests medical attention.

INVESTIGATION OF THE USE OF DEADLY FORCE

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

Original SOP: 03/23/2015
(Revised: 03/26/2015, 05/26/2016, 07/10/2017, 12/06/2017, 03/01/2019, 01/15/2020, 11/02/2020, 01/14/2022)
(Reviewed Only: 12/22/2016, 01/11/2021)

STANDARD OPERATING PROCEDURE
Use of Non-Deadly Force

Eff. Date _____

Purpose

It is the procedure 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. Members of the department shall act at all times within the standards for use of force established in the Use of Force procedures.

Recognizing our legal and moral obligation to use force wisely and judiciously, officers may use only the amount of non-deadly force that is reasonably necessary to secure control or to gain compliance.

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

Procedure

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 reasonably 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 articuable 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)~~ fifteen (15) 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 articuable 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~~ SOP 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 procedure by an appropriate supervisor. Anytime a commissioned employee uses recordable force during an incident, the force must be documented in the MPD use of force database.

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

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

Use of Deadly Force SOP Changes:

- Code of Conduct verbiage added under "Purpose."

- "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." This verbiage has been removed from this SOP and placed under the Police Weaponry SOP.

- Authorized firearms (on or off duty) may be used for target practice or competition at a firing range, or other safe area. This practice continues to be allowed, but this verbiage was removed from the SOP.

- "PSIA has the responsibility for conducting the internal investigation to ensure compliance with the MPD Use of Deadly Force SOP." The following verbiage was added – "this excludes instances when officers may be required to euthanize injured animals in the field for humane reasons.

Use of Non Deadly Force SOP Changes:

- Code of Conduct verbiage added under "Purpose."

- Officers shall evaluate all subjects against whom an ECD has been deployed. The subject shall be medically evaluated if:

    - The subject has been exposed to three (3) or more ECD firing cycles; or one continuous firing cycle of ~~twenty-five (25)~~ fifteen (15) seconds or more.

- All instances of the use of non-deadly force shall be reviewed for compliance with MPD policy by an appropriate supervisor. This verbiage added – "Anytime a commissioned employee uses recordable force during an incident, the force must be documented in the MPD use of force database."

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 reasonably 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.

Use of Non-Deadly Force

Eff. Date 03/23/2015

Purpose

Recognizing our legal and moral obligation to use force wisely and judiciously, officers may only use non-deadly force that is reasonable and necessary to secure control or gain compliance and is consistent with Department training.

It is the procedure of the Madison Police Department (MPD) 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. Members of the MPD shall act at all times within the standards for use of force established in the Use of Force procedures.

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

Procedure

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 reasonably 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 (e.g., 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.

SPECIAL CIRCUMSTANCES

As time and circumstances permit, there are a number of special circumstances officers may consider when engaging in and evaluating reasonable uses of force. These factors include, but are not limited to:

1. Reasonable perception of threat.
2. Special knowledge of the subject.
3. Sudden assault
4. Subject's ability to escalate rapidly.
5. Officer's physical positioning
6. Injury or exhaustion.

7. Equipment and training.
8. Availability of backup
9. Other exigent circumstances

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 or make an affirmative decision to disengage. Once a person is under control, officers are required to revert to the lowest degree of force necessary to maintain that control, and then begin steps to render aid when applicable.

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.*

USE OF FORCE TECHNIQUES/INSTRUMENTS

The intentional continued restriction of the carotid neck arteries is not a trained MPD technique and is therefore prohibited, unless deadly force is justified.

THE USE OF OLEORESIN CAPSICUM SPRAY (O.C. SPRAY)

1. Officers may use O.C. spray when they reasonably believe they are facing active resistance, or its threat, from the subject. O.C. 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 MPD training.
3. 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 MPD 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 MPD 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.~~ In cases where a subject is believed to be armed with a dangerous weapon, an ECD is not a substitute for deadly force. Unless circumstances dictate otherwise, an officer should 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.

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

2. 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.
3. 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 articuable threat of harm to an officer or to another person.
   b. To control persons in order to prevent them from harming themselves or others.
4. 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.
5. 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.
6. ECD probes may not be intentionally fired at the face, head, neck or groin, unless the use of deadly force would be justified.
7. 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 fifteen (15) seconds or more.
8. 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.
9. 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 MPD-approved batons and techniques.
4. MPD-approved batons are the only authorized impact weapons. Flashlights, radios, firearms, etc., are not recommended as impact weapons; however, the MPD recognizes that emergency self-defense situations involving other objects and instruments may occur.

IMPACT PROJECTILES

1. Impact projectile weapons may only be utilized by officers that have successfully completed training in their use. Deployment of impact projectiles will be in accordance with MPD training.
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.~~ In cases where a subject is believed to be armed with a dangerous weapon, an impact projectile weapon is not a substitute for deadly force. Unless circumstances dictate otherwise, an officer should not arm him or herself with an impact projectile weapon unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with impact projectile weapons should continuously monitor and evaluate the ability of other officers present to deliver deadly force.

3. It is the responsibility of the officer arming him or herself with an impact projectile weapon to ensure that the weapon is loaded with impact projectiles each time the weapon is deployed.
4. 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 articuable 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 SOP 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 MPD training.
3. When handcuffs prove to be insufficient in restraining an individual (e.g., kicking, attempting to flee, etc.), officers may employ the use of additional MPD-approved restraining devices.
4. In an emergency situation when a MPD-approved restraining device is not available, the MPD recognizes that alternative devices may have to be employed. In such situations, approved devices should be substituted as soon as reasonably practicable.
5. Individuals who are placed in 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 MPD-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 MPD 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 procedure by an appropriate supervisor. Anytime a commissioned employee uses recordable force during an incident, the force must be documented in the MPD use of force database.

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

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

Non-Deadly Force – Use of

Eff. Date ~~05/26/2016~~ 07/10/2017

Purpose

Consistent with the Department's Core Values, the Madison Police Department is committed to valuing and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the Department's fundamental objective and the primary duty of all MPD employees.

The Department is committed to resolving conflicts through the use of communication skills, crisis intervention and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

~~Recognizing our legal and moral obligation to use force wisely and judiciously, officers may use only the amount of non-deadly force that is reasonably necessary to secure control or to gain compliance and is consistent with Department Training.~~

~~It is the procedure of the Madison Police Department (MPD) 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. Members of the MPD shall act at all times within the standards for use of force established in the Use of Force procedures.~~

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

Procedure

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 reasonably to control a situation considering the following factors:

1. The existence of alternative methods of control.
2. Physical size, strength and weaponry of the person as compared to the officer.
3. The nature of the encounter.
4. Actions of the person.

5. The severity of the offense.
6. Whether the suspect poses a threat to the safety of officers or citizens.
7. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

SPECIAL CIRCUMSTANCES

As time and circumstances permit, there are a number of special circumstances officers may consider when engaging in and evaluating reasonable uses of force. These factors include, but are not limited to:

1. Reasonable perception of threat.
2. Special knowledge of the subject.
3. Sudden assault.
4. Subject's ability to escalate rapidly.
5. Officer's physical positioning.
6. Injury or exhaustion.
7. Equipment and training.
8. Availability of backup.
9. Other exigent circumstances.

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 or make an affirmative decision to disengage. Once a person is under control, officers are required to revert to the lowest degree of force necessary to maintain that control, and then begin steps to render aid when applicable.

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.[1]

DE-ESCALATION

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

USE OF FORCE TECHNIQUES/INSTRUMENTS

The intentional continued restriction of the carotid neck arteries is not a trained MPD technique and is therefore prohibited, unless deadly force is justified.

THE USE OF OLEORESIN CAPSICUM SPRAY (O.C. SPRAY)

1. Officers may use O.C. spray when they reasonably believe they are facing active resistance, or its threat, from the subject. O.C. spray is not to be used against subjects who are offering passive resistance.

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

2. Officers shall only direct O.C. spray in a manner as prescribed by the Chief of Police through MPD training.
3. 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 MPD 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 MPD training and procedure.
2. In cases where a subject is believed to be armed with a dangerous weapon, an ECD is not a substitute for deadly force. Consistent with best practices, when encountering a subject believed to be armed with a dangerous weapon, an officer should not arm him or herself with an ECD unless another officer at the scene has the immediate ability to deliver deadly force, unless unique circumstances dictate otherwise. ~~Unless circumstances dictate otherwise, an officer should 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. 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 articuable 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 fifteen (15) 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 MPD-approved batons and techniques.
4. MPD-approved batons are the only authorized impact weapons. Flashlights, radios, firearms, etc., are not recommended as impact weapons; however, the MPD recognizes that emergency self-defense situations involving other objects and instruments may occur.

IMPACT PROJECTILES

1. Impact projectile weapons may only be utilized by officers that have successfully completed training in their use. Deployment of impact projectiles will be in accordance with MPD training.
2. In cases where a subject is believed to be armed with a dangerous weapon, an impact projectile weapon is not a substitute for deadly force. Unless circumstances dictate otherwise, an officer should not arm him or herself with an impact projectile weapon unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with impact projectile weapons should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. It is the responsibility of the officer arming him or herself with an impact projectile weapon to ensure that the weapon is loaded with impact projectiles each time the weapon is deployed.
4. 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 articuable 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 SOP 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 MPD training.

3. When handcuffs prove to be insufficient in restraining an individual (e.g., kicking, attempting to flee, etc.), officers may employ the use of additional MPD-approved restraining devices.
4. In an emergency situation when a MPD-approved restraining device is not available, the MPD recognizes that alternative devices may have to be employed. In such situations, approved devices should be substituted as soon as reasonably practicable.
5. Individuals who are placed in 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 MPD-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 MPD 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.

DUTY TO INTERCEDE

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

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention.

USE OF FORCE REVIEW AND INVESTIGATIONS

All instances of the use of non-deadly force shall be reviewed for compliance with MPD procedure by an appropriate supervisor. Anytime a commissioned employee uses recordable force during an incident, the force must be documented in the MPD use of force database.

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

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

Original SOP: 03/23/2015
(Revised: 05/26/2016, 07/10/2017)
(Reviewed Only: 12/22/2016)

Non-Deadly Force – Use of

Eff. Date ~~07/10/2017~~ 12/06/2017

Purpose

Consistent with the Department's Core Values, the Madison Police Department is committed to valuing and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the Department's fundamental objective and the primary duty of all MPD employees.

The Department is committed to resolving conflicts through the use of communication skills, crisis intervention and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

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

Procedure

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 reasonably to control a situation considering the following factors:

1. The existence of alternative methods of control.
2. Physical size, strength and weaponry of the person as compared to the officer.
3. The nature of the encounter.
4. Actions of the person.
5. The severity of the offense.
6. Whether the suspect poses a threat to the safety of officers or citizens.
7. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

SPECIAL CIRCUMSTANCES

As time and circumstances permit, there are a number of special circumstances officers may consider when engaging in and evaluating reasonable uses of force. These factors include, but are not limited to:

1. Reasonable perception of threat.
2. Special knowledge of the subject.

3. Sudden assault.
4. Subject's ability to escalate rapidly.
5. Officer's physical positioning.
6. Injury or exhaustion.
7. Equipment and training.
8. Availability of backup.
9. Other exigent circumstances.

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 or make an affirmative decision to disengage. Once a person is under control, officers are required to revert to the lowest degree of force necessary to maintain that control, and then begin steps to render aid when applicable.

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.[1]

DE-ESCALATION

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

USE OF FORCE TECHNIQUES/INSTRUMENTS

The intentional continued restriction of the carotid neck arteries is not a trained MPD technique and is therefore prohibited, unless deadly force is justified.

THE USE OF OLEORESIN CAPSICUM SPRAY (O.C. SPRAY)

1. Officers may use O.C. spray when they reasonably believe they are facing active resistance, or its threat, from the subject. O.C. 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 MPD training.
3. 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 MPD training.

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

ELECTRONIC CONTROL DEVICE USE

1. An approved electronic control device (ECD) may only be utilized by officers that have successfully completed training in its use. Deployment and use of the electronic control devices will be in accordance with MPD training and procedure.
2. In cases where a subject is believed to be armed with a dangerous weapon, an ECD is not a substitute for deadly force. In such situations, unless circumstances dictate otherwise, an officer ~~Consistent with best practices, when encountering a subject believed to be armed with a dangerous weapon, an officer~~ should not arm him or herself with an ECD unless another officer at the scene has the immediate ability to deliver deadly force, unless unique circumstances dictate otherwise. Officers armed with an ECD should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. An officer may only display, present, or threaten to use an ECD if the officer reasonably believes that the potential for its authorized use exists. Furthermore, an officer may do so absent deadly force coverage if they reasonably believe the involved person is not armed with a dangerous weapon.
4. An ECD may only be used under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat; if the officer reasonably believes that the subject poses an articuable 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 fifteen (15) 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 MPD-approved batons and techniques.
4. MPD-approved batons are the only authorized impact weapons. Flashlights, radios, firearms, etc., are not recommended as impact weapons; however, the MPD recognizes that emergency self-defense situations involving other objects and instruments may occur.

IMPACT PROJECTILES

1. Impact projectile weapons may only be utilized by officers that have successfully completed training in their use. Deployment of impact projectiles will be in accordance with MPD training.
2. In cases where a subject is believed to be armed with a dangerous weapon, an impact projectile weapon is not a substitute for deadly force. Unless circumstances dictate otherwise, an officer should not arm him or herself with an impact projectile weapon unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with impact projectile weapons should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. It is the responsibility of the officer arming him or herself with an impact projectile weapon to ensure that the weapon is loaded with impact projectiles each time the weapon is deployed.
4. 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 articuable 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 SOP 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 MPD training.
3. When handcuffs prove to be insufficient in restraining an individual (e.g., kicking, attempting to flee, etc.), officers may employ the use of additional MPD-approved restraining devices.
4. In an emergency situation when a MPD-approved restraining device is not available, the MPD recognizes that alternative devices may have to be employed. In such situations, approved devices should be substituted as soon as reasonably practicable.
5. Individuals who are placed in ~~the~~ a maximum restraint position should be continuously monitored for breathing and circulation.

USE OF SPIT HOODS

1. A spit hood is a temporary protective device, which may be used on persons that display behavior or threatening behavior that pose a hazard of exposure to bodily fluids transmitted by spitting, wiping blood from their face/head, or wiping/blowing nasal discharges at or onto officers.
2. Officers should use only MPD-approved spit hoods. In an emergency situation if 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 MPD 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 or Less Lethal Impact Munitions~~.~~
3. Chemical Agents, including OC spray, or Electronic Control Devices~~.~~
4. Handcuffs or Other Restraining Devices, including hobble restraints, spit hoods, etc.
5. Physical ~~Force~~ force, including focused and diffused strikes, pressure points, escort holds, decentralization techniques, holding or grabbing of subjects, etc.

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

DUTY TO INTERCEDE

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

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention.

USE OF FORCE REVIEW AND INVESTIGATIONS

All instances of the use of non-deadly force shall be reviewed for compliance with MPD procedure by an appropriate supervisor. Anytime a commissioned employee uses recordable force during an incident, the force must be documented in the MPD use of force database.

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

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

Original SOP: 03/23/2015
(Revised: 05/26/2016, 07/10/2017, 12/06/2017)
(Reviewed Only: 12/22/2016)

Non-Deadly Force – Use of

Eff. Date ~~12/06/2017~~ 03/01/2019

Purpose

Consistent with the Department's Core Values, the Madison Police Department is committed to valuing and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the Department's fundamental objective and the primary duty of all MPD employees.

The Department is committed to resolving conflicts through the use of communication skills, crisis intervention and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

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

Procedure

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~~ a lawful arrest.
3. ~~Overcoming resistance.~~ Achieving/maintaining control of resistive subjects.
4. Preventing escape.
5. Protecting oneself or another.
6. Maintaining order.
7. Taking a person into custody for emergency detention or protective custody.

FORCE CONSIDERATIONS

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

1. The existence of alternative methods of control.
2. Physical size, strength and weaponry of the person as compared to the officer.
3. The nature of the encounter.
4. Actions of the person.
5. The severity of the offense.
6. Whether the subject ~~suspect~~ poses a threat to the safety of officers or citizens.
7. Whether the subject ~~suspect~~ is actively resisting arrest or attempting to evade arrest by flight.

SPECIAL CIRCUMSTANCES

As time and circumstances permit, there are a number of special circumstances officers may consider when engaging in and evaluating reasonable uses of force. These factors include, but are not limited to:

1. Reasonable perception of threat.
2. Special knowledge of the subject.
3. Sudden assault.
4. Subject's ability to escalate force rapidly.
5. Officer's physical positioning.
6. Injury or exhaustion.
7. Equipment and training.
8. Availability of backup.
9. Other exigent circumstances.

Control of a person through presence and verbal commands shall always be the preferred method of control. Because verbal commands are not always effective or appropriate in gaining compliance, officers may escalate the degree of force used, or make an affirmative decision to disengage, based on the actions of the person they are attempting to control ~~or make an affirmative decision to disengage~~. Officers will continually evaluate/assess the situation and need for the use of force. Once a person is under control, officers are required to revert to the lowest degree of force necessary to maintain that control, and then begin steps to render aid when applicable.

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.[1]

DE-ESCALATION

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

USE OF FORCE TECHNIQUES/INSTRUMENTS

The intentional continued restriction of the carotid neck arteries is not a trained MPD technique and is therefore prohibited, unless deadly force is justified.

THE USE OF OLEORESIN CAPSICUM SPRAY (O.C. SPRAY)

1. Officers may use O.C. spray when they reasonably believe they are facing active resistance, or its threat, from the subject. O.C. spray is not to be used against subjects who are offering only passive resistance.
2. Officers shall only direct O.C. spray in a manner as prescribed by the Chief of Police through MPD training.
3. 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.~~

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

CHEMICAL AGENT USE

Officers shall discharge chemical agents only in a manner as prescribed by the Chief of Police through MPD 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 MPD training and procedure.
2. In cases where a subject is believed to be armed with a dangerous weapon, an ECD is not a substitute for deadly force. In such situations, ~~unless circumstances dictate otherwise,~~ an officer should not arm him or herself with an ECD unless another officer at the scene has the immediate ability to deliver deadly force, unless unique circumstances dictate otherwise. Officers armed with an ECD should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. An officer may only display, present, or threaten to use an ECD if the officer reasonably believes that the potential for its authorized use exists. Furthermore, an officer may do so absent deadly force coverage if they reasonably believe the involved person is not armed with a dangerous weapon.
4. An ECD may only be used under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat ~~if~~ when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
   b. To control persons in order to prevent them from harming themselves or others.
5. Use of an ECD under the following circumstances is prohibited, unless exigent circumstances are present:
   a. Against handcuffed subjects.
   b. Against subjects fleeing on foot.
   c. Against subjects in an elevated position where a fall is likely to result in significant injury.
   d. Against subjects operating a motor vehicle.
   e. Against small children.
   f. Against a subject who is visibly pregnant or known to be pregnant.
   g. Against elderly subjects.
   h. From a moving vehicle.
6. The ECD will not be used under the following circumstances:
   a. For coercion or intimidation.
   b. To escort or prod subjects.
   c. To awaken unconscious or intoxicated subjects.
   d. Against subjects who are offering only passive resistance.
7. ECD probes may not be intentionally fired at the face, head, neck or groin, unless the use of deadly force would be justified.
8. Multiple, extended or simultaneous ECD applications against a single individual are generally not recommended, and should be avoided unless the officer reasonably believes that the need to control the subject or unavailability of alternative force options outweighs the potential risk posed by multiple, extended or simultaneous applications.
9. Officers shall assess ~~evaluate~~ all subjects against whom an ECD has been deployed. The subject shall be ~~medically~~ evaluated by medical personnel if:
   a. The subject requests medical treatment.
   b. The subject displays an adverse reaction to the ECD deployment.
   c. The subject has been exposed to more than one ECD simultaneously.
   d. The subject has been exposed to three (3) or more ECD firing cycles; or one continuous firing cycle of fifteen (15) seconds or more.
10. If the ECD probes have penetrated the skin in a sensitive area (head, neck, groin or breast ~~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.

11. 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 MPD-approved batons and techniques.
4. MPD-approved batons are the only authorized impact weapons. Flashlights, radios, firearms, etc., are not recommended as impact weapons; however, the MPD recognizes that emergency self-defense situations involving other objects and instruments may occur.

IMPACT PROJECTILES

1. Impact projectile weapons may only be utilized by officers that have successfully completed training in their use. Deployment of impact projectiles will be in accordance with MPD training.
2. In cases where a subject is believed to be armed with a dangerous weapon, an impact projectile weapon is not a substitute for deadly force. Unless circumstances dictate otherwise, an officer should not arm him or herself with an impact projectile weapon unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with impact projectile weapons should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. It is the responsibility of the officer arming him or herself with an impact projectile weapon to ensure that the weapon is loaded with impact projectiles each time the weapon is deployed.
4. ~~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 when ~~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.
5. The intentional deployment of impact projectiles at the face, head or neck is considered deadly force.
6. All persons taken into custody who have been struck with an impact projectile will be conveyed to an emergency room for medical clearance.
7. The investigative requirements of the Use of Deadly Force SOP will be followed only if deployment of an impact projectile results in death or great bodily harm.
8. Absent an imminent risk of harm to officers or citizens, impact projectiles will not be used in crowd control situations. Impact projectiles will not be used to move or disperse crowds.
9. Impact projectiles may be deployed in other jurisdictions pursuant to a mutual aid request. In the event that an individual struck with an impact projectile is taken into custody by another agency, officers from that agency shall be notified of the need for medical treatment.

CANINE USE

See MPD SOP on Canine Use.

USE OF RESTRAINING DEVICES

1. Officers shall place handcuffs on any individual in custody when the officer reasonably believes the individual may become violent, attempt to escape, or pose a danger to self or others. It is

mandatory that all persons who have aggressively resisted or attacked another person be placed in handcuffs.

2. Officers shall apply handcuffs in a manner prescribed by the Chief of Police through MPD training.
3. When handcuffs prove to be insufficient in restraining an individual (e.g., kicking, attempting to flee, etc.), officers may employ the use of additional MPD-approved restraining devices.
4. In an emergency situation when a MPD-approved restraining device is not available, the MPD recognizes that alternative devices may have to be employed. In such situations, approved devices should be substituted as soon as reasonably practicable.
5. Individuals who are placed in a maximum restraint position should be continuously monitored for breathing and circulation.

USE OF SPIT HOODS

1. A spit hood is a temporary protective device, which may be used on persons that display behavior or threatening behavior that pose a hazard of exposure to bodily fluids transmitted by spitting, wiping blood from their face/head, or wiping/blowing nasal discharges at or onto officers.
2. Officers should use only MPD-approved spit hoods. In an emergency situation if 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 MPD 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 or Less Lethal Impact Munitions
3. Chemical Agents, including OC spray, or Electronic Control Devices
4. Handcuffs or Other Restraining Devices, including hobble restraints, spit hoods, etc.
5. Physical force, including focused and diffused strikes, pressure points, escort holds, decentralization techniques, holding or grabbing of subjects, etc.

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

DUTY TO INTERCEDE

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

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. Any time recordable force (takedowns, active countermeasures, OC spray, impact weapons, hobble restraints, less lethal projectiles, ECD deployments, K9 apprehensions) is used officers will affirmatively ask the subject against whom the force has been used if he/she wants medical treatment.

USE OF FORCE REVIEW AND INVESTIGATIONS

All instances of the use of non-deadly force shall be reviewed for compliance with MPD procedure by an appropriate supervisor. Anytime a commissioned employee uses recordable force during an incident, the force must be documented in the MPD use of force database.

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

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

Original SOP: 03/23/2015
(Revised: 05/26/2016, 07/10/2017, 12/06/2017, 03/01/2019)
(Reviewed Only: 12/22/2016)

Non-Deadly Force – Use of

Eff. Date ~~03/01/2019~~ 09/23/2019

Purpose

Consistent with the Department's Core Values, the Madison Police Department is committed to valuing and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the Department's fundamental objective and the primary duty of all MPD employees.

The Department is committed to resolving conflicts through the use of communication skills, crisis intervention and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

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

Procedure

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 a lawful arrest.
3. Achieving/maintaining control of resistive subjects.
4. Preventing escape.
5. Protecting oneself or another.
6. Maintaining order.
7. Taking a person into custody for emergency detention or protective custody.

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. The severity of the offense.
6. Whether the subject poses a threat to the safety of officers or citizens.
7. Whether the subject is actively resisting arrest or attempting to evade arrest by flight.

SPECIAL CIRCUMSTANCES

As time and circumstances permit, there are a number of special circumstances officers may consider when engaging in and evaluating reasonable uses of force. These factors include, but are not limited to:

1. Reasonable perception of threat.
2. Special knowledge of the subject.
3. Sudden assault.
4. Subject's ability to escalate force rapidly.
5. Officer's physical positioning.
6. Injury or exhaustion.
7. Equipment and training.
8. Availability of backup.
9. Other exigent circumstances.

Control of a person through presence and verbal commands shall always be the preferred method of control. Because verbal commands are not always effective or appropriate in gaining compliance, officers may escalate the degree of force used, or make an affirmative decision to disengage, based on the actions of the person they are attempting to control. Officers will continually evaluate/assess the situation and need for the use of force. Once a person is under control, officers are required to revert to the lowest degree of force necessary to maintain that control, and then begin steps to render aid when applicable.

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.[1]

DE-ESCALATION

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

USE OF FORCE TECHNIQUES/INSTRUMENTS

The intentional continued restriction of the carotid neck arteries is not a trained MPD technique and is therefore prohibited, unless deadly force is justified.

THE USE OF OLEORESIN CAPSICUM SPRAY (O.C. SPRAY)

1. Officers may use O.C. spray when they reasonably believe they are facing active resistance, or its threat, from the subject. O.C. spray is not to be used against subjects who are offering only passive resistance.
2. Officers shall only direct O.C. spray in a manner as prescribed by the Chief of Police through MPD training.
3. 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.

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

CHEMICAL AGENT USE

Officers shall discharge chemical agents only in a manner as prescribed by the Chief of Police through MPD 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 MPD training and procedure.
2. In cases where a subject is believed to be armed with a dangerous weapon, an ECD is not a substitute for deadly force. In such situations, an officer should not arm him or herself with an ECD unless another officer at the scene has the immediate ability to deliver deadly force, unless unique circumstances dictate otherwise. Officers armed with an ECD should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. An officer may only display, present, or threaten to use an ECD if the officer reasonably believes that the potential for its authorized use exists. Furthermore, an officer may do so absent deadly force coverage if they reasonably believe the involved person is not armed with a dangerous weapon.
4. An ECD may only be used under the following circumstances:
    a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
    b. To control persons in order to prevent them from harming themselves or others.
5. Use of an ECD under the following circumstances is prohibited, unless exigent circumstances are present:
    a. Against handcuffed subjects.
    b. Against subjects fleeing on foot.
    c. Against subjects in an elevated position where a fall is likely to result in significant injury.
    d. Against subjects operating a motor vehicle.
    e. Against small children.
    f. Against a subject who is visibly pregnant or known to be pregnant.
    g. Against elderly subjects.
    h. From a moving vehicle.
6. The ECD will not be used under the following circumstances:
    a. For coercion or intimidation.
    b. To escort or prod subjects.
    c. To awaken unconscious or intoxicated subjects.
    d. Against subjects who are offering only passive resistance.
7. ECD probes may not be intentionally fired at the face, head, neck or groin, unless the use of deadly force would be justified.
8. Multiple, extended or simultaneous ECD applications against a single individual are generally not recommended, and should be avoided unless the officer reasonably believes that the need to control the subject or unavailability of alternative force options outweighs the potential risk posed by multiple, extended or simultaneous applications.
9. Officers shall assess all subjects against whom an ECD has been deployed. The subject shall be evaluated by medical personnel if:
    a. The subject requests medical treatment.
    b. The subject displays an adverse reaction to the ECD deployment.
    c. The subject has been exposed to more than one ECD simultaneously.
    d. The subject has been exposed to three (3) or more ECD firing cycles; or one continuous firing cycle of fifteen (15) seconds or more.
10. If the ECD probes have penetrated the skin in a sensitive area (head, neck, groin or breast) the subject will be conveyed to an emergency room for removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them.

11. Removing the air cartridge to deploy an ECD in the drive-stun mode is not authorized as a primary ECD deployment technique.

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 MPD-approved batons and techniques.
4. MPD-approved batons are the only authorized impact weapons. Flashlights, radios, firearms, etc., are not recommended as impact weapons; however, the MPD recognizes that emergency self-defense situations involving other objects and instruments may occur.

IMPACT PROJECTILES

1. Impact projectile weapons may only be utilized by officers that have successfully completed training in their use. Deployment of impact projectiles will be in accordance with MPD training.
2. In cases where a subject is believed to be armed with a dangerous weapon, an impact projectile weapon is not a substitute for deadly force. Unless circumstances dictate otherwise, an officer should not arm him or herself with an impact projectile weapon unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with impact projectile weapons should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. It is the responsibility of the officer arming him or herself with an impact projectile weapon to ensure that the weapon is loaded with impact projectiles each time the weapon is deployed.
4. Deployment of impact projectiles at non-vital areas is considered non-deadly force. Impact projectiles may only be used under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
   b. To control persons in order to prevent them from harming themselves or others.

   Additionally, an officer must reasonably believe that a lesser degree of force would be insufficient to control the situation, or that it is necessary to deliver force at a safe distance from the subject.
5. The intentional deployment of impact projectiles at the face, head or neck is considered deadly force.
6. All persons taken into custody who have been struck with an impact projectile will be conveyed to an emergency room for medical clearance.
7. The investigative requirements of the Use of Deadly Force SOP will be followed only if deployment of an impact projectile results in death or great bodily harm.
8. Absent an imminent risk of harm to officers or citizens, impact projectiles will not be used in crowd control situations. Impact projectiles will not be used to move or disperse crowds.
9. Impact projectiles may be deployed in other jurisdictions pursuant to a mutual aid request. In the event that an individual struck with an impact projectile is taken into custody by another agency, officers from that agency shall be notified of the need for medical treatment.

CANINE USE

See MPD SOP on Canine Use.

USE OF RESTRAINING DEVICES

1. Officers shall place handcuffs on any individual in custody when the officer reasonably believes the individual may become violent, attempt to escape, or pose a danger to self or others. It is mandatory that all persons who have aggressively resisted or attacked another person be placed in handcuffs.

2. Officers shall apply handcuffs in a manner prescribed by the Chief of Police through MPD training.
3. When handcuffs prove to be insufficient in restraining an individual (e.g., kicking, attempting to flee, etc.), officers may employ the use of additional MPD-approved restraining devices.
4. In an emergency situation when a MPD-approved restraining device is not available, the MPD recognizes that alternative devices may have to be employed. In such situations, approved devices should be substituted as soon as reasonably practicable.
5. Individuals who are placed in a maximum restraint position should be continuously monitored for breathing and circulation.

USE OF SPIT HOODS

1. A spit hood is a temporary protective device, which may be used on persons that display behavior or threatening behavior that pose a hazard of exposure to bodily fluids transmitted by spitting, wiping blood from their face/head, or wiping/blowing nasal discharges at or onto officers.
2. Officers should use only MPD-approved spit hoods. In an emergency situation if 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 MPD 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 (including pointing a firearm at an individual)
2. Baton or Less Lethal Impact Munitions
3. Chemical Agents, including OC spray, or Electronic Control Devices
4. Handcuffs or Other Restraining Devices, including hobble restraints, spit hoods, etc.
5. Physical force, including focused and diffused strikes, pressure points, escort holds, decentralization techniques, holding or grabbing of subjects, etc.

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

DUTY TO INTERCEDE

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

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. Any time recordable force (takedowns, active countermeasures, OC spray, impact weapons, hobble restraints, less lethal projectiles, ECD deployments, K9 apprehensions) is used officers will affirmatively ask the subject against whom the force has been used if he/she wants medical treatment.

USE OF FORCE REVIEW AND INVESTIGATIONS

All instances of the use of non-deadly force shall be reviewed for compliance with MPD procedure by an appropriate supervisor. Anytime a commissioned employee uses recordable force during an incident, the force must be documented in the MPD use of force database.
In cases where a complaint is filed pertaining to an officer's use of non-deadly force, the Professional Standards and Internal Affairs Unit (PSIA) has the primary responsibility for coordinating the internal investigation to ensure compliance with the MPD Use of Non-Deadly Force SOP.

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

Original SOP: 03/23/2015
(Revised: 05/26/2016, 07/10/2017, 12/06/2017, 03/01/2019, 09/23/2019)
(Reviewed Only: 12/22/2016)

Non-Deadly Force – Use of

Eff. Date ~~09/23/2019~~ 10/14/2019

Purpose

Consistent with the Department's Core Values, the Madison Police Department is committed to valuing and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the Department's fundamental objective and the primary duty of all MPD employees.

The Department is committed to resolving conflicts through the use of communication skills, crisis intervention and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

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

Procedure

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 a lawful arrest.
3. Achieving/maintaining control of resistive subjects.
4. Preventing escape.
5. Protecting oneself or another.
6. Maintaining order.
7. Taking a person into custody for emergency detention or protective custody.

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. The severity of the offense.
6. Whether the subject poses a threat to the safety of officers or citizens.
7. Whether the subject is actively resisting arrest or attempting to evade arrest by flight.

SPECIAL CIRCUMSTANCES

As time and circumstances permit, there are a number of special circumstances officers may consider when engaging in and evaluating reasonable uses of force. These factors include, but are not limited to:

1. Reasonable perception of threat.
2. Special knowledge of the subject.
3. Sudden assault.
4. Subject's ability to escalate force rapidly.
5. Officer's physical positioning.
6. Injury or exhaustion.
7. Equipment and training.
8. Availability of backup.
9. Other exigent circumstances.

Control of a person through presence and verbal commands shall always be the preferred method of control. Because verbal commands are not always effective or appropriate in gaining compliance, officers may escalate the degree of force used, or make an affirmative decision to disengage, based on the actions of the person they are attempting to control. Officers will continually evaluate/assess the situation and need for the use of force. Once a person is under control, officers are required to revert to the lowest degree of force necessary to maintain that control, and then begin steps to render aid when applicable.

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.[1]

DE-ESCALATION

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

USE OF FORCE TECHNIQUES/INSTRUMENTS

The intentional continued restriction of the carotid neck arteries is not a trained MPD technique and is therefore prohibited, unless deadly force is justified.

THE USE OF OLEORESIN CAPSICUM SPRAY (O.C. SPRAY)

1. Officers may use O.C. spray when they reasonably believe they are facing active resistance, or its threat, from the subject. O.C. spray is not to be used against subjects who are offering only passive resistance.
2. Officers shall only direct O.C. spray in a manner as prescribed by the Chief of Police through MPD training.
3. 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.

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

CHEMICAL AGENT USE

Officers shall discharge chemical agents only in a manner as prescribed by the Chief of Police through MPD 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 MPD training and procedure.
2. In cases where a subject is believed to be armed with a dangerous weapon, an ECD is not a substitute for deadly force. In such situations, an officer should not arm him or herself with an ECD unless another officer at the scene has the immediate ability to deliver deadly force, unless unique circumstances dictate otherwise. Officers armed with an ECD should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. An officer may only display, present, or threaten to use an ECD if the officer reasonably believes that the potential for its authorized use exists. Furthermore, an officer may do so absent deadly force coverage if they reasonably believe the involved person is not armed with a dangerous weapon.
4. An ECD may only be used under the following circumstances:
    a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
    b. To control persons in order to prevent them from harming themselves or others.
5. Use of an ECD under the following circumstances is prohibited, unless exigent circumstances are present:
    a. Against handcuffed subjects.
    b. Against subjects fleeing on foot.
    c. Against subjects in an elevated position where a fall is likely to result in significant injury.
    d. Against subjects operating a motor vehicle.
    e. Against small children.
    f. Against a subject who is visibly pregnant or known to be pregnant.
    g. Against elderly subjects.
    h. From a moving vehicle.
6. The ECD will not be used under the following circumstances:
    a. For coercion or intimidation.
    b. To escort or prod subjects.
    c. To awaken unconscious or intoxicated subjects.
    d. Against subjects who are offering only passive resistance.
7. ECD probes may not be intentionally fired at the face, head, neck or groin, unless the use of deadly force would be justified.
8. Multiple, extended or simultaneous ECD applications against a single individual are generally not recommended, and should be avoided unless the officer reasonably believes that the need to control the subject or unavailability of alternative force options outweighs the potential risk posed by multiple, extended or simultaneous applications.
9. Officers shall assess all subjects against whom an ECD has been deployed. The subject shall be evaluated by medical personnel if:
    a. The subject requests medical treatment.
    b. The subject displays an adverse reaction to the ECD deployment.
    c. The subject has been exposed to more than one ECD simultaneously.
    d. The subject has been exposed to three (3) or more ECD firing cycles; or one continuous firing cycle of fifteen (15) seconds or more.
10. If the ECD probes have penetrated the skin in a sensitive area (head, neck, groin or breast) the subject will be conveyed to an emergency room for removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them.

11. Removing the air cartridge to deploy an ECD in the drive-stun mode is not authorized as a primary ECD deployment technique.

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 MPD-approved batons and techniques.
4. MPD-approved batons are the only authorized impact weapons. Flashlights, radios, firearms, etc., are not recommended as impact weapons; however, the MPD recognizes that emergency self-defense situations involving other objects and instruments may occur.

IMPACT PROJECTILES

1. Impact projectile weapons may only be utilized by officers that have successfully completed training in their use. Deployment of impact projectiles will be in accordance with MPD training.
2. In cases where a subject is believed to be armed with a dangerous weapon, an impact projectile weapon is not a substitute for deadly force. Unless circumstances dictate otherwise, an officer should not arm him or herself with an impact projectile weapon unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with impact projectile weapons should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. It is the responsibility of the officer arming him or herself with an impact projectile weapon to ensure that the weapon is loaded with impact projectiles each time the weapon is deployed.
4. Deployment of impact projectiles at non-vital areas is considered non-deadly force. Impact projectiles may only be used under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
   b. To control persons in order to prevent them from harming themselves or others.

   Additionally, an officer must reasonably believe that a lesser degree of force would be insufficient to control the situation, or that it is necessary to deliver force at a safe distance from the subject.
5. The intentional deployment of impact projectiles at the face, head or neck is considered deadly force.
6. All persons taken into custody who have been struck with an impact projectile will be conveyed to an emergency room for medical clearance.
7. The investigative requirements of the Use of Deadly Force SOP will be followed only if deployment of an impact projectile results in death or great bodily harm.
8. Absent an imminent risk of harm to officers or citizens, impact projectiles will not be used in crowd control situations. Impact projectiles will not be used to move or disperse crowds.
9. Impact projectiles may be deployed in other jurisdictions pursuant to a mutual aid request. In the event that an individual struck with an impact projectile is taken into custody by another agency, officers from that agency shall be notified of the need for medical treatment.

CANINE USE

See MPD SOP on Canine Use.

USE OF RESTRAINING DEVICES

1. Officers shall place handcuffs on any individual in custody when the officer reasonably believes the individual may become violent, attempt to escape, or pose a danger to self or others. It is mandatory that all persons who have aggressively resisted or attacked another person be placed in handcuffs.

2. Officers shall apply handcuffs in a manner prescribed by the Chief of Police through MPD training.
3. When handcuffs prove to be insufficient in restraining an individual (e.g., kicking, attempting to flee, etc.), officers may employ the use of additional MPD-approved restraining devices.
4. In an emergency situation when a MPD-approved restraining device is not available, the MPD recognizes that alternative devices may have to be employed. In such situations, approved devices should be substituted as soon as reasonably practicable.
5. Individuals who are placed in a maximum restraint position should be continuously monitored for breathing and circulation.

USE OF SPIT HOODS

1. A spit hood is a temporary protective device, which may be used on persons that display behavior or threatening behavior that pose a hazard of exposure to bodily fluids transmitted by spitting, wiping blood from their face/head, or wiping/blowing nasal discharges at or onto officers.
2. Officers should use only MPD-approved spit hoods. In an emergency situation if not readily available, officers may utilize other breathable items, such as pillowcases, surgical masks, etc.
3. Subjects must be stabilized and restrained (handcuffed) before applying the hood.
4. Officers shall apply the spit hood in accordance with MPD training.
5. Persons wearing the spit hood must be closely monitored and shall not be left unattended.
6. Officers shall document the use of the spit hood including the circumstances requiring its use in their report of the incident. A copy of the report shall be routed to Training.

USE OF FORCE REPORTING REQUIRED

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

1. Firearms (including pointing a firearm at an individual)
2. Baton or Less Lethal Impact Munitions
3. Chemical Agents, including OC spray, or Electronic Control Devices
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The report shall specifically note the totality of the circumstances necessitating force and the manner of force employed.

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Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. Any time recordable force (takedowns, active countermeasures, OC spray, impact weapons, hobble restraints, less lethal projectiles, ECD deployments, K9 apprehensions) is used officers will affirmatively ask the subject against whom the force has been used if he/she wants medical treatment.

USE OF FORCE REVIEW AND INVESTIGATIONS

All instances of the use of non-deadly force shall be reviewed for compliance with MPD procedure by an appropriate supervisor. Anytime a commissioned employee uses recordable force during an incident, the force must be documented in the MPD use of force database.
In cases where a complaint is filed pertaining to an officer's use of non-deadly force, the Professional Standards and Internal Affairs Unit (PSIA) has the primary responsibility for coordinating the internal investigation to ensure compliance with the MPD Use of Non-Deadly Force SOP.

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

Original SOP: 03/23/2015
(Revised: 05/26/2016, 07/10/2017, 12/06/2017, 03/01/2019, 09/23/2019, 10/14/2019)
(Reviewed Only: 12/22/2016)

Non-Deadly Force – Use of

Eff. Date ~~10/14/2019~~ 01/27/2020

Purpose

Consistent with ~~the Department's~~ our Mission and Core Values, the Madison Police Department is committed to valuing and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the Department's fundamental objective and the primary duty of all MPD employees.

The Department is committed to resolving conflicts through the use of communication skills, crisis intervention and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

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

Procedure

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 a lawful arrest.
3. Achieving/maintaining control of resistive subjects.
4. Preventing escape.
5. Protecting oneself or another.
6. Maintaining order.
7. Taking a person into custody for emergency detention or protective custody.

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. The severity of the offense.
6. Whether the subject poses a threat to the safety of officers or citizens.
7. Whether the subject is actively resisting arrest or attempting to evade arrest by flight.

SPECIAL CIRCUMSTANCES

~~As time and circumstances permit~~ Depending on the situation, there are a number of special circumstances officers may consider when engaging in and evaluating reasonable uses of force. These factors include, but are not limited to:

1. Reasonable perception of threat.
2. Special knowledge of the subject.
3. Sudden assault.
4. Subject's ability to escalate force rapidly.
5. Officer's physical positioning.
6. Injury or exhaustion.
7. Equipment and training.
8. Availability of backup.
9. Other exigent circumstances.

Control of a person through presence and verbal commands shall always be the preferred method of control. Because verbal commands are not always effective or appropriate in gaining compliance, officers may escalate the degree of force used, or make an affirmative decision to disengage, based on the actions of the person they are attempting to control. Officers will continually evaluate/assess the situation and need for the use of force. Once officers reasonably believe a person is under control, ~~officers are required to revert to the lowest degree~~ they must reduce their level of force ~~necessary~~ to that needed to maintain ~~that~~ such control, and then begin steps to render aid, when applicable.

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.[1]

DE-ESCALATION

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

USE OF FORCE TECHNIQUES/INSTRUMENTS

The intentional continued restriction of the carotid neck arteries is not a trained MPD technique and is therefore prohibited, unless deadly force is justified.

THE USE OF OLEORESIN CAPSICUM SPRAY (O.C. SPRAY)

1. Officers may use O.C. spray when they reasonably believe they are facing active resistance, or its threat, from the subject. O.C. spray is not to be used against subjects who are offering only passive resistance.
2. Officers shall only direct O.C. spray in a manner as prescribed by the Chief of Police through MPD training.
3. 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.

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

CHEMICAL AGENT USE

Officers shall discharge chemical agents only in a manner as prescribed by the Chief of Police through MPD 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 MPD training and procedure.
2. In cases where a subject is believed to be armed with a dangerous weapon, an ECD is not a substitute for deadly force. In such situations, an officer should not arm him or herself with an ECD unless another officer at the scene has the immediate ability to deliver deadly force, unless unique circumstances dictate otherwise. Officers armed with an ECD should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. An officer may only display, present, or threaten to use an ECD if the officer reasonably believes that the potential for its authorized use exists. Furthermore, an officer may do so absent deadly force coverage if they reasonably believe the involved person is not armed with a dangerous weapon.
4. An ECD may only be used under the following circumstances:
    a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
    b. To control persons in order to prevent them from harming themselves or others.
5. Use of an ECD under the following circumstances is prohibited, unless exigent circumstances are present:
    a. Against handcuffed subjects.
    b. Against subjects fleeing on foot.
    c. Against subjects in an elevated position where a fall is likely to result in significant injury.
    d. Against subjects operating a motor vehicle.
    e. Against small children.
    f. Against a subject who is visibly pregnant or known to be pregnant.
    g. Against elderly subjects.
    h. From a moving vehicle.
6. The ECD will not be used under the following circumstances:
    a. For coercion or intimidation.
    b. To escort or prod subjects.
    c. To awaken unconscious or intoxicated subjects.
    d. Against subjects who are offering only passive resistance.
7. ECD probes may not be intentionally fired at the face, head, neck or groin, unless the use of deadly force would be justified.
8. Multiple, extended or simultaneous ECD applications against a single individual are generally not recommended, and should be avoided unless the officer reasonably believes that the need to control the subject or unavailability of alternative force options outweighs the potential risk posed by multiple, extended or simultaneous applications.
9. Officers shall assess all subjects against whom an ECD has been deployed. The subject shall be evaluated by medical personnel if:
    a. The subject requests medical treatment.
    b. The subject displays an adverse reaction to the ECD deployment.
    c. The subject has been exposed to more than one ECD simultaneously.
    d. The subject has been exposed to three (3) or more ECD firing cycles; or one continuous firing cycle of fifteen (15) seconds or more.
10. If the ECD probes have penetrated the skin in a sensitive area (head, neck, groin or breast) the subject will be conveyed to an emergency room for removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them.

11. Removing the air cartridge to deploy an ECD in the drive-stun mode is not authorized as a primary ECD deployment technique.

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 MPD-approved batons and techniques.
4. MPD-approved batons are the only authorized impact weapons. Flashlights, radios, firearms, etc., are not recommended as impact weapons; however, the MPD recognizes that emergency self-defense situations involving other objects and instruments may occur.

IMPACT PROJECTILES

1. Impact projectile weapons may only be utilized by officers that have successfully completed training in their use. Deployment of impact projectiles will be in accordance with MPD training.
2. In cases where a subject is believed to be armed with a dangerous weapon, an impact projectile weapon is not a substitute for deadly force. Unless circumstances dictate otherwise, an officer should not arm him or herself with an impact projectile weapon unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with impact projectile weapons should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. It is the responsibility of the officer arming him or herself with an impact projectile weapon to ensure that the weapon is loaded with impact projectiles each time the weapon is deployed.
4. Deployment of impact projectiles at non-vital areas is considered non-deadly force. Impact projectiles may only be used under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
   b. To control persons in order to prevent them from harming themselves or others.

   Additionally, an officer must reasonably believe that a lesser degree of force would be insufficient to control the situation, or that it is necessary to deliver force at a safe distance from the subject.
5. The intentional deployment of impact projectiles at the face, head or neck is considered deadly force.
6. All persons taken into custody who have been struck with an impact projectile will be conveyed to an emergency room for medical clearance.
7. The investigative requirements of the Use of Deadly Force SOP will be followed only if deployment of an impact projectile results in death or great bodily harm.
8. Absent an imminent risk of harm to officers or citizens, impact projectiles will not be used in crowd control situations. Impact projectiles will not be used to move or disperse crowds.
9. Impact projectiles may be deployed in other jurisdictions pursuant to a mutual aid request. In the event that an individual struck with an impact projectile is taken into custody by another agency, officers from that agency shall be notified of the need for medical treatment.

CANINE USE

See MPD SOP on Canine Use.

USE OF RESTRAINING DEVICES

1. Officers shall place handcuffs on any individual in custody when the officer reasonably believes the individual may become violent, attempt to escape, or pose a danger to self or others. It is mandatory that all persons who have aggressively resisted or attacked another person be placed in handcuffs.

2. Officers shall apply handcuffs in a manner prescribed by the Chief of Police through MPD training.
3. When handcuffs prove to be insufficient in restraining an individual (e.g., kicking, attempting to flee, etc.), officers may employ the use of additional MPD-approved restraining devices.
4. In an emergency situation when a MPD-approved restraining device is not available, the MPD recognizes that alternative devices may have to be employed. In such situations, approved devices should be substituted as soon as reasonably practicable.
5. Individuals who are placed in a maximum restraint position should be continuously monitored for breathing and circulation.

USE OF SPIT HOODS

1. A spit hood is a temporary protective device, which may be used on persons that display behavior or threatening behavior that pose a hazard of exposure to bodily fluids transmitted by spitting, wiping blood from their face/head, or wiping/blowing nasal discharges at or onto officers.
2. Officers should use only MPD-approved spit hoods. In an emergency situation if not readily available, officers may utilize other breathable items, such as pillowcases, surgical masks, etc.
3. Subjects must be stabilized and restrained (handcuffed) before applying the hood.
4. Officers shall apply the spit hood in accordance with MPD training.
5. Persons wearing the spit hood must be closely monitored and shall not be left unattended.
6. Officers shall document the use of the spit hood including the circumstances requiring its use in their report of the incident. A copy of the report shall be routed to Training.

USE OF FORCE REPORTING REQUIRED

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

1. Firearms (including pointing a firearm at an individual)
2. Baton or Less Lethal Impact Munitions
3. Chemical Agents, including OC spray, or Electronic Control Devices
4. Handcuffs or Other Restraining Devices, including hobble restraints, spit hoods, etc.
5. Physical force, including focused and diffused strikes, pressure points, escort holds, decentralization techniques, holding or grabbing of subjects, etc.

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

DUTY TO INTERCEDE

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

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. Any time recordable force (takedowns, active countermeasures, OC spray, impact weapons, hobble restraints, less lethal projectiles, ECD deployments, K9 apprehensions) is used, officers will affirmatively ask the subject against whom the force has been used if he/she wants medical treatment.

USE OF FORCE REVIEW AND INVESTIGATIONS

All instances of the use of non-deadly force shall be reviewed for compliance with MPD procedure by an appropriate supervisor. Anytime a commissioned employee uses recordable force during an incident, the force must be documented in the MPD use of force database.

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

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

Original SOP: 03/23/2015
(Revised: 05/26/2016, 07/10/2017, 12/06/2017, 03/01/2019, 09/23/2019, 10/14/2019, 01/27/2020)
(Reviewed Only: 12/22/2016)

Non-Deadly Force – Use of

Eff. Date ~~01/27/2020~~ 01/14/2022

Purpose

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

The MPD~~epartment~~ is committed to resolving conflicts through the use of communication skills, crisis intervention, and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

As used in this Standard Operating Procedure (SOP), non-deadly force means the use of any weapon or instrument, or any physical action taken by an officer that ~~which~~ is not likely to cause death.

Procedure

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 a lawful arrest.
3. Achieving/maintaining control of resistive subjects.
4. Preventing escape.
5. Protecting oneself or another.
6. Maintaining order.
7. Taking a person into custody for emergency detention or protective custody.

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. The severity of the offense.
6. Whether the subject poses a threat to the safety of officers or citizens.
7. Whether the subject is actively resisting arrest or attempting to evade arrest by flight.

SPECIAL CIRCUMSTANCES

Depending on the situation, there are a number of special circumstances officers may consider when engaging in and evaluating reasonable uses of force. These factors include, but are not limited to, the following:

1. Reasonable perception of threat.
2. Special knowledge of the subject.
3. Sudden assault.
4. Subject's ability to escalate force rapidly.
5. Officer's physical positioning.
6. Injury or exhaustion.
7. Equipment and training.
8. Availability of backup.
9. Other exigent circumstances.

Control of a person through presence and verbal commands shall always be the preferred method of control. Because verbal commands are not always effective or appropriate in gaining compliance, officers may escalate the degree of force used, or make an affirmative decision to disengage, based on the actions of the person they are attempting to control. Officers will continually evaluate/assess the situation and need for the use of force. Once officers reasonably believe a person is under control, they must reduce their level of force to that needed to maintain such control, and then begin steps to render aid, when applicable.

The degree of force an officer chooses should be based on ~~his/her~~ the officer's 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.[1]

DE-ESCALATION

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

USE OF FORCE TECHNIQUES/INSTRUMENTS

The intentional continued restriction of the carotid neck arteries is not a trained MPD technique and is therefore prohibited, unless deadly force is justified.

THE USE OF OLEORESIN CAPSICUM SPRAY (O.C. SPRAY)

1. Officers may use O.C. spray when they reasonably believe they are facing active resistance, or its threat, from the subject. O.C. spray is not to be used against subjects who are offering only passive resistance.
2. Officers shall only direct O.C. spray in a manner as prescribed by the Chief of Police through MPD training.
3. O.C. spray shall not be used once an individual is subdued and under control.

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

4. If practical, the individual on whom O.C. spray has been used should be provided with an opportunity to eliminate the effects of the irritant by washing and flushing the affected areas with water.

CHEMICAL AGENT USE

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

ELECTRONIC CONTROL DEVICE USE

1. An approved electronic control device (ECD) may only be utilized by officers who ~~that~~ have successfully completed training in its use. Deployment and use of the electronic control devices will be in accordance with MPD training and procedure.
2. In cases where a subject is believed to be armed with a dangerous weapon, an ECD is not a substitute for deadly force. In such situations, an officer should not arm him or herself with an ECD unless another officer at the scene has the immediate ability to deliver deadly force, unless unique circumstances dictate otherwise. Officers armed with an ECD should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. An officer may only display, present, or threaten to use an ECD if the officer reasonably believes that the potential for its authorized use exists. Furthermore, an officer may do so absent deadly force coverage if they reasonably believe the involved person is not armed with a dangerous weapon.
4. An ECD may only be used under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
   b. To control persons in order to prevent them from harming themselves or others.
5. Use of an ECD under the following circumstances is prohibited, unless exigent circumstances are present:
   a. Against handcuffed subjects.
   b. Against subjects fleeing on foot.
   c. Against subjects in an elevated position where a fall is likely to result in significant injury.
   d. Against subjects operating a motor vehicle.
   e. Against small children.
   f. Against a subject who is visibly pregnant or known to be pregnant.
   g. Against elderly subjects.
   h. From a moving vehicle.
6. The ECD will not be used under the following circumstances:
   a. For coercion or intimidation.
   b. To escort or prod subjects.
   c. To awaken unconscious or intoxicated subjects.
   d. Against subjects who are offering only passive resistance.
7. ECD probes may not be intentionally fired at the face, head, neck, or groin, unless the use of deadly force would be justified.
8. Multiple, extended, or simultaneous ECD applications against a single individual are generally not recommended~~,~~ and should be avoided unless the officer reasonably believes that the need to control the subject or unavailability of alternative force options outweighs the potential risk posed by multiple, extended, or simultaneous applications.
9. Officers shall assess all subjects against whom an ECD has been deployed. The subject shall be evaluated by medical personnel if:
   a. The subject requests medical treatment.
   b. The subject displays an adverse reaction to the ECD deployment.
   c. The subject has been exposed to more than one ECD simultaneously.
   d. The subject has been exposed to three (3) or more ECD firing cycles,~~;~~ or one continuous firing cycle of fifteen (15) seconds or more.

10. If the ECD probes have penetrated the skin in a sensitive area (head, neck, groin, or breast) the subject will be conveyed to an emergency room for removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them.
11. Removing the air cartridge to deploy an ECD in the drive-stun mode is not authorized as a primary ECD deployment technique.

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 MPD-approved batons and techniques.
4. MPD-approved batons are the only authorized impact weapons. Flashlights, radios, firearms, etc., are not recommended as impact weapons; however, the MPD recognizes that emergency self-defense situations involving other objects and instruments may occur.

IMPACT PROJECTILES

1. Impact projectile weapons may only be utilized by officers that have successfully completed training in their use. Deployment of impact projectiles will be in accordance with MPD training.
2. In cases where a subject is believed to be armed with a dangerous weapon, an impact projectile weapon is not a substitute for deadly force. Unless circumstances dictate otherwise, an officer should not arm him or herself with an impact projectile weapon unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with impact projectile weapons should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. It is the responsibility of the officer arming him or herself with an impact projectile weapon to ensure that the weapon is loaded with impact projectiles each time the weapon is deployed.
4. Deployment of impact projectiles at non-vital areas is considered non-deadly force. Impact projectiles may only be used under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
   b. To control persons in order to prevent them from harming themselves or others.

   Additionally, an officer must reasonably believe that a lesser degree of force would be insufficient to control the situation, or that it is necessary to deliver force at a safe distance from the subject.
5. The intentional deployment of impact projectiles at the face, head, or neck is considered deadly force.
6. All persons taken into custody who have been struck with an impact projectile will be conveyed to an emergency room for medical clearance.
7. The investigative requirements of the Use of Deadly Force SOP will be followed only if deployment of an impact projectile results in death or great bodily harm.
8. Absent an imminent risk of harm to officers or citizens, impact projectiles will not be used in crowd control situations. Impact projectiles will not be used to move or disperse crowds.
9. Impact projectiles may be deployed in other jurisdictions pursuant to a mutual aid request. In the event that an individual struck with an impact projectile is taken into custody by another agency, officers from that agency shall be notified of the need for medical treatment.

REMOTE RESTRAINT DEVICES

1. An approved remote restraint device may only be utilized by officers that have successfully completed training in its use. Deployment and use of remote restraint devices will be in accordance with MPD training and procedure.
2. A remote restraint device may only be used under the following circumstances:

   a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes the subject poses an articulable threat of harm to an officer or to another person
   b. To control persons in order to prevent them from harming themselves or others
3. Use of a remote restraint device is prohibited under the following circumstances, 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
4. A remote restraint device may not be intentionally fired at the face, head, or neck unless deadly force is authorized.
5. Officer shall evaluate all subjects against whom a remote restraint devices has been deployed and make an affirmative offer of medical treatment to them. If the pellets (hooks) penetrate the skin in a sensitive area (head, neck, groin, or breast), the subject will be conveyed to an emergency room for removal. If the pellets (hooks) are embedded in non-sensitive areas, a trained officer may remove them.

CANINE USE

See MPD SOP on Canine Use.

USE OF RESTRAINING DEVICES

1. Officers shall place handcuffs on any individual in custody when the officer reasonably believes the individual may become violent, attempt to escape, or pose a danger to self or others. It is mandatory that all persons who have aggressively resisted or attacked another person be placed in handcuffs.
2. Officers shall apply handcuffs in a manner prescribed by the Chief of Police through MPD training.
3. When handcuffs prove to be insufficient in restraining an individual (e.g., kicking, attempting to flee, etc.), officers may employ the use of additional MPD-approved restraining devices.
4. In an emergency situation when a MPD-approved restraining device is not available, the MPD recognizes that alternative devices may have to be employed. In such situations, approved devices should be substituted as soon as reasonably practicable.
5. Individuals who are placed in a maximum restraint position should be continuously monitored for breathing and circulation.

USE OF SPIT HOODS

1. A spit hood is a temporary protective device, which may be used on persons who ~~that~~ display behavior or threatening behavior that pose a hazard of exposure to bodily fluids transmitted by spitting, wiping blood from their face/head, or wiping/blowing nasal discharges at or onto officers.
2. Officers should use only MPD-approved spit hoods. In an emergency situation ~~if~~ when an MPD-approved spit hood is not readily available, officers may utilize other breathable items, such as pillowcases, surgical masks, etc.
3. Subjects must be stabilized and restrained (handcuffed) before applying the hood.
4. Officers shall apply the spit hood in accordance with MPD training.
5. Persons wearing the spit hood must be closely monitored and shall not be left unattended.
6. Officers shall document the use of the spit hood including the circumstances requiring its use in their report of the incident. A copy of the report shall be routed to Training.

USE OF FORCE REPORTING REQUIRED

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

1. Firearms (including pointing a firearm at an individual)
2. Baton or Less Lethal Impact Munitions
3. Chemical Agents~~,~~ including OC spray, or Electronic Control Devices
4. Handcuffs or ~~O~~other Restraining Devices, including hobble restraints, spit hoods, etc.
5. Physical force, including focused and diffused strikes, pressure points, escort holds, decentralization techniques, holding or grabbing of subjects, etc.

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

DUTY TO INTERCEDE

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

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with ~~his or her~~ the officer's training to any individual who has visible injuries, complains of being injured, or requests medical attention. Any time recordable force (takedowns, active countermeasures, OC spray, impact weapons, hobble restraints, less lethal projectiles, ECD deployments, K9 apprehensions) is used, officers will affirmatively ask the subject against whom the force has been used if ~~he/she~~ the subject wants medical treatment.

USE OF FORCE REVIEW AND INVESTIGATIONS

All instances of the use of non-deadly force shall be reviewed for compliance with MPD procedure by an appropriate supervisor. Anytime a commissioned employee uses recordable force during an incident, the force must be documented in the MPD use of force database.

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

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

Original SOP: 03/23/2015
(Revised: 05/26/2016, 07/10/2017, 12/06/2017, 03/01/2019, 09/23/2019, 10/14/2019, 01/27/2020, 01/14/2022)
(Reviewed Only: 12/22/2016)

Non-Deadly Force – Use of

Eff. Date ~~01/14/2022~~ 04/25/2022

Purpose

Consistent with our Mission and Core Values, the Madison Police Department (MPD) is committed to valuing and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the Department's ~~MPD's~~ fundamental objective and is the primary duty of all MPD employees. The application of deadly force is a measure of last resort, only to be employed when an officer reasonably believes all other options have been exhausted or would be ineffective.

The department ~~MPD~~ is committed to resolving conflicts through the use of communication skills, crisis intervention, and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, Standard Operating Procedures (SOP), and training.

As used in this ~~Standard Operating Procedure (~~SOP~~)~~, non-deadly force means the use of any weapon or instrument, or any physical action taken by an officer that is not likely to cause death. Deadly force refers to the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

DE-ESCALATION

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

DUTY TO INTERCEDE

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

~~Procedure~~

~~NON-DEADLY FORCE AUTHORIZED~~ DECISION-MAKING

Use of force ~~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 a lawful arrest.
3. Achieving/maintaining control of resistive subjects.
4. Preventing escape.
5. Protecting oneself or another.
6. Maintaining order.
7. Taking a person into custody for emergency detention or protective custody.

Control of a person through presence and verbal commands shall always be the preferred method of control. Because verbal commands are not always effective or appropriate in gaining compliance, officers may escalate the degree of force used, or make an affirmative decision to disengage, based on the actions of the person they are attempting to control. Officers must continually evaluate/assess the

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

~~**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. The severity of the offense.
6. Whether the subject poses a threat to the safety of officers or citizens.
7. Whether the subject is actively resisting arrest or attempting to evade arrest by flight.

~~**SPECIAL CIRCUMSTANCES**~~

Depending on the situation, there are a number of special circumstances officers may consider when engaging in and evaluating reasonable uses of force. These factors include, but are not limited to~~, the following~~:

1. Reasonable perception of threat.
2. Special knowledge of the subject.
3. Sudden assault.
4. Subject's ability to escalate force rapidly.
5. Officer's physical positioning.
6. Injury or exhaustion.
7. Equipment and training.
8. Availability of backup.
9. Other exigent circumstances.

~~Control of a person through presence and verbal commands shall always be the preferred method of control. Because verbal commands are not always effective or appropriate in gaining compliance, officers may escalate the degree of force used, or make an affirmative decision to disengage, based on the actions of the person they are attempting to control. Officers will continually evaluate/assess the situation and need for the use of force. Once officers reasonably believe a person is under control, they must reduce their level of force to that needed to maintain such control, and then begin steps to render aid, when applicable.~~

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

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

DEADLY FORCE

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

1. To protect another person or persons from what is reasonably believed to be an imminent threat of death or great bodily harm.
2. To protect the officer from what is reasonably believed to be an imminent threat of death or great bodily harm.
3. To prevent the escape of a fleeing subject when all of the following are present:
    a. The officer has probable cause to believe that the person has committed or has attempted to commit a felony involving the use or threatened use of deadly force.
    b. The officer reasonably believes the subject presents a continuing imminent risk of great bodily harm or death to the officer or another subject if not immediately apprehended.
4. To protect the officer or another from an animal which an officer reasonably believes may cause great bodily harm if not immediately controlled, or to end the suffering of an animal gravely injured or diseased after considering public view, safety, and other reasonable dispositions.

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

VERBAL WARNING

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

DEADLY FORCE IS NEVER AUTHORIZED

Deadly force is never authorized:

1. As a warning shot.
2. From a moving vehicle, unless deadly force is justified and the consequences of not acting to stop the threat outweigh the risk created by the use of deadly force.
3. At a moving vehicle unless:
    a. A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or
    b. The vehicle is operated in a manner that reasonably appears deliberately intended to strike an officer or another person and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle. To prevent the threat of being struck by a vehicle, officers should avoid putting themselves in the path of any moving vehicle, and when such positioning is unavoidable, move out of the vehicle’s path as soon as practical.
4. When its use unreasonably risks the lives of innocent bystanders.

PROHIBITED TECHNIQUES

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

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

INVESTIGATION OF THE USE OF DEADLY FORCE

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

~~DE-ESCALATION~~

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

~~USE OF FORCE TECHNIQUES/INSTRUMENTS~~

~~The intentional continued restriction of the carotid neck arteries is not a trained MPD technique and is therefore prohibited, unless deadly force is justified.~~

NON-DEADLY FORCE

THE USE OF OLEORESIN CAPSICUM SPRAY (O~~.~~C. SPRAY)

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

~~CHEMICAL AGENT USE~~

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

USE OF SPECIALIZED CHEMICAL IRRITANT DELIVERY SYSTEMS

Specialized chemical irritant delivery systems include the following:

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

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

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

1. Dispersal of unlawful assembly

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

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

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

1. The decision has been made that intervention/resolution is required, consistent with the *Barricaded Persons Incidents* SOP.
2. Attempts to resolve the incident without tactical intervention have failed.
3. Legal authority to enter the area occupied by the suspect/subject exists.
4. The subject/suspect is armed, reasonably believed to be armed, or other circumstances suggest that tactical entry creates a significant risk to officers or others.
5. The incident commander determines that the use of specialized chemical irritant delivery systems is reasonably necessary to attempt to get the suspect/subject to exit (when avenues of egress/exit are available) or to facilitate safer employment of other tactical interventions.
6. Officers involved are appropriately equipped and notified that use of specialized chemical irritant delivery systems is imminent.
7. The incident commander should balance the need for the use of specialized chemical irritant delivery systems with the potential for adverse impact of said use (effect on uninvolved persons; visibility/traffic concerns; etc.).

8. Specialized chemical irritant delivery systems deployed to the interior of a dwelling must be non-pyrotechnic, unless deadly force is justified. This excludes pyrotechnic chemical munitions designed for interior use or delivered in an approved “burn box” or other similar device.
9. Specialized chemical irritant delivery systems should only be deployed by projectile if it is unsafe or impractical to deploy manually. Projectiles should be deployed in a manner to reduce the risk of striking a person.
10. The incident commander has approved use.
11. Specialized chemical irritant delivery systems may be deployed in tactical operation/barricaded subject incident without prior command approval under the following circumstances:
    i. All of the criteria described above for command approved deployment are present;
    ii. An urgent and immediate threat of physical harm to officers or others exists;
    iii. The risk of immediate physical harm is such that approval from the incident commander for deployment cannot be sought without unreasonably risking the safety of officers or others.

ELECTRONIC CONTROL DEVICE USE

1. An approved electronic control device (ECD) may only be utilized by officers who have successfully completed training in its use. Deployment and use of the electronic control devices will be in accordance with MPD training and procedure.
2. In cases where a subject is believed to be armed with a dangerous weapon, an ECD is not a substitute for deadly force. In such situations, an officer should not arm him or herself with an ECD ~~unless~~ without another officer at the scene ~~has~~ having the immediate ability to deliver deadly force, unless unique circumstances indictate otherwise. Officers armed with an ECD should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. An officer may only display, present, or threaten to use an ECD if the officer reasonably believes that the potential for its authorized use exists. Furthermore, an officer may only display, present, or threaten to use an ECD ~~do so~~ absent deadly force coverage if they reasonably believe the involved person is not armed with a dangerous weapon.
4. An ECD may only be used under the following circumstances:
    a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
    b. To control persons in order to prevent them from harming themselves or others.
5. Use of an ECD under the following circumstances is prohibited, unless exigent circumstances are present:
    a. Against handcuffed subjects.
    b. Against subjects fleeing on foot.
    c. Against subjects in an elevated position where a fall is likely to result in significant injury.
    d. Against subjects operating a motor vehicle.
    e. Against small children.
    f. Against a subject who is visibly pregnant or known to be pregnant.
    g. Against elderly subjects.
    h. From a moving vehicle.
6. The ECD will not be used under the following circumstances:
    a. For coercion or intimidation.
    b. To escort or prod subjects.
    c. To awaken unconscious or intoxicated subjects.
    d. Against subjects who are offering only passive resistance.
7. ECD probes may not be intentionally fired at the face, head, neck, or groin, unless the use of deadly force would be justified.
8. Multiple, extended, or simultaneous ECD applications against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the subject or unavailability of alternative force options outweighs the potential risk posed by multiple, extended, or simultaneous applications.

9. Officers shall assess all subjects against whom an ECD has been deployed. The subject shall be evaluated by medical personnel if:
   a. The subject requests medical treatment.
   b. The subject displays an adverse reaction to the ECD deployment.
   c. The subject has been exposed to more than one ECD simultaneously.
   d. The subject has been exposed to three (3) or more ECD firing cycles, or one continuous firing cycle of fifteen (15) seconds or more.
10. If the ECD probes have penetrated the skin in a sensitive area (head, neck, groin, or breast) the subject will be conveyed to an emergency room for probe removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them.
11. Removing the air cartridge to deploy an ECD in the drive-stun mode is not authorized as a primary ECD deployment technique.

REMOTE RESTRAINT DEVICE

1. Only department-approved remote restraint devices may be used, by officers that have successfully completed training in their use. Deployment of remote restraint devices will be in accordance with MPD training.
2. Remote restraint devices may be used only under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
   b. To control a subject in order to prevent them from harming themselves or others.
3. Use of remote restraint devices is prohibited under the following circumstances, unless exigent circumstances are present:
   a. Against handcuffed subjects.
   b. Against subjects fleeing on foot.
   c. Against subjects in an elevated position where a fall is likely to result in significant injury.
   d. Against subjects operating a motor vehicle.
   e. Against small children.
   f. Against a subject who is visibly pregnant or known to be pregnant.
   g. Against elderly subjects.
   h. From a moving vehicle.
4. The remote restraint devices may not be intentionally fired at the face, head, or neck unless deadly force is authorized.
5. If the remote restraint devices probes have penetrated the skin in a sensitive area (head, neck, groin or breast) the subject will be conveyed to an emergency room for probe removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them in accordance with training.
6. When deployed operationally, all cartridge components will be collected and property tagged.

BATON USE

1. A baton may be used to overcome continued resistance, or assaultive/dangerous behavior when an officer reasonably believes a lesser degree of force would be insufficient to control the situation.
2. An officer shall never intentionally strike a person's head with a baton unless such an action is justified under the use of deadly force.
3. Officers shall only use MPD-approved batons and techniques.
4. MPD-approved batons are the only authorized impact weapons. Flashlights, radios, firearms, etc., are not recommended as impact weapons; however, the MPD recognizes that emergency self-defense situations involving other objects and instruments may occur.

IMPACT PROJECTILES

1. Impact projectile weapons may only be utilized by officers that have successfully completed training in their use. Deployment of impact projectiles will be in accordance with MPD training. Only munitions approved by the Chief of Police or designee are authorized for use.
2. In cases where a subject is believed to be armed with a dangerous weapon, an impact projectile weapon is not a substitute for deadly force. Unless circumstances indictate otherwise, an officer should not arm him or herself with an impact projectile weapon unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with impact projectile weapons should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. It is the responsibility of the officer arming him or herself with an impact projectile weapon to ensure that the weapon is loaded with impact projectiles each time the weapon is deployed.
4. Deployment of impact projectiles at non-vital areas of a subject's body is considered non-deadly force. Impact projectiles may only be used under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
   b. To control persons in order to prevent them from harming themselves or others.

   Additionally, an officer must reasonably believe that a lesser degree of force would be insufficient to control the situation, or that it is necessary to deliver force at a safe distance from the subject.
5. The intentional deployment of impact projectiles at the face, head, or neck is considered deadly force.
6. All persons taken into custody who have been struck with an impact projectile will be conveyed to an emergency room for medical clearance.
7. The investigative requirements of the Use of Deadly Force SOP will be followed only if deployment of an impact projectile results in death or great bodily harm.
8. Absent an imminent risk of harm to officers or citizens, impact projectiles will not be used in crowd control situations. Before deploying an impact projectile in a crowd environment, the officers shall consider the density of the crowd and the potential for striking a bystander. Impact projectiles will not be used to move or disperse crowds.
9. Impact projectiles may be deployed in other jurisdictions pursuant to a mutual aid request. In the event that an individual struck with an impact projectile is taken into custody by another agency, officers from that agency shall be notified of the need for medical treatment.

CANINE USE

See MPD SOP on Canine Use.

~~REMOTE RESTRAINT DEVICES~~

~~1. An approved remote restraint device may only be utilized by officers that have successfully completed training in its use. Deployment and use of remote restraint devices will be in accordance with MPD training and procedure.~~
~~2. A remote restraint device may only be used under the following circumstances:~~
   ~~a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes the subject poses an articulable threat of harm to an officer or to another person~~
   ~~b. To control persons in order to prevent them from harming themselves or others~~
~~3. Use of a remote restraint device is prohibited under the following circumstances, 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~~
~~4. A remote restraint device may not be intentionally fired at the face, head, or neck unless deadly force is authorized.~~

5. Officer shall evaluate all subjects against whom a remote restraint devices has been deployed and make an affirmative offer of medical treatment to them. If the pellets (hooks) penetrate the skin in a sensitive area (head, neck, groin, or breast), the subject will be conveyed to an emergency room for removal. If the pellets (hooks) are embedded in non-sensitive areas, a trained officer may remove them.

CANINE USE

See MPD SOP on Canine Use.

USE OF RESTRAINING DEVICES

1. Officers shall place handcuffs on any individual in custody when the officer reasonably believes the individual may become violent, attempt to escape, or pose a danger to self or others. It is mandatory that all persons who have aggressively resisted or attacked another person be placed in handcuffs.
2. Officers shall apply handcuffs in a manner prescribed by the Chief of Police through MPD training.
3. When handcuffs prove to be insufficient in restraining an individual (e.g., kicking, attempting to flee, etc.), officers may employ the use of additional MPD-approved restraining devices.
4. In an emergency situation when a MPD-approved restraining device is not available, the MPD recognizes that alternative devices may have to be employed. In such situations, approved devices should be substituted as soon as reasonably practicable.
5. Individuals who are placed in a maximum restraint position should be continuously monitored for breathing and circulation.

USE OF SPIT HOODS

1. A spit hood is a temporary protective device, which may be used on persons who display behavior or threatening behavior that pose a hazard of exposure to bodily fluids transmitted by spitting, wiping blood from their face/head, or wiping/blowing nasal discharges at or onto officers.
2. Officers should use only MPD-approved spit hoods. In an emergency situation if a department approved spit hood when an MPD-approved spit hood is not readily available, officers may utilize other breathable items, such as pillowcases, surgical masks, etc.
3. Subjects must be stabilized and restrained (handcuffed) before applying the hood. The subject should be advised, when practical, that a hood is being applied.
4. Officers shall apply the spit hood in accordance with MPD training.
5. Persons wearing the spit hood must be closely monitored and shall not be left unattended.
6. Officers shall document the use of the spit hood including the circumstances requiring its use in their report of the incident. A copy of the report shall be routed to the MPD Use of Force Coordinator Training.

USE OF FORCE REPORTING REQUIRED

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

1. Firearms (including pointing a firearm at an individual)
2. Baton or Less Lethal Impact Munitions
3. Chemical Agents, including OC spray, or Electronic Control Devices
4. Handcuffs or other Restraining Devices, including hobble restraints, spit hoods, remote restraint devices, etc.
5. Physical force, including focused and diffused strikes, pressure points, escort holds, decentralization techniques, holding or grabbing of subjects, etc.

The report shall specifically note the totality of the circumstances necessitating force and the manner of force employed. A copy of the report should be routed to the MPD Use of Force Coordinator.

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with their training to any individual who has visible injuries, who complains of being injured, or who requests medical attention. Individuals taken into custody should be positioned in a way so that their breathing is not obstructed.

Any time recordable force (takedowns, active countermeasures, OC spray, impact weapons, hobble restraints, less lethal projectiles, ECD deployments, K9 apprehensions) is used, officers will affirmatively ask the subject against whom the force has been used if he/she wants medical treatment.

~~**DUTY TO INTERCEDE**~~

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

~~**AFTERCARE**~~

~~Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with the officer's training to any individual who has visible injuries, complains of being injured, or requests medical attention. Any time recordable force (takedowns, active countermeasures, OC spray, impact weapons, hobble restraints, less lethal projectiles, ECD deployments, K9 apprehensions) is used, officers will affirmatively ask the subject against whom the force has been used if the subject wants medical treatment.~~

USE OF FORCE REVIEW AND INVESTIGATIONS

All instances of the use of non-deadly force shall be reviewed for compliance with MPD procedure by an appropriate supervisor. Anytime a commissioned employee uses recordable force during an incident, the force must be documented in the MPD use of force database.

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

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

Original SOP: 03/23/2015
(Revised: 05/26/2016, 07/10/2017, 12/06/2017, 03/01/2019, 09/23/2019, 10/14/2019, 01/27/2020, 01/14/2022, 04/25/2022)
(Reviewed Only: 12/22/2016)

Use of Force

Eff. Date 06/21/2022

Purpose

Consistent with our Mission and Core Values, the Madison Police Department (MPD) is committed to valuing and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the MPD's fundamental objective and the primary duty of all MPD employees. The application of deadly force is a measure of last resort, only to be employed when an officer reasonably believes all other options have been exhausted or would be ineffective.

The MPD is committed to resolving conflicts through the use of communication skills, crisis intervention, and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

As used in this Standard Operating Procedure (SOP), deadly force refers to the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

DE-ESCALATION

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

DUTY TO INTEVENE ~~INTERCEDE~~

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

NON-DEADLY FORCE

THE USE OF OLEORESIN CAPSICUM SPRAY (OC SPRAY)

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

USE OF SPECIALIZED CHEMICAL IRRITANT DELIVERY SYSTEMS

Specialized chemical irritant delivery systems include the following:

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

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

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

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

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

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

1. The decision has been made that intervention/resolution is required, consistent with the *Barricaded Persons Incidents* SOP.
2. Attempts to resolve the incident without tactical intervention have failed.
3. Legal authority to enter the area occupied by the suspect/subject exists.

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

ELECTRONIC CONTROL DEVICE USE

1. An approved electronic control device (ECD) may only be utilized by officers who have successfully completed training in its use. Deployment and use of the electronic control devices will be in accordance with MPD training and procedure.
2. In cases where a subject is believed to be armed with a dangerous weapon, an ECD is not a substitute for deadly force. In such situations, an officer should not arm him or herself with an ECD without another officer at the scene having the immediate ability to deliver deadly force, unless unique circumstances indicate otherwise. Officers armed with an ECD should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
1. An officer may only display, present, or threaten to use an ECD if the officer reasonably believes that the potential for its authorized use exists. Furthermore, an officer may only display, present, or threaten to use an ECD absent deadly force coverage if they reasonably believe the involved person is not armed with a dangerous weapon.
2. An ECD may only be used under the following circumstances:
    a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
    b. To control persons in order to prevent them from harming themselves or others.
3. Use of an ECD under the following circumstances is prohibited, unless exigent circumstances are present:
    a. Against handcuffed subjects.
    b. Against subjects fleeing on foot.
    c. Against subjects in an elevated position where a fall is likely to result in significant injury.
    d. Against subjects operating a motor vehicle.
    e. Against small children.
    f. Against a subject who is visibly pregnant or known to be pregnant.
    g. Against elderly subjects.
    h. From a moving vehicle.
4. The ECD will not be used under the following circumstances:

a. For coercion or intimidation.
b. To escort or prod subjects.
c. To awaken unconscious or intoxicated subjects.
d. Against subjects who are offering only passive resistance.

5. ECD probes may not be intentionally fired at the face, head, neck, or groin, unless the use of deadly force would be justified.
6. Multiple, extended, or simultaneous ECD applications against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the subject or unavailability of alternative force options outweighs the potential risk posed by multiple, extended, or simultaneous applications.
7. Officers shall assess all subjects against whom an ECD has been deployed. The subject shall be evaluated by medical personnel if:
   a. The subject requests medical treatment.
   b. The subject displays an adverse reaction to the ECD deployment.
   c. The subject has been exposed to more than one ECD simultaneously.
   d. The subject has been exposed to three (3) or more ECD firing cycles, or one continuous firing cycle of fifteen (15) seconds or more.
8. If the ECD probes have penetrated the skin in a sensitive area (head, neck, groin, or breast) the subject will be conveyed to an emergency room for probe removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them.
9. Removing the air cartridge to deploy an ECD in the drive-stun mode is not authorized as a primary ECD deployment technique.

REMOTE RESTRAINT DEVICE

1. Only department-approved remote restraint devices may be used, by officers that have successfully completed training in their use. Deployment of remote restraint devices will be in accordance with MPD training.
2. Remote restraint devices may be used only under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
   b. To control a subject in order to prevent them from harming themselves or others.
3. Use of remote restraint devices is prohibited under the following circumstances, unless exigent circumstances are present:
   a. Against handcuffed subjects.
   b. Against subjects fleeing on foot.
   c. Against subjects in an elevated position where a fall is likely to result in significant injury.
   d. Against subjects operating a motor vehicle.
   e. Against small children.
   f. Against a subject who is visibly pregnant or known to be pregnant.
   g. Against elderly subjects.
   h. From a moving vehicle.
4. The remote restraint devices may not be intentionally fired at the face, head, or neck unless deadly force is authorized.
5. If the remote restraint devices probes have penetrated the skin in a sensitive area (head, neck, groin or breast) the subject will be conveyed to an emergency room for probe removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them in accordance with training.
6. When deployed operationally, all cartridge components will be collected and property tagged.

BATON USE

1. A baton may be used to overcome continued resistance, or assaultive/dangerous behavior when an officer reasonably believes a lesser degree of force would be insufficient to control the situation.

2. An officer shall never intentionally strike a person's head with a baton unless such an action is justified under the use of deadly force.
3. Officers shall only use MPD-approved batons and techniques.
4. MPD-approved batons are the only authorized impact weapons. Flashlights, radios, firearms, etc., are not recommended as impact weapons; however, the MPD recognizes that emergency self-defense situations involving other objects and instruments may occur.

IMPACT PROJECTILES

1. Impact projectile weapons may only be utilized by officers that have successfully completed training in their use. Deployment of impact projectiles will be in accordance with MPD training. Only munitions approved by the Chief of Police or designee are authorized for use.
2. In cases where a subject is believed to be armed with a dangerous weapon, an impact projectile weapon is not a substitute for deadly force. Unless circumstances indicate otherwise, an officer should not arm him or herself with an impact projectile weapon unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with impact projectile weapons should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. It is the responsibility of the officer arming him or herself with an impact projectile weapon to ensure that the weapon is loaded with impact projectiles each time the weapon is deployed.
4. Deployment of impact projectiles at non-vital areas of a subject's body is considered non-deadly force. Impact projectiles may only be used under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
   b. To control persons in order to prevent them from harming themselves or others.

   Additionally, an officer must reasonably believe that a lesser degree of force would be insufficient to control the situation, or that it is necessary to deliver force at a safe distance from the subject.
5. The intentional deployment of impact projectiles at the face, head, or neck is considered deadly force.
6. All persons taken into custody who have been struck with an impact projectile will be conveyed to an emergency room for medical clearance.
7. A deadly force investigation ~~The investigative requirements of the Use of Deadly Force SOP~~ will commence ~~be followed~~ only if deployment of an impact projectile results in death or great bodily harm.
8. Absent an imminent risk of harm to officers or citizens, impact projectiles will not be used in crowd control situations. Before deploying an impact projectile in a crowd environment, the officers shall consider the density of the crowd and the potential for striking a bystander. Impact projectiles will not be used to move or disperse crowds.
9. Impact projectiles may be deployed in other jurisdictions pursuant to a mutual aid request. In the event that an individual struck with an impact projectile is taken into custody by another agency, officers from that agency shall be notified of the need for medical treatment.

CANINE USE

See MPD SOP on Canine Use.

USE OF RESTRAINING DEVICES

1. Officers shall place handcuffs on any individual in custody when the officer reasonably believes the individual may become violent, attempt to escape, or pose a danger to self or others. It is mandatory that all persons who have aggressively resisted or attacked another person be placed in handcuffs.
2. Officers shall apply handcuffs in a manner prescribed by the Chief of Police through MPD training.

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

USE OF SPIT HOODS

1. A spit hood is a temporary protective device, which may be used on persons who display behavior or threatening behavior that pose a hazard of exposure to bodily fluids transmitted by spitting, wiping blood from their face/head, or wiping/blowing nasal discharges at or onto officers.
2. Officers should use only MPD-approved spit hoods. In an emergency situation if a department approved spit hood is not readily available, officers may utilize other breathable items, such as surgical masks, etc.
3. Subjects must be stabilized and restrained (handcuffed) before applying the hood. The subject should be advised, when practical, that a hood is being applied.
4. Officers shall apply the spit hood in accordance with MPD training.
5. Persons wearing the spit hood must be closely monitored and shall not be left unattended.
6. Officers shall document the use of the spit hood including the circumstances requiring its use in their report of the incident. A copy of the report shall be routed to the MPD Use of Force Coordinator.

USE OF FORCE REPORTING REQUIRED

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

1. Firearms (including pointing a firearm at an individual)
2. Baton or Less Lethal Impact Munitions
3. Chemical Agents, OC spray, or Electronic Control Devices
4. Handcuffs or other Restraining Devices, including hobble restraints, spit hoods, remote restraint devices, etc.
5. Physical force, including focused and diffused strikes, pressure points, escort holds, decentralization techniques, holding or grabbing of subjects, etc.

The report shall specifically note the totality of the circumstances necessitating force and the manner of force employed. A copy of the report should be routed to the MPD Use of Force Coordinator.

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with their training to any individual who has visible injuries, who complains of being injured, or who requests medical attention. Individuals taken into custody should be positioned in a way so that their breathing is not obstructed.

Any time recordable force (takedowns, active countermeasures, OC spray, impact weapons, hobble restraints, less lethal projectiles, ECD deployments, K9 apprehensions) is used, officers will affirmatively ask the subject against whom the force has been used if he/she wants medical treatment.

USE OF FORCE REVIEW AND INVESTIGATIONS

All instances of the use of non-deadly force shall be reviewed for compliance with MPD procedure by an appropriate supervisor. Anytime a commissioned employee uses recordable force during an incident, the force must be documented in the MPD use of force database.

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

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

DEADLY FORCE

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

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

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

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

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

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

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

VERBAL WARNING

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

DEADLY FORCE IS NEVER AUTHORIZED

Deadly force is never authorized:

1. As a warning shot.

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

3. At a moving vehicle unless:

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

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

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

PROHIBITED TECHNIQUES

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

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

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with the officer's training to any individual who has visible injuries, complains of being injured, or requests medical attention.

INVESTIGATION OF THE USE OF DEADLY FORCE

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

Original SOP: 03/23/2015
(Revised: 05/26/2016, 07/10/2017, 12/06/2017, 03/01/2019, 09/23/2019, 10/14/2019, 01/27/2020, 01/14/2022, 04/25/2022, 06/21/2022)
(Reviewed Only: 12/22/2016)
(Deadly Force, Use of and Non-Deadly Force Use of SOPs combined into Use of Force SOP: 06/21/2022)

Use of Force

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

Purpose

Consistent with our Mission and Core Values, the Madison Police Department (MPD) is committed to valuing and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the MPD's fundamental objective and the primary duty of all MPD employees. The application of deadly force is a measure of last resort, only to be employed when an officer reasonably believes all other options have been exhausted or would be ineffective.

The MPD is committed to resolving conflicts through the use of communication skills, crisis intervention, and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

As used in this Standard Operating Procedure (SOP), deadly force refers to the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

DE-ESCALATION

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

DUTY TO INTERVENE

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

NON-DEADLY FORCE

THE USE OF OLEORESIN CAPSICUM SPRAY (OC SPRAY)

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

USE OF SPECIALIZED CHEMICAL IRRITANT DELIVERY SYSTEMS

Specialized chemical irritant delivery systems include the following:

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

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

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

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

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

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

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

ELECTRONIC CONTROL DEVICE USE

1. An approved electronic control device (ECD) may only be utilized by officers who have successfully completed training in its use. Deployment and use of the electronic control devices will be in accordance with MPD training and procedure.
2. In cases where a subject is believed to be armed with a dangerous weapon, an ECD is not a substitute for deadly force. In such situations, an officer should not arm him or herself with an ECD without another officer at the scene having the immediate ability to deliver deadly force, unless unique circumstances indicate otherwise. Officers armed with an ECD should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. An officer may only display, present, or threaten to use an ECD if the officer reasonably believes that the potential for its authorized use exists. Furthermore, an officer may only display, present, or threaten to use an ECD absent deadly force coverage if they reasonably believe the involved person is not armed with a dangerous weapon.
4. An ECD may only be used under the following circumstances:
    a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
    b. To control persons in order to prevent them from harming themselves or others.
5. Use of an ECD under the following circumstances is prohibited, unless exigent circumstances are present:
    a. Against handcuffed subjects.
    b. Against subjects fleeing on foot.
    c. Against subjects in an elevated position where a fall is likely to result in significant injury.
    d. Against subjects operating a motor vehicle.
    e. Against small children.
    f. Against a subject who is visibly pregnant or known to be pregnant.

g. Against elderly subjects.
h. From a moving vehicle.

6. The ECD will not be used under the following circumstances:
   a. For coercion or intimidation.
   b. To escort or prod subjects.
   c. To awaken unconscious or intoxicated subjects.
   d. Against subjects who are offering only passive resistance.
7. ECD probes may not be intentionally fired at the face, head, neck, or groin, unless the use of deadly force would be justified.
8. Multiple, extended, or simultaneous ECD applications against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the subject or unavailability of alternative force options outweighs the potential risk posed by multiple, extended, or simultaneous applications.
9. Officers shall assess all subjects against whom an ECD has been deployed. The subject shall be evaluated by medical personnel if:
   a. The subject requests medical treatment.
   b. The subject displays an adverse reaction to the ECD deployment.
   c. The subject has been exposed to more than one ECD simultaneously.
   d. The subject has been exposed to three (3) or more ECD firing cycles, or one continuous firing cycle of fifteen (15) seconds or more.
10. If the ECD probes have penetrated the skin in a sensitive area (head, neck, groin, or breast), the subject will be conveyed to an emergency room for probe removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them.
11. Removing the air cartridge to deploy an ECD in the drive-stun mode is not authorized as a primary ECD deployment technique.

REMOTE RESTRAINT DEVICE

1. Only department-approved remote restraint devices may be used, by officers that who ~~have~~ successfully completed training in their use. Deployment of remote restraint devices will be in accordance with MPD training.
2. Remote restraint devices may be used only under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
   b. To control a subject in order to prevent them from harming themselves or others.
3. Use of remote restraint devices is prohibited under the following circumstances, unless exigent circumstances are present:
   a. Against handcuffed subjects.
   b. Against subjects fleeing on foot.
   c. Against subjects in an elevated position where a fall is likely to result in significant injury.
   d. Against subjects operating a motor vehicle.
   e. Against small children.
   f. Against a subject who is visibly pregnant or known to be pregnant.
   g. Against elderly subjects.
   h. From a moving vehicle.
4. The remote restraint devices may not be intentionally fired at the face, head, ~~or~~ neck, or groin unless deadly force is authorized.
5. If the remote restraint devices probes have penetrated the skin in a sensitive area (head, neck, groin, or breast), the subject will be conveyed to an emergency room for probe removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them in accordance with training.
6. When deployed operationally, all cartridge components will be collected and property tagged.

BATON USE

1. A baton may be used to overcome continued resistance, or assaultive/dangerous behavior when an officer reasonably believes a lesser degree of force would be insufficient to control the situation.
2. An officer shall never intentionally strike a person's head with a baton unless such an action is justified under the use of deadly force.
3. Officers shall only use MPD-approved batons and techniques.
4. MPD-approved batons are the only authorized impact weapons. Flashlights, radios, firearms, etc., are not recommended as impact weapons; however, the MPD recognizes that emergency self-defense situations involving other objects and instruments may occur.

IMPACT PROJECTILES

1. Impact projectile weapons may only be utilized by officers ~~that~~ who have successfully completed training in their use. Deployment of impact projectiles will be in accordance with MPD training. Only munitions approved by the Chief of Police or designee are authorized for use.
2. In cases where a subject is believed to be armed with a dangerous weapon, an impact projectile weapon is not a substitute for deadly force. Unless circumstances indicate otherwise, an officer should not go armed ~~him or herself~~ with an impact projectile weapon unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with impact projectile weapons should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. It is the responsibility of the officer going armed ~~arming~~ ~~him or herself~~ with an impact projectile weapon to ensure that the weapon is loaded with impact projectiles each time the weapon is deployed.
4. Deployment of impact projectiles at non-vital areas of a subject's body is considered non-deadly force. Impact projectiles may only be used under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
   b. To control persons in order to prevent them from harming themselves or others.

   Additionally, an officer must reasonably believe that a lesser degree of force would be insufficient to control the situation, or that it is necessary to deliver force at a safe distance from the subject.
5. The intentional deployment of impact projectiles at the face, head, ~~or~~ neck, or groin is considered deadly force.
6. All persons taken into custody who have been struck with an impact projectile will be conveyed to an emergency room for medical clearance.
7. A deadly force investigation will commence only if deployment of an impact projectile results in death or great bodily harm.
8. Absent an imminent risk of harm to officers or community members ~~citizens~~, impact projectiles will not be used in crowd control situations. Before deploying an impact projectile in a crowd environment, the officers shall consider the density of the crowd and the potential for striking a bystander. Impact projectiles will not be used to move or disperse crowds.
9. Impact projectiles may be deployed in other jurisdictions pursuant to a mutual aid request. In the event that an individual struck with an impact projectile is taken into custody by another agency, officers from that agency shall be notified of the need for medical treatment.

CANINE USE

See MPD SOP on Canine Use.

USE OF RESTRAINING DEVICES

1. Officers shall place handcuffs on any individual in custody when the officer reasonably believes the individual may become violent, attempt to escape, or pose a danger to self or others. It is

mandatory that all persons who have aggressively resisted or attacked another person be placed in handcuffs.
2. Officers shall apply handcuffs in a manner prescribed by the Chief of Police through MPD training.
3. When handcuffs prove to be insufficient in restraining an individual (e.g., kicking, attempting to flee, etc.), officers may employ the use of additional MPD-approved restraining devices.
4. In an emergency situation when an MPD-approved restraining device is not available, the MPD recognizes that alternative devices may have to be employed. In such situations, approved devices should be substituted as soon as reasonably practicable.
5. Individuals who are placed in a maximum restraint position should be continuously monitored for breathing and circulation.

USE OF SPIT HOODS

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

2. Officers should use only MPD-approved spit hoods. In an emergency situation if a department approved spit hood is not readily available, officers may utilize other breathable items, such as surgical masks, etc.
3. Subjects must be stabilized and restrained (handcuffed) before applying the hood. The subject should be advised, when practical, that a hood is being applied.
4. Officers shall apply the spit hood in accordance with MPD training.
5. Persons wearing the spit hood must be closely monitored and shall not be left unattended.
6. Officers shall document the use of the spit hood including the circumstances requiring its use in their report of the incident. A copy of the report shall be routed to the MPD Use of Force Coordinator.

USE OF FORCE REPORTING REQUIRED

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

1. Firearms (including pointing a firearm at an individual)
2. Baton or Less Lethal Impact Munitions
3. Chemical Agents, OC spray, or Electronic Control Devices
4. Handcuffs or other Restraining Devices, including hobble restraints, spit hoods, remote restraint devices, etc.
5. Physical force, including focused and diffused strikes, pressure points, escort holds, decentralization techniques, holding or grabbing of subjects, etc.

The report shall specifically note the totality of the circumstances necessitating force and the manner of force employed. A copy of the report should be routed to the MPD Use of Force Coordinator.

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with their training to any individual who has visible injuries, who complains of being injured, or who requests medical attention. Individuals taken into custody should be positioned in a way so that their breathing is not obstructed.

Any time recordable force (takedowns, active countermeasures, OC spray, impact weapons, hobble restraints, less lethal projectiles, ECD deployments, K9 apprehensions) is used, officers will affirmatively ask the subject against whom the force has been used if the subject ~~he/she~~ wants medical treatment.

USE OF FORCE REVIEW AND INVESTIGATIONS

All instances of the use of non-deadly force shall be reviewed for compliance with MPD procedure by an appropriate supervisor. Any time a commissioned employee uses recordable force during an incident, the force must be documented in the MPD use of force database.
In cases where a complaint is filed pertaining to an officer's use of non-deadly force, the Professional Standards and Internal Affairs Unit (PSIA) has the primary responsibility for coordinating the internal investigation to ensure compliance with the MPD Use of Force SOP.

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

DEADLY FORCE

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

1. To protect another person or persons from what is reasonably believed to be an imminent threat of death or great bodily harm.
2. To protect the officer from what is reasonably believed to be an imminent threat of death or great bodily harm.
3. To prevent the escape of a fleeing subject when all of the following are present:
    a. The officer has probable cause to believe that the person has committed or has attempted to commit a felony involving the use or threatened use of deadly force.
    b. The officer reasonably believes the subject presents a continuing imminent risk of great bodily harm or death to the officer or another subject if not immediately apprehended.
4. To protect the officer or another from an animal which an officer reasonably believes may cause great bodily harm if not immediately controlled, or to end the suffering of an animal gravely injured or diseased after considering public view, safety, and other reasonable dispositions.

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

VERBAL WARNING

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

DEADLY FORCE IS NEVER AUTHORIZED

Deadly force is never authorized:

1. As a warning shot.
2. From a moving vehicle, unless deadly force is justified and the consequences of not acting to stop the threat outweigh the risk created by the use of deadly force.
3. At a moving vehicle unless:
    a. A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or
    b. the vehicle is operated in a manner that reasonably appears deliberately intended to strike an officer or another person and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle. To prevent the threat of being struck by a vehicle, officers should

avoid intentionally putting themselves in the path of any moving vehicle, and when such positioning is unavoidable, move out of the vehicle's path as soon as practical.

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

PROHIBITED TECHNIQUES

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

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

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with the officer's training to any individual who has visible injuries, complains of being injured, or requests medical attention.

INVESTIGATION OF THE USE OF DEADLY FORCE

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

Original SOP: 03/23/2015
(Revised: 05/26/2016, 07/10/2017, 12/06/2017, 03/01/2019, 09/23/2019, 10/14/2019, 01/27/2020, 01/14/2022, 04/25/2022, 06/21/2022, 06/27/2022)
(Reviewed Only: 12/22/2016)
(Deadly Force, Use of and Non-Deadly Force Use of SOPs combined into Use of Force SOP: 06/21/2022)

Use of Force

Eff. Date ~~06/27/2022~~ 01/31/2023

Purpose

Consistent with our Mission and Core Values, the Madison Police Department (MPD) is committed to ~~valuing~~ protecting and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the MPD's fundamental objective and the primary duty of all MPD employees. The application of deadly force is a measure of last resort, only to be employed when an officer reasonably believes all other options have been exhausted or would be ineffective.

The MPD is committed to resolving conflicts through the use of communication skills, crisis intervention, and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

As used in this s~~S~~tandard o~~O~~perating p~~P~~rocedure (SOP), deadly force refers to the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

DE-ESCALATION

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

DUTY TO INTERVENE

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

NON-DEADLY FORCE

THE USE OF OLEORESIN CAPSICUM SPRAY (OC SPRAY)

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

USE OF SPECIALIZED CHEMICAL IRRITANT DELIVERY SYSTEMS

Specialized chemical irritant delivery systems include the following:

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

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

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

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

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

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

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

ELECTRONIC CONTROL DEVICE USE

1. An approved electronic control device (ECD) may only be utilized by officers who have successfully completed training in its use. Deployment and use of the electronic control devices will be in accordance with MPD training and procedure.
2. In cases where a subject is believed to be armed with a dangerous weapon, an ECD is not a substitute for deadly force. In such situations, an officer should not be armed ~~arm~~ ~~him or herself~~ with an ECD without another officer at the scene having the immediate ability to deliver deadly force, unless unique circumstances indicate otherwise. Officers armed with an ECD should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. An officer may only display, present, or threaten to use an ECD if the officer reasonably believes that the potential for its authorized use exists. Furthermore, an officer may only display, present, or threaten to use an ECD absent deadly force coverage if they reasonably believe the involved person is not armed with a dangerous weapon.
4. An ECD may only be used under the following circumstances:
    a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
    b. To control persons in order to prevent them from harming themselves or others.
5. Use of an ECD under the following circumstances is prohibited, unless exigent circumstances are present:
    a. Against handcuffed subjects.
    b. Against subjects fleeing on foot.
    c. Against subjects in an elevated position where a fall is likely to result in significant injury.
    d. Against subjects operating a motor vehicle.
    e. Against small children.
    f. Against a subject who is visibly pregnant or known to be pregnant.

g. Against elderly subjects.
h. From a moving vehicle.

6. The ECD will not be used under the following circumstances:
   a. For coercion or intimidation.
   b. To escort or prod subjects.
   c. To awaken unconscious or intoxicated subjects.
   d. Against subjects who are offering only passive resistance.
7. ECD probes may not be intentionally fired at the face, head, neck, or groin, unless the use of deadly force would be justified.
8. Multiple, extended, or simultaneous ECD applications against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the subject or unavailability of alternative force options outweighs the potential risk posed by multiple, extended, or simultaneous applications.
9. Officers shall assess all subjects against whom an ECD has been deployed. The subject shall be evaluated by medical personnel if:
   a. The subject requests medical treatment.
   b. The subject displays an adverse reaction to the ECD deployment.
   c. The subject has been exposed to more than one ECD simultaneously.
   d. The subject has been exposed to three (3) or more ECD firing cycles, or one continuous firing cycle of ~~fifteen (~~15~~)~~ seconds or more.
10. If the ECD probes have penetrated the skin in a sensitive area (head, neck, groin, or breast), the subject will be conveyed to an emergency room for probe removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them.
11. Removing the air cartridge to deploy an ECD in the drive-stun mode is not authorized as a primary ECD deployment technique.

REMOTE RESTRAINT DEVICE

1. Only department-approved remote restraint devices may be used~~,~~ and only by officers that who successfully completed training in their use. Deployment of remote restraint devices will be in accordance with MPD training.
2. Remote restraint devices may be used only under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
   b. To control a subject in order to prevent them from harming themselves or others.
3. Use of remote restraint devices is prohibited under the following circumstances, unless exigent circumstances are present:
   a. Against handcuffed subjects.
   b. Against subjects fleeing on foot.
   c. Against subjects in an elevated position where a fall is likely to result in significant injury.
   d. Against subjects operating a motor vehicle.
   e. Against small children.
   f. Against a subject who is visibly pregnant or known to be pregnant.
   g. Against elderly subjects.
   h. From a moving vehicle.
4. The remote restraint devices may not be intentionally fired at the face, head, neck, or groin unless deadly force is authorized.
5. If the remote restraint devices probes have penetrated the skin in a sensitive area (head, neck, groin, or breast), the subject will be conveyed to an emergency room for probe removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them in accordance with training.
6. When deployed operationally, all cartridge components will be collected and property tagged.

BATON USE

1. A baton may be used to overcome continued resistance~~,~~ or assaultive/dangerous behavior when an officer reasonably believes a lesser degree of force would be insufficient to control the situation.
2. An officer shall never intentionally strike a person's head with a baton unless such an action is justified under the use of deadly force.
3. Officers shall only use MPD-approved batons and techniques.
4. MPD-approved batons are the only authorized impact weapons. Flashlights, radios, firearms, etc., are not recommended as impact weapons; however, the MPD recognizes that emergency self-defense situations involving other objects and instruments may occur.

IMPACT PROJECTILES

1. Impact projectile weapons may only be utilized by officers who have successfully completed training in their use. Deployment of impact projectiles will be in accordance with MPD training. Only munitions approved by the Chief of Police or designee are authorized for use.
2. In cases where a subject is believed to be armed with a dangerous weapon, an impact projectile weapon is not a substitute for deadly force. Unless circumstances indicate otherwise, an officer should not go armed with an impact projectile weapon unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with impact projectile weapons should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. It is the responsibility of the officer going armed with an impact projectile weapon to ensure that the weapon is loaded with impact projectiles each time the weapon is deployed.
4. Deployment of impact projectiles at non-vital areas of a subject's body is considered non-deadly force. Impact projectiles may only be used under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
   b. To control persons in order to prevent them from harming themselves or others.

   Additionally, an officer must reasonably believe that a lesser degree of force would be insufficient to control the situation, or that it is necessary to deliver force at a safe distance from the subject.
5. The intentional deployment of impact projectiles at the face, head, neck, or groin is considered deadly force.
6. All persons taken into custody who have been struck with an impact projectile will be conveyed to an emergency room for medical clearance.
7. A deadly force investigation will commence only if deployment of an impact projectile results in death or great bodily harm.
8. Absent an imminent risk of harm to officers or community members, impact projectiles will not be used in crowd control situations. Before deploying an impact projectile in a crowd environment, the officers shall consider the density of the crowd and the potential for striking a bystander. Impact projectiles will not be used to move or disperse crowds.
9. Impact projectiles may be deployed in other jurisdictions pursuant to a mutual aid request. In the event that an individual struck with an impact projectile is taken into custody by another agency, officers from that agency shall be notified of the need for medical treatment.

CANINE USE

See MPD SOP on Canine Use.

USE OF RESTRAINING DEVICES

1. Officers shall place handcuffs on any individual in custody when the officer reasonably believes the individual may become violent, attempt to escape, or pose a danger to self or others. It is mandatory that all persons who have aggressively resisted or attacked another person be placed in handcuffs.

2. Officers shall apply handcuffs in a manner prescribed by the Chief of Police through MPD training.
3. When handcuffs prove to be insufficient in restraining an individual (e.g., kicking, attempting to flee, etc.), officers may employ the use of additional MPD-approved restraining devices.
4. In an emergency situation when an MPD-approved restraining device is not available, the MPD recognizes that alternative devices may have to be employed. In such situations, approved devices should be substituted as soon as reasonably practicable.
5. Individuals who are placed in a maximum restraint position should be continuously monitored for breathing and circulation.

USE OF SPIT HOODS

1. A spit hood is a temporary protective device, which may be used on persons who display behavior or threatening behavior that pose a hazard of exposure to bodily fluids transmitted by spitting, wiping blood from their face/head, or wiping/blowing nasal discharges at or onto officers.
2. Officers should use only MPD-approved spit hoods. In an emergency situation if a department approved spit hood is not readily available, officers may utilize other breathable items, such as surgical masks, etc.
3. Subjects must be stabilized and restrained (handcuffed) before applying the hood. The subject should be advised, when practical, that a hood is being applied.
4. Officers shall apply the spit hood in accordance with MPD training.
5. Persons wearing the spit hood must be closely monitored and shall not be left unattended.
6. Officers shall document the use of the spit hood including the circumstances requiring its use in their report of the incident. A copy of the report shall be routed to the MPD Use of Force Coordinator.

USE OF FORCE REPORTING REQUIRED

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

1. Firearms (including pointing a firearm at an individual)
2. Baton or Less Lethal Impact Munitions
3. Chemical Agents, OC spray, or Electronic Control Devices
4. Handcuffs or other Restraining Devices, including hobble restraints, spit hoods, remote restraint devices, etc.
5. Physical force, including focused and diffused strikes, pressure points, escort holds, decentralization techniques, holding or grabbing of subjects, etc.

The report shall specifically note the totality of the circumstances necessitating force and the manner of force employed. A copy of the report should be routed to the MPD Use of Force Coordinator.

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with their training to any individual who has visible injuries, who complains of being injured, or who requests medical attention. Individuals taken into custody should be positioned in a way so that their breathing is not obstructed.

Any time recordable force (takedowns, active countermeasures, OC spray, impact weapons, hobble restraints, less lethal projectiles, ECD deployments, K9 apprehensions) is used, officers will affirmatively ask the subject against whom the force has been used if the subject wants medical treatment.

USE OF FORCE REVIEW AND INVESTIGATIONS

All instances of the use of non-deadly force shall be reviewed for compliance with MPD procedure by an appropriate supervisor. Any time a commissioned employee uses recordable force during an incident, the force must be documented in the MPD use of force database.

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

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

DEADLY FORCE

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

1. To protect another person or persons from what is reasonably believed to be an imminent threat of death or great bodily harm.
2. To protect the officer from what is reasonably believed to be an imminent threat of death or great bodily harm.
3. To prevent the escape of a fleeing subject when all of the following are present:
    a. The officer has probable cause to believe that the person has committed or has attempted to commit a felony involving the use or threatened use of deadly force.
    b. The officer reasonably believes the subject presents a continuing imminent risk of great bodily harm or death to the officer or another subject if not immediately apprehended.
4. To protect the officer or another from an animal which an officer reasonably believes may cause great bodily harm if not immediately controlled, or to end the suffering of an animal gravely injured or diseased after considering public view, safety, and other reasonable dispositions.

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

VERBAL WARNING

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

DEADLY FORCE IS NEVER AUTHORIZED

Deadly force is never authorized:

1. As a warning shot.
2. From a moving vehicle, unless deadly force is justified and the consequences of not acting to stop the threat outweigh the risk created by the use of deadly force.
3. At a moving vehicle unless:
    a. A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or
    b. the vehicle is operated in a manner that reasonably appears deliberately intended to strike an officer or another person and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the

path of the vehicle. To prevent the threat of being struck by a vehicle, officers should avoid intentionally putting themselves in the path of any moving vehicle, and when such positioning is unavoidable, move out of the vehicle's path as soon as practical.

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

PROHIBITED TECHNIQUES

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

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

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with the officer's training to any individual who has visible injuries, complains of being injured, or requests medical attention.

INVESTIGATION OF THE USE OF DEADLY FORCE

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

Original SOP: 03/23/2015
(Revised: 05/26/2016, 07/10/2017, 12/06/2017, 03/01/2019, 09/23/2019, 10/14/2019, 01/27/2020, 01/14/2022, 04/25/2022, 06/21/2022, 06/27/2022, 01/31/2023)
(Reviewed Only: 12/22/2016)
(Deadly Force, Use of and Non-Deadly Force Use of SOPs combined into Use of Force SOP: 06/21/2022)

Use of Force

Eff. Date ~~01/31/2023~~ 12/18/2023

Purpose

Consistent with our Mission and Core Values, the Madison Police Department (MPD) is committed to protecting and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the MPD's fundamental objective and the primary duty of all MPD employees. The application of deadly force is a measure of last resort, only to be employed when an officer reasonably believes all other options have been exhausted or would be ineffective.

The MPD is committed to resolving conflicts through the use of communication skills, crisis intervention, and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

As used in this standard operating procedure (SOP), deadly force refers to the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

DE-ESCALATION

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

DUTY TO INTERVENE

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

NON-DEADLY FORCE

THE USE OF OLEORESIN CAPSICUM SPRAY (OC SPRAY)

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

USE OF SPECIALIZED CHEMICAL IRRITANT DELIVERY SYSTEMS

Specialized chemical irritant delivery systems include the following:

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

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

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

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

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

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

1. The decision has been made that intervention/resolution is required, consistent with the Barricaded Persons Incidents SOP.
2. Attempts to resolve the incident without tactical intervention have failed.
3. Legal authority to enter the area occupied by the suspect/subject exists.

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

ELECTRONIC CONTROL DEVICE USE

1. An approved electronic control device (ECD) may only be utilized by officers who have successfully completed training in its use. Deployment and use of the electronic control devices will be in accordance with MPD training and procedure.
2. In cases where a subject is believed to be armed with a dangerous weapon, an ECD is not a substitute for deadly force. In such situations, an officer should not be armed with an ECD without another officer at the scene having the immediate ability to deliver deadly force, unless unique circumstances indicate otherwise. Officers armed with an ECD should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. An officer may only display, present, or threaten to use an ECD if the officer reasonably believes that the potential for its authorized use exists. Furthermore, an officer may only display, present, or threaten to use an ECD absent deadly force coverage if they reasonably believe the involved person is not armed with a dangerous weapon.
4. An ECD may only be used under the following circumstances:
    a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
    b. To control persons in order to prevent them from harming themselves or others.
5. Use of an ECD under the following circumstances is prohibited, unless exigent circumstances are present:
    a. Against handcuffed subjects.
    b. Against subjects fleeing on foot.
    c. Against subjects in an elevated position where a fall is likely to result in significant injury.
    d. Against subjects operating a motor vehicle.
    e. Against small children.
    f. Against a subject who is visibly pregnant or known to be pregnant.
    g. Against elderly subjects.
    h. From a moving vehicle.
6. The ECD will not be used under the following circumstances:
    a. For coercion or intimidation.

   b. To escort or prod subjects.
   c. To awaken unconscious or intoxicated subjects.
   d. Against subjects who are offering only passive resistance.
7. ECD probes may not be intentionally fired at the face, head, neck, or groin, unless the use of deadly force would be justified.
8. Multiple, extended, or simultaneous ECD applications against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the subject or unavailability of alternative force options outweighs the potential risk posed by multiple, extended, or simultaneous applications.
9. Officers shall assess all subjects against whom an ECD has been deployed. The subject shall be evaluated by medical personnel if:
   a. The subject requests medical treatment.
   b. The subject displays an adverse reaction to the ECD deployment.
   c. The subject has been exposed to more than one ECD simultaneously.
   d. The subject has been exposed to three (3) or more ECD firing cycles, or one continuous firing cycle of 15 seconds or more.
10. If the ECD probes have penetrated the skin in a sensitive area (head, neck, groin, or breast), the subject will be conveyed to an emergency room for probe removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them.
11. Removing the air cartridge to deploy an ECD in the drive-stun mode is not authorized as a primary ECD deployment technique.

REMOTE RESTRAINT DEVICE

1. Only department-approved remote restraint devices may be used and only by officers that who successfully completed training in their use. Deployment of remote restraint devices will be in accordance with MPD training.
2. Remote restraint devices may be used only under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
   b. To control a subject in order to prevent them from harming themselves or others.
3. Use of remote restraint devices is prohibited under the following circumstances, unless exigent circumstances are present:
   a. Against handcuffed subjects.
   b. Against subjects fleeing on foot.
   c. Against subjects in an elevated position where a fall is likely to result in significant injury.
   d. Against subjects operating a motor vehicle.
   e. Against small children.
   f. Against a subject who is visibly pregnant or known to be pregnant.
   g. Against elderly subjects.
   h. From a moving vehicle.
4. The remote restraint devices may not be intentionally fired at the face, head, neck, or groin unless deadly force is authorized.
5. If the remote restraint devices probes have penetrated the skin in a sensitive area (head, neck, groin, or breast), the subject will be conveyed to an emergency room for probe removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them in accordance with training.
6. When deployed operationally, all cartridge components will be collected and property tagged.

BATON USE

1. A baton may be used to overcome continued resistance or assaultive/dangerous behavior when an officer reasonably believes a lesser degree of force would be insufficient to control the situation.

2. An officer shall never intentionally strike a person's head with a baton unless such an action is justified under the use of deadly force.
3. Officers shall only use MPD-approved batons and techniques.
4. MPD-approved batons are the only authorized impact weapons. Flashlights, radios, firearms, etc., are not recommended as impact weapons; however, the MPD recognizes that emergency self-defense situations involving other objects and instruments may occur.

IMPACT PROJECTILES

1. Impact projectile weapons may only be utilized by officers who have successfully completed training in their use. Deployment of impact projectiles will be in accordance with MPD training. Only munitions approved by the Chief of Police or designee are authorized for use.
2. In cases where a subject is believed to be armed with a dangerous weapon, an impact projectile weapon is not a substitute for deadly force. Unless circumstances indicate otherwise, an officer should not go armed with an impact projectile weapon unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with impact projectile weapons should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. It is the responsibility of the officer going armed with an impact projectile weapon to ensure that the weapon is loaded with impact projectiles each time the weapon is deployed.
4. Deployment of impact projectiles at non-vital areas of a subject's body is considered non-deadly force. Impact projectiles may only be used under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
   b. To control persons in order to prevent them from harming themselves or others.

   Additionally, an officer must reasonably believe that a lesser degree of force would be insufficient to control the situation, or that it is necessary to deliver force at a safe distance from the subject.
5. The intentional deployment of impact projectiles at the face, head, neck, or groin is considered deadly force.
6. All persons taken into custody who have been struck with an impact projectile will be conveyed to an emergency room for medical clearance.
7. A deadly force investigation will commence only if deployment of an impact projectile results in death or great bodily harm.
8. Absent an imminent risk of harm to officers or community members, impact projectiles will not be used in crowd control situations. Before deploying an impact projectile in a crowd environment, the officers shall consider the density of the crowd and the potential for striking a bystander. Impact projectiles will not be used to move or disperse crowds.
9. Impact projectiles may be deployed in other jurisdictions pursuant to a mutual aid request. In the event that an individual struck with an impact projectile is taken into custody by another agency, officers from that agency shall be notified of the need for medical treatment.

CANINE USE

See MPD SOP on Canine Use.

USE OF RESTRAINING DEVICES

1. Officers shall place handcuffs on any individual in custody when the officer reasonably believes the individual may become violent, attempt to escape, or pose a danger to self or others. It is mandatory that all persons who have aggressively resisted or attacked another person be placed in handcuffs.
2. Officers shall apply handcuffs in a manner prescribed by the Chief of Police through MPD training.
3. When handcuffs prove to be insufficient in restraining an individual (e.g., kicking, attempting to flee, etc.), officers may employ the use of additional MPD-approved restraining devices.

4. In an emergency situation when an MPD-approved restraining device is not available, the MPD recognizes that alternative devices may have to be employed. In such situations, approved devices should be substituted as soon as reasonably practicable.
5. Individuals who are placed in a maximum restraint position should be continuously monitored for breathing and circulation.

USE OF SPIT HOODS

1. A spit hood is a temporary protective device, which may be used on persons who display behavior or threatening behavior that pose a hazard of exposure to bodily fluids transmitted by spitting, wiping blood from their face/head, or wiping/blowing nasal discharges at or onto officers.
2. Officers should use only MPD-approved spit hoods. In an emergency situation if a department approved spit hood is not readily available, officers may utilize other breathable items, such as surgical masks, etc.
3. Subjects must be stabilized and restrained (handcuffed) before applying the hood. The subject should be advised, when practical, that a hood is being applied.
4. Officers shall apply the spit hood in accordance with MPD training.
5. Persons wearing the spit hood must be closely monitored and shall not be left unattended.
6. Officers shall document the use of the spit hood including the circumstances requiring its use in their report of the incident. A copy of the report shall be routed to the MPD Use of Force Coordinator.

USE OF FORCE REPORTING REQUIRED

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

1. Firearms (including pointing a firearm at an individual)
2. Baton or Less Lethal Impact Munitions
3. Chemical Agents, OC spray, or Electronic Control Devices
4. Handcuffs or other Restraining Devices, including hobble restraints, spit hoods, remote restraint devices, etc.
5. Physical force, including focused and diffused strikes, pressure points, escort holds, decentralization techniques, holding or grabbing of subjects, etc.

The report shall specifically note the totality of the circumstances necessitating force and the manner of force employed. A copy of the report should be routed to the MPD Use of Force Coordinator.

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with their training to any individual who has visible injuries, who complains of being injured, or who requests medical attention. Individuals taken into custody should be positioned in a way so that their breathing is not obstructed.

Any time recordable force (takedowns, active countermeasures, OC spray, impact weapons, hobble restraints, less lethal projectiles, ECD deployments, K9 apprehensions) is used, officers will affirmatively ask the subject against whom the force has been used if the subject wants medical treatment.

USE OF FORCE REVIEW AND INVESTIGATIONS

All instances of the use of non-deadly force shall be reviewed for compliance with MPD procedure by an appropriate supervisor. Any time a commissioned employee uses recordable force during an incident, the force must be documented in the MPD use of force database.

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

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

DEADLY FORCE

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

1. To protect another person or persons from what is reasonably believed to be an imminent threat of death or great bodily harm.
2. To protect the officer from what is reasonably believed to be an imminent threat of death or great bodily harm.
3. To prevent the escape of a fleeing subject when all of the following are present:
    a. The officer has probable cause to believe that the person has committed or has attempted to commit a felony involving the use or threatened use of deadly force.
    b. The officer reasonably believes the subject presents a continuing imminent risk of great bodily harm or death to the officer or another subject if not immediately apprehended.
4. To protect the officer or another from an animal which an officer reasonably believes may cause great bodily harm if not immediately controlled, or to end the suffering of an animal gravely injured or diseased after considering public view, safety, and other reasonable dispositions. Officers shall only use a firearm to euthanize a gravely injured or diseased animal.

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

VERBAL WARNING

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

DEADLY FORCE IS NEVER AUTHORIZED

Deadly force is never authorized:

1. As a warning shot.
2. From a moving vehicle, unless deadly force is justified and the consequences of not acting to stop the threat outweigh the risk created by the use of deadly force.
3. At a moving vehicle unless:
    a. A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or
    b. the vehicle is operated in a manner that reasonably appears deliberately intended to strike an officer or another person and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle. To prevent the threat of being struck by a vehicle, officers should avoid intentionally putting themselves in the path of any moving vehicle, and when such positioning is unavoidable, move out of the vehicle's path as soon as practical.
4. When its use unreasonably risks the lives of innocent bystanders.

PROHIBITED TECHNIQUES

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

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

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with the officer's training to any individual who has visible injuries, complains of being injured, or requests medical attention.

INVESTIGATION OF THE USE OF DEADLY FORCE

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

Original SOP: 03/23/2015
(Revised: 05/26/2016, 07/10/2017, 12/06/2017, 03/01/2019, 09/23/2019, 10/14/2019, 01/27/2020, 01/14/2022, 04/25/2022, 06/21/2022, 06/27/2022, 01/31/2023, 12/18/2023)
(Reviewed Only: 12/22/2016)
(Deadly Force, Use of and Non-Deadly Force Use of SOPs combined into Use of Force SOP: 06/21/2022)

Use of Force

Eff. Date ~~01/31/2023~~ 12/18/2023

Purpose

Consistent with our Mission and Core Values, the Madison Police Department (MPD) is committed to protecting and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the MPD's fundamental objective and the primary duty of all MPD employees. The application of deadly force is a measure of last resort, only to be employed when an officer reasonably believes all other options have been exhausted or would be ineffective.

The MPD is committed to resolving conflicts through the use of communication skills, crisis intervention, and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

As used in this standard operating procedure (SOP), deadly force refers to the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

DE-ESCALATION

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

DUTY TO INTERVENE

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

NON-DEADLY FORCE

THE USE OF OLEORESIN CAPSICUM SPRAY (OC SPRAY)

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

USE OF SPECIALIZED CHEMICAL IRRITANT DELIVERY SYSTEMS

Specialized chemical irritant delivery systems include the following:

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

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

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

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

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

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

1. The decision has been made that intervention/resolution is required, consistent with the Barricaded Persons Incidents SOP.
2. Attempts to resolve the incident without tactical intervention have failed.
3. Legal authority to enter the area occupied by the suspect/subject exists.

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

ELECTRONIC CONTROL DEVICE USE

1. An approved electronic control device (ECD) may only be utilized by officers who have successfully completed training in its use. Deployment and use of the electronic control devices will be in accordance with MPD training and procedure.
2. In cases where a subject is believed to be armed with a dangerous weapon, an ECD is not a substitute for deadly force. In such situations, an officer should not be armed with an ECD without another officer at the scene having the immediate ability to deliver deadly force, unless unique circumstances indicate otherwise. Officers armed with an ECD should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. An officer may only display, present, or threaten to use an ECD if the officer reasonably believes that the potential for its authorized use exists. Furthermore, an officer may only display, present, or threaten to use an ECD absent deadly force coverage if they reasonably believe the involved person is not armed with a dangerous weapon.
4. An ECD may only be used under the following circumstances:
    a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
    b. To control persons in order to prevent them from harming themselves or others.
5. Use of an ECD under the following circumstances is prohibited, unless exigent circumstances are present:
    a. Against handcuffed subjects.
    b. Against subjects fleeing on foot.
    c. Against subjects in an elevated position where a fall is likely to result in significant injury.
    d. Against subjects operating a motor vehicle.
    e. Against small children.
    f. Against a subject who is visibly pregnant or known to be pregnant.
    g. Against elderly subjects.
    h. From a moving vehicle.
6. The ECD will not be used under the following circumstances:
    a. For coercion or intimidation.

   b. To escort or prod subjects.
   c. To awaken unconscious or intoxicated subjects.
   d. Against subjects who are offering only passive resistance.
7. ECD probes may not be intentionally fired at the face, head, neck, or groin, unless the use of deadly force would be justified.
8. Multiple, extended, or simultaneous ECD applications against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the subject or unavailability of alternative force options outweighs the potential risk posed by multiple, extended, or simultaneous applications.
9. Officers shall assess all subjects against whom an ECD has been deployed. The subject shall be evaluated by medical personnel if:
   a. The subject requests medical treatment.
   b. The subject displays an adverse reaction to the ECD deployment.
   c. The subject has been exposed to more than one ECD simultaneously.
   d. The subject has been exposed to three (3) or more ECD firing cycles, or one continuous firing cycle of 15 seconds or more.
10. If the ECD probes have penetrated the skin in a sensitive area (head, neck, groin, or breast), the subject will be conveyed to an emergency room for probe removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them.
11. Removing the air cartridge to deploy an ECD in the drive-stun mode is not authorized as a primary ECD deployment technique.

REMOTE RESTRAINT DEVICE

1. Only department-approved remote restraint devices may be used and only by officers that who successfully completed training in their use. Deployment of remote restraint devices will be in accordance with MPD training.
2. Remote restraint devices may be used only under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
   b. To control a subject in order to prevent them from harming themselves or others.
3. Use of remote restraint devices is prohibited under the following circumstances, unless exigent circumstances are present:
   a. Against handcuffed subjects.
   b. Against subjects fleeing on foot.
   c. Against subjects in an elevated position where a fall is likely to result in significant injury.
   d. Against subjects operating a motor vehicle.
   e. Against small children.
   f. Against a subject who is visibly pregnant or known to be pregnant.
   g. Against elderly subjects.
   h. From a moving vehicle.
4. The remote restraint devices may not be intentionally fired at the face, head, neck, or groin unless deadly force is authorized.
5. If the remote restraint devices probes have penetrated the skin in a sensitive area (head, neck, groin, or breast), the subject will be conveyed to an emergency room for probe removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them in accordance with training.
6. When deployed operationally, all cartridge components will be collected and property tagged.

BATON USE

1. A baton may be used to overcome continued resistance or assaultive/dangerous behavior when an officer reasonably believes a lesser degree of force would be insufficient to control the situation.

2. An officer shall never intentionally strike a person's head with a baton unless such an action is justified under the use of deadly force.
3. Officers shall only use MPD-approved batons and techniques.
4. MPD-approved batons are the only authorized impact weapons. Flashlights, radios, firearms, etc., are not recommended as impact weapons; however, the MPD recognizes that emergency self-defense situations involving other objects and instruments may occur.

IMPACT PROJECTILES

1. Impact projectile weapons may only be utilized by officers who have successfully completed training in their use. Deployment of impact projectiles will be in accordance with MPD training. Only munitions approved by the Chief of Police or designee are authorized for use.
2. In cases where a subject is believed to be armed with a dangerous weapon, an impact projectile weapon is not a substitute for deadly force. Unless circumstances indicate otherwise, an officer should not go armed with an impact projectile weapon unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with impact projectile weapons should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. It is the responsibility of the officer going armed with an impact projectile weapon to ensure that the weapon is loaded with impact projectiles each time the weapon is deployed.
4. Deployment of impact projectiles at non-vital areas of a subject's body is considered non-deadly force. Impact projectiles may only be used under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
   b. To control persons in order to prevent them from harming themselves or others.

   Additionally, an officer must reasonably believe that a lesser degree of force would be insufficient to control the situation, or that it is necessary to deliver force at a safe distance from the subject.
5. The intentional deployment of impact projectiles at the face, head, neck, or groin is considered deadly force.
6. All persons taken into custody who have been struck with an impact projectile will be conveyed to an emergency room for medical clearance.
7. A deadly force investigation will commence only if deployment of an impact projectile results in death or great bodily harm.
8. Absent an imminent risk of harm to officers or community members, impact projectiles will not be used in crowd control situations. Before deploying an impact projectile in a crowd environment, the officers shall consider the density of the crowd and the potential for striking a bystander. Impact projectiles will not be used to move or disperse crowds.
9. Impact projectiles may be deployed in other jurisdictions pursuant to a mutual aid request. In the event that an individual struck with an impact projectile is taken into custody by another agency, officers from that agency shall be notified of the need for medical treatment.

CANINE USE

See MPD SOP on Canine Use.

USE OF RESTRAINING DEVICES

1. Officers shall place handcuffs on any individual in custody when the officer reasonably believes the individual may become violent, attempt to escape, or pose a danger to self or others. It is mandatory that all persons who have aggressively resisted or attacked another person be placed in handcuffs.
2. Officers shall apply handcuffs in a manner prescribed by the Chief of Police through MPD training.
3. When handcuffs prove to be insufficient in restraining an individual (e.g., kicking, attempting to flee, etc.), officers may employ the use of additional MPD-approved restraining devices.

4. In an emergency situation when an MPD-approved restraining device is not available, the MPD recognizes that alternative devices may have to be employed. In such situations, approved devices should be substituted as soon as reasonably practicable.
5. Individuals who are placed in a maximum restraint position should be continuously monitored for breathing and circulation.

USE OF SPIT HOODS

1. A spit hood is a temporary protective device, which may be used on persons who display behavior or threatening behavior that pose a hazard of exposure to bodily fluids transmitted by spitting, wiping blood from their face/head, or wiping/blowing nasal discharges at or onto officers.
2. Officers should use only MPD-approved spit hoods. In an emergency situation if a department approved spit hood is not readily available, officers may utilize other breathable items, such as surgical masks, etc.
3. Subjects must be stabilized and restrained (handcuffed) before applying the hood. The subject should be advised, when practical, that a hood is being applied.
4. Officers shall apply the spit hood in accordance with MPD training.
5. Persons wearing the spit hood must be closely monitored and shall not be left unattended.
6. Officers shall document the use of the spit hood including the circumstances requiring its use in their report of the incident. A copy of the report shall be routed to the MPD Use of Force Coordinator.

USE OF FORCE REPORTING REQUIRED

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

1. Firearms (including pointing a firearm at an individual)
2. Baton or Less Lethal Impact Munitions
3. Chemical Agents, OC spray, or Electronic Control Devices
4. Handcuffs or other Restraining Devices, including hobble restraints, spit hoods, remote restraint devices, etc.
5. Physical force, including focused and diffused strikes, pressure points, escort holds, decentralization techniques, holding or grabbing of subjects, etc.

The report shall specifically note the totality of the circumstances necessitating force and the manner of force employed. A copy of the report should be routed to the MPD Use of Force Coordinator.

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with their training to any individual who has visible injuries, who complains of being injured, or who requests medical attention. Individuals taken into custody should be positioned in a way so that their breathing is not obstructed.

Any time recordable force (takedowns, active countermeasures, OC spray, impact weapons, hobble restraints, less lethal projectiles, ECD deployments, K9 apprehensions) is used, officers will affirmatively ask the subject against whom the force has been used if the subject wants medical treatment.

USE OF FORCE REVIEW AND INVESTIGATIONS

All instances of the use of non-deadly force shall be reviewed for compliance with MPD procedure by an appropriate supervisor. Any time a commissioned employee uses recordable force during an incident, the force must be documented in the MPD use of force database.

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

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

DEADLY FORCE

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

1. To protect another person or persons from what is reasonably believed to be an imminent threat of death or great bodily harm.
2. To protect the officer from what is reasonably believed to be an imminent threat of death or great bodily harm.
3. To prevent the escape of a fleeing subject when all of the following are present:
    a. The officer has probable cause to believe that the person has committed or has attempted to commit a felony involving the use or threatened use of deadly force.
    b. The officer reasonably believes the subject presents a continuing imminent risk of great bodily harm or death to the officer or another subject if not immediately apprehended.
4. To protect the officer or another from an animal which an officer reasonably believes may cause great bodily harm if not immediately controlled, or to end the suffering of an animal gravely injured or diseased after considering public view, safety, and other reasonable dispositions. Officers shall only use a firearm to euthanize a gravely injured or diseased animal.

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

VERBAL WARNING

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

DEADLY FORCE IS NEVER AUTHORIZED

Deadly force is never authorized:

1. As a warning shot.
2. From a moving vehicle, unless deadly force is justified and the consequences of not acting to stop the threat outweigh the risk created by the use of deadly force.
3. At a moving vehicle unless:
    a. A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or
    b. the vehicle is operated in a manner that reasonably appears deliberately intended to strike an officer or another person and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle. To prevent the threat of being struck by a vehicle, officers should avoid intentionally putting themselves in the path of any moving vehicle, and when such positioning is unavoidable, move out of the vehicle's path as soon as practical.
4. When its use unreasonably risks the lives of innocent bystanders.

PROHIBITED TECHNIQUES

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

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

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with the officer's training to any individual who has visible injuries, complains of being injured, or requests medical attention.

INVESTIGATION OF THE USE OF DEADLY FORCE

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

Original SOP: 03/23/2015
(Revised: 05/26/2016, 07/10/2017, 12/06/2017, 03/01/2019, 09/23/2019, 10/14/2019, 01/27/2020, 01/14/2022, 04/25/2022, 06/21/2022, 06/27/2022, 01/31/2023, 12/18/2023)
(Reviewed Only: 12/22/2016)
(Deadly Force, Use of and Non-Deadly Force Use of SOPs combined into Use of Force SOP: 06/21/2022)

Use of Force

Eff. Date ~~12/18/2023~~ 1/22/2024

Purpose

Consistent with our Mission and Core Values, the Madison Police Department (MPD) is committed to protecting and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the MPD's fundamental objective and the primary duty of all MPD employees. The application of deadly force is a measure of last resort, only to be employed when an officer reasonably believes all other options have been exhausted or would be ineffective.

The MPD is committed to resolving conflicts through the use of communication skills, crisis intervention, and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

As used in this standard operating procedure (SOP), deadly force refers to the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

DE-ESCALATION

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

DUTY TO INTERVENE

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

NON-DEADLY FORCE

THE USE OF OLEORESIN CAPSICUM SPRAY (OC SPRAY)

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

USE OF SPECIALIZED CHEMICAL IRRITANT DELIVERY SYSTEMS

Specialized chemical irritant delivery systems include the following:

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

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

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

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

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

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

1. The decision has been made that intervention/resolution is required, consistent with the Barricaded Persons Incidents SOP.
2. Attempts to resolve the incident without tactical intervention have failed.
3. Legal authority to enter the area occupied by the suspect/subject exists.

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

ELECTRONIC CONTROL DEVICE USE

1. An approved electronic control device (ECD) may only be utilized by officers who have successfully completed training in its use. Deployment and use of the electronic control devices will be in accordance with MPD training and procedure.
2. In cases where a subject is believed to be armed with a dangerous weapon, an ECD is not a substitute for deadly force. In such situations, an officer should not be armed with an ECD without another officer at the scene having the immediate ability to deliver deadly force, unless unique circumstances indicate otherwise. Officers armed with an ECD should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. An officer may only display, present, or threaten to use an ECD if the officer reasonably believes that the potential for its authorized use exists. Furthermore, an officer may only display, present, or threaten to use an ECD absent deadly force coverage if they reasonably believe the involved person is not armed with a dangerous weapon.
4. An ECD may only be used under the following circumstances:
    a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
    b. To control persons in order to prevent them from harming themselves or others.
5. Use of an ECD under the following circumstances is prohibited, unless exigent circumstances are present:
    a. Against handcuffed subjects.
    b. Against subjects fleeing on foot.
    c. Against subjects in an elevated position where a fall is likely to result in significant injury.
    d. Against subjects operating a motor vehicle.
    e. Against small children.
    f. Against a subject who is visibly pregnant or known to be pregnant.
    g. Against elderly subjects.
    h. From a moving vehicle.
6. The ECD will not be used under the following circumstances:
    a. For coercion or intimidation.

   b. To escort or prod subjects.
   c. To awaken unconscious or intoxicated subjects.
   d. Against subjects who are offering only passive resistance.
7. ECD probes may not be intentionally fired at the face, head, neck, or groin, unless the use of deadly force would be justified.
8. Multiple, extended, or simultaneous ECD applications against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the subject or unavailability of alternative force options outweighs the potential risk posed by multiple, extended, or simultaneous applications.
9. Officers shall assess all subjects against whom an ECD has been deployed. The subject shall be evaluated by medical personnel if:
   a. The subject requests medical treatment.
   b. The subject displays an adverse reaction to the ECD deployment.
   c. The subject has been exposed to more than one ECD simultaneously.
   d. The subject has been exposed to three (3) or more ECD firing cycles, or one continuous firing cycle of 15 seconds or more.
10. If the ECD probes have penetrated the skin in a sensitive area (head, neck, groin, or breast), the subject will be conveyed to an emergency room for probe removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them.
11. Removing the air cartridge to deploy an ECD in the drive-stun mode is not authorized as a primary ECD deployment technique.

REMOTE RESTRAINT DEVICE

1. Only department-approved remote restraint devices may be used and only by officers that who successfully completed training in their use. Deployment of remote restraint devices will be in accordance with MPD training.
2. Remote restraint devices may be used only under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
   b. To control a subject in order to prevent them from harming themselves or others.
3. Use of remote restraint devices is prohibited under the following circumstances, unless exigent circumstances are present:
   a. Against handcuffed subjects.
   b. Against subjects fleeing on foot.
   c. Against subjects in an elevated position where a fall is likely to result in significant injury.
   d. Against subjects operating a motor vehicle.
   e. Against small children.
   f. Against a subject who is visibly pregnant or known to be pregnant.
   g. Against elderly subjects.
   h. From a moving vehicle.
4. The remote restraint devices may not be intentionally fired at the face, head, neck, or groin unless deadly force is authorized.
5. If the remote restraint devices probes have penetrated the skin in a sensitive area (head, neck, groin, or breast), the subject will be conveyed to an emergency room for probe removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them in accordance with training.
6. When deployed operationally, all cartridge components will be collected and property tagged.

BATON USE

1. A baton may be used to overcome continued resistance or assaultive/dangerous behavior when an officer reasonably believes a lesser degree of force would be insufficient to control the situation.

2. An officer shall never intentionally strike a person's head with a baton unless such an action is justified under the use of deadly force.
3. Officers shall only use MPD-approved batons and techniques.
4. MPD-approved batons are the only authorized impact weapons. Flashlights, radios, firearms, etc., are not recommended as impact weapons; however, the MPD recognizes that emergency self-defense situations involving other objects and instruments may occur.

IMPACT PROJECTILES

1. Impact projectile weapons may only be utilized by officers who have successfully completed training in their use. Deployment of impact projectiles will be in accordance with MPD training. Only munitions approved by the Chief of Police or designee are authorized for use.
2. In cases where a subject is believed to be armed with a dangerous weapon, an impact projectile weapon is not a substitute for deadly force. Unless circumstances indicate otherwise, an officer should not go armed with an impact projectile weapon unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with impact projectile weapons should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. It is the responsibility of the officer going armed with an impact projectile weapon to ensure that the weapon is loaded with impact projectiles each time the weapon is deployed.
4. Deployment of impact projectiles at non-vital areas of a subject's body is considered non-deadly force. Impact projectiles may only be used under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
   b. To control persons in order to prevent them from harming themselves or others.

   Additionally, an officer must reasonably believe that a lesser degree of force would be insufficient to control the situation, or that it is necessary to deliver force at a safe distance from the subject.
5. The intentional deployment of impact projectiles at the face, head, or neck~~, or groin~~ is considered deadly force.
6. All persons taken into custody who have been struck with an impact projectile will be conveyed to an emergency room for medical clearance.
7. A deadly force investigation will commence only if deployment of an impact projectile results in death or great bodily harm.
8. Absent an imminent risk of harm to officers or community members, impact projectiles will not be used in crowd control situations. Before deploying an impact projectile in a crowd environment, the officers shall consider the density of the crowd and the potential for striking a bystander. Impact projectiles will not be used to move or disperse crowds.
9. Impact projectiles may be deployed in other jurisdictions pursuant to a mutual aid request. In the event that an individual struck with an impact projectile is taken into custody by another agency, officers from that agency shall be notified of the need for medical treatment.

CANINE USE

See MPD SOP on Canine Use.

USE OF RESTRAINING DEVICES

1. Officers shall place handcuffs on any individual in custody when the officer reasonably believes the individual may become violent, attempt to escape, or pose a danger to self or others. It is mandatory that all persons who have aggressively resisted or attacked another person be placed in handcuffs.
2. Officers shall apply handcuffs in a manner prescribed by the Chief of Police through MPD training.
3. When handcuffs prove to be insufficient in restraining an individual (e.g., kicking, attempting to flee, etc.), officers may employ the use of additional MPD-approved restraining devices.

4. In an emergency situation when an MPD-approved restraining device is not available, the MPD recognizes that alternative devices may have to be employed. In such situations, approved devices should be substituted as soon as reasonably practicable.
5. Individuals who are placed in a maximum restraint position should be continuously monitored for breathing and circulation.

USE OF SPIT HOODS

1. A spit hood is a temporary protective device, which may be used on persons who display behavior or threatening behavior that pose a hazard of exposure to bodily fluids transmitted by spitting, wiping blood from their face/head, or wiping/blowing nasal discharges at or onto officers.
2. Officers should use only MPD-approved spit hoods. In an emergency situation if a department approved spit hood is not readily available, officers may utilize other breathable items, such as surgical masks, etc.
3. Subjects must be stabilized and restrained (handcuffed) before applying the hood. The subject should be advised, when practical, that a hood is being applied.
4. Officers shall apply the spit hood in accordance with MPD training.
5. Persons wearing the spit hood must be closely monitored and shall not be left unattended.
6. Officers shall document the use of the spit hood including the circumstances requiring its use in their report of the incident. A copy of the report shall be routed to the MPD Use of Force Coordinator.

USE OF FORCE REPORTING REQUIRED

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

1. Firearms (including pointing a firearm at an individual)
2. Baton or Less Lethal Impact Munitions
3. Chemical Agents, OC spray, or Electronic Control Devices
4. Handcuffs or other Restraining Devices, including hobble restraints, spit hoods, remote restraint devices, etc.
5. Physical force, including focused and diffused strikes, pressure points, escort holds, decentralization techniques, holding or grabbing of subjects, etc.

The report shall specifically note the totality of the circumstances necessitating force and the manner of force employed. A copy of the report should be routed to the MPD Use of Force Coordinator.

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with their training to any individual who has visible injuries, who complains of being injured, or who requests medical attention. Individuals taken into custody should be positioned in a way so that their breathing is not obstructed.

Any time recordable force (takedowns, active countermeasures, OC spray, impact weapons, hobble restraints, less lethal projectiles, ECD deployments, K9 apprehensions) is used, officers will affirmatively ask the subject against whom the force has been used if the subject wants medical treatment.

USE OF FORCE REVIEW AND INVESTIGATIONS

All instances of the use of non-deadly force shall be reviewed for compliance with MPD procedure by an appropriate supervisor. Any time a commissioned employee uses recordable force during an incident, the force must be documented in the MPD use of force database.

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

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

DEADLY FORCE

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

1. To protect another person or persons from what is reasonably believed to be an imminent threat of death or great bodily harm.
2. To protect the officer from what is reasonably believed to be an imminent threat of death or great bodily harm.
3. To prevent the escape of a fleeing subject when all of the following are present:
    a. The officer has probable cause to believe that the person has committed or has attempted to commit a felony involving the use or threatened use of deadly force.
    b. The officer reasonably believes the subject presents a continuing imminent risk of great bodily harm or death to the officer or another subject if not immediately apprehended.
4. To protect the officer or another from an animal which an officer reasonably believes may cause great bodily harm if not immediately controlled, or to end the suffering of an animal gravely injured or diseased after considering public view, safety, and other reasonable dispositions. Officers shall only use a firearm to euthanize a gravely injured or diseased animal.

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

VERBAL WARNING

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

DEADLY FORCE IS NEVER AUTHORIZED

Deadly force is never authorized:

1. As a warning shot.
2. From a moving vehicle, unless deadly force is justified and the consequences of not acting to stop the threat outweigh the risk created by the use of deadly force.
3. At a moving vehicle unless:
    a. A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or
    b. the vehicle is operated in a manner that reasonably appears deliberately intended to strike an officer or another person and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle. To prevent the threat of being struck by a vehicle, officers should avoid intentionally putting themselves in the path of any moving vehicle, and when such positioning is unavoidable, move out of the vehicle's path as soon as practical.
4. When its use unreasonably risks the lives of innocent bystanders.

PROHIBITED TECHNIQUES

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

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

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with the officer's training to any individual who has visible injuries, complains of being injured, or requests medical attention.

INVESTIGATION OF THE USE OF DEADLY FORCE

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

Original SOP: 03/23/2015
(Revised: 05/26/2016, 07/10/2017, 12/06/2017, 03/01/2019, 09/23/2019, 10/14/2019, 01/27/2020, 01/14/2022, 04/25/2022, 06/21/2022, 06/27/2022, 01/31/2023, 12/18/2023, 1/22/2024)
(Reviewed Only: 12/22/2016)
(Deadly Force, Use of and Non-Deadly Force Use of SOPs combined into Use of Force SOP: 06/21/2022)

Use of Force

Eff. Date ~~01/22/2024~~ 03/24/2025

Purpose

Consistent with our Mission and Core Values, the Madison Police Department (MPD) is committed to protecting and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the MPD's fundamental objective and the primary duty of all MPD employees. The application of deadly force is a measure of last resort, only to be employed when an officer reasonably believes all other options have been exhausted or would be ineffective.

The MPD is committed to resolving conflicts through the use of communication skills, crisis intervention, and de-escalation tactics, when feasible. Officers may only use ~~that~~ force that ~~which~~ is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

As used in this standard operating procedure (SOP), deadly force refers to the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

DE-ESCALATION

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

DUTY TO INTERVENE

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

NON-DEADLY FORCE

THE USE OF OLEORESIN CAPSICUM SPRAY (OC SPRAY)

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

USE OF SPECIALIZED CHEMICAL IRRITANT DELIVERY SYSTEMS

Specialized chemical irritant delivery systems include the following:

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

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

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

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

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

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

1. The decision has been made that intervention/resolution is required, consistent with the Barricaded Persons Incidents SOP.
2. Attempts to resolve the incident without tactical intervention have failed.
3. Legal authority to enter the area occupied by the suspect/subject exists.

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

ELECTRONIC CONTROL DEVICE USE

1. An approved electronic control device (ECD) may only be utilized by officers who have successfully completed training in its use. Deployment and use of the electronic control devices will be in accordance with MPD training and procedure.
2. In cases where a subject is believed to be armed with a dangerous weapon, an ECD is not a substitute for deadly force. In such situations, an officer should not be armed with an ECD without another officer at the scene having the immediate ability to deliver deadly force, unless unique circumstances indicate otherwise. Officers armed with an ECD should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. An officer may only display, present, or threaten to use an ECD if the officer reasonably believes that the potential for its authorized use exists. Furthermore, an officer may only display, present, or threaten to use an ECD absent deadly force coverage if they reasonably believe the involved person is not armed with a dangerous weapon.
4. An ECD may only be used under the following circumstances:
    a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
    b. To control persons in order to prevent them from harming themselves or others.
5. Use of an ECD under the following circumstances is prohibited, unless exigent circumstances are present:
    a. Against handcuffed subjects.
    b. Against subjects fleeing on foot.
    c. Against subjects in an elevated position where a fall is likely to result in significant injury.
    d. Against subjects operating a motor vehicle.
    e. Against small children.
    f. Against a subject who is visibly pregnant or known to be pregnant.
    g. Against elderly subjects.
    h. From a moving vehicle.
6. The ECD will not be used under the following circumstances:
    a. For coercion or intimidation.

b. To escort or prod subjects.
c. To awaken unconscious or intoxicated subjects.
d. Against subjects who are offering only passive resistance.

7. ECD probes may not be intentionally fired at the face, head, or neck, ~~or groin,~~ unless the use of deadly force would be justified.
8. Multiple, extended, or simultaneous ECD applications against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the subject or unavailability of alternative force options outweighs the potential risk posed by multiple, extended, or simultaneous applications.
9. Officers shall assess all subjects against whom an ECD has been deployed. The subject shall be evaluated by medical personnel if:
   a. The subject requests medical treatment.
   b. The subject displays an adverse reaction to the ECD deployment.
   c. The subject has been exposed to more than one ECD simultaneously.
   d. The subject has been exposed to three (3) or more ECD firing cycles, or one continuous firing cycle of 15 seconds or more.
10. If the ECD probes have penetrated the skin in a sensitive area (head, neck, groin, or breast), the subject will be conveyed to an emergency room for probe removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them.
11. Removing the air cartridge to deploy an ECD in the drive-stun mode is not authorized as a primary ECD deployment technique.

REMOTE RESTRAINT DEVICE

1. Only department-approved remote restraint devices may be used and only by officers that who successfully completed training in their use. Deployment of remote restraint devices will be in accordance with MPD training.
2. Remote restraint devices may be used only under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
   b. To control a subject in order to prevent them from harming themselves or others.
3. Use of remote restraint devices is prohibited under the following circumstances, unless exigent circumstances are present:
   a. Against handcuffed subjects.
   b. Against subjects fleeing on foot.
   c. Against subjects in an elevated position where a fall is likely to result in significant injury.
   d. Against subjects operating a motor vehicle.
   e. Against small children.
   f. Against a subject who is visibly pregnant or known to be pregnant.
   g. Against elderly subjects.
   h. From a moving vehicle.
4. The remote restraint devices may not be intentionally fired at the face, head, or neck, ~~or groin~~ unless deadly force is authorized.
5. If the remote restraint devices probes have penetrated the skin in a sensitive area (head, neck, groin, or breast), the subject will be conveyed to an emergency room for probe removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them in accordance with training.
6. When deployed operationally, all cartridge components will be collected and property tagged.

BATON USE

1. A baton may be used to overcome continued resistance or assaultive/dangerous behavior when an officer reasonably believes a lesser degree of force would be insufficient to control the situation.

2. An officer shall never intentionally strike a person's head with a baton unless such an action is justified under the use of deadly force.
3. Officers shall only use MPD-approved batons and techniques.
4. MPD-approved batons are the only authorized impact weapons. Flashlights, radios, firearms, etc., are not recommended as impact weapons; however, the MPD recognizes that emergency self-defense situations involving other objects and instruments may occur.

IMPACT PROJECTILES

1. Impact projectile weapons may only be utilized by officers who have successfully completed training in their use. Deployment of impact projectiles will be in accordance with MPD training. Only munitions approved by the Chief of Police or designee are authorized for use.
2. In cases where a subject is believed to be armed with a dangerous weapon, an impact projectile weapon is not a substitute for deadly force. Unless circumstances indicate otherwise, an officer should not go armed with an impact projectile weapon unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with impact projectile weapons should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. It is the responsibility of the officer going armed with an impact projectile weapon to ensure that the weapon is loaded with impact projectiles each time the weapon is deployed.
4. Deployment of impact projectiles at non-vital areas of a subject's body is considered non-deadly force. Impact projectiles may only be used under the following circumstances:
   a. To overcome violent or assaultive behavior or its threat when the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
   b. To control persons in order to prevent them from harming themselves or others.

   Additionally, an officer must reasonably believe that a lesser degree of force would be insufficient to control the situation, or that it is necessary to deliver force at a safe distance from the subject.
5. ~~The intentional deployment of impact projectiles at the face, head, or neck is considered deadly force.~~ Impact projectiles may not be intentionally fired at the face, head, or neck, unless the use of deadly force would be justified.
6. All persons taken into custody who have been struck with an impact projectile will be conveyed to an emergency room for medical clearance.
7. A deadly force investigation will commence only if deployment of an impact projectile results in death or great bodily harm.
8. Absent an imminent risk of harm to officers or community members, impact projectiles will not be used in crowd control situations. Before deploying an impact projectile in a crowd environment, the officers shall consider the density of the crowd and the potential for striking a bystander. Impact projectiles will not be used to move or disperse crowds.
9. Impact projectiles may be deployed in other jurisdictions pursuant to a mutual aid request. In the event that an individual struck with an impact projectile is taken into custody by another agency, officers from that agency shall be notified of the need for medical treatment.

CANINE USE

See MPD SOP on Canine Use.

USE OF RESTRAINING DEVICES

1. Officers shall place handcuffs on any individual in custody when the officer reasonably believes the individual may become violent, attempt to escape, or pose a danger to self or others. It is mandatory that all persons who have aggressively resisted or attacked another person be placed in handcuffs.
2. Officers shall apply handcuffs in a manner prescribed by the Chief of Police through MPD training.
3. When handcuffs prove to be insufficient in restraining an individual (e.g., kicking, attempting to flee, etc.), officers may employ the use of additional MPD-approved restraining devices.

4. In an emergency situation when an MPD-approved restraining device is not available, the MPD recognizes that alternative devices may have to be employed. In such situations, approved devices should be substituted as soon as reasonably practicable.
5. Individuals who are placed in a maximum restraint position should be continuously monitored for breathing and circulation.

USE OF SPIT HOODS

1. A spit hood is a temporary protective device, which may be used on persons who display behavior or threatening behavior that pose a hazard of exposure to bodily fluids transmitted by spitting, wiping blood from their face/head, or wiping/blowing nasal discharges at or onto officers.
2. Officers should use only MPD-approved spit hoods. In an emergency situation if a department approved spit hood is not readily available, officers may utilize other breathable items, such as surgical masks, etc.
3. Subjects must be stabilized and restrained (handcuffed) before applying the hood. The subject should be advised, when practical, that a hood is being applied.
4. Officers shall apply the spit hood in accordance with MPD training.
5. Persons wearing the spit hood must be closely monitored and shall not be left unattended.
6. Officers shall document the use of the spit hood including the circumstances requiring its use in their report of the incident. A copy of the report shall be routed to the MPD Use of Force Coordinator.

USE OF FORCE REPORTING REQUIRED

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

1. Firearms (including pointing a firearm at an individual)
2. Baton or Less Lethal Impact Munitions
3. Chemical Agents, OC spray, or Electronic Control Devices
4. Handcuffs or other Restraining Devices, including hobble restraints, spit hoods, remote restraint devices, etc.
5. Physical force, including focused and diffused strikes, pressure points, escort holds, decentralization techniques, holding or grabbing of subjects, etc.

The report shall specifically note the totality of the circumstances necessitating force and the manner of force employed. A copy of the report should be routed to the MPD Use of Force Coordinator.

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with their training to any individual who has visible injuries, who complains of being injured, or who requests medical attention. Individuals taken into custody should be positioned in a way so that their breathing is not obstructed.

Any time recordable force (takedowns, active countermeasures, OC spray, impact weapons, hobble restraints, less lethal projectiles, ECD deployments, K9 apprehensions) is used, officers will affirmatively ask the subject against whom the force has been used if the subject wants medical treatment.

USE OF FORCE REVIEW AND INVESTIGATIONS

All instances of the use of non-deadly force shall be reviewed for compliance with MPD procedure by an appropriate supervisor. Any time a commissioned employee uses recordable force during an incident, the force must be documented in the MPD use of force database.

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

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

DEADLY FORCE

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

1. To protect another person or persons from what is reasonably believed to be an imminent threat of death or great bodily harm.
2. To protect the officer from what is reasonably believed to be an imminent threat of death or great bodily harm.
3. To prevent the escape of a fleeing subject when all of the following are present:
    a. The officer has probable cause to believe that the person has committed or has attempted to commit a felony involving the use or threatened use of deadly force.
    b. The officer reasonably believes the subject presents a continuing imminent risk of great bodily harm or death to the officer or another subject if not immediately apprehended.
4. To protect the officer or another from an animal which an officer reasonably believes may cause great bodily harm if not immediately controlled, or to end the suffering of an animal gravely injured or diseased after considering public view, safety, and other reasonable dispositions. Officers shall only use a firearm to euthanize a gravely injured or diseased animal.

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

VERBAL WARNING

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

DEADLY FORCE IS NEVER AUTHORIZED

Deadly force is never authorized:

1. As a warning shot.
2. From a moving vehicle, unless deadly force is justified and the consequences of not acting to stop the threat outweigh the risk created by the use of deadly force.
3. At a moving vehicle unless:
    a. A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or
    b. the vehicle is operated in a manner that reasonably appears deliberately intended to strike an officer or another person and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle. To prevent the threat of being struck by a vehicle, officers should avoid intentionally putting themselves in the path of any moving vehicle, and when such positioning is unavoidable, move out of the vehicle's path as soon as practical.
4. When its use unreasonably risks the lives of innocent bystanders.

PROHIBITED TECHNIQUES

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

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

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with the officer's training to any individual who has visible injuries, complains of being injured, or requests medical attention.

INVESTIGATION OF THE USE OF DEADLY FORCE

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

Original SOP: 03/23/2015
(Revised: 05/26/2016, 07/10/2017, 12/06/2017, 03/01/2019, 09/23/2019, 10/14/2019, 01/27/2020, 01/14/2022, 04/25/2022, 06/21/2022, 06/27/2022, 01/31/2023, 12/18/2023, 1/22/2024, 03/24/2025)
(Reviewed Only: 12/22/2016)
(Deadly Force, Use of and Non-Deadly Force Use of SOPs combined into Use of Force SOP: 06/21/2022)

Use of Force Data Collection ~~Documentation~~

Eff. Date ~~08/11/2014~~ 02/03/2017

Purpose

The Madison Police Department (MPD) has implemented procedures to ensure that use of force data is being collected by the agency in a format that is useful to drive intelligence-led and evidence-based decision-making. Properly managed data can be the backbone of an early warning system that identifies at-risk officers, dangerous activities, necessary training, and policy gaps that require immediate mitigation.

The definition of recordable force is only relevant to distinguish those applications of force that must be documented in MPD's use of force database. All use of force must be documented in a police report as outlined in MPD's Code of Conduct and SOP's on use of deadly and non-deadly force.

Definitions

RECORDABLE FORCE

~~Any application of force to include~~ For statistical purposes, recordable force includes takedowns, active countermeasures, OC spray, impact weapons, hobble restraints, less lethal projectiles, Taser ~~display and/or~~ deployments, K9 apprehensions and use of deadly force (including dispatching animals). **This ~~e~~*~~E~~xcludes: Pain compliance techniques, escort holds, ~~h~~~~H~~andcuffing, threats or displays of the above types of force, p~~P~~ointing of Firearms at Subject(s)/Suspect(s)***

EFFECTIVENESS

A tool/technique is effective if it allows the subject/suspect to be controlled without any further force escalation.

INJURY

For purposes of use of force recording, a tool/technique caused injury ~~only~~ if a citizen complains of injury, officer observes an injury, or medical treatment is sought. This includes treatment at an emergency room or on scene by paramedics. ***This excludes basic OC decontamination (e.g. flushing the person's eyes and face with water) or ECD probe removal at the scene; absent any additional injury (e.g. resulting from a fall).***

Procedure

Anytime a sworn employee uses recordable force during an incident, the force used must be documented in the MPD use of force database. The officer completing the original field report must indicate that recordable force was used in Mobile. (See definitions for recordable use of force as stated above.) Officers using recordable force are also responsible for completing a use of force review with a field supervisor. The reviewing supervisor or OIC, if no other supervisors are available, shall be responsible for documenting the recordable use of force report through the Blue Team portal/website ~~MPD SharePoint site~~.

~~Once the form has been completed, supervisors will click "submit" to download the data.~~ This entry should be completed before the end of the supervisor's shift. Only one entry ~~form~~ should be made ~~completed~~ for each subject/suspect whom force is used against. The supervisor completing the form will indicate each type of force used, whether the force application was effective and whether it caused injury.

The data submitted will be checked for accuracy by the MPD Use of Force Coordinator. ~~a DAAT instructor.~~ In the event of a data entry mistake, the Use of Force Coordinator ~~DAAT instructor~~ will contact the officer's supervisor to arrange for the needed corrections to be made. Once the data has been approved, it will be submitted to the database, and shared with the officer's immediate supervisor.

~~A paper form may be used only if the City network or MPD SharePoint site is unavailable. The form should be sent inter-D to Personnel & Training.~~

This procedure outlines reporting use of force for data collection purposes only. Any officer using force must document that use of force in a police report, in addition to the documentation required in this procedure. In the event that deadly force is used, the OICI commander will designate a supervisor ~~an officer~~ or detective to submit the data regarding the use of force.

Original SOP: 08/11/2014
(Reviewed Only: 02/22/2016)
(Revised: 02/03/2017)

Use of Force Data Collection and Review

Eff. Date ~~02/03/2017~~ 11/16/2018

Purpose

The Madison Police Department (MPD) has implemented procedures to ensure that use of force data is being collected by the agency in a usable format and that use of force incidents are reviewed for compliance with the department's Code of Conduct and Standard Operating Procedures. ~~that is useful to drive intelligence-led and evidence-based decision-making~~. Properly managed data can be the backbone of an early warning system that identifies at-risk officers, dangerous activities, necessary training, and policy gaps that require immediate mitigation.

The definition of recordable force is only relevant to distinguish those applications of force that must be documented in MPD's use of force database. All use of force must be documented in a police report as outlined in MPD's Code of Conduct and SOP's on use of deadly and non-deadly force.

Definitions

RECORDABLE FORCE

For statistical purposes, recordable force includes takedowns, active countermeasures, OC spray, impact weapons, hobble restraints, less lethal projectiles, Taser deployments, K9 apprehensions and use of deadly force (including dispatching animals). ~~This~~ **Recordable Force *excludes the following: Pain compliance techniques, escort holds, handcuffing, threats or displays of the above types of force, pointing of Firearms at Subject(s)/Suspect(s)***

EFFECTIVENESS

A tool/technique is effective if it allows the subject/suspect to be controlled without any further force escalation.

INJURY

For purposes of use of force recording, a tool/technique caused injury if a citizen complains of injury, an officer observes an injury, or medical treatment is sought. This includes treatment at an emergency room or on scene by paramedics. ***This excludes basic OC decontamination (e.g. flushing the person's eyes and face with water) or ECD probe removal at the scene; absent any additional injury (e.g. resulting from a fall).***

Procedure

Officer(s) Using Recordable Force

Anytime a sworn employee uses recordable force during an incident, the force used must be documented in the MPD use of force database. The officer completing the original field report must indicate that recordable force was used in Mobile. (see definitions for recordable ~~use of~~ force ~~as stated~~ above.). Officers using recordable force are also responsible for contacting a field supervisor to notify them of the force use and review the incident. ~~completing a use of force review with a field supervisor~~. This contact must take place as soon as possible, and no later than the end of the officer's shift. Any MPD supervisor can complete this task. ~~The reviewing supervisor or OIC, if no other supervisors are available, shall be responsible for documenting the recordable use of force report through the Blue Team portal/website.~~

If the use of force involved a less lethal impact projectile deployment, K9 bite, impact weapon use or resulted in injury to the suspect/subject consistent with substantial bodily harm, the officer will request that a field supervisor respond to the scene immediately.

Field Supervisor

The field supervisor (or OIC, if no other supervisor is available) is responsible for reviewing the use of force incident with the involved officer(s), and for documenting the recordable force through the Blue Team portal/website. Any supervisor can perform these duties. This review and entry should be completed before the end of the shift when the incident occurred. ~~This entry should be completed before the end of the supervisor's shift. Only~~ One entry should be made for each subject/suspect against whom force was ~~is~~ used ~~against~~ and should include all officers using force on that subject. The supervisor completing the form will indicate each type of force used, whether the force application was effective and whether it caused injury.

When reviewing the incident, the field supervisor should also consider any potential areas for improvement (tactics, training, communications, etc.) and note them in the Blue Team entry.

Additional Field Supervisor Responsibilities

When a use of force incident results in any of the following, a field supervisor should respond immediately to the scene:

- Less lethal impact projectile deployment
- K9 bite
- Impact weapon use
- Injury to subject consistent with substantial bodily harm

The responding field supervisor should ensure that initial information is obtained and preserved to thoroughly document the incident. This should include the following:

- Interviewing the subject (supervisor responsibility) if appropriate
- Ensuring that photographs of subject and scene are taken
- Ensuring that civilian witnesses are identified and interviewed
- Ensuring that any video/photo evidence is identified and preserved

This initial information should be documented in a supplemental police report. Supervisors responding to an officer involved death or officer involved critical incident should adhere to MPD's Officer Involved Deaths and Other Critical Incidents SOP.

Use of Force Coordinator

The Use of Force Coordinator will review all recordable force entries. ~~The data submitted will be checked for accuracy by the MPD Use of Force Coordinator.~~ In the event of a data entry mistake, the Use of Force Coordinator will contact the officer's supervisor to arrange for the needed corrections to be made. Once the data has been approved, it will be submitted to the database, and shared with the officer's immediate supervisor.

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

- Whether the force used was reasonable and in compliance with MPD's Code of Conduct and Standard Operating Procedures
- The quality of officer reports
- Appropriateness of officer tactics and decision-making
- Equipment related issues (availability, effectiveness, function, etc.)
- Training needs or deficiencies

- Use of cover, concealment, distance and other de-escalation strategies

Any potential violations of MPD's Code of Conduct or Standard Operating Procedures will be forwarded to PS&IA for investigation. Suggestions for system improvements will be forwarded to the appropriate MPD commander. The Use of Force Coordinator will work with the involved officer's command staff to provide any needed coaching or training.

This procedure outlines reporting use of force for data collection purposes only. Any officer using force must document that use of force in a police report, in addition to the documentation required in this procedure. In cases involving an officer involved death or officer involved critical incident~~, the event that deadly force is used,~~ the OICI commander will designate a supervisor or detective to submit the data regarding the use of force.

Original SOP: 08/11/2014
(Reviewed Only: 02/22/2016, 12/26/2017)
(Revised: 02/03/2017, 11/16/2018)

Use of Force Data Collection and Review

Eff. Date ~~11/16/2018~~ 01/15/2020

Purpose

The Madison Police Department (MPD) has implemented procedures to ensure that use of force data is being collected by the agency in a usable format and that use of force incidents are reviewed for compliance with the department's Code of Conduct and Standard Operating Procedures. Properly managed data can be the backbone of an early warning system that identifies at-risk officers, dangerous activities, necessary training, and policy gaps that require immediate mitigation.

The definition of recordable force is only relevant to distinguish those applications of force that must be documented in MPD's use of force database. All use of force must be documented in a police report as outlined in MPD's Code of Conduct and SOP's on use of deadly and non-deadly force.

Definitions

RECORDABLE FORCE

For statistical purposes, recordable force includes takedowns, active countermeasures, OC spray, impact weapons, hobble restraints, less lethal projectiles, Taser deployments, K9 apprehensions and use of deadly force (including dispatching animals). ***Recordable Force excludes the following: Pain compliance techniques, escort holds, handcuffing, threats or displays of the above types of force, pointing of Firearms at Subject(s)/Suspect(s).***

EFFECTIVENESS

A tool/technique is effective if it allows the subject/suspect to be controlled without any further force escalation.

INJURY

For purposes of use of force recording, a tool/technique caused injury if a citizen complains of injury, an officer observes an injury, or medical treatment is sought. This includes treatment at an emergency room or on scene by paramedics. ***This excludes basic OC decontamination (e.g. flushing the person's eyes and face with water) or ECD probe removal at the scene; absent any additional injury (e.g. resulting from a fall, etc).***

Procedure

Officer(s) Using Recordable Force

Anytime a sworn employee uses recordable force during an incident, the force used must be documented in the MPD use of force database. The officer completing the original field report must indicate that recordable force was used in Mobile. (see definitions for recordable force above.). Officers using recordable force are also responsible for contacting a field supervisor to notify them of the force use and review the incident. This contact must take place as soon as possible, and no later than the end of the officer's shift. Any MPD supervisor can complete this task.

If the use of force involved a less lethal impact projectile deployment, K9 bite, impact weapon use or resulted in injury to the suspect/subject consistent with substantial bodily harm, the officer will request that a field supervisor respond to the scene immediately.

Field Supervisor

The field supervisor (or OIC, if no other supervisor is available) is responsible for reviewing the use of force incident with the involved officer(s), and for documenting the recordable force through the Blue Team portal/website. Any supervisor can perform these duties. This review and entry should be completed before the end of the shift when the incident occurred. One entry should be made for each subject/suspect against whom force was used and should include all officers using force on that subject. The supervisor completing the form will indicate each type of force used, whether the force application was effective and whether it caused injury.

When reviewing the incident, the field supervisor should also consider any potential areas for improvement (tactics, training, communications, etc.) and note them in the Blue Team entry.

Additional Field Supervisor Responsibilities

When a use of force incident results in any of the following, a field supervisor should respond immediately to the scene:

- Less lethal impact projectile deployment
- K9 bite
- Impact weapon use
- Injury to subject consistent with substantial bodily harm

The responding field supervisor should ensure that initial information is obtained and preserved to thoroughly document the incident. This should include the following:

- Interviewing the subject (supervisor responsibility) if appropriate
- Ensuring that photographs of subject and scene are taken
- Ensuring that civilian witnesses are identified and interviewed
- Ensuring that any video/photo evidence is identified and preserved

This initial information should be documented in a supplemental police report. Supervisors responding to an officer involved death or officer involved critical incident should adhere to MPD's Officer Involved Deaths and Other Critical Incidents SOP.

Use of Force Coordinator

The Use of Force Coordinator will review all recordable force entries. In the event of a data entry mistake, the Use of Force Coordinator will contact the officer's supervisor to arrange for the needed corrections to be made. Once the data has been approved, it will be submitted to the database, and shared with the officer's immediate supervisor.

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

- Whether the force used was reasonable and in compliance with MPD's Code of Conduct and Standard Operating Procedures
- The quality of officer reports
- Appropriateness of officer tactics and decision-making
- Equipment related issues (availability, effectiveness, function, etc.)
- Training needs or deficiencies
- Use of cover, concealment, distance and other de-escalation strategies

Any potential violations of MPD's Code of Conduct or Standard Operating Procedures will be forwarded to PS&IA for investigation. Suggestions for system improvements will be forwarded to the appropriate MPD commander. The Use of Force Coordinator will work with the involved officer's command staff to provide any needed coaching or training.

This procedure outlines reporting use of force for data collection purposes only. Any officer using force must document that use of force in a police report, in addition to the documentation required in this procedure. In cases involving an officer involved death or officer involved critical incident the OICI commander will designate a supervisor or detective to submit the data regarding the use of force.

Original SOP: 08/11/2014
(Reviewed Only: 02/22/2016, 12/26/2017)
(Revised: 02/03/2017, 11/16/2018, 01/15/2020)

Use of Force Data Collection and Review

Eff. Date ~~01/15/2020~~ 01/31/2023

Purpose

The Madison Police Department (MPD) has implemented procedures to ensure that use of force data is being collected by the agency in a usable format and that use of force incidents are reviewed for compliance with the department's Code of Conduct and Standard Operating Procedures (SOPs). Properly managed data can be the backbone of an early warning system that identifies at-risk officers, dangerous activities, necessary training, and policy gaps that require immediate mitigation.

The definition of recordable force is only relevant to distinguish those applications of force that must be documented in MPD's use of force database. All use of force must be documented in a police report as outlined in MPD's Code of Conduct and Use of Force SOP~~'s on use of deadly and non-deadly force~~.

Definitions

RECORDABLE FORCE

For statistical purposes, recordable force includes takedowns, active countermeasures, OC spray, impact weapons, hobble restraints (any level), less lethal projectiles, Taser deployments, K9 apprehensions, and use of deadly force (including dispatching animals). ***Recordable Force excludes the following: Pain compliance techniques, escort holds, handcuffing, threats or displays of the above types of force, and pointing of Firearms at Subject(s)/Suspect(s).***

EFFECTIVENESS

A tool/technique is effective if it allows the subject/suspect to be controlled without any further force escalation.

INJURY

For purposes of use of force recording, a tool/technique caused injury if a citizen complains of injury, if an officer observes an injury, or if medical treatment is sought. This includes treatment at an emergency room or on scene by paramedics. ***This excludes basic OC decontamination (e.g. flushing the person's eyes and face with water) or ECD probe removal at the scene~~,~~ absent any additional injury (e.g. resulting from a fall, etc).***

Procedure

Officer(s) Using Recordable Force

Anytime a sworn employee uses recordable force during an incident, the force used must be documented in the MPD use of force database. The officer completing the original field report must indicate that recordable force was used in Mobile~~.~~ (see definitions for recordable force above~~.~~). Officers using recordable force are also responsible for contacting a field supervisor to notify them of the force use and review the incident. This contact must take place as soon as possible~~,~~ and no later than the end of the officer's shift. Any MPD supervisor can complete this task.

If the use of force involved a less lethal impact projectile deployment, K9 bite, impact weapon use, or resulted in injury to the suspect/subject consistent with substantial bodily harm, the officer will request that a field supervisor respond to the scene immediately.

Field Supervisor

The field supervisor (or Officer in Charge (OIC), if no other supervisor is available) is responsible for reviewing the use of force incident with the involved officer(s), and for documenting the recordable force through the Blue Team portal/website. Any supervisor can perform these duties. This review and entry should be completed before the end of the shift when the incident occurred. One entry should be made for each subject/suspect against whom force was used and should include all officers using force on that subject. The supervisor completing the form will indicate each type of force used, whether the force application was effective, and whether it caused injury.

When reviewing the incident, the field supervisor should also consider any potential areas for improvement (tactics, training, communications, etc.) and note them in the Blue Team entry.

Additional Field Supervisor Responsibilities

When a use of force incident results in any of the following, a field supervisor should respond immediately to the scene:

- Less lethal impact projectile deployment
- K9 bite
- Impact weapon use
- Injury to subject consistent with substantial bodily harm

The responding field supervisor should ensure that initial information is obtained and preserved to thoroughly document the incident. This should include the following:

- Interviewing the subject (supervisor responsibility) if appropriate
- Ensuring that photographs of subject and scene are taken
- Ensuring that civilian witnesses are identified and interviewed
- Ensuring that any video/photo evidence is identified and preserved

This initial information should be documented in a supplemental police report. Supervisors responding to an officer involved death or officer involved critical incident should adhere to MPD's Officer Involved Deaths and Other Critical Incidents SOP.

Use of Force Coordinator

The Use of Force Coordinator will review all recordable force entries. In the event of a data entry mistake, the Use of Force Coordinator will contact the officer's supervisor to arrange for the needed corrections to be made. Once the data has been approved, it will be submitted to the database, and shared with the officer's immediate supervisor.

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

- Whether the force used was reasonable and in compliance with MPD's Code of Conduct and SOPs ~~Standard Operating Procedures~~
- The quality of officer reports
- Appropriateness of officer tactics and decision-making
- Equipment related issues (availability, effectiveness, function, etc.)
- Training needs or deficiencies
- Use of cover, concealment, distance, and other de-escalation strategies

Any potential violations of MPD's Code of Conduct or SOPs ~~Standard Operating Procedures~~ will be forwarded to PS&IA for investigation. Suggestions for system improvements will be forwarded to the appropriate MPD

commander. The Use of Force Coordinator will work with the involved officer's command staff to provide any needed coaching or training.

This procedure outlines reporting use of force for data collection purposes only. Any officer using force must document that use of force in a police report, in addition to the documentation required in this procedure. In cases involving an officer involved death or officer involved critical incident, the OICI commander will designate a supervisor or detective to submit the data regarding the use of force.

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(Reviewed Only: 02/22/2016, 12/26/2017, 01/11/2021, 02/04/2022)
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Officer Involved Critical Incidents

Eff. Date ~~07/15/2014~~

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

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

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

A. Duties of Involved Officer(s)

1. Immediately notify dispatch of incident and location.
2. Render first aid and request response by emergency medical services.
3. Officer(s) shall inform a supervisor or the Officer-in-Charge of the incident as soon as possible.
4. Protect and secure the scene until relieved.
5. Identify witnesses for subsequent interviews. Involved officer(s) shall not participate in the interviews of witnesses.
6. Brief first arriving supervisor of the nature of the incident and actions taken and identify involved officers, assisting officer(s) and witnesses. Advise need for any further law enforcement action or activity.
7. When relieved of duties at the scene by a supervisor, remain with assigned uninvolved officer and proceed to a local hospital.
8. Upon request, surrender all weapons and equipment used in the incident in the officer's possession at the time of the incident. Replacement of weapons and equipment will occur as soon as possible.
9. Avoid discussion of the incident with anyone until interviewed by, except: clergy, legal counsel, physician, psychologist, professional counselor, spouse, and domestic partner. Please familiarize yourself with Chapter 905 of Wisconsin State Statute, which covers privileged communication and consult with your legal counsel with any questions.
10. The Involved Officer(s) will be required to provide a blood sample. The blood draw and subsequent testing will be in accordance with Attachment B.
11. Reporting requirements for involved officer(s) will be covered by contact with and cooperation with investigators assigned to the incident
12. Review completed OICI reports of their statement(s) for content and accuracy.

B. Duties of On-Scene Supervisor

1. Assume responsibility for the security and preservation of the scene.
2. Contact officer(s) involved to receive a short briefing on the nature of the incident and actions taken, identify the potential crime scene(s), evidence, location of offender(s), injuries, has the scene been changed or altered in any way since the incident, and identify potential witnesses. If possible, this should be done with an Investigator present, otherwise a second short briefing should occur when an Investigator arrives.
3. The on-scene supervisor shall immediately notify the dispatcher to broadcast a message if no officer(s) have been injured.
4. In the event an officer is injured, immediately notify the Officer-in-Charge.

5. 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.)
6. Establish a scene command post and give location to the Dane County Public Safety Communications (911 Center).
7. Temporarily move the involved officer(s) a short distance away from but accessible to the scene. A non-involved fellow officer shall be assigned to accompany the involved officer(s), unless the involved officer prefers to be alone (if the involved officer prefers to be alone, the non-involved officer must remain with them until the appropriate evidence collection has occurred). If the involved officer elects to speak about the incident with the non-involved officer, those conversations are not privileged and may become part of the investigation.
8. Provide an opportunity for the involved officer to contact Union officials or legal counsel as soon as practical. Provide phones and numbers as needed.
9. Upon arrival of the Department of Criminal Investigation Special Agent in Charge ~~OICI Investigation Team~~, brief the lead investigator on the incident and relinquish the investigative responsibility to its commander.
10. Assist at the scene as needed and make arrangement to have the officer's personal property returned to them.
11. Completion of a report will be at the discretion of the lead investigator or agency.
12. Fill out "Accident Report" for each officer with the following language in the comment section: "Reporting to document exposure to a critical incident event."

C. Duties of the Officer-In-Charge (OIC)

1. Notify the OICI team commander or designee and the Forensic Services Lieutenant.
2. Contact the District Commanders of the District where the incident occurred. If the incident occurred outside of the employee's assigned district, the District Commanders of the involved employees should also be notified.
3. Notify the Chief, Assistant Chief of Operations, and Assistant Chief of Support Services.
4. Contact Dane County Public Safety Communications (911 Center) and direct them to inform officers of the status of the incident (e.g., injuries to officers and citizens, important information). This should be done in a discreet manner, MDT, phone, etc.
5. In the event of an injury or death of an employee, notify the immediate family per the Line of Duty, Life Threatening Injury or Death of an Employee policy.
6. Notify the Professional Standards and Internal Affairs Unit (PSIA), and the Public Information Officer (PIO).
7. Notify the Peer Support Team Coordinator and deploy any on-duty Peer Support Officers to the scene to initiate the Critical Incident Stress Management protocol (Policy 5-200).
8. Follow the Aftercare Protocol and deploy Critical Incident Partner officers to the scene.
9. All media releases shall be cleared through the OICI Commander and the Office of the Chief of Police.

D. Duties of the OICI Commander

1. Contact Assistant Chief of Operations and make notification of the critical incident.
~~1.~~2. Ensure that services regarding the involved personnel have been provided.
~~2.~~3. Set up Command Post per Major Case SOP.
~~3. Responsibilities per Major Case SOP.~~
   - ~~Overall management of the case.~~
   - ~~Identify Case and Scene Detectives.~~
   - ~~Make investigative assignments:~~
     - ~~Designate two detectives from outside agency, one of whom is the case lead investigator assigned to the incident (if appropriate).~~
4. Issue department access cards to Outside Agency OICI investigators.
   - ~~Assign detectives from MPD OICIT to assist case lead investigator from outside agency.~~

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- In fatality accidents an outside agency will be called in to do the accident reconstruction.
  - ~~Designate lieutenant and detective to oversee each scene.~~
  - ~~Coordinate investigative response to hospitals (if appropriate).~~
  - ~~Designate detective to serve as liaison to victims families.~~
  - ~~Coordinate lead investigator and MPD detectives presence at autopsy (if appropriate).~~
  - ~~Identify and coordinate other investigative tasks as needed.~~
- ~~Communicate and coordinate efforts with the Scene Lieutenant.~~
- ~~Communicate and coordinate efforts with CIS Supervisor.~~
- Communicate and coordinate efforts with ~~Case~~ DCI Lead ~~Detective~~investigator.
- ~~Communicate and coordinate with FSU Lieutenant.~~
- Communicate with the OIC.
- Communicate with Command Staff.
- Make appropriate notifications as needed:
  - Chiefs
  - District Command
  - DA's office (if appropriate and in all homicide cases)
- Communicate with budget office staff for case number cost accounting.
- Designate case as "Extraordinary" for Telestaff/payroll purposes (if appropriate).
- Facilitate the release of information to MPD personnel through briefing and other police agencies.
- ~~Collaborate with the PIO, case detectives and District Captain on case press releases.~~
- ~~Establish communication process between DA and case detectives.~~
- ~~Review reports for investigative leads.~~
- Management of personnel (assignments, monitoring hours worked, etc).
- Managing overtime and arranging relief for staff.
- Evaluate need for support staff.
- Notify Property Room staff and evaluate needs (if appropriate).
- ~~Create and prioritize a task list of work to be done.~~
- ~~Organize briefings and debriefings of case investigators.~~
- ~~Organize and coordinate case information.~~
- Ensure phone calls made to the command post are answered ~~and information recorded.~~
- ~~Evaluate need for a detective to be assigned to family members (victim, suspect, witness, etc.).~~
- Arrange for special equipment or needs of the investigation.
- ~~Ensure that a timeline is started and kept up to date.~~
- ~~Oversee report completion and process.~~
- ~~Brief incoming commander when being relieved.~~
- Keep Chief and Assistant Chiefs apprised of investigation.
- ~~Make sure log is maintained.~~
- ~~Manage the "to do list."~~

~~4. Will ensure that District Attorney is notified of the incident and of any relevant investigative steps.~~

~~5. Will coordinate an after-action review of the investigation.~~

E. Duties of OICI Investigation Team

1. Review the Officer Involved Critical Incident Investigation Conflict of Interest Checklist and report to OICI Commander if there is or a potential conflict of interest. See Attachment A for the checklist.
2. Assist with the criminal investigation of incidents within the city of Madison and conduct OICI investigations outside the city of Madison as directed by the City of Madison Chief of Police.

3. When needed, ensure that an Investigator retrieves and takes custody of the weapon(s) used by the officer(s) at the hospital if possible or a neutral site. The supervisor of the OICI team shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the Investigator shall take custody of the officer's weapon in a discrete manner and should be replaced with another weapon, or advise the officer that it will be returned or replaced at a later time as appropriate. (When processing an officer's personal weapon as evidence, consideration shall be given to marking the weapon with the necessary information as inconspicuously as possible.) Investigators will also take needed photographs and collect evidence from the officer (s) involved at the scene, hospital, or neutral site.

~~4. If necessary, request the officer(s) returned to the scene to respond to the needs of the investigation.~~

~~5. OICI team is responsible for ensuring the canvass is completed.~~

6.4. ~~Assist~~ Assist DCI with interview of principal officer(s).

a. Contact with the involved officer(s) will be coordinated after consulting with the OICI Commander. Whenever practical, the involved officer(s) should give one formal statement with all needed parties present. Detailed interviews should be delayed to allow the involved officer time to overcome the initial stress of the incident.

b. If audio and/or visual records of the incident are available, the involved officer(s) should be allowed to review these recordings prior to their formal statement with members of the investigative team. This review should be done in the presence of a member of the investigative team and OICI team member.

c. The involved officer(s) will be given the opportunity to provide voluntary statements. The OICI Commander or Lead Detective will communicate with the officer(s)' Union Representative or legal counsel on this issue. No officer will be disciplined for declining to make a voluntary statement. Involved officer(s) is not to file any reports. If the officer(s) decline to provide voluntary statements, the criminal investigation will proceed without the officer(s)' statements.

d. If the officer(s) elect to provide voluntary statements, the ~~OICI Commander~~DCI special agent in charge will assign personnel to conduct the interviews. Officer(s) will be interviewed as victims and/or witnesses unless directed by OICI Commander or higher authority. The case lead DCI investigator interviewing the involved officer shall prepare a report detailing the officer's statement of the incident. The involved officer will have an opportunity to review the report detailing their statement for accuracy before it is submitted. The Chief of Police is the sole authority as to when an officer is arrested unless exigent circumstances exist.

If the interview is to be observed by personnel other than those directly involved, the officer and any representatives will be notified.

e. The Assistant Chief of Support or (designee), after consulting with the Assistant Chief of Operations (or designee), PSIA and the OICI Commander, will determine whether the officer(s) will be ordered to provide statements. If the officer(s) are ordered to provide statements, the following procedure will be adhered to:

- PSIA will order the officer(s) to provide a statement, and the order will be documented in writing.
- The compelled interview will be audio recorded and transcribed, and will be documented under the PSIA case number for the critical incident review.
- PSIA will coordinate the compelled interview of the involved officer(s) with the goal of obtaining a complete and accurate statement from the officer(s). This may involve the utilization of Detectives as primary interviewers. If Detectives are utilized, the OICI Commander, after consultation with PSIA, will assign detectives that have not been involved in the criminal investigation to be the primary interviewers.
- 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.

f. Deviations from this procedure may only occur with the approval of the Chief (or designee).

5. All statements/interviews of involved employees will be electronically recorded (audio only) unless impractical. Interviews of witnesses will be recorded when possible and appropriate.
6. OICI Detective Responsibilities:
   - Follow Major Case SOP.
   - ~~Review all MDC traffic (messages, TIME transactions, etc.) for involved officers for the entirety of the shift on which the incident occurred.~~

F. Duties of the District

1. Ensure adequate supervision at all scenes.
2. Ensure that involved personnel have had appropriate opportunities to contact family members, Union officials, and/or attorneys.
3. Ensure that EAP services have been offered.
4. Officers directly involved in the incident shall be placed on administrative leave with pay. This leave is not a suspension and is no way to be construed as disciplinary action or any indication of wrongdoing on the part of the officer(s).
5. Ensure that within 72 hours of the incident, the involved officer(s) are contacted by a department approved traumatic stress professional.
6. Ensure that regular command briefings are given to the Chief and Assistant Chief of Operations.
7. If applicable, ensure that Policy 5-300 Significant Exposure to Blood Borne Pathogens is followed.
8. Responsible for Community Care tasks.

G. Duties of Assistant Chief of Operations

1. Oversight of the criminal investigation.
2. Coordinate media releases until such time that this responsibility is delegated back to the District.
3. Will make request from DCI to take over the investigation. ~~for outside lead agency.~~

H. District Attorney

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

~~I. Outside Law Enforcement Observer~~

~~1. Will view the scene.~~
~~2. Will be partnered with the OICI Commander.~~
~~3. Will observe the investigation with the OICI Commander.~~
~~4. Will report to their Executive Commanding Officer or designee.~~
~~5. Will do a summary memo to their Executive Commanding Officer or designee on the integrity of the investigation. This should not be a summary of facts of the case but should provide an overview as to whether the investigation was thorough, objective, impartial and consistent with best practices relating to the investigation of law enforcement critical incidents involving death or great bodily harm.~~
~~6. Executive Commanding Officer or designee of the observer's agency will share the memo with the Chief of the Madison Police Department.~~
~~7. The memo will become part of the MPD case file.~~

~~J. The following areas will follow the Major Case SOP~~

~~1. CIS Personnel Responsibilities~~
~~2. Crime Scene Lieutenant Responsibilities~~
~~3. FSU Lieutenant Responsibilities~~
~~4. Crime Scene Detective Responsibilities~~
~~5. Investigators Responsibilities~~
~~6. Canvass Personnel Responsibilities~~
~~7. Hospital Personnel Responsibilities~~
~~8. Logistics Officer~~
~~9. Command Post Assistance~~
~~10. CV-1~~
~~11. Telestaff/Payroll/Personnel Management~~
~~12. Autopsy Protocol~~
~~13. Lead/Tip Management~~
~~14. Reporting Procedure~~
~~15. Deviation from SOP~~

~~K.~~I. MPD Policy Compliance Review

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

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

Attachment A

Officer Involved Critical Incident
Investigation Conflict of Interest Checklist

Please review if any of the below possible conflict of interest situations apply to you investigating the following employees involved in a critical incident.

_____

_____

_____

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

If any of the above conflict of interest situations apply to you, you will not be eligible to participate as an investigator with this incident. If you have a potential conflict of interest, you should discuss this with the supervisor of the investigation.

Attachment B

Post-Incident Alcohol/Drug Testing

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

- The primary means of testing will be a blood draw, conducted at a medical facility. In the event that a blood draw is not practical, urine may be used as an alternate test. If it is not practical for the sample to be collected at a medical facility, an alternate means of collection utilizing an appropriately trained professional may be used.
- The sample will be collected as soon as is reasonably practical after the incident, taking other needed post-incident tasks into account (collecting other evidence, medical treatment, etc.).
- The sample should be collected in the presence of an MPD Investigator. The investigator will ensure that the sample is handled, transported and shipped in accordance with proper evidence handling practices. In the event that an Investigator is not available to monitor the sample collection within a reasonable time frame, the OICI Commander may assign an MPD supervisor or OICI Team Member to do so. The sample will be turned over to an MPD Investigator as soon as possible for further handling.
- A sufficient sample will be collected to allow for additional testing in case of an initial positive test.
- The sample will be sealed and transported to a testing facility using proper evidence handling practices. MPD will not retain any portion of the sample.
- MPD will request a report from the testing facility that shows the presence and concentration of the following substances and derivatives:
  - Alcohol
  - Marijuana/THC
  - Cocaine
  - Opiates
  - Amphetamines
  - LSD
  - PCP
- The test result report will be directed to the OICI commander and will be placed in both the criminal liability investigation case file and internal investigation case file.
- The OICI Commander or designee will share the test results with the involved employee. In case of a positive test result, the employee may request additional testing with the remaining sample. If the test results are negative, the testing facility will be directed to discard any remaining sample if approved by the involved employee and the Chief of Police (or designee).
- Other testing protocols as permitted by policy, APM or law remain in effect.

Officer Involved Critical Incident Aftercare

Officer Involved Critical Incidents (OICI) are unique. While critical incidents are something to which officers respond many times throughout their career and in the performance of their duties, traumatic incidents that involve the officers as a victim, principal, or custodial officers demand particular and specialized attention. This procedure will address the various needs individual and departmental following Officer Involved Critical Incidents and will guide officers, their families, and the department as a whole in the aftermath of these unique and challenging circumstances. Given that it is not possible to predict the many potential circumstances surrounding an officer involved critical incident, deviations from the protocol outlined here may occur with approval from the chief or his/her designee.

DEFINITIONS

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

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

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

CISM Provider: A select group of mental health professionals that are contracted through City EAP services 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 officers, family members/significant others.

Trauma Specialist: A person trained to deal with the stresses often induced by critical incidents. This may include counselors, specially trained peers and others including mental health professionals whose practice includes dealing with the traumatic effects of critical incidents.

A. Initial Aftercare Response:

1. **Peer Support** – MPD Policy 5-200 outlines the role of the Peer Support Officers in facilitating our CISM response, to include providing information about the stresses often induced by critical incidents, coordinating the defusing immediately following the incident and prior to involved officers going home, and finally scheduling and facilitating any subsequent Critical Incident Debriefing. The role of the PSO in an OICI is to assure that MPD Policy 5-200 is observed and to facilitate our CISM protocol. Peer Support supervisor will be responsible for the oversight/monitoring of the aftercare process.

2. **Critical Incident Partner** – The CIP is an officer pre-designated by the involved officer to be deployed to focus exclusively on the emotional welfare of the involved officer. Each officer will designate 1-3 officers in order of preference in advance of any involvement in a critical incident. Officers' pre-designated list of CIP officers will be housed confidentially in the OIC's office to be consulted and activated upon and officer's involvement in a critical incident. The

CIP will be pulled from their regular assignment and/or called in to work to support the involved officer. Guidelines for the role of the CIP are as follows:

- The CIP will serve as a liaison for the involved officer and other MPD personnel throughout the investigative process.
- The CIP may be put on paid Administrative Leave with the involved officer to whom they are assigned as support. The length of time that a CIP will be placed on paid Administrative Leave will be evaluated on a case-by-case basis and approved through chain of command.
- The CIP will review the "OICI Aftercare Information" packet outlining department expectations and procedures with the involved officer following the incident.
- The CIP will coordinate continued support and CISM care with the assigned PSO.
- Communications between the CIP and the involved officer regarding the critical incident are not privileged and therefore not confidential. Involved officers will be advised not to discuss the incident with anyone except an attorney or mental health professional until the conclusion of the preliminary investigation as discussions with investigators, supervisors, union representatives, and co-workers are not privileged.

3. **Critical Incident Stress Management** – Recognizing that officers involved in a critical incident are likely to experience compounded stress related to the incident and any ongoing investigation(s) into their actions, the department CISM response to officers involved in a critical incident will include additional formalized support as outlined in this SOP beyond that which is covered in MPD Policy 5-200. Support systems already in place under MPD Policy 5-200 include a mandatory Defusing and optional attendance at any subsequent Critical Incident Debriefings. In addition to these, officers involved in a critical incident will be required to attend mandatory consultations with a Trauma Specialist. The first of these consultations will occur within 24-72 hours following the incident. Subsequent required sessions will be scheduled prior to the officer's return to work, at 6 months post-incident; at 1 year post-incident; and annually thereafter up to 5 years post-incident. The lieutenant or captain of Personnel & Training will work with the involved officer(s) to schedule these mandatory consultations.

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

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

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

   - The case has been submitted for review by the District Attorney.
   - The officer has received the mandatory Defusing immediately following the CI and optional attendance of any scheduled Debriefings related to the incident.
   - An initial consultation with a Trauma Specialist has occurred within the first 24-72 hours following the incident.
   - The officer has met with their chain of command to establish a Return to Duty Plan.
   - The officer will participate in a relevant re-familiarization training scenario as appropriate depending on the circumstances surrounding the critical incident in which they were involved. For example, if an officer was involved in a critical incident that included the use of deadly force by use of a firearm, the officer would participate in a firearms course of fire facilitated by Personnel & Training staff. The purpose in this case is not to qualify the officer, rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision-making and

weapons handling. These re-familiarization training scenarios will be coordinated by Personnel & Training staff as needed and will be tailored to provide the officer with a useful opportunity for self-assessment based on their specific incident.

- Officers involved in a critical incident will be afforded the option of using leave time (vacation, compensatory time or sick time) on the one year anniversary date of the incident, regardless of staffing levels. Officers should work with their chain of command to facilitate this leave if desired.

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

1. Coordinate administrative leave with pay as appropriate and make all necessary Telestaff entries for this leave.
2. Establish a plan for regular contact with the officer while they are on administrative leave.
3. Work with the CIP to provide ongoing updates to the officer regarding the status of the investigation, DA and internal administrative reviews.
4. Meet with the officer and their CIP or other chosen support person to develop and document a Return to Duty Plan.
5. Monitor the behavior of officers involved in critical incidents for symptoms of acute or prolonged stress.

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

- Graduated return schedule that allows for a paced re-entry.
- Return in a restricted duty capacity or inside assignment for a period of time.
- Temporary change of assignment to a non-patrol work unit such as TEST, CPT, partnering with a NPO, etc.
- Ride with a partner officer for a period of time.
- Return to regular assignment under close supervision.

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

D. **Duties of Personnel & Training** – Personnel & Training staff will have the following responsibilities related to OICI aftercare:

1. Review incident specifics to identify any possible training concerns and work with the officer to provide any necessary review or clarification.
2. The Personnel Lieutenant will work with the officer to schedule all mandatory consultations with the Trauma Specialist as previously outlined.
3. Training staff will coordinate a re-familiarization scenario for the involved officer based on the specific circumstances of the critical incident. For example, if an officer was involved in a critical incident that included the use of deadly force by use of a firearm, the officer would participate in a firearms course of fire. The purpose in this case is not to qualify the officer, rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision-making and weapons handling. These re-familiarization training scenarios will be tailored to provide the officer with a useful opportunity for self-assessment based on their specific critical incident.

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

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

Officer Involved Critical Incidents

Eff. Date 06/10/2016

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

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

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

A. Duties of Involved Officer(s)

1. Immediately notify dispatch of incident and location.
2. Render first aid and request response by emergency medical services.
3. Officer(s) shall inform a supervisor or the Officer-in-Charge of the incident as soon as possible.
4. Protect and secure the scene until relieved.
5. Identify witnesses for subsequent interviews. Involved officer(s) shall not participate in the interviews of witnesses.
6. Brief first arriving supervisor of the nature of the incident and actions taken and identify involved officers, assisting officer(s) and witnesses. Advise need for any further law enforcement action or activity.
7. When relieved of duties at the scene by a supervisor, remain with assigned uninvolved officer and proceed to a local hospital.
8. Upon request, surrender all weapons and equipment used in the incident in the officer's possession at the time of the incident. Replacement of weapons and equipment will occur as soon as possible.
9. Avoid discussion of the incident with anyone until interviewed by, except: clergy, legal counsel, physician, psychologist, professional counselor, spouse, and domestic partner. Please familiarize yourself with Chapter 905 of Wisconsin State Statute, which covers privileged communication and consult with your legal counsel with any questions.
10. The Involved Officer(s) will be required to provide a blood sample. The blood draw and subsequent testing will be in accordance with Attachment B.
11. Reporting requirements for involved officer(s) will be covered by contact with and cooperation with investigators assigned to the incident
12. Review completed OICI reports of their statement(s) for content and accuracy.

B. Duties of On-Scene Supervisor

1. Assume responsibility for the security and preservation of the scene.
2. Contact officer(s) involved to receive a short briefing on the nature of the incident and actions taken, identify the potential crime scene(s), evidence, location of offender(s), injuries, has the scene been changed or altered in any way since the incident, and identify potential witnesses. If possible, this should be done with an Investigator present, otherwise a second short briefing should occur when an Investigator arrives.
3. The on-scene supervisor shall immediately notify the dispatcher to broadcast a message if no officer(s) have been injured.
4. In the event an officer is injured, immediately notify the Officer-in-Charge.

5. 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.)
6. Establish a scene command post and give location to the Dane County Public Safety Communications (911 Center).
7. Temporarily move the involved officer(s) a short distance away from but accessible to the scene. A non-involved fellow officer shall be assigned to accompany the involved officer(s), unless the involved officer prefers to be alone (if the involved officer prefers to be alone, the non-involved officer must remain with them until the appropriate evidence collection has occurred). If the involved officer elects to speak about the incident with the non-involved officer, those conversations are not privileged and may become part of the investigation.
8. Provide an opportunity for the involved officer to contact Union officials or legal counsel as soon as practical. Provide phones and numbers as needed.
9. Upon arrival of the Department of Criminal Investigation Special Agent in Charge, brief the lead investigator on the incident and relinquish the investigative responsibility to its commander.
10. Assist at the scene as needed and make arrangement to have the officer's personal property returned to them.
11. Completion of a report will be at the discretion of the lead investigator or agency.
12. Fill out "Accident Report" for each officer with the following language in the comment section: "Reporting to document exposure to a critical incident event."

C. Duties of the Officer-In-Charge (OIC)

1. Notify the OICI team commander or designee and the Forensic Services Lieutenant.
2. Contact the District Commanders of the District where the incident occurred. If the incident occurred outside of the employee's assigned district, the District Commanders of the involved employees should also be notified.
3. Notify the Chief, Assistant Chief of Operations, and Assistant Chief of Support Services.
4. Contact Dane County Public Safety Communications (911 Center) and direct them to inform officers of the status of the incident (e.g., injuries to officers and citizens, important information). This should be done in a discreet manner, MDT, phone, etc.
5. In the event of an injury or death of an employee, notify the immediate family per the Line of Duty, Life Threatening Injury or Death of an Employee policy.
6. Notify the Professional Standards and Internal Affairs Unit (PSIA), and the Public Information Officer (PIO).
7. Notify the Peer Support Team Coordinator and deploy any on-duty Peer Support Officers to the scene to initiate the Critical Incident Stress Management protocol (Policy 5-200).
8. Follow the Aftercare Protocol and deploy Critical Incident Partner officers to the scene.
9. All media releases shall be cleared through the OICI Commander and the Office of the Chief of Police.

D. Duties of the OICI Commander

1. Contact Assistant Chief of Operations and make notification of the critical incident.
2. Ensure that services regarding the involved personnel have been provided.
3. Set up Command Post per Major Case SOP.
4. Issue Madison Police Department (MPD) access cards to Outside Agency OICI investigators.
5. In fatality accidents, an outside agency will be called in to do the accident reconstruction.
6. Communicate and coordinate efforts with DCI lead investigator.
7. Communicate with the OIC.
8. Communicate with Command Staff.

9. Make appropriate notifications as needed:
   - Chiefs
   - District Command
   - DA's office (if appropriate and in all homicide cases)
10. Communicate with budget office staff for case number cost accounting.
11. Designate case as "Extraordinary" for Telestaff/payroll purposes (if appropriate).
12. Facilitate the release of information to MPD personnel through briefing and other police agencies.
13. Management of personnel (assignments, monitoring hours worked, etc).
14. Managing overtime and arranging relief for staff.
15. Evaluate need for support staff.
16. Notify Property Room staff and evaluate needs (if appropriate).
17. Ensure phone calls made to the command post are answered and information recorded.
18. Arrange for special equipment or needs of the investigation.
19. Keep Chief and Assistant Chiefs apprised of investigation.

E. Duties of OICI Investigation Team

1. Review the Officer Involved Critical Incident Investigation Conflict of Interest Checklist and report to OICI Commander if there is or a potential conflict of interest. See Attachment A for the checklist.
2. Assist with the criminal investigation of incidents within the city of Madison and conduct OICI investigations outside the city of Madison as directed by the City of Madison Chief of Police.
3. When needed, ensure that an Investigator retrieves and takes custody of the weapon(s) used by the officer(s) at the hospital if possible or a neutral site. The supervisor of the OICI team shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the Investigator shall take custody of the officer's weapon in a discrete manner and should be replaced with another weapon, or advise the officer that it will be returned or replaced at a later time as appropriate. (When processing an officer's personal weapon as evidence, consideration shall be given to marking the weapon with the necessary information as inconspicuously as possible.) Investigators will also take needed photographs and collect evidence from the officer (s) involved at the scene, hospital, or neutral site.
4. Assist DCI with interview of principal officer(s).
   a. Contact with the involved officer(s) will be coordinated after consulting with the OICI Commander. Whenever practical, the involved officer(s) should give one formal statement with all needed parties present. Detailed interviews should be delayed to allow the involved officer time to overcome the initial stress of the incident.
   b. If audio and/or visual records of the incident are available, the involved officer(s) should be allowed to review these recordings prior to their formal statement with members of the investigative team. This review should be done in the presence of a member of the investigative team and OICI team member.
   c. The involved officer(s) will be given the opportunity to provide voluntary statements. The OICI Commander or Lead Detective will communicate with the officer(s)' Union Representative or legal counsel on this issue. No officer will be disciplined for declining to make a voluntary statement. Involved officer(s) is not to file any reports. If the officer(s) decline to provide voluntary statements, the criminal investigation will proceed without the officer(s)' statements.
   d. If the officer(s) elect to provide voluntary statements, the DCI special agent in charge will assign personnel to conduct the interviews. Officer(s) will be interviewed as victims and/or witnesses unless directed by OICI Commander or higher authority. The case lead DCI investigator interviewing the involved officer shall prepare a report detailing the officer's statement of the incident. The involved officer will have an opportunity to review the report detailing their statement for accuracy before it is submitted. The Chief of Police is the sole authority as to when an officer is arrested unless exigent circumstances exist.

If the interview is to be observed by personnel other than those directly involved, the officer and any representatives will be notified.

e. The Assistant Chief of Support or (designee), after consulting with the Assistant Chief of Operations (or designee), PSIA and the OICI Commander, will determine whether the officer(s) will be ordered to provide statements. If the officer(s) are ordered to provide statements, the following procedure will be adhered to:
   - PSIA will order the officer(s) to provide a statement, and the order will be documented in writing.
   - The compelled interview will be audio recorded and transcribed, and will be documented under the PSIA case number for the critical incident review.
   - PSIA will coordinate the compelled interview of the involved officer(s) with the goal of obtaining a complete and accurate statement from the officer(s). This may involve the utilization of Detectives as primary interviewers. If Detectives are utilized, the OICI Commander, after consultation with PSIA, will assign detectives that have not been involved in the criminal investigation to be the primary interviewers.
   - 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.

f. Deviations from this procedure may only occur with the approval of the Chief (or designee).

5. All statements/interviews of involved employees will be electronically recorded (audio only) unless impractical. Interviews of witnesses will be recorded when possible and appropriate.
6. OICI Detective Responsibilities:
   - Follow Major Case SOP.

F. Duties of the District

1. Ensure adequate supervision at all scenes.
2. Ensure that involved personnel have had appropriate opportunities to contact family members, Union officials, and/or attorneys.
3. Ensure that EAP services have been offered.
4. Officers directly involved in the incident shall be placed on administrative leave with pay. This leave is not a suspension and is no way to be construed as disciplinary action or any indication of wrongdoing on the part of the officer(s).
5. Ensure that within 72 hours of the incident, the involved officer(s) are contacted by an MPD approved traumatic stress professional.
6. Ensure that regular command briefings are given to the Chief and Assistant Chief of Operations.
7. If applicable, ensure that Policy 5-300 Significant Exposure to Blood Borne Pathogens is followed.
8. Responsible for Community Care tasks.

G. Duties of Assistant Chief of Operations

1. Oversight of the criminal investigation.
2. Coordinate media releases until such time that this responsibility is delegated back to the District.
3. Will make request from DCI to take over the investigation.

H. Duties of the Chief or Highest Ranking Officer

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

I. District Attorney

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

J. MPD Policy Compliance Review

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

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

Attachment A

Officer Involved Critical Incident
Investigation Conflict of Interest Checklist

Please review if any of the below possible conflict of interest situations apply to you investigating the following employees involved in a critical incident.

_____

_____

_____

1. You are a direct relative or are related by marriage to the involved employee(s).

2. You have been involved in a romantic or sexual relationship with the involved employee(s).

3. A former spouse or domestic partner of yours is currently or has been involved in a relationship with the involved employee(s).

4. You have been involved in an internal investigation as a complainant or subject of an investigation involving the employee(s).

5. Any other possible conflict of interest that would create a potential appearance of unfairness in your ability to conduct an objective investigation.

If any of the above conflict of interest situations apply to you, you will not be eligible to participate as an investigator with this incident. If you have a potential conflict of interest, you should discuss this with the supervisor of the investigation.

Attachment B

Post-Incident Alcohol/Drug Testing

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

- The primary means of testing will be a blood draw, conducted at a medical facility. In the event that a blood draw is not practical, urine may be used as an alternate test. If it is not practical for the sample to be collected at a medical facility, an alternate means of collection—utilizing an appropriately trained professional—may be used.
- The sample will be collected as soon as is reasonably practical after the incident, taking other needed post-incident tasks into account (collecting other evidence, medical treatment, etc.).
- The sample should be collected in the presence of an MPD Investigator. The investigator will ensure that the sample is handled, transported and shipped in accordance with proper evidence handling practices. In the event that an Investigator is not available to monitor the sample collection within a reasonable time frame, the OICI Commander may assign an MPD supervisor or OICI Team Member to do so. The sample will be turned over to an MPD Investigator as soon as possible for further handling.
- A sufficient sample will be collected to allow for additional testing in case of an initial positive test.
- The sample will be sealed and transported to a testing facility using proper evidence handling practices. MPD will not retain any portion of the sample.
- MPD will request a report from the testing facility that shows the presence and concentration of the following substances and derivatives:
  - Alcohol
  - Marijuana/THC
  - Cocaine
  - Opiates
  - Amphetamines
  - LSD
  - PCP
- The test result report will be directed to the OICI commander and will be placed in both the criminal liability investigation case file and internal investigation case file.
- The OICI Commander or designee will share the test results with the involved employee. In case of a positive test result, the employee may request additional testing with the remaining sample. If the test results are negative, the testing facility will be directed to discard any remaining sample if approved by the involved employee and the Chief of Police (or designee).
- Other testing protocols as permitted by policy, APM or law remain in effect.

Officer Involved Critical Incident Aftercare

Officer Involved Critical Incidents (OICI) are unique. While critical incidents are something to which officers respond many times throughout their career and in the performance of their duties, traumatic incidents that involve the officers as a victim, principal, or custodial officers demand particular and specialized attention. This procedure will address the various needs—individual and departmental—following Officer Involved Critical Incidents and will guide officers, their families, and the department as a whole in the aftermath of these unique and challenging circumstances. Given that it is not possible to predict the many potential circumstances surrounding an officer involved critical incident, deviations from the protocol outlined here may occur with approval from the chief or his/her designee.

DEFINITIONS

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

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

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

CISM Provider: A select group of mental health professionals that are contracted through City EAP services 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 officers, family members/significant others.

Trauma Specialist: A person trained to deal with the stresses often induced by critical incidents. This may include counselors, specially trained peers and others including mental health professionals whose practice includes dealing with the traumatic effects of critical incidents.

A. Initial Aftercare Response:

1. **Peer Support** – MPD Policy 5-200 outlines the role of the Peer Support Officers in facilitating our CISM response, to include providing information about the stresses often induced by critical incidents, coordinating the defusing immediately following the incident and prior to involved officers going home, and finally scheduling and facilitating any subsequent Critical Incident Debriefing. The role of the PSO in an OICI is to assure that MPD Policy 5-200 is observed and to facilitate our CISM protocol. Peer Support supervisor will be responsible for the oversight/monitoring of the aftercare process.

2. **Critical Incident Partner** – The CIP is an officer pre-designated by the involved officer to be deployed to focus exclusively on the emotional welfare of the involved officer. Each officer will designate 1-3 officers in order of preference in advance of any involvement in a critical incident. Officers' pre-designated list of CIP officers will be housed confidentially in the OIC's office to be consulted and activated upon and officer's involvement in a critical incident. The CIP will be pulled from their regular assignment and/or called in to work to support the involved officer. Guidelines for the role of the CIP are as follows:

- The CIP will serve as a liaison for the involved officer and other MPD personnel throughout the investigative process.
- The CIP may be put on paid Administrative Leave with the involved officer to whom they are assigned as support. The length of time that a CIP will be placed on paid Administrative Leave will be evaluated on a case-by-case basis and approved through chain of command.
- The CIP will review the "OICI Aftercare Information" packet outlining MPD expectations and procedures with the involved officer following the incident.
- The CIP will coordinate continued support and CISM care with the assigned PSO.
- Communications between the CIP and the involved officer regarding the critical incident are not privileged and therefore not confidential. Involved officers will be advised not to discuss the incident with anyone except an attorney or mental health professional until the conclusion of the preliminary investigation as discussions with investigators, supervisors, union representatives, and co-workers are not privileged.

3. **Critical Incident Stress Management** – Recognizing that officers involved in a critical incident are likely to experience compounded stress related to the incident and any ongoing investigation(s) into their actions, the MPD CISM response to officers involved in a critical incident will include additional formalized support as outlined in this SOP beyond that which is covered in MPD Policy 5-200. Support systems already in place under MPD Policy 5-200 include a mandatory Defusing and optional attendance at any subsequent Critical Incident Debriefings. In addition to these, officers involved in a critical incident will be required to attend mandatory consultations with a Trauma Specialist. The first of these consultations will occur within 24-72 hours following the incident. Subsequent required sessions will be scheduled prior to the officer's return to work, at 6 months post-incident; at 1 year post-incident; and annually thereafter up to 5 years post-incident. The lieutenant or captain of Personnel & Training will work with the involved officer(s) to schedule these mandatory consultations.

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

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

   The involved officer shall remain on paid administrative leave until all of the following occurs:
   - The case has been submitted for review by the District Attorney.
   - The officer has received the mandatory Defusing immediately following the CI and optional attendance of any scheduled Debriefings related to the incident.
   - An initial consultation with a Trauma Specialist has occurred within the first 24-72 hours following the incident.
   - The officer has met with their chain of command to establish a Return to Duty Plan.
   - The officer will participate in a relevant re-familiarization training scenario as appropriate depending on the circumstances surrounding the critical incident in which they were involved. For example, if an officer was involved in a critical incident that included the use of deadly force by use of a firearm, the officer would participate in a firearms course of fire facilitated by Personnel & Training staff. The purpose in this case is not to qualify the officer, rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision-making and weapons handling. These re-familiarization training scenarios will be coordinated by

Personnel & Training staff as needed and will be tailored to provide the officer with a useful opportunity for self-assessment based on their specific incident.

- Officers involved in a critical incident will be afforded the option of using leave time (vacation, compensatory time or sick time) on the one year anniversary date of the incident, regardless of staffing levels. Officers should work with their chain of command to facilitate this leave if desired.

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

1. Coordinate administrative leave with pay as appropriate and make all necessary Telestaff entries for this leave.
2. Establish a plan for regular contact with the officer while they are on administrative leave.
3. Work with the CIP to provide ongoing updates to the officer regarding the status of the investigation, DA and internal administrative reviews.
4. Meet with the officer and their CIP or other chosen support person to develop and document a Return to Duty Plan.
5. Monitor the behavior of officers involved in critical incidents for symptoms of acute or prolonged stress.

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

- Graduated return schedule that allows for a paced re-entry.
- Return in a restricted duty capacity or inside assignment for a period of time.
- Temporary change of assignment to a non-patrol work unit such as TEST, CPT, partnering with a NPO, etc.
- Ride with a partner officer for a period of time.
- Return to regular assignment under close supervision.

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

D. **Duties of Personnel & Training** – Personnel & Training staff will have the following responsibilities related to OICI aftercare:

1. Review incident specifics to identify any possible training concerns and work with the officer to provide any necessary review or clarification.
2. The Personnel Lieutenant will work with the officer to schedule all mandatory consultations with the Trauma Specialist as previously outlined.
3. Training staff will coordinate a re-familiarization scenario for the involved officer based on the specific circumstances of the critical incident. For example, if an officer was involved in a critical incident that included the use of deadly force by use of a firearm, the officer would participate in a firearms course of fire. The purpose in this case is not to qualify the officer, rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision-making and weapons handling. These re-familiarization training scenarios will be tailored to provide the officer with a useful opportunity for self-assessment based on their specific critical incident.

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

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

Original SOP: 11/06/2013
(Revised: 04/24/2014, 07/15/2014, 11/23/2015, 6/10/2016)
(Reviewed Only: 02/25/2016)

Officer Involved Deaths and Other Critical Incidents

Eff. Date ~~06/10/2016~~ 06/06/2017

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

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

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

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

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

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

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

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

1. Immediately notify dispatch of incident and location.
2. Render first aid and request response by emergency medical services.
3. Officer(s) shall inform a supervisor or the Officer-in-Charge of the incident as soon as possible.
4. Protect and secure the scene until relieved.
5. Identify witnesses for subsequent interviews. The ~~i~~involved officer(s) shall not participate in the interviews of witnesses.
6. Brief the first arriving supervisor of the nature of the incident and consider providing a voluntary Public Safety Statement according to Section C below. ~~actions taken and identify involved officers, assisting officer(s) and witnesses. Advise need for any further law enforcement action or activity.~~
7. When relieved of duties at the scene by a supervisor, remain with assigned uninvolved officer and proceed to a local hospital.
8. Upon request, surrender all weapons and equipment used in the incident in the officer's possession at the time of the incident. Replacement of weapons and equipment will occur as soon as possible.

~~9.~~ ~~Avoid discussion of the incident with anyone until interviewed by, except: clergy, legal counsel, physician, psychologist, professional counselor, spouse, and domestic partner. Please familiarize yourself with Chapter 905 of Wisconsin State Statute, which covers privileged communication and consult with your legal counsel with any questions.~~

9. ~~10.~~ The Involved Officer(s) will be required to provide a blood sample. The blood draw and subsequent testing will be in accordance with Attachment B.

10. ~~11.~~ Reporting requirements for involved officer(s) will be completed by ~~covered by contact with and cooperation with~~ investigators assigned to the incident. Involved Officers will not be required to prepare a written report.

11. ~~12.~~ Review for content and accuracy the OID report(s) detailing their statement(s). ~~completed OICI reports of their statement(s) for content and accuracy.~~

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

13. Unless exigent circumstances related to an on-going threat require it, involved officers shall not discuss the incident with other involved officers until after the completion of their formal interview with the outside agency investigator.

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

1. Assume responsibility for the security and preservation of the scene. The involved agency is responsible for the initial response until relieved by the outside agency lead investigator.
2. Contact the officer(s) involved to obtain a Public Safety Statement. ~~receive a short briefing on the nature of the incident and actions taken, identify the potential crime scene(s), evidence, location of offender(s), injuries, has the scene been changed or altered in any way since the incident, and identify potential witnesses. If possible, this should be done with an Investigator present, otherwise a second short briefing should occur when an Investigator arrives.~~
3. ~~The on-scene supervisor shall immediately~~ ~~n~~Notify the dispatcher to broadcast a message if no officer(s) have been injured.
4. In the event an officer is injured, immediately notify the Officer-in-Charge.
5. ~~The on-scene supervisor shall~~ ~~e~~Ensure that a non-involved supervisor, if not already at the scene, responds immediately to the scene of the incident. (A non-involved supervisor is defined as one who has not been involved specifically at the scene, or involved in any tangential fashion, e.g., raid planning, drafting of search warrants, surveillance officers, intelligence gathering, etc.)
6. Establish a scene command post and give location to the Dane County Public Safety Communications (911 Center).
7. As soon as practical, relieve the officers directly involved in the critical incident of any further responsibilities at the scene. ~~Temporarily move the involved officer(s) a short distance away from but accessible to the scene.~~ A non-involved fellow officer shall be assigned to accompany the involved officer(s), until such time that the lead investigator or designee are able to assume responsibility. ~~unless the involved officer prefers to be alone (if the involved officer prefers to be alone, the non-involved officer must remain with them until the appropriate evidence collection has occurred).~~ If the involved officer elects to speak about the incident with the non-involved officer, those conversations are not privileged and may become part of the investigation.
8. Identify and separate witnesses until the arrival of the outside agency lead investigator and / or other outside investigators.
9 ~~8~~. Provide an opportunity for the involved officer to contact Union officials or legal counsel as soon as practical. Provide phones and numbers as needed.
10 ~~9~~. Provide all necessary information to the outside agency lead investigator, and then relinquish control of the investigation to the outside agency lead investigator. ~~Upon arrival of the Department of Criminal Investigation Special Agent in Charge, brief the lead investigator on the incident and relinquish the investigative responsibility to its commander.~~

~~10. Assist at the scene as needed and make arrangement to have the officer's personal property returned to them.~~
~~11. Completion of a report will be at the discretion of the lead investigator or agency.~~
~~12. Fill out "Accident Report" for each officer with the following language in the comment section: "Reporting to document exposure to a critical incident event."~~

C. Public Safety Statement

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

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

1. Notify the OICI team commander or designee and the Forensic Services Lieutenant.
2. Contact the District Commanders of the District where the incident occurred. If the incident occurred outside of the employee's assigned district, the District Commanders of the involved employees should also be notified.
3. Notify the Chief, Assistant Chief of Operations, and Assistant Chief of Investigative & Specialized ~~Support~~ Services.
4. Contact Dane County Public Safety Communications (911 Center) and direct them to inform officers of the status of the incident (e.g., injuries to officers and citizens, important information). This should generally be done in a private manner (email, phone, MDC, etc.). ~~be done in a discreet manner, MDT, phone, etc.~~
5. In the event of an injury or death of an employee, notify the immediate family per the Line of Duty, Life Threatening Injury or Death of an Employee policy.
6. Notify the Professional Standards and Internal Affairs Unit (PSIA), and the Public Information Officer (PIO).
7. Notify the Peer Support Team Coordinator and deploy any on-duty Peer Support Officers to the scene to initiate the Critical Incident Stress Management protocol ~~(Policy 5-200)~~.
8. Follow the Aftercare Protocol and deploy Critical Incident Partner officers to the scene.
9. All media releases shall be cleared through the OICI Commander and the Office of the Chief of Police.

E ~~D~~. Officer Involved Death: Duties of the OICI Commander

1. Contact the Assistant Chief of Investigative & Specialized Services ~~Operations~~ and make notification of the critical incident.
2. Ensure that services regarding the involved personnel have been provided.

3. ~~Set up Command Post per Major Case SOP.~~ Liaison with the outside agency lead investigator to ensure s/he has access to all necessary resources to conduct the investigation.
~~4. Issue Madison Police Department (MPD) access cards to Outside Agency OICI investigators.~~
~~5. In fatality accidents, an outside agency will be called in to do the accident reconstruction.~~
~~6. Communicate and coordinate efforts with DCI lead investigator.~~
4 ~~7~~. Communicate with the OIC.
5 ~~8~~. Communicate with Command Staff.
6 ~~9~~. Make appropriate notifications as needed:
   - Chiefs
   - District Command
   - DA's office (if appropriate and in all homicide cases)

7 ~~10~~. Communicate with budget office staff for case number cost accounting.
8 ~~11~~. Designate case as "Extraordinary" for Telestaff/payroll purposes (if appropriate).
~~12. Facilitate the release of information to MPD personnel through briefing and other police agencies.~~
9 ~~13~~. Management of personnel (assignments, monitoring hours worked, etc).
10 ~~14~~. Managing overtime and arranging relief for staff.
11 ~~15~~. Evaluate need for support staff.
~~16. Notify Property Room staff and evaluate needs (if appropriate).~~
~~17. Ensure phone calls made to the command post are answered and information recorded.~~
~~18. Arrange for special equipment or needs of the investigation.~~
~~19. Keep Chief and Assistant Chiefs apprised of investigation.~~

F. Officer Involved Death: Outside Agency Lead Investigator

1. Per Wis. Stat. § 175.47 the investigation into an officer-involved death must be led by at least two investigators employed by outside agencies, one of whom is designated as the outside agency lead investigator.
2. The outside agency lead investigator is not required to personally accomplish every single task involved in the investigation. The role of the outside agency lead investigator is one of oversight and supervision; personally performing critical tasks while delegating and overseeing other tasks. If MPD is investigating another agency's officer involved death, the OICI commander will determine to what extent personnel from the involved agency will be asked to assist.
3. The outside agency lead investigator is in charge of the investigation. The outside agency lead investigator of an officer-involved death must be responsible for the investigation and have hands-on leadership of investigation activities. If MPD is investigating another agency's officer involved death, members of the OICI team will be assigned to the investigation.
4. The outside agency lead investigator will direct the overall investigation and shall coordinate with the lead officer/agency conducting any underlying criminal investigation of the event, or events, which led to the officer-involved death. They shall take possession of, or direct the collection of, all evidence, take or direct the taking of statements of witnesses and police officers, and act as the primary contact for prosecutors.
5. The outside agency, when practicable, will provide a supervisory officer with sufficient training and experience in conducting major investigations. This supervisory officer will respond to the scene along with the investigators, and will interface with the command staff of the involved agency. If MPD is investigating another agency's officer involved death, the OICI commander will oversee the investigation.
6. MPD's expectations are that the outside agency will accomplish (personally or by delegation) the following tasks related to the investigation:
   a. Supervise the crime scene investigation and ensure that all involved parties and witnesses are kept separate during the scene investigation. If these parties are

moved to another location, this responsibility is transferred to the investigator at that location.

b. Liaison with the involved agency supervisor and/or incident commander to ensure the necessary equipment and/or personnel are brought to the scene and utilized efficiently.
c. In conjunction with the involved agency supervisor ensure that the integrity of the scene is maintained. The involved agency supervisor shall continue to manage that agency's resources committed to the investigation.
d. Act as a liaison between the department and investigators from the Dane County District Attorney's Office.
e. Make contact with the deceased person's next-of-kin for the purpose of notifying them of the death, and serve as the point of contact with them throughout the investigation.
f. Facilitate a walk-through of the secure and intact scene for personnel from the DA's office, as well as the command staff and/ or internal investigators of the involved agency as needed. The purpose of the walk-through is to give these representatives an understanding of the conditions and layout of the scene for future proceedings.
g. Ensure that a complete copy of the criminal investigation is provided to the Dane County District Attorney's Office for review within a reasonable amount of time.
h. Participate in all necessary district attorney appearances to include any future inquest proceedings.

G ~~E~~. Officer Involved Death: Duties of OICI Investigation Team

1. Review the Officer Involved Critical Incident Investigation Conflict of Interest Checklist and report to OICI Commander if there is the ~~or a~~ potential for a conflict of interest. See Attachment A for the checklist.
2. Assist as directed by the OICI Commander. ~~with the criminal investigation of incidents within the city of Madison and conduct OICI investigations outside the city of Madison as directed by the City of Madison Chief of Police.~~
3. If MPD is investigating another agency's officer involved death, fulfill responsibilities of the outside agency lead investigator as described in this SOP. ~~When needed, ensure that an Investigator retrieves and takes custody of the weapon(s) used by the officer(s) at the hospital if possible or a neutral site. The supervisor of the OICI team shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the Investigator shall take custody of the officer's weapon in a discrete manner and should be replaced with another weapon, or advise the officer that it will be returned or replaced at a later time as appropriate. (When processing an officer's personal weapon as evidence, consideration shall be given to marking the weapon with the necessary information as inconspicuously as possible.) Investigators will also take needed photographs and collect evidence from the officer (s) involved at the scene, hospital, or neutral site.~~
4. ~~Assist DCI with interview of principal officer(s).~~
   a. ~~Contact with the involved officer(s) will be coordinated after consulting with the OICI Commander. Whenever practical, the involved officer(s) should give one formal statement with all needed parties present. Detailed interviews should be delayed to allow the involved officer time to overcome the initial stress of the incident.~~
   b. ~~If audio and/or visual records of the incident are available, the involved officer(s) should be allowed to review these recordings prior to their formal statement with members of the investigative team. This review should be done in the presence of a member of the investigative team and OICI team member.~~
   c. ~~The involved officer(s) will be given the opportunity to provide voluntary statements. The OICI Commander or Lead Detective will communicate with the officer(s)' Union Representative or legal counsel on this issue. No officer will be disciplined for declining to make a voluntary statement. Involved officer(s) is not to file any reports. If the~~

~~officer(s) decline to provide voluntary statements, the criminal investigation will proceed without the officer(s)' statements.~~

~~d. If the officer(s) elect to provide voluntary statements, the DCI special agent in charge will assign personnel to conduct the interviews. Officer(s) will be interviewed as victims and/or witnesses unless directed by OICI Commander or higher authority. The case lead DCI investigator interviewing the involved officer shall prepare a report detailing the officer's statement of the incident. The involved officer will have an opportunity to review the report detailing their statement for accuracy before it is submitted. The Chief of Police is the sole authority as to when an officer is arrested unless exigent circumstances exist.~~

~~If the interview is to be observed by personnel other than those directly involved, the officer and any representatives will be notified.~~

~~e. The Assistant Chief of Support or (designee), after consulting with the Assistant Chief of Operations (or designee), PSIA and the OICI Commander, will determine whether the officer(s) will be ordered to provide statements. If the officer(s) are ordered to provide statements, the following procedure will be adhered to:~~

- ~~PSIA will order the officer(s) to provide a statement, and the order will be documented in writing.~~
- ~~The compelled interview will be audio recorded and transcribed, and will be documented under the PSIA case number for the critical incident review.~~
- ~~PSIA will coordinate the compelled interview of the involved officer(s) with the goal of obtaining a complete and accurate statement from the officer(s). This may involve the utilization of Detectives as primary interviewers. If Detectives are utilized, the OICI Commander, after consultation with PSIA, will assign detectives that have not been involved in the criminal investigation to be the primary interviewers.~~
- ~~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.~~

~~f. Deviations from this procedure may only occur with the approval of the Chief (or designee).~~

~~5. All statements/interviews of involved employees will be electronically recorded (audio only) unless impractical. Interviews of witnesses will be recorded when possible and appropriate.~~

~~6. OICI Detective Responsibilities:~~

- ~~Follow Major Case SOP.~~

H. Officer Involved Death: Duties of the Hospital Assignment

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

1. Liaison with hospital staff to ensure that all involved-officers are kept separate from suspects, witnesses or other injured parties, ~~prisoners,~~ and that the investigation does not unduly disrupt the normal operations of the hospital.
2. In conjunction with the involved agency, establish appropriate security for suspects and/or department member(s).
3. Establish a liaison with the involved agency's administration to ensure that an injured officer's family members, spouse, or significant other are notified, and if practicable, transported to the medical facility, pursuant to the officer's wishes.

4. Ensure that investigators are assigned to interview any witnesses present and that all evidence is collected. If possible, an investigator who has not been to the crime scene will conduct evidence gathering at the hospital. Care should be taken to preserve the integrity of physical evidence present on the involved officer's equipment, person or clothing until investigators can collect it. It may be inappropriate to wait for a FSU investigator to photograph the involved officer or collect evidence under certain circumstances (to facilitate medical treatment, due to significant exposure concerns, etc.).
5. Ensure that the names of treating MFD and hospital staff are documented.
6. Brief the command staff of the involved agency and/or family members of any injured officers as soon as circumstances allow.

I. Officer Involved Death: Interviewing Involved Officers

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

investigation/review of the incident, and will not be released to the District Attorney's Office (or other prosecuting entity), the OICI Investigation Team, or to any member of the public. Compelled statements will only be subject to release when no possibility for criminal prosecution (of the subject of the compelled interview) remains.

e. If a compelled statement is made prior to the resolution of a district attorney review of a criminal investigation, then a second Assistant Chief will be involved to oversee the criminal investigation.

f. Deviations from this procedure may only occur with the approval of the Chief (or designee).

J. Officer Involved Death: Scene Investigation

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

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

K. Officer Involved Death: Interviews of Citizen Witnesses

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

L. Officer Involved Death: Canvass

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

M ~~F~~. Officer Involved Death: Duties of the District

~~1. Ensure adequate supervision at all scenes.~~

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

2 ~~3~~. Ensure that EAP services have been offered.

3 ~~4~~. Officers directly involved in the incident shall be placed on administrative leave with pay. This leave is not a suspension and is no way to be construed as disciplinary action or any indication of wrongdoing on the part of the officer(s).

4 ~~5~~. Ensure that within 72 hours of the incident, the involved officer(s) are contacted by an MPD approved traumatic stress professional.

5 ~~6~~. Ensure that regular command updates ~~briefings~~ are given to the Chief and Assistant Chief of Operations.

6 ~~7~~. If applicable, ensure that ~~Policy 5-300~~ the Significant Exposure to Blood Borne Pathogens SOP is followed.

7 ~~8~~. Responsible for Community Care tasks.

8. Ensure a Workers Compensation Accident Report is completed for each involved officer with the following language in the comment section, "Reporting to document exposure to a critical incident event."

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

~~1. Oversight of the criminal investigation.~~

~~2. Coordinate media releases until such time that this responsibility is delegated back to the District.~~

1 ~~3~~. Will make request for an outside agency lead investigator. ~~from DCI to take over the investigation.~~

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

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

P ~~I~~. Officer Involved Death: District Attorney

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

~~3. All reports, attachments, videos, etc. involving the critical incident shall be submitted to the District Attorney's Office for review.~~

Q. Officer Involved Death: Lead Investigator's Report

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

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

investigation procedures in this SOP (except where inapplicable). If MPD conducts the investigation a qualified observer from an outside agency will be requested to monitor the investigation.

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

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

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

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

C. Public Safety Statement

1. Response to Public Safety Statement questions by the principal officer is voluntary.

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

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

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

E. Other Critical Incidents: Duties of the OICI Commander

1. Contact Assistant Chief of Investigative & Specialized Services and make notification of the critical incident.
2. Ensure that services regarding the involved personnel have been provided.
3. Overall management of the case. Communicate and coordinate with the VCU Supervisor as necessary. Make investigative assignments and coordinate investigative efforts:
    a. Designate a lead detective
    b. Designate a scene detective to oversee each scene
    c. Designate a canvass detective
    d. Designate an involved officer detective
    e. Designate a subject/decedent detective
    f. Designate a detective to serve as a liaison to the subject/decedent family, if appropriate
    g. Coordinate investigative response to the hospitals, if appropriate
4. Communicate with the OIC.
5. Communicate with Command Staff.

6. Make appropriate notifications as needed:
   - Chiefs
   - District Command
   - DA's office (if appropriate and in all homicide cases)
7. Communicate with budget office staff for case number cost accounting.
8. Designate case as "Extraordinary" for Telestaff/payroll purposes (if appropriate).
9. Facilitate the release of information to MPD personnel through briefing and other police agencies.
10. Management of personnel (assignments, monitoring hours worked, etc).
11. Managing overtime and arranging relief for staff.
12. Evaluate need for support staff.
13. Notify Property Room staff and evaluate needs (if appropriate).
14. Ensure phone calls made to the command post are answered and information recorded.
15. Arrange for special equipment or needs of the investigation.
16. Keep Chief and Assistant Chiefs apprised of investigation.
17. Facilitate a walkthrough of the secure and intact scene for personnel from PSIA, and the DA's office, and involved personnel, if appropriate. The purpose of this walkthrough is to give these representatives an understanding of the conditions and layout of the scene for future proceedings.
18. Ensure that a copy of the criminal investigation is provided to the Dane County District Attorney's office, to include all reports, attachments, and videos.

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

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

G. Other Critical Incidents: Duties of OICI Investigation Team

1. Review the Officer Involved Critical Incident Investigation Conflict of Interest Checklist and report to OICI Commander if there is the potential for a conflict of interest. See Attachment A for the checklist.
2. Assist with the criminal investigation of incidents within the city of Madison and conduct OICI investigations outside the city of Madison as directed by the Chief of Police.
3. Detectives will be assigned a specific function by the OICI Commander which may include any of the following:
   a. Lead Detective - see major case protocol
   b. Scene Detective - see major case protocol
   c. Canvass Detective
      i. Conduct canvass as directed by the OICI Commander. It is important that all citizen witnesses be located and thoroughly interviewed. These interviews may be conducted by police officers or detectives. All key citizen witnesses shall be audio recorded when possible. Detectives should be equipped with portable audio recorders for this purpose. Photographs should be taken from the vantage point of key witnesses.
      ii. Utilize Canvass form and questions as a guideline for the canvass.
      iii. Screen contacts for persons requiring more detailed interviews
      iv. Consider documenting vehicle plates and descriptions from the area.

v. Consider documenting names on mailboxes if appropriate.
vi. Search for and document all video cameras within the canvass perimeter and notified the scene LT.
vii. Share canvass results with scene LT and OICI Commander and complete a report.
viii. When appropriate, work with the OICI Commander to designate a Video Detective. The Video Detective is responsible for ensuring that all video is collected as evidence according to best practices. The Video Detective shall write a report detailing the contents of all collected video.
ix. Work with the assigned Crime Analyst to ensure a complete canvass of the designated area.

d. Involved Officer Detective
i. Work with FSU Investigators to ensure that evidence on the involved officer is collected, and needed photographs of the involved officer are taken.
ii. Ensure that a FSU Investigator retrieves and takes custody of the weapon(s) used by the officer(s) at the hospital if possible or a neutral site. The supervisor of the OICI team shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the FSU Investigator shall take custody of the officer's weapon in a discrete manner and should be replaced with another weapon, or advise the officer that it will be returned or replaced at a later time as appropriate. (When processing an officer's personal weapon as evidence, consideration shall be given to marking the weapon with the necessary information as inconspicuously as possible.) FSU Investigators will also take needed photographs and collect evidence from the officer (s) involved at the scene, hospital, or neutral site.
iii. Inform the OICI Commander if the officer has suffered a Significant Exposure.

f. Suspect/Decedent Detective
i. Ensure the presence of an FSU investigator for appropriate evidence collection

H. Other Critical Incidents: Crime Analysts

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

I. Other Critical Incidents: Hospital Supervisor

1. Liaison with hospital staff to ensure that all involved-officers are kept separate from suspects, witnesses or other injured parties, and that the investigation does not unduly disrupt the normal operations of the hospital.
2. In conjunction with the involved agency, establish appropriate security for suspects and/or department member(s).
3. Work with the OIC to ensure that an injured officer's department member's family members, spouse, or significant other are notified, and if practicable, transported to the medical facility, pursuant to the member's wishes. See Line of Duty, Life-Threatening Injury of Death of an Employee SOP.
4. Work with the OICI Commander to ensure detectives are assigned to interview any witnesses present and that all evidence is collected. If possible, a FSU Investigator who has not been to the crime scene will conduct evidence gathering at the hospital. Care should be taken to preserve the integrity of physical evidence present on the involved officer's equipment, person or clothing until investigators can collect it. It may be inappropriate to wait for an FSU investigator to photograph the involved officer or collect evidence under certain circumstances (to facilitate medical treatment, due to significant exposure concerns, etc.).

5. Ensure that an FSU Investigator collects a blood sample from the involved officer(s) in accordance with Attachment B.
6. Ensure that the names of treating MFD and hospital staff are documented
7. Brief the command staff and/or family members of any injured department member(s) as soon as circumstances allow.
8. Ensure the completion of a Workers Compensation Accident Report for each involved officer with the following language: "Reporting to document exposure to a critical incident event."
9. Check in with the Command Post before leaving the hospital

J. Other Critical Incidents: Interviewing Involved Officers

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

Office (or other prosecuting entity), the OICI Investigation Team, or to any member of the public. Compelled statements will only be subject to release when no possibility for criminal prosecution (of the subject of the compelled interview) remains.

e. If a compelled statement is made prior to the resolution of a District Attorney review of a criminal investigation, then a second Assistant Chief will be involved to oversee the criminal investigation.

f. Deviations from this procedure may only occur with the approval of the Chief (or designee).

K. Other Critical Incident: Duties of the District

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

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

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

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

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

N. Other Critical Incidents: District Attorney

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

PS&IA Function – Officer Involved Deaths and Critical Incidents

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

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

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

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

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

Attachment A

Officer Involved Critical Incident Investigation Conflict of Interest Checklist

Please review if any of the below possible conflict of interest situations apply to you investigating the following employees involved in a critical incident.

1. You are a direct relative or are related by marriage to the involved employee(s).

2. You have been involved in a romantic or sexual relationship with the involved employee(s).

3. A former spouse or domestic partner of yours is currently or has been involved in a relationship with the involved employee(s).

4. You have been involved in an internal investigation as a complainant or subject of an investigation involving the employee(s).

5. Any other possible conflict of interest that would create a potential appearance of unfairness in your ability to conduct an objective investigation.

If any of the above conflict of interest situations apply to you, you will not be eligible to participate as an investigator with this incident. If you have a potential conflict of interest, you should discuss this with the supervisor of the investigation.

Attachment B

Post-Incident Alcohol/Drug Testing

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

- The primary means of testing will be a blood draw, conducted at a medical facility. In the event that a blood draw is not practical, urine may be used as an alternate test. If it is not practical for the sample to be collected at a medical facility, an alternate means of collection – utilizing an appropriately trained professional – may be used.
- The sample will be collected as soon as is reasonably practical after the incident, taking other needed post-incident tasks into account (collecting other evidence, medical treatment, etc.).
- The sample should be collected in the presence of an MPD Investigator. The investigator will ensure that the sample is handled, transported and shipped in accordance with proper evidence handling practices. In the event that an Investigator is not available to monitor the sample collection within a reasonable time frame, the OICI Commander may assign an MPD supervisor or OICI Team Member to do so. The sample will be turned over to an MPD Investigator as soon as possible for further handling.
- A sufficient sample will be collected to allow for additional testing in case of an initial positive test.
- The sample will be sealed and transported to a testing facility using proper evidence handling practices. MPD will not retain any portion of the sample.
- MPD will request a report from the testing facility that shows the presence and concentration of the following substances and derivatives:
  - Alcohol
  - Marijuana/THC
  - Cocaine
  - Opiates
  - Amphetamines
  - LSD
  - PCP
- The test result report will be directed to the OICI commander and will be placed in both the criminal liability investigation case file and internal investigation case file.
- The OICI Commander or designee will share the test results with the involved employee. In case of a positive test result, the employee may request additional testing with the remaining sample. If the test results are negative, the testing facility will be directed to discard any remaining sample if approved by the involved employee and the Chief of Police (or designee).
- Other testing protocols as permitted by policy, APM or law remain in effect.

Officer Involved Critical Incident Aftercare

Officer Involved Critical Incidents (OICI) are unique. While critical incidents are something to which officers respond many times throughout their career and in the performance of their duties, traumatic incidents that involve the officers as a victim, principal, or custodial officers demand particular and specialized attention. This procedure will address the various needs—individual and departmental—following Officer Involved Critical Incidents and will guide officers, their families, and the department as a whole in the aftermath of these unique and challenging circumstances. Given that it is not possible to predict the many potential circumstances surrounding an officer involved critical incident, deviations from the protocol outlined here may occur with approval from the chief or his/her designee.

DEFINITIONS

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

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

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

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

Trauma Specialist: A person trained to deal with the stresses often induced by critical incidents. This may include counselors, specially trained peers and others including mental health professionals whose practice includes dealing with the traumatic effects of critical incidents.

A. Initial Aftercare Response:

1. **Peer Support** – MPD SOP: Employee Assistance Program ~~Policy 5-200~~ outlines the role of the Peer Support Officers in facilitating ~~our~~ the CISM response, to include providing information about the stresses often induced by critical incidents, coordinating the defusing process immediately following the incident and prior to involved officers going home, and finally scheduling and facilitating any subsequent Critical Incident Debriefing. The role of the PSO in an OICI is to assure that MPD SOP: Employee Assistance Program ~~Policy 5-200~~ is observed and to facilitate our CISM protocol. Peer Support supervisor will be responsible for the oversight/monitoring of the aftercare process.

2. **Critical Incident Partner** – The CIP is an officer pre-designated by the involved officer to be deployed to focus exclusively on the emotional welfare of the involved officer. Each officer will designate 1-3 officers in order of preference in advance of any involvement in a critical incident. Officers' pre-designated list of CIP officers will be housed confidentially in the OIC's office to be consulted and activated upon and officer's involvement in a critical incident. The

CIP will be pulled from their regular assignment and/or called in to work to support the involved officer. Guidelines for the role of the CIP are as follows:

- The CIP will serve as a liaison for the involved officer and other MPD personnel throughout the investigative process.
- The CIP may be put on paid Administrative Leave with the involved officer to whom they are assigned as support. The length of time that a CIP will be placed on paid Administrative Leave will be evaluated on a case-by-case basis and approved through chain of command.
- The CIP will review the "OICI Aftercare Information" packet outlining MPD expectations and procedures with the involved officer following the incident.
- The CIP will coordinate continued support and CISM care with the assigned PSO.
- Communications between the CIP and the involved officer regarding the critical incident are not privileged and therefore not confidential. ~~Involved officers will be advised not to discuss the incident with anyone except an attorney or mental health professional until the conclusion of the preliminary investigation as discussions with investigators, supervisors, union representatives, and co-workers are not privileged.~~

3. **Critical Incident Stress Management** – Recognizing that officers involved in a critical incident are likely to experience compounded stress related to the incident and any ongoing investigation(s) into their actions, the MPD CISM response to officers involved in a critical incident will include additional formalized support as outlined in this SOP beyond that which is covered in MPD SOP: Employee Assistance Program ~~Policy 5-200~~. Support systems already in place under MPD SOP: Employee Assistance Program ~~Policy 5-200~~ include a mandatory Defusing and optional attendance at any subsequent Critical Incident Debriefings. In addition to these, officers involved in a critical incident will be required to attend mandatory consultations with a Trauma Specialist. The first of these consultations will occur within 24-72 hours following the incident. Subsequent required sessions will be scheduled prior to the officer's return to work, at 6 months post-incident; at 1 year post-incident; and annually thereafter up to 5 years post-incident (as indicated by the Trauma Specialist). The lieutenant or captain of Personnel & Training will work with the involved officer(s) to schedule these mandatory consultations.

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

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

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

   - The case has been submitted for review by the District Attorney.
   - The officer has received the mandatory Defusing immediately following the CI and optional attendance of any scheduled Debriefings related to the incident.
   - An initial consultation with a Trauma Specialist has occurred within the first 24-72 hours following the incident.
   - The officer has met with their chain of command to establish a Return to Duty Plan.
   - The officer will participate in a relevant re-familiarization training scenario as appropriate depending on the circumstances surrounding the critical incident in which they were involved. For example, if an officer was involved in a critical incident that included the use of deadly force by use of a firearm, the officer would participate in a firearms course of fire facilitated by Personnel & Training staff. The purpose in this case is not to qualify

the officer, rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision-making and weapons handling. These re-familiarization training scenarios will be coordinated by Personnel & Training staff as needed and will be tailored to provide the officer with a useful opportunity for self-assessment based on their specific incident.

- Officers involved in a critical incident will be afforded the option of using leave time (vacation, compensatory time or sick time) on the one year anniversary date of the incident, regardless of staffing levels. Officers should work with their chain of command to facilitate this leave if desired.

B. **District Command Responsibilities** – In addition to the responsibilities discussed in ~~Section F of~~ the investigative portion of this SOP, District Command will assure the following officer aftercare issues are addressed:

1. Coordinate administrative leave with pay as appropriate and make all necessary Telestaff entries for this leave.
2. Establish a plan for regular contact with the officer while they are on administrative leave.
3. Work with the CIP to provide ongoing updates to the officer regarding the status of the investigation, DA and internal administrative reviews.
4. Meet with the officer and their CIP or other chosen support person to develop and document a Return to Duty Plan.
5. Monitor the behavior of officers involved in critical incidents for symptoms of acute or prolonged stress.

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

- Graduated return schedule that allows for a paced re-entry.
- Return in a temporary restricted duty capacity or inside assignment for a period of time.
- Temporary change of assignment to a non-patrol work unit such as TEST, CPT, partnering with a NPO, etc.
- Ride with a partner officer for a period of time.
- Return to regular assignment under close supervision.

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

D. **Duties of Personnel & Training** – Personnel & Training staff will have the following responsibilities related to OICI aftercare:

1. Review incident specifics to identify any possible training concerns and work with the officer to provide any necessary review or clarification.
2. The Personnel Lieutenant will work with the officer to schedule all mandatory consultations with the Trauma Specialist as previously outlined.
3. Training staff will discuss with the involved officer and evaluate the appropriateness of coordinating scenario-based training. ~~coordinate a re-familiarization scenario for the involved officer based on the specific circumstances of the critical incident. For example, if an officer was involved in a critical incident that included the use of deadly force by use of a firearm, the officer would participate in a firearms course of fire.~~ The purpose in this case is not to qualify the officer, rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision-making and weapons handling. ~~These re-familiarization training scenarios will be tailored to provide~~

~~the officer with a useful opportunity for self-assessment based on their specific critical incident.~~

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

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

Original SOP: 11/06/2013
(Revised: 04/24/2014, 07/15/2014, 11/23/2015, 6/10/2016, 06/06/2017)
(Reviewed Only: 02/25/2016)

Attachment A

Officer Involved Critical Incident Investigation Conflict of Interest Checklist

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

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

1. You are a direct relative or are related by marriage to the involved employee(s).

2. You have been involved in a romantic or sexual relationship with the involved employee(s).

3. A former spouse or domestic partner of yours is currently or has been involved in a relationship with the involved employee(s).

4. You have been involved in an internal investigation as a complainant or subject of an investigation involving the employee(s).

5. Any other possible conflict of interest that would create a potential appearance of unfairness in your ability to conduct an objective investigation (close friendship with the involved officer(s), etc.).

Attachment B

Post-Incident Alcohol/Drug Testing

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

1. The primary means of testing will be a blood draw, conducted at a medical facility. (In the event that a blood draw is not practical, urine may be used as an alternate test.) If it is not practical for the sample to be collected at a medical facility, an alternate means of collection—utilizing an appropriately trained professional—may be used.

2. The sample will be collected as soon as is reasonably practical after the incident, taking other needed post-incident tasks into account (collecting other evidence, medical treatment, etc.).

3. The sample should be collected in the presence of an FSU Investigator. The FSU investigator will ensure that the sample is handled, transported and shipped in accordance with proper evidence handling practices. In the event that an Investigator is not available to monitor the sample collection within a reasonable time frame, the OICI Commander may assign an MPD supervisor or OICI Team Member to do so. The sample will be turned over to an FSU Investigator as soon as possible for further handling.

4. A sufficient sample will be collected to allow for additional testing in case of an initial positive test.

5. The sample will be sealed and transported to a testing facility using proper evidence handling practices. MPD will not retain any portion of the sample.

6. MPD will request a report from the testing facility that shows the presence and concentration of the following substances and derivatives:
    a. Alcohol
    b. Marijuana/THC
    c. Cocaine
    d. Opiates
    e. Amphetamines
    f. LSD
    g. PCP

7. The test result report will be directed to the PSIA Lieutenant and will be placed in the internal investigative file. Once the test results have been received, the OICI commander will be notified. The OICI commander will notify the outside investigating agency (if applicable) and the District Attorney's office that the test results are available. The test result report will be provided to the outside investigating agency and/or the District Attorney's office if requested.

8. The PSIA Lieutenant or designee will share the test results with the involved employee. A copy of the results will go in the PSIA investigation file. The lab will automatically destroy any remaining sample 6 weeks after the test results become available. The involved employee may request additional testing with the remaining sample. In that event, it is the responsibility of the involved employee to notify the PSIA Lieutenant that the employee would like any remaining sample to be preserved by the lab.

9. Other testing protocols as permitted by policy, APM or law remain in effect.

Officer Involved Deaths and Other Critical Incidents

Eff. Date ~~06/06/2017~~ 12/21/2017

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

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

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

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

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

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

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

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

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

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

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

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

C. Public Safety Statement

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

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

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

E. Officer Involved Death: Duties of the OICI Commander

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

F. Officer Involved Death: Outside Agency Lead Investigator

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

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

G. Officer Involved Death: Duties of OICI Investigation Team

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

H. Officer Involved Death: Duties of the Hospital Assignment

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

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

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

I. Officer Involved Death: Interviewing Involved Officers

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

OICI Commander, after consultation with PSIA, will assign detectives that have not been involved in the criminal investigation to be the primary interviewers

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

J. Officer Involved Death: Scene Investigation

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

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

K. Officer Involved Death: Interviews of Citizen Witnesses

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

L. Officer Involved Death: Canvass

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

M. Officer Involved Death: Duties of the District

1. Ensure that involved personnel have had appropriate opportunities to contact family members, Union officials, and/or attorneys.
2. Ensure that EAP services have been offered.
3. Officers directly involved in the incident shall be placed on administrative leave with pay. This leave is not a suspension and is no way to be construed as disciplinary action or any indication of wrongdoing on the part of the officer(s).

4. Ensure that within 72 hours of the incident, the involved officer(s) are contacted by an MPD approved traumatic stress professional.
5. Ensure that regular command updates are given to the Chief and Assistant Chief of Operations.
6. If applicable, ensure that the Significant Exposure to Blood Borne Pathogens SOP is followed.
7. Responsible for Community Care tasks.
8. Ensure a Workers Compensation Accident Report is completed for each involved officer with the following language in the comment section, "Reporting to document exposure to a critical incident event."

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

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

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

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

P. Officer Involved Death: District Attorney

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

Q. Officer Involved Death: Lead Investigator's Report

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

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

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

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

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

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

C. Public Safety Statement

1. Response to Public Safety Statement questions by the principal officer is voluntary.
2. The first arriving supervisor not involved in the incident will seek a Public Safety Statement from the involved officer. This is not an interview, but will address only the most basic information regarding the incident, to include:

a) Injuries requiring immediate medical intervention.
b) Location and description of offenders.
c) Identify evidence in order that it be protected from loss, etc.
d) Identity of witnesses.
e) Has the scene changed or been altered in any way since the incident.
f) Use of force, what type of force was used.
g) A minimal summary of the event in order to address and better understand the first six investigative points.

3. If possible, the Public Safety Statement should be done with a FSU Investigator present. If this is not practical a second short statement can be obtained if needed.
4. The supervisor obtaining the Public Safety Statement will document the information in a report and share it with the outside investigating agency.
5. In the event a supervisor is not available, a detective may take the Public Safety Statement from the involved officer(s).

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

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

E. Other Critical Incidents: Duties of the OICI Commander

1. Contact Assistant Chief of Investigative & Specialized Services and make notification of the critical incident.
2. Ensure that services regarding the involved personnel have been provided.
3. Overall management of the case. Communicate and coordinate with the VCU Supervisor as necessary. Make investigative assignments and coordinate investigative efforts:
    a. Designate a lead detective
    b. Designate a scene detective to oversee each scene
    c. Designate a canvass detective
    d. Designate an involved officer detective
    e. Designate a subject/decedent detective
    f. Designate a detective to serve as a liaison to the subject/decedent family, if appropriate
    g. Coordinate investigative response to the hospitals, if appropriate
4. Communicate with the OIC.
5. Communicate with Command Staff.
6. Make appropriate notifications as needed:
    - Chiefs
    - District Command

- DA's office (if appropriate and in all homicide cases)

7. Communicate with budget office staff for case number cost accounting.
8. Designate case as "Extraordinary" for Telestaff/payroll purposes (if appropriate).
9. Facilitate the release of information to MPD personnel through briefing and other police agencies.
10. Management of personnel (assignments, monitoring hours worked, etc).
11. Managing overtime and arranging relief for staff.
12. Evaluate need for support staff.
13. Notify Property Room staff and evaluate needs (if appropriate).
14. Ensure phone calls made to the command post are answered and information recorded.
15. Arrange for special equipment or needs of the investigation.
16. Keep Chief and Assistant Chiefs apprised of investigation.
17. Facilitate a walkthrough of the secure and intact scene for personnel from PSIA, and the DA's office, and involved personnel, if appropriate. The purpose of this walkthrough is to give these representatives an understanding of the conditions and layout of the scene for future proceedings.
18. Ensure that a copy of the criminal investigation is provided to the Dane County District Attorney's office, to include all reports, attachments, and videos.

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

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

G. Other Critical Incidents: Duties of OICI Investigation Team

1. Review the Officer Involved Critical Incident Investigation Conflict of Interest Checklist and report to OICI Commander if there is the potential for a conflict of interest. See Attachment A for the checklist.
2. Assist with the criminal investigation of incidents within the city of Madison and conduct OICI investigations outside the city of Madison as directed by the Chief of Police.
3. Detectives will be assigned a specific function by the OICI Commander which may include any of the following:
    a. Lead Detective - see major case protocol
    b. Scene Detective - see major case protocol
    c. Canvass Detective
        i. Conduct canvass as directed by the OICI Commander. It is important that all citizen witnesses be located and thoroughly interviewed. These interviews may be conducted by police officers or detectives. All key citizen witnesses shall be audio recorded when possible. Detectives should be equipped with portable audio recorders for this purpose. Photographs should be taken from the vantage point of key witnesses.
        ii. Utilize Canvass form and questions as a guideline for the canvass.
        iii. Screen contacts for persons requiring more detailed interviews
        iv. Consider documenting vehicle plates and descriptions from the area.
        v. Consider documenting names on mailboxes if appropriate.
        vi. Search for and document all video cameras within the canvass perimeter and notified the scene LT.

vii. Share canvass results with scene LT and OICI Commander and complete a report.
viii. When appropriate, work with the OICI Commander to designate a Video Detective. The Video Detective is responsible for ensuring that all video is collected as evidence according to best practices. The Video Detective shall write a report detailing the contents of all collected video.
ix. Work with the assigned Crime Analyst to ensure a complete canvass of the designated area.

d. Involved Officer Detective
i. Work with FSU Investigators to ensure that evidence on the involved officer is collected, and needed photographs of the involved officer are taken.
ii. Ensure that a FSU Investigator retrieves and takes custody of the weapon(s) used by the officer(s) at the hospital if possible or a neutral site. The supervisor of the OICI team shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the FSU Investigator shall take custody of the officer's weapon in a discrete manner and should be replaced with another weapon, or advise the officer that it will be returned or replaced at a later time as appropriate. (When processing an officer's personal weapon as evidence, consideration shall be given to marking the weapon with the necessary information as inconspicuously as possible.) FSU Investigators will also take needed photographs and collect evidence from the officer (s) involved at the scene, hospital, or neutral site.
iii. Inform the OICI Commander if the officer has suffered a Significant Exposure.

f. Suspect/Decedent Detective
i. Ensure the presence of an FSU investigator for appropriate evidence collection

H. Other Critical Incidents: Crime Analysts

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

I. Other Critical Incidents: Hospital Supervisor

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

7. Brief the command staff and/or family members of any injured department member(s) as soon as circumstances allow.
8. Ensure the completion of a Workers Compensation Accident Report for each involved officer with the following language: "Reporting to document exposure to a critical incident event."
9. Check in with the Command Post before leaving the hospital

J. Other Critical Incidents: Interviewing Involved Officers

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

possibility for criminal prosecution (of the subject of the compelled interview) remains.

e. If a compelled statement is made prior to the resolution of a District Attorney review of a criminal investigation, then a second Assistant Chief will be involved to oversee the criminal investigation.
f. Deviations from this procedure may only occur with the approval of the Chief (or designee).

K. Other Critical Incident: Duties of the District

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

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

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

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

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

N. Other Critical Incidents: District Attorney

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

PS&IA Function – Officer Involved Deaths and Critical Incidents

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

1. The PSIA Lieutenant will coordinate with the OICI commander and designate a supervisor to make the Use of Force Blue Team entry.
2. Will determine which officers will be required to undergo an administrative blood draw.

3. Will receive the results of the any administrative blood draw and will notify the officer of the results of any testing.
4. Will notify the criminal investigation that blood results are available.

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

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

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

Officer Involved Critical Incident
Mental Health Response

DEFINITIONS

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

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

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

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

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

A. Initial Aftercare Response:

1. **Peer Support** – MPD SOP: Employee Assistance Program outlines the role of the Peer Support Officers in facilitating the CISM response, to include providing information about the stresses often induced by critical incidents, coordinating the defusing process immediately following the incident and prior to involved officers going home, and finally scheduling and facilitating any subsequent Critical Incident Debriefing. The role of the PSO in an OICI is to assure that MPD SOP: Employee Assistance Program is observed and to facilitate our CISM protocol. Peer Support supervisor will be responsible for the oversight/monitoring of the aftercare process.

2. **Critical Incident Partner (CIP)** – The CIP is an officer pre-designated by the involved officer to be deployed to focus exclusively on the emotional welfare of the involved officer. Each officer will designate 1-3 officers in order of preference in advance of any involvement in a critical incident. Officers' pre-designated list of CIP officers will be housed confidentially in the OIC's office to be consulted and activated upon and officer's involvement in a critical incident. The form will be completed/updated annually at district/section inservice. The CIP will be pulled from their regular assignment and/or called in to work to support the involved officer. Guidelines for the role of the CIP are as follows:
   - The CIP will serve as a liaison for the involved officer and other MPD personnel throughout the investigative process.
   - The CIP may be put on paid Administrative Leave with the involved officer to whom they are assigned as support. The length of time that a CIP will be placed on paid Administrative Leave will be evaluated on a case-by-case basis and approved through chain of command.

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

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

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

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

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

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

1. Coordinate administrative leave with pay as appropriate and make all necessary Telestaff entries for this leave.
2. Establish a plan for regular contact with the officer while they are on administrative leave.
3. Work with the CIP to provide ongoing updates to the officer regarding the status of the investigation, DA and internal administrative reviews.
4. Meet with the officer and their CIP or other chosen support person to develop and document a Return to Duty Plan.
5. Monitor the behavior of officers involved in critical incidents for symptoms of acute or prolonged stress.

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

- Graduated return schedule that allows for a paced re-entry.
- Return in a temporary restricted duty capacity or inside assignment for a period of time.
- Temporary change of assignment to a non-patrol work unit such as TEST, CPT, partnering with a NPO, etc.
- Ride with a partner officer for a period of time.
- Return to regular assignment under close supervision.

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

D. **Duties of Personnel & Training** – Personnel & Training staff will have the following responsibilities related to OICI aftercare:

1. Review incident specifics to identify any possible training concerns and work with the officer to provide any necessary review or clarification.
2. The Personnel Lieutenant will work with the officer to schedule all mandatory consultations with the Clinical Consultant as previously outlined.
3. Training staff will discuss with the involved officer and evaluate the appropriateness of coordinating scenario-based training. The purpose in this case is not to qualify the officer, rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision-making and weapons handling.

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

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

Original SOP: 11/06/2013
(Revised: 04/24/2014, 07/15/2014, 11/23/2015, 6/10/2016, 06/06/2017, 12/21/2017)
(Reviewed Only: 02/25/2016)

Attachment A

Officer Involved Critical Incident

Investigation Conflict of Interest Checklist

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

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

1. You are a direct relative or are related by marriage to the involved employee(s).

2. You have been involved in a romantic or sexual relationship with the involved employee(s).

3. A former spouse or domestic partner of yours is currently or has been involved in a relationship with the involved employee(s).

4. You have been involved in an internal investigation as a complainant or subject of an investigation involving the employee(s).

5. Any other possible conflict of interest that would create a potential appearance of unfairness in your ability to conduct an objective investigation (close friendship with the involved officer(s), etc.).

Attachment B

Post-Incident Alcohol/Drug Testing

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

1. The primary means of testing will be a blood draw, conducted at a medical facility. (In the event that a blood draw is not practical, urine may be used as an alternate test.) If it is not practical for the sample to be collected at a medical facility, an alternate means of collection—utilizing an appropriately trained professional—may be used.

2. The sample will be collected as soon as is reasonably practical after the incident, taking other needed post-incident tasks into account (collecting other evidence, medical treatment, etc.).

3. The sample should be collected in the presence of an FSU Investigator. The FSU investigator will ensure that the sample is handled, transported and shipped in accordance with proper evidence handling practices. In the event that an Investigator is not available to monitor the sample collection within a reasonable time frame, the OICI Commander may assign an MPD supervisor or OICI Team Member to do so. The sample will be turned over to an FSU Investigator as soon as possible for further handling.

4. A sufficient sample will be collected to allow for additional testing in case of an initial positive test.

5. The sample will be sealed and transported to a testing facility using proper evidence handling practices. MPD will not retain any portion of the sample.

6. MPD will request a report from the testing facility that shows the presence and concentration of the following substances and derivatives:
    a. Alcohol
    b. Marijuana/THC
    c. Cocaine
    d. Opiates
    e. Amphetamines
    f. LSD
    g. PCP

7. The test result report will be directed to the PSIA Lieutenant and will be placed in the internal investigative file. Once the test results have been received, the OICI commander will be notified. The OICI commander will notify the outside investigating agency (if applicable) and the District Attorney's office that the test results are available. The test result report will be provided to the outside investigating agency and/or the District Attorney's office if requested.

8. The PSIA Lieutenant or designee will share the test results with the involved employee. A copy of the results will go in the PSIA investigation file. The lab will automatically destroy any remaining sample 6 weeks after the test results become available. The involved employee may request additional testing with the remaining sample. In that event, it is the responsibility of the involved employee to notify the PSIA Lieutenant that the employee would like any remaining sample to be preserved by the lab.

9. Other testing protocols as permitted by policy, APM or law remain in effect.

Officer Involved Deaths and Other Critical Incidents

Eff. Date ~~12/21/2017~~ 06/08/2018

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

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

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

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

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

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

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

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

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

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

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

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

C. Public Safety Statement

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

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

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

E. Officer Involved Death: Duties of the OICI Commander

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

F. Officer Involved Death: Outside Agency Lead Investigator

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

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

G. Officer Involved Death: Duties of OICI Investigation Team

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

H. Officer Involved Death: Duties of the Hospital Assignment

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

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

I. Officer Involved Death: Interviewing Involved Officers

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

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

J. Officer Involved Death: Scene Investigation

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

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

K. Officer Involved Death: Interviews of Citizen Witnesses

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

L. Officer Involved Death: Canvass

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

M. Officer Involved Death: Duties of the District

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

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

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

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

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

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

P. Officer Involved Death: District Attorney

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

Q. Officer Involved Death: Lead Investigator's Report

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

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

agency is requested, the investigation will be conducted consistent with the officer involved death investigation procedures in this SOP (except where inapplicable). If MPD conducts the investigation a qualified observer from an outside agency will be requested to monitor the investigation.

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

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

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

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

C. Public Safety Statement

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

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

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

E. Other Critical Incidents: Duties of the OICI Commander

1. Contact Assistant Chief of Investigative & Specialized Services and make notification of the critical incident.
2. Ensure that services regarding the involved personnel have been provided.
3. Overall management of the case. Communicate and coordinate with the VCU Supervisor as necessary. Make investigative assignments and coordinate investigative efforts:
    a. Designate a lead detective
    b. Designate a scene detective to oversee each scene
    c. Designate a canvass detective
    d. Designate an involved officer detective
    e. Designate a subject/decedent detective
    f. Designate a detective to serve as a liaison to the subject/decedent family, if appropriate
    g. Coordinate investigative response to the hospitals, if appropriate
4. Communicate with the OIC.

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

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

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

G. Other Critical Incidents: Duties of OICI Investigation Team

1. Review the Officer Involved Critical Incident Investigation Conflict of Interest Checklist and report to OICI Commander if there is the potential for a conflict of interest. See Attachment A for the checklist.
2. Assist with the criminal investigation of incidents within the city of Madison and conduct OICI investigations outside the city of Madison as directed by the Chief of Police.
3. Detectives will be assigned a specific function by the OICI Commander which may include any of the following:
   a. Lead Detective - see major case protocol
   b. Scene Detective - see major case protocol
   c. Canvass Detective
      i. Conduct canvass as directed by the OICI Commander. It is important that all citizen witnesses be located and thoroughly interviewed. These

interviews may be conducted by police officers or detectives. All key citizen witnesses shall be audio recorded when possible. Detectives should be equipped with portable audio recorders for this purpose. Photographs should be taken from the vantage point of key witnesses.

ii. Utilize Canvass form and questions as a guideline for the canvass.
iii. Screen contacts for persons requiring more detailed interviews
iv. Consider documenting vehicle plates and descriptions from the area.
v. Consider documenting names on mailboxes if appropriate.
vi. Search for and document all video cameras within the canvass perimeter and notified the scene LT.
vii. Share canvass results with scene LT and OICI Commander and complete a report.
viii. When appropriate, work with the OICI Commander to designate a Video Detective. The Video Detective is responsible for ensuring that all video is collected as evidence according to best practices. The Video Detective shall write a report detailing the contents of all collected video.
ix. Work with the assigned Crime Analyst to ensure a complete canvass of the designated area.

d. Involved Officer Detective
i. Work with FSU Investigators to ensure that evidence on the involved officer is collected, and needed photographs of the involved officer are taken.
ii. Ensure that a FSU Investigator retrieves and takes custody of the weapon(s) used by the officer(s) at the hospital if possible or a neutral site. The supervisor of the OICI team shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the FSU Investigator shall take custody of the officer's weapon in a discrete manner and should be replaced with another weapon, or advise the officer that it will be returned or replaced at a later time as appropriate. (When processing an officer's personal weapon as evidence, consideration shall be given to marking the weapon with the necessary information as inconspicuously as possible.) FSU Investigators will also take needed photographs and collect evidence from the officer (s) involved at the scene, hospital, or neutral site.
iii. Inform the OICI Commander if the officer has suffered a Significant Exposure.

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

H. Other Critical Incidents: Crime Analysts

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

I. Other Critical Incidents: Hospital Supervisor

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

J. Other Critical Incidents: Interviewing Involved Officers

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

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

K. Other Critical Incident: Duties of the District

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

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

1. Oversight of the criminal investigation.

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

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

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

N. Other Critical Incidents: District Attorney

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

PS&IA Function – Officer Involved Deaths and Critical Incidents

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

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

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

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

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

Officer Involved Critical Incident
Mental Health Response

DEFINITIONS

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

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

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

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

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

A. Initial Aftercare Response:

1. **Peer Support** – MPD SOP: Employee Assistance Program outlines the role of the Peer Support Officers in facilitating the CISM response, to include providing information about the stresses often induced by critical incidents, coordinating the defusing process immediately following the incident and prior to involved officers going home, and finally scheduling and facilitating any subsequent Critical Incident Debriefing. The role of the PSO in an OICI is to assure that MPD SOP: Employee Assistance Program is observed and to facilitate our CISM protocol. Peer Support supervisor will be responsible for the oversight/monitoring of the aftercare process.

2. **Critical Incident Partner (CIP)** – The CIP is an officer pre-designated by the involved officer to be deployed to focus exclusively on the emotional welfare of the involved officer. Each officer will designate 1-3 officers in order of preference in advance of any involvement in a critical incident. Officers' pre-designated list of CIP officers will be housed confidentially in the OIC's office to be consulted and activated upon and officer's involvement in a critical incident. The form will be completed/updated annually at district/section inservice. The CIP will be pulled from their regular assignment and/or called in to work to support the involved officer. Guidelines for the role of the CIP are as follows:
   - The CIP will serve as a liaison for the involved officer and other MPD personnel throughout the investigative process.
   - The CIP may be put on paid Administrative Leave with the involved officer to whom they are assigned as support. The length of time that a CIP will be placed on paid Administrative Leave will be evaluated on a case-by-case basis and approved through chain of command.

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

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

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

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

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

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

1. Coordinate administrative leave with pay as appropriate and make all necessary Telestaff entries for this leave.
2. Establish a plan for regular contact with the officer while they are on administrative leave.
3. Work with the CIP to provide ongoing updates to the officer regarding the status of the investigation, DA and internal administrative reviews.
4. Meet with the officer and their CIP or other chosen support person to develop and document a Return to Duty Plan.
5. Monitor the behavior of officers involved in critical incidents for symptoms of acute or prolonged stress.

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

- Graduated return schedule that allows for a paced re-entry.
- Return in a temporary restricted duty capacity or inside assignment for a period of time.
- Temporary change of assignment to a non-patrol work unit such as TEST, CPT, partnering with a NPO, etc.
- Ride with a partner officer for a period of time.
- Return to regular assignment under close supervision.

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

D. **Duties of Personnel & Training** – Personnel & Training staff will have the following responsibilities related to OICI aftercare:

1. Review incident specifics to identify any possible training concerns and work with the officer to provide any necessary review or clarification.
2. The Personnel Lieutenant will work with the officer to schedule all mandatory consultations with the Clinical Consultant as previously outlined.
3. Training staff will discuss with the involved officer and evaluate the appropriateness of coordinating scenario-based training. The purpose in this case is not to qualify the officer, rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision-making and weapons handling.

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

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

Original SOP: 11/06/2013
(Revised: 04/24/2014, 07/15/2014, 11/23/2015, 6/10/2016, 06/06/2017, 12/21/2017, 06/08/2018)
(Reviewed Only: 02/25/2016)

Attachment A

Officer Involved Critical Incident Investigation Conflict of Interest Checklist

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

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

1. You are a direct relative or are related by marriage to the involved employee(s).

2. You have been involved in a romantic or sexual relationship with the involved employee(s).

3. A former spouse or domestic partner of yours is currently or has been involved in a relationship with the involved employee(s).

4. You have been involved in an internal investigation as a complainant or subject of an investigation involving the employee(s).

5. Any other possible conflict of interest that would create a potential appearance of unfairness in your ability to conduct an objective investigation (close friendship with the involved officer(s), etc.).

Attachment B

Post-Incident Alcohol/Drug Testing

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

1. The primary means of testing will be a blood draw, conducted at a medical facility. (In the event that a blood draw is not practical, urine may be used as an alternate test.) If it is not practical for the sample to be collected at a medical facility, an alternate means of collection—utilizing an appropriately trained professional—may be used.

2. The sample will be collected as soon as is reasonably practical after the incident, taking other needed post-incident tasks into account (collecting other evidence, medical treatment, etc.).

3. The sample should be collected in the presence of an FSU Investigator. The FSU investigator will ensure that the sample is handled, transported and shipped in accordance with proper evidence handling practices. In the event that an Investigator is not available to monitor the sample collection within a reasonable time frame, the OICI Commander may assign an MPD supervisor or OICI Team Member to do so. The sample will be turned over to an FSU Investigator as soon as possible for further handling.

4. A sufficient sample will be collected to allow for additional testing in case of an initial positive test.

5. The sample will be sealed and transported to a testing facility using proper evidence handling practices. MPD will not retain any portion of the sample.

6. MPD will request a report from the testing facility that shows the presence and concentration of the following substances and derivatives:
    a. Alcohol
    b. Marijuana/THC
    c. Cocaine
    d. Opiates
    e. Amphetamines
    f. LSD
    g. PCP

7. The test result report will be directed to the PSIA Lieutenant and will be placed in the internal investigative file. Once the test results have been received, the OICI commander will be notified. The OICI commander will notify the outside investigating agency (if applicable) and the District Attorney's office that the test results are available. The test result report will be provided to the outside investigating agency and/or the District Attorney's office if requested.

8. The PSIA Lieutenant or designee will share the test results with the involved employee. A copy of the results will go in the PSIA investigation file. The lab will automatically destroy any remaining sample 6 weeks after the test results become available. The involved employee may request additional testing with the remaining sample. In that event, it is the responsibility of the involved employee to notify the PSIA Lieutenant that the employee would like any remaining sample to be preserved by the lab.

9. Other testing protocols as permitted by policy, APM or law remain in effect.

Officer Involved Deaths and Other Critical Incidents

Eff. Date ~~06/08/2018~~ 09/08/2020

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

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

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

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

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

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

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

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

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

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

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

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

C. Public Safety Statement

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

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

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

E. Officer Involved Death: Duties of the OICI Commander

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

F. Officer Involved Death: Outside Agency Lead Investigator

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

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

G. Officer Involved Death: Duties of OICI Investigation Team

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

H. Officer Involved Death: Duties of the Hospital Assignment

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

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

I. Officer Involved Death: Interviewing Involved Officers

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

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

J. Officer Involved Death: Scene Investigation

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

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

K. Officer Involved Death: Interviews of Citizen Witnesses

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

L. Officer Involved Death: Canvass

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

M. Officer Involved Death: Duties of the District

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

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

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

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

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

P. Officer Involved Death: District Attorney

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

Q. Officer Involved Death: Lead Investigator's Report

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

Other Officer Involved Critical Incident (OICI): An event in which an officer is involved as a principal, a victim, or is the custodial officer, where significant injury likely to cause death occurs or when an officer

intentionally discharges his/her firearm at another person. In the event of an other officer involved critical incident involving an MPD officer as the principal officer, the Chief of Police will determine whether the criminal investigation will be handled by MPD or whether an outside agency will be requested. If an outside agency is requested, the investigation will be conducted consistent with the officer involved death investigation procedures in this SOP (except where inapplicable). If MPD conducts the investigation, a qualified observer from an outside agency will be requested to monitor the investigation.

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

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

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

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

C. Public Safety Statement

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

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

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

E. Other Critical Incidents: Duties of the OICI Commander

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

d. Designate an involved officer detective
e. Designate a subject/decedent detective
f. Designate a detective to serve as a liaison to the subject/decedent family, if appropriate
g. Coordinate investigative response to the hospitals, if appropriate

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

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

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

G. Other Critical Incidents: Duties of OICI Investigation Team

1. Review the Officer Involved Critical Incident Investigation Conflict of Interest Checklist and report to OICI Commander if there is the potential for a conflict of interest. See Attachment A for the checklist.
2. Assist with the criminal investigation of incidents within the C~~c~~ity of Madison and conduct OICI investigations outside the C~~c~~ity of Madison as directed by the Chief of Police.

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

iv. Maintain communication with the family or next-of-kin throughout the investigative process, with attention paid to working with Dane County's Crime Response Program Team to explain the process and procedure to the next of kin while recognizing the unique emotional needs that may be present in an OICI incident.

H. Other Critical Incidents: Crime Analysts

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

I. Other Critical Incidents: Hospital Supervisor

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

J. Other Critical Incidents: Interviewing Involved Officers

1. Involved officer(s) will be given the opportunity to provide voluntary statements. The OICI Commander or Lead Detective will communicate with the officer(s)' Union Representative or legal counsel on this issue. No officer will be disciplined for declining to make a voluntary statement. If the officer(s) decline to provide voluntary statements, the criminal investigation will proceed without the officer(s)' statements.
2. Detailed interviews should be delayed to allow the involved officer time to overcome the initial stress of the incident. Whenever practical, the involved officers should give one formal statement with all needed parties present.
3. Involved officers are not to file any reports.
4. Involved officers shall not participate in any group debriefings until they have completed their detailed interview.
5. If the interview is to be observed by personnel other than those directly involved, the officer and any representatives will be notified.
6. If audio and/or video records are available~~,~~ and are relevant to the involved officer's point of reference of the incident, the involved officer may be allowed to review the recordings prior to or during their formal statement.

a. Generally, the formal statement should begin with the involved officer providing a statement based on his or her recollection of the incident. Relevant video/audio may then be reviewed (in the presence of a member of the OICI team) prior to the completion of the formal statement.
b. Deviation from this guideline is at the discretion of the OICI commander.

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

K. Other Critical Incident: Duties of the District

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

9. Ensure a Workers Compensation Accident Report is completed for each involved officer with the following language in the comment section: ~~,~~ "Reporting to document exposure to a critical incident event."

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

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

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

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

N. Other Critical Incidents: District Attorney

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

PS&IA Function – Officer Involved Deaths and Critical Incidents

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

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

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

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

1. Professional Standards and Internal Affairs Unit (PSIA)
   a. PSIA has the primary responsibility for conducting the internal investigation to ensure compliance with the MPD Policy, Procedures, Regulations, Work Rules, and Training and Standards.
   b. PSIA may be present in the command post and at key steps in the investigation (scene walk through, interviews, etc.) as appropriate. The OICI Commander retains responsibility for directing the investigation.
   c. PSIA may observe the interviews of involved officers conducted by OICI personnel.
   d. PSIA shall have access to all reports and interview transcripts.
   e. Additional supervisory personnel may be assigned to PSIA as needed.
   f. If the criminal investigation has not obtained a full account of the observations of the on-scene emergency medical providers, interview them as part of the administrative investigation
   g. The PSIA internal review/investigation of the incident shall be concluded as soon as practical.

h. The PSIA findings of the incident may be utilized as the basis for future training.
i. PSIA will report the findings of the internal investigation directly to the Assistant Chief of Support Services.

2. Assistant Chief of Investigative & Specialized Services
   a. Oversee all internal investigations resulting from the Officer Involved Critical Incident which results in death or serious injury.
   b. Review administrative command decisions of the internal investigation.

Officer Involved Critical Incident
Mental Health Response

DEFINITIONS

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

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

Peer Support Officer (PSO): ~~An officer that has been selected by his/her peers to be available as a resource for other officers. The PSO is trained to provide assistance to co-workers through listening, understanding and providing appropriate referrals when necessary. In addition, the PSO will serve as the first point of contact for the OIC when a critical incident has occurred to activate MPD's Critical Incident Stress Management (CISM) process and will work with the CIP to provide relevant information and required aftercare to officers involved in a critical incident.~~ Selected and trained Commissioned personnel who confidentially support MPD employees (Civilian and Commissioned), MPD retirees, and their families, who are confronting challenging stressors of everyday life. Peer Support Officers will also ensure that MPD's Critical Incident Stress Management (CISM) process is activated in the aftermath of a critical incident and will work with Critical Incident Partners (CIP) to provide aftercare to involved officers in a critical incident.

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

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

Aftercare Response

A. **Peer Support** – MPD SOP: Employee Assistance Program outlines the role of the Peer Support Officers in facilitating the CISM response, to include providing information about the stresses often induced by critical incidents, coordinating the defusing process immediately following the incident and prior to involved officers going home, and finally scheduling and facilitating any subsequent Critical Incident Debriefing. The role of the PSO in an OICI is to ensure that the MPD Employee Assistance Program SOP is observed and to facilitate our CISM protocol. Peer Support Coordinator will be responsible for the oversight/monitoring of the aftercare process.

B. **Critical Incident Partner (CIP)** – The CIP is an officer pre-designated by the involved officer to be deployed to focus exclusively on the emotional welfare of the involved officer. Each officer will designate 1-2 officers in order of preference in advance of any involvement in a critical incident. Officers' pre-designated list of CIP officers will be housed confidentially in the OIC's office to be consulted and activated upon an~~d~~ officer's involvement in a critical incident. The form will be completed/updated annually at district/section in-service. The CIP will be pulled from their regular assignment and/or called in to work to support the involved officer. Guidelines for the role of the CIP are as follows:
    - The CIP will serve as a liaison for the involved officer and other MPD personnel throughout the investigative process.
    - The CIP may be put on Administrative Leave with Pay with the involved officer to whom they are assigned as support. The length of time that a CIP will be placed on

Administrative Leave with Pay will be evaluated on a case-by-case basis and approved through chain of command.

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

C. **Critical Incident Stress Management** (CISM) – Recognizing that officers involved in a critical incident are likely to experience compounded stress related to the incident and any ongoing investigation(s) into their actions, the MPD CISM response to officers involved in an OICI will include additional formalized support as outlined in this SOP beyond that which is covered in MPD Employee Assistance Program SOP. Support systems already in place under MPD Employee Assistance Program SOP include a mandatory Defusing and optional attendance at any subsequent Critical Incident Debriefings.

D. **Clinical Consultation** - Officers involved in a critical incident will be required to attend mandatory consultations with a Clinical Consultant. The first of these consultations will occur within 24-72 hours following the incident. Subsequent required sessions will be scheduled prior to the officer's return to work or at six (6) months post-incident; at one (1) year post-incident; and annually thereafter up to five (5) years post-incident (as indicated by the Clinical Consultant). The District/Unit Commander and the MPD Human Resource Coordinator will work with the involved officer(s) to schedule these mandatory consultations. Officers attending Clinical Consultation appointments outside of scheduled work hours shall make Telestaff entries that reflect the original case number and OT Extraordinary Event. ~~Earned overtime for the Clinical Consultation appointments will expand if the involved officer is on a day off, or the meeting is outside of regular work hours. It is not required that the involved officer continue working through the expanded overtime period in question.~~

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

E. **Administrative Leave with/Pay** – Officers involved in an OICI shall be placed on Administrative Leave with Pay for a minimum of two rotations, beginning with the first work day following the incident and will be placed on a Monday-Friday, 8 AM to 4 PM schedule. This leave is not a suspension and is in no way to be construed as disciplinary action or any indication of wrongdoing on the part of the officer. Officers on Administrative Leave with Pay should not be recognizable as police officers during contact with the public. They can go armed (including to court) as long as they received permission through the Training Division.

F. Restricted Duty - Involved officers may transition from Administrative Leave with Pay to a full or part-time restricted duty assignment. Officers on restricted duty should not be recognizable as police officers during any contact with the public. They can go armed (including to court) as long as they received permission through the Training Division.

a. Before transitioning to a restricted duty assignment, the involved officer's District/Unit Command, the MPD Human Resource Coordinator, and the involved officer will ensure that:

- The involved officer has a desire to return to work in a Restricted Duty capacity.
- An agreed upon work schedule has been communicated to and approved by the appropriate Assistant Chief ~~of Operations~~ and Human Resource Coordinator.
- The involved officer has a clearly identified supervising commander.
- Work responsibilities and/or assignments are clearly defined and approved.
- The involved officer has attended required meetings with the clinical consultant
- Re-familiarization training has occurred before participation in activities that may require emersion into stressful scenarios, such as special team training or in-service.

- The involved officer has participated in a relevant re-familiarization training scenario/s as appropriate and depending on the circumstances surrounding the critical incident in which they were involved. For example, if an officer was involved in a critical incident that included the use of deadly force by use of a firearm, the officer would participate in a firearms course of fire facilitated by Personnel & Training staff. The purpose in this case is not to qualify the officer, but rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision making and weapons handling.
  - Re-familiarization training scenarios will be coordinated by Training staff as needed and will be tailored to provide the officer with a useful opportunity for self-assessment based on their specific incident.
  - District/Unit command is responsible for coordinating this re-familiarization training for the involved officer with the training team. After the re-familiarization/scenario based training has taken place, the District/Unit Commander shall ensure that the involved officer and the training team feel that restricted duty is appropriate/approved.

In addition, District / Unit Command must

- Attended required meetings with the clinical consultant.
  - District/Unit Command is responsible for contacting the clinical consultant to confirm that the involved officer has attended required meetings.
- Participated in a relevant re-familiarization training scenario/s as appropriate - depending on the circumstances surrounding the critical incident in which they were involved. For example, if an officer was involved in a critical incident that included the use of deadly force by use of a firearm, the officer would participate in a firearms course of fire facilitated by Personnel & Training staff. The purpose in this case is not to qualify the officer, rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision-making and weapons handling. These re-familiarization training scenarios will be coordinated by Training staff as needed and will be tailored to provide the officer with a useful opportunity for self-assessment based on their specific incident.
  - District/Unit command is responsible for coordinating this re-familiarization training for the involved officer with the training team. After the re-familiarization/scenario based training has taken place, the District/Unit Commander shall ensure that the involved officer and the training team feel that restricted duty is appropriate/approved.
  - .
- Officers on admin leave or restricted duty should not be recognizable as police officers during any contact with the public. They can go armed (including to court) as long as they received permission through the Training division.

G. **Return to Full Duty** – The Chief of Police must approve an involved officer's return to full duty. Before becoming eligible for return to full duty, the involved officer's District/Unit Command, the MPD Human Resource Coordinator, and the involved officer will ensure that:

1. The office of PSIA has completed their review of the incident and final dispositions have been determined by the Chief of Police.
2. The investigation has been submitted to the District Attorney for review.
3. The involved officer has attended required meetings with the clinical consultant.
4. The involved officer has participated in a relevant re-familiarization training scenario~~/s~~ as appropriate and depending on the circumstances surrounding the critical incident in which

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

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

5. The officer has met with their District/ Unit Captain or Lieutenant to establish a Return to Duty Plan.

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

- Graduated return schedule that allows for a paced re-entry.
- Return in a temporary Restricted Duty capacity or inside assignment for a period of time.
- Temporary change of assignment to a non-patrol work unit such as TEST, CPT, partnering with a NPO, etc.
- Ride with a partner officer for a period of time.
- Return to regular assignment under close supervision.

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

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

~~• The officer has participated in a relevant re-familiarization training scenario/s as appropriate - depending on the circumstances surrounding the critical incident in which they were involved. For example, if an officer was involved in a critical incident that included the use of deadly force by use of a firearm, the officer would participate in a firearms course of fire facilitated by Personnel & Training staff. The purpose in this case is not to qualify the officer, rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision-making and weapons handling. These re-familiarization training scenarios will be coordinated by Training staff as needed and will be tailored to provide the officer with a useful opportunity for self-assessment based on their specific incident.~~

- ~~The office of PSIA has completed their review of the incident and final dispositions have been determined by the Chief of Police. The Chief of Police has approved the officer's return to full duty.~~
- ~~Officers involved in an OICI will be afforded the option of using Administrative Leave Time with Pay (vacation, compensatory time or sick time) on the one-year anniversary date of the incident, regardless of staffing levels. Officers should work with their chain of command to facilitate this leave if desired.~~
- ~~The officer has received the mandatory Defusing immediately following the OICI and optional attendance of any scheduled Debriefings related to the incident~~
- ~~The initial consultation with a Clinical Consultant occurred within the first 24-72 hours following the incident~~
- ~~The involved officer has met with a Clinical Consultant in accordance with this SOP~~

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

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

I. **Responsibilities of the Madison Police Department Training Captain:**

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

J. **Responsibilities of MPD Human Resource Coordinator**:

1. Coordinate with the District/Unit Commander regarding all appropriate Telestaff entries.
2. Ensure that all clinical consultation appointments are scheduled and attended.
3. Ensure that Workers Comp Employee Injury Reports are completed and submitted.
4. Ensure that any invoices received for medical treatment of involved officer(s) are appropriately addressed.

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

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

~~A. Initial Aftercare Response:~~

~~1. **Peer Support** – MPD SOP: Employee Assistance Program outlines the role of the Peer Support Officers in facilitating the CISM response, to include providing information about the stresses often induced by critical incidents, coordinating the defusing process immediately following the incident and prior to involved officers going home, and finally scheduling and facilitating any subsequent Critical Incident Debriefing. The role of the PSO in an OICI is to assure that MPD SOP: Employee Assistance Program is observed and to facilitate our CISM protocol. Peer Support supervisor will be responsible for the oversight/monitoring of the aftercare process.~~

~~2. **Critical Incident Partner (CIP)** – The CIP is an officer pre-designated by the involved officer to be deployed to focus exclusively on the emotional welfare of the involved officer. Each officer will designate 1-3 officers in order of preference in advance of any involvement in a critical incident. Officers' pre-designated list of CIP officers will be housed confidentially in the OIC's office to be consulted and activated upon and officer's involvement in a critical incident. The form will be completed/updated annually at district/section inservice. The CIP will be pulled from their regular assignment and/or called in to work to support the involved officer. Guidelines for the role of the CIP are as follows:~~

- ~~The CIP will serve as a liaison for the involved officer and other MPD personnel throughout the investigative process.~~
- ~~The CIP may be put on paid Administrative Leave with the involved officer to whom they are assigned as support. The length of time that a CIP will be placed on paid Administrative Leave will be evaluated on a case-by-case basis and approved through chain of command.~~
- ~~The CIP will review the "OICI Aftercare Information" packet outlining MPD expectations and procedures with the involved officer following the incident.~~
- ~~The CIP will coordinate continued support and CISM care with the assigned PSO.~~
- ~~Communications between the CIP and the involved officer regarding the critical incident are not privileged and therefore not confidential.~~

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

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

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

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

B. **District Command Responsibilities** – In addition to the responsibilities discussed in the investigative portion of this SOP, District Command will assure the following officer aftercare issues are addressed:
   1. Coordinate administrative leave with pay as appropriate and make all necessary Telestaff entries for this leave.
   2. Establish a plan for regular contact with the officer while they are on administrative leave.
   3. Work with the CIP to provide ongoing updates to the officer regarding the status of the investigation, DA and internal administrative reviews.
   4. Meet with the officer and their CIP or other chosen support person to develop and document a Return to Duty Plan.
   5. Monitor the behavior of officers involved in critical incidents for symptoms of acute or prolonged stress.

C. **Return to Duty Plan** – It is important for officers involved in critical incidents to participate in developing their individual Return to Duty Plan. While the MPD will set minimum requirements, the involved officer, the Clinical Consultant, and the officer's chain of command should all work together to create a plan that best meets the needs of the officer and facilitates a successful return to duty transition. Options to consider include:
   - Graduated return schedule that allows for a paced re-entry.
   - Return in a temporary restricted duty capacity or inside assignment for a period of time.
   - Temporary change of assignment to a non-patrol work unit such as TEST, CPT, partnering with a NPO, etc.
   - Ride with a partner officer for a period of time.

- Return to regular assignment under close supervision.

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

D. **Duties of Personnel & Training** – Personnel & Training staff will have the following responsibilities related to OICI aftercare:

1. Review incident specifics to identify any possible training concerns and work with the officer to provide any necessary review or clarification.
2. The Personnel Lieutenant will work with the officer to schedule all mandatory consultations with the Clinical Consultant as previously outlined.
3. Training staff will discuss with the involved officer and evaluate the appropriateness of coordinating scenario-based training. The purpose in this case is not to qualify the officer, rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision-making and weapons handling.

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

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

Original SOP: 11/06/2013
(Revised: 04/24/2014, 07/15/2014, 11/23/2015, 6/10/2016, 06/06/2017, 12/21/2017, 06/08/2018, 09/08/2020)
(Reviewed Only: 02/25/2016, 01/30/2019)

Attachment A

Officer Involved Critical Incident
Investigation Conflict of Interest Checklist

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

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

1. You are a direct relative or are related by marriage to the involved employee(s).

2. You have been involved in a romantic or sexual relationship with the involved employee(s).

3. A former spouse or domestic partner of yours is currently or has been involved in a relationship with the involved employee(s).

4. You have been involved in an internal investigation as a complainant or subject of an investigation involving the employee(s).

5. Any other possible conflict of interest that would create a potential appearance of unfairness in your ability to conduct an objective investigation (close friendship with the involved officer(s), etc.).

Attachment B

Post-Incident Alcohol/Drug Testing

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

1. The primary means of testing will be a blood draw~~,~~ conducted at a medical facility. (In the event that a blood draw is not practical, urine may be used as an alternate test.) If it is not practical for the sample to be collected at a medical facility, an alternate means of collection~~—~~utilizing an appropriately trained professional~~—~~may be used.

2. The sample will be collected as soon as is reasonably practical after the incident, taking other needed post-incident tasks into account (collecting other evidence, medical treatment, etc.).

3. The sample should be collected in the presence of an FSU Investigator. The FSU investigator will ensure that the sample is handled, transported, and shipped in accordance with proper evidence handling practices. In the event that an Investigator is not available to monitor the sample collection within a reasonable time frame, the OICI Commander may assign an MPD supervisor or OICI Team Member to do so. The sample will be turned over to an FSU Investigator as soon as possible for further handling.

4. A sufficient sample will be collected to allow for additional testing in case of an initial positive test.

5. The sample will be sealed and transported to a testing facility using proper evidence handling practices. MPD will not retain any portion of the sample.

6. MPD will request a report from the testing facility that shows the presence and concentration of the following substances and derivatives:
    a. Alcohol
    b. Marijuana/THC
    c. Cocaine
    d. Opiates
    e. Amphetamines
    f. LSD
    g. PCP

7. The test result report will be directed to the PSIA Lieutenant and will be placed in the internal investigative file. ~~Once the test results have been received, the OICI commander will be notified.~~ The OICI commander will notify the outside investigating agency (if applicable) and the District Attorney's office that the test results are available. The test result report will be provided to the outside investigating agency and/or to the District Attorney's office if requested.

8. The PSIA Lieutenant or designee will share the test results with the involved employee. A copy of the results will go in the PSIA investigation file. The lab will automatically destroy any remaining sample six (6) weeks after the test results become available. The involved employee may request additional testing with the remaining sample. In that event, it is the responsibility of the involved employee to notify the PSIA Lieutenant that the employee would like any remaining sample to be preserved by the lab.

9. Other testing protocols as permitted by policy, APM, or law remain in effect.

Officer Involved Deaths and Other Critical Incidents

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

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

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

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

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

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

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

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

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

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

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

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

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

C. **Public Safety Statement**

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

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

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

E. Officer Involved Death: Duties of the OICI Commander

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

F. Officer Involved Death: Outside Agency Lead Investigator

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

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

G. Officer Involved Death: Duties of OICI Investigation Team

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

H. Officer Involved Death: Duties of the Hospital Assignment

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

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

I. Officer Involved Death: Interviewing Involved Officers

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

documented under the PSIA case number for the critical incident review.

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

J. **Officer Involved Death: Scene Investigation**

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

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

K. **Officer Involved Death: Interviews of Citizen Witnesses**

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

L. **Officer Involved Death: Canvass**

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

M. **Officer Involved Death: Duties of the District**

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

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

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

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

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

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

P. **Officer Involved Death: District Attorney**

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

Q. **Officer Involved Death: Lead Investigator's Report**

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

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

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

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

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

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

9. Protect the scene and separate and secure witnesses until the arrival of investigative personnel.

C. **Public Safety Statement**

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

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

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

E. **Other Critical Incidents: Duties of the OICI Commander**

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

d. Designate an involved officer detective
e. Designate a subject/decedent detective
f. Designate a detective to serve as a liaison to the subject/decedent family, if appropriate
g. Coordinate investigative response to the hospitals, if appropriate

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

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

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

G. Other Critical Incidents: Duties of OICI Investigation Team

1. Review the Officer Involved Critical Incident Investigation Conflict of Interest Checklist and report to OICI Commander if there is the potential for a conflict of interest. See Attachment A for the checklist.
2. Assist with the criminal investigation of incidents within the City of Madison and conduct OICI investigations outside the City of Madison as directed by the Chief of Police.

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

iv. Maintain communication with the family or next-of-kin throughout the investigative process, with attention paid to working with Dane County's Crime Response Program Team to explain the process and procedure to the next of kin while recognizing the unique emotional needs that may be present in an OICI incident.

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

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

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

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

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

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

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

K. Other Critical Incident: Duties of the District

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

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

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

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

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

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

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

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

PS&IA Function – Officer Involved Deaths and Critical Incidents

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

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

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

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

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

e. Additional supervisory personnel may be assigned to PSIA as needed.
f. If the criminal investigation has not obtained a full account of the observations of the on-scene emergency medical providers, interview them as part of the administrative investigation
g. The PSIA internal review/investigation of the incident shall be concluded as soon as practical.
h. The PSIA findings of the incident may be utilized as the basis for future training.
i. PSIA will report the findings of the internal investigation directly to the Assistant Chief of Support Services.

2. Assistant Chief of Investigative & Specialized Services
   a. Oversee all internal investigations resulting from the Officer Involved Critical Incident which results in death or serious injury.
   b. Review administrative command decisions of the internal investigation.

Officer Involved Critical Incident
Mental Health Response

DEFINITIONS

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

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

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

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

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

Aftercare Response

A. **Peer Support** – MPD SOP: Employee Assistance Program outlines the role of the Peer Support Officers in facilitating the CISM response, to include providing information about the stresses often induced by critical incidents, coordinating the defusing process immediately following the incident and prior to involved officers going home, and finally scheduling and facilitating any subsequent Critical Incident Debriefing. The role of the PSO in an OICI is to ensure that the MPD Employee Assistance Program SOP is observed and to facilitate our CISM protocol. Peer Support Coordinator will be responsible for the oversight/monitoring of the aftercare process.

B. **Critical Incident Partner (CIP)** – The CIP is an officer pre-designated by the involved officer to be deployed to focus exclusively on the emotional welfare of the involved officer. Each officer will designate 1-2 officers in order of preference in advance of any involvement in a critical incident. Officers' pre-designated list of CIP officers will be housed confidentially in the OIC's office to be consulted and activated upon and officer's involvement in a critical incident. The form will be completed/updated annually at district/section in-service. The CIP will be pulled from their regular assignment and/or called in to work to support the involved officer. Guidelines for the role of the CIP are as follows:
    - The CIP will serve as a liaison for the involved officer and other MPD personnel throughout the investigative process.
    - The CIP may be put on Administrative Leave with Pay with the involved officer to whom they are assigned as support. The length of time that a CIP will be placed on Administrative Leave with Pay will be evaluated on a case-by-case basis and approved through chain of command.
    - The CIP will review the "OICI Aftercare Information" packet outlining MPD expectations and procedures with the involved officer following the incident.
    - The CIP will coordinate continued support and CISM care with the assigned PSO.

- Communications between the CIP and the involved officer regarding the critical incident are not privileged and therefore not confidential.

C. **Critical Incident Stress Management** (CISM) – Recognizing that officers involved in a critical incident are likely to experience compounded stress related to the incident and any ongoing investigation(s) into their actions, the MPD CISM response to officers involved in an OICI will include additional formalized support as outlined in this SOP beyond that which is covered in MPD Employee Assistance Program SOP. Support systems already in place under MPD Employee Assistance Program SOP include a mandatory Defusing and optional attendance at any subsequent Critical Incident Debriefings.

D. **Clinical Consultation** - Officers involved in a critical incident will be required to attend mandatory consultations with a Clinical Consultant. The first of these consultations will occur within 24-72 hours following the incident. Subsequent required sessions will be scheduled prior to the officer's return to work or at six (6) months post-incident; at one (1) year post-incident; and annually thereafter up to five (5) years post-incident (as indicated by the Clinical Consultant). The District/Unit Commander and the MPD Human Resource Coordinator will work with the involved officer(s) to schedule these mandatory consultations. Officers attending Clinical Consultation appointments outside of scheduled work hours shall make Telestaff entries that reflect the original case number and OT Extraordinary Event.

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

E. **Administrative Leave with/Pay** – Officers involved in an OICI shall be placed on Administrative Leave with Pay for a minimum of two rotations, beginning with the first work day following the incident and will be placed on a Monday-Friday, 8 AM to 4 PM schedule. This leave is not a suspension and is in no way to be construed as disciplinary action or any indication of wrongdoing on the part of the officer. Officers on Administrative Leave with Pay should not be recognizable as police officers during contact with the public. They can go armed (including to court) as long as they received permission through the Training Division.

F. **Restricted Duty -** Involved officers may transition from Administrative Leave with Pay to a full or part-time restricted duty assignment. Officers on restricted duty should not be recognizable as police officers during any contact with the public. They can go armed (including to court) as long as they received permission through the Training Division.

a. Before transitioning to a restricted duty assignment, the involved officer's District/Unit Command, the MPD Human Resource Coordinator, and the involved officer will ensure that:

- The involved officer has a desire to return to work in a Restricted Duty capacity.
- An agreed upon work schedule has been communicated to and approved by the appropriate Assistant Chief and Human Resource Coordinator.
- The involved officer has a clearly identified supervising commander.
- Work responsibilities and/or assignments are clearly defined and approved.
- The involved officer has attended required meetings with the clinical consultant
- Re-familiarization training has occurred before participation in activities that may require emersion into stressful scenarios, such as special team training or in-service.

G. **Return to Full Duty** – The Chief of Police must approve an involved officer's return to full duty. Before becoming eligible for return to full duty, the involved officer's District/Unit Command, the MPD Human Resource Coordinator, and the involved officer will ensure that:

1. The office of PSIA has completed their review of the incident and final dispositions have been determined by the Chief of Police.
2. The investigation has been submitted to the District Attorney for review.
3. The involved officer has attended required meetings with the clinical consultant.
4. The involved officer has participated in a relevant re-familiarization training scenario~~/s~~ as appropriate and depending on the circumstances surrounding the critical incident in which

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

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

5. The officer has met with their District/ Unit Captain or Lieutenant to establish a Return to Duty Plan.

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

- Graduated return schedule that allows for a paced re-entry.
- Return in a temporary Restricted Duty capacity or inside assignment for a period of time.
- Temporary change of assignment to a non-patrol work unit such as TEST, CPT, partnering with a NPO, etc.
- Ride with a partner officer for a period of time.
- Return to regular assignment under close supervision.

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

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

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

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

7. Consult with the Clinical Consultant regarding "readiness" for either a return to Restrict Duty and/or a Return to Full Duty.
8. Meet with the officer and their CIP or other chosen support person to develop and document a Return to Duty Plan.

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

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

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

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

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(Revised: 04/24/2014, 07/15/2014, 11/23/2015, 6/10/2016, 06/06/2017, 12/21/2017, 06/08/2018, 09/08/2020, 06/01/2022)
(Reviewed Only: 02/25/2016, 01/30/2019)

Attachment A

Officer Involved Critical Incident
Investigation Conflict of Interest Checklist

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

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

1. You are a direct relative or are related by marriage to the involved employee(s).

2. You have been involved in a romantic or sexual relationship with the involved employee(s).

3. A former spouse or domestic partner of yours is currently or has been involved in a relationship with the involved employee(s).

4. You have been involved in an internal investigation as a complainant or subject of an investigation involving the employee(s).

5. Any other possible conflict of interest that would create a potential appearance of unfairness in your ability to conduct an objective investigation (close friendship with the involved officer(s), etc.).

Attachment B

Post-Incident Alcohol/Drug Testing

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

1. The primary means of testing will be a blood draw conducted at a medical facility. (In the event that a blood draw is not practical, urine may be used as an alternate test.) If it is not practical for the sample to be collected at a medical facility, an alternate means of collection—utilizing an appropriately trained professional—may be used.

2. The sample will be collected as soon as is reasonably practical after the incident, taking other needed post-incident tasks into account (collecting other evidence, medical treatment, etc.).

3. The sample should be collected in the presence of an FSU Investigator. The FSU investigator will ensure that the sample is handled, transported, and shipped in accordance with proper evidence handling practices. In the event that an Investigator is not available to monitor the sample collection within a reasonable time frame, the OICI Commander may assign an MPD supervisor or OICI Team Member to do so. The sample will be turned over to an FSU Investigator as soon as possible for further handling.

4. A sufficient sample will be collected to allow for additional testing in case of an initial positive test.

5. The sample will be sealed and transported to a testing facility using proper evidence handling practices. MPD will not retain any portion of the sample.

6. MPD will request a report from the testing facility that shows the presence and concentration of the following substances and derivatives:
    a. Alcohol
    b. Marijuana/THC
    c. Cocaine
    d. Opiates
    e. Amphetamines
    f. LSD
    g. PCP

7. The test result report will be directed to the PSIA Lieutenant and will be placed in the internal investigative file. The OICI commander will notify the outside investigating agency (if applicable) and the District Attorney's office that the test results are available. The test result report will be provided to the outside investigating agency and/or to the District Attorney's office if requested.

8. The PSIA Lieutenant or designee will share the test results with the involved employee. A copy of the results will go in the PSIA investigation file. The lab will automatically destroy any remaining sample six (6) weeks after the test results become available. The involved employee may request additional testing with the remaining sample. In that event, it is the responsibility of the involved employee to notify the PSIA Lieutenant that the employee would like any remaining sample to be preserved by the lab.

9. Other testing protocols as permitted by policy, APM, or law remain in effect.

Officer Involved Deaths and Other Critical Incidents

Eff. Date ~~06/01/2022~~ 1/23/2024

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

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

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

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

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

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

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

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

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

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

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

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

C. **Public Safety Statement**

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

5. In the event a supervisor is not available, a detective may take the Public Safety Statement from the involved officer(s).

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

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

E. **Officer Involved Death: Duties of the OICI Commander**

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

F. **Officer Involved Death: Outside Agency Lead Investigator**

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

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

G. Officer Involved Death: Duties of OICI Investigation Team

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

H. Officer Involved Death: Duties of the Hospital Assignment

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

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

I. Officer Involved Death: Interviewing Involved Officers

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

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

J. Officer Involved Death: Scene Investigation

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

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

K. Officer Involved Death: Interviews of ~~Citizen~~ Community Member Witnesses

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

L. Officer Involved Death: Canvass

1. A canvass should be completed only at the direction of the lead investigating agency. Ultimately, ~~I~~it is important that all citizen ~~community member~~ witnesses be located, identified, and thoroughly interviewed. However, full community member interviews should not be completed by MPD personnel unless the lead investigator requests it, or the information is perishable (as determined by the on-scene MPD supervisor or the OICI Commander).
2. Consider documenting vehicle plates and descriptions from the canvass area.
3. Consider documenting names on mailboxes if appropriate.

M. **Officer Involved Death: Duties of the District**

1. Ensure that involved personnel have had appropriate opportunities to contact family members, Union officials, and/or attorneys.
2. Ensure that Employee Assistance Program (EAP) services have been offered.
3. Officers directly involved in the incident shall be placed on Administrative Leave with Pay. This leave is not a suspension and is no way to be construed as disciplinary action or any indication of wrongdoing on the part of the officer(s).
4. Ensure that within 72 hours of the incident, the involved officer(s) are contacted by an MPD approved traumatic stress professional.
5. Ensure that regular command updates are given to the Chief and to the Assistant Chief of Operations.
6. If applicable, ensure that the Significant Exposure to Blood Borne Pathogens SOP is followed.
7. Responsible for Community Care tasks.
8. Ensure the City's external medical call-in line (Paradigm, ~~:~~ 844-847-8709) is contacted for each involved officer noting the reporting is to document exposure to a critical incident event. The employee's supervisor will call this external line on the employee's behalf.

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

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

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

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

P. **Officer Involved Death: District Attorney**

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

Q. **Officer Involved Death: Lead Investigator's Report**

1. Per Wis. Stat. § 175.47(5)(a), "The investigators conducting the investigation under sub. (3)(a) shall, in an expeditious manner, provide a complete report to the district attorney of the county in which the officer-involved death occurred. (b) If the district attorney determines there is no basis to prosecute the law enforcement officer involved in the officer-involved death, the investigators conducting the investigation under sub. (3)(a) shall release the report…."
2. The Outside Agency Lead Investigator shall prepare a written report as required above. This report will summarize the entire investigation, including the actions performed by the Outside Agency Lead Investigator, as well as those actions performed by other investigators to whom those tasks were delegated.

3. Prior to submitting their report, the Outside Agency Lead Investigator will gather and review all reports generated by other investigators, as well as other available relevant reports such as the autopsy report, crime lab results, and medical records.
4. A complete copy of all reports, photographs, audio/video recordings, and other records collected by the Outside Agency Lead Investigator will be given to the district attorney along with the Outside Agency Lead Investigator's report.
5. The Outside Agency Lead Investigator, along with a representative of the involved agency, shall meet with the district attorney at the conclusion of the investigation for a formal review of the incident.

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

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

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

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

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

operation ~~raid~~ planning, drafting of search warrants, surveillance officers, intelligence gathering, etc.).

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

C. **Public Safety Statement**

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

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

1. Notify the OICI T~~t~~eam C~~c~~ommander or designee and the Forensic Services ~~Lieutenant~~ Sergeant.
2. Contact the District Commanders of the District where the incident occurred. If the incident occurred outside of the employee's assigned district, the District Commanders of the involved employees should also be notified.
3. Notify the Chief, Assistant Chief of Operations, and Assistant Chief of Investigative & Specialized Services.
4. Contact Dane County Public Safety Communications (911 Center) ~~Center)~~ and direct them to inform officers of the status of the incident (e.g., injuries to officers and ~~citizens~~ community members, important information). This should generally be done in a private manner (email, phone, MDC, etc.).
5. In the event of an injury or death of an employee, notify the immediate family per the Line of Duty, Life Threatening Injury, or Death of an Employee SOP ~~policy~~.
6. Notify ~~the~~ Professional Standards and Internal Affairs Unit (PSIA)~~,~~ and the Public Information Officer (PIO).
7. Notify the Peer Support Team Coordinator and deploy any on-duty Peer Support Officers to the scene to initiate the Critical Incident Stress Management protocol.
8. Follow the Aftercare Protocol and deploy Critical Incident Partner officers to the scene.

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

E. **Other Critical Incidents: Duties of the OICI Commander**

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

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

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

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

G. **Other Critical Incidents: Duties of OICI Investigation Team**

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

be replaced with another weapon, or the officer will be advised ~~advise the officer~~ that it will be returned or replaced at a later time as appropriate. (When processing an officer's personal weapon as evidence, consideration shall be given to marking the weapon with the necessary information as inconspicuously as possible.) FSU Investigators will also take needed photographs and collect evidence from the officer (s) involved at the scene, hospital, or other neutral site.

iii. Inform the OICI Commander if the officer has suffered a Significant Exposure.

f. Suspect / Injured Party / Decedent Detective

i. Ensure the presence of an FSU investigator for appropriate evidence collection.

ii. Notify the Dane County DA's Crime Response Program ~~Team~~

iii. If the injury is serious and / or incapacitating, confirm that a family member or next-of-kin has been contacted.

1. Establish a rapport, provide notification of services, and provide required documents regarding victim rights.
2. Establish a timeline for the Suspect / Injured Party / Decedent's activities for the recent past.
3. Gather additional investigative information: Identify witnesses, suspects, evidence, or crimes.
4. Obtain the family's statements regarding Suspect / Injured Party / Decedent.

iv. Maintain communication with the family or next-of-kin throughout the investigative process, with attention paid to working with Dane County's Crime Response Program ~~Team~~ to explain the process and procedure to the next of kin while recognizing the unique emotional needs that may be present in an OICI incident.

H. Other Critical Incidents: Crime Analysts

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

I. Other Critical Incidents: Hospital Supervisor

1. Serve as a liaison with hospital staff to ensure that all involved-officers are kept separate from suspects, witnesses, or other injured parties, and that the investigation does not unduly disrupt the normal operations of the hospital.
2. In conjunction with the involved agency, establish appropriate security for suspects and/or department member(s).
3. Work with the OIC to ensure that an injured officer's, or department member's, family members, spouse, or significant other are notified, and if practicable, transported to the medical facility, pursuant to the member's wishes. See Line of Duty, Life-Threatening Injury, or Death of an Employee SOP.
4. Work with the OICI Commander to ensure detectives are assigned to interview any witnesses present and that all evidence is collected. If possible, an FSU Investigator who has not been to the crime scene will conduct evidence gathering at the hospital. Care should be taken to preserve the integrity of physical evidence present on the involved officer's equipment, person, or clothing until investigators can collect it. It may be inappropriate to wait for an FSU investigator to photograph the involved officer or to collect evidence under certain circumstances (such as to facilitate medical treatment, or to address ~~due to~~ significant exposure concerns, etc.).

5. Ensure that an FSU Investigator collects a blood sample from the involved officer(s) in accordance with Attachment B.
6. Ensure that the names of treating MFD and hospital staff are documented.
7. Brief the command staff and/or family members of any injured department member(s) as soon as circumstances allow.
8. Ensure the City's external medical call-in line (Paradigm,~~:~~ 844-847-8709) is contacted for each involved officer noting the reporting is to document exposure to a critical incident event. The employee's supervisor will call this external line on the employee's behalf.
9. Check in with the Command Post before leaving the hospital

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

1. Involved officer(s) will be given the opportunity to provide voluntary statements. The OICI Commander or Lead Detective will communicate with the officer(s)' Union Representative or legal counsel on this issue. No officer will be disciplined for declining to make a voluntary statement. If the officer(s) decline to provide voluntary statements, the criminal investigation will proceed without the officer(s)' statements.
2. Detailed interviews should be delayed to allow the involved officer time to overcome the initial stress of the incident. Whenever practical, the involved officers should give one formal statement with all needed parties present.
3. Involved officers are not to file any reports.
4. Involved officers shall not participate in any group debriefings until they have completed their detailed interview.
5. If the interview is to be observed by personnel other than those directly involved, the officer and any representatives will be notified.
6. If audio and/or video records are available and are relevant to the involved officer's point of reference of the incident, the involved officer may be allowed to review the recordings prior to or during their formal statement.
    a. Generally, the formal statement should begin with the involved officer providing a statement based on ~~his or her~~ their recollection of the incident. Relevant video/audio may then be reviewed (in the presence of a member of the OICI team) prior to the completion of the formal statement.
    b. Deviation from this guideline is at the discretion of the OICI Co~~c~~ommander.
7. The involved officer will have an opportunity to review for accuracy the report detailing their statement before it is submitted.
8. All interviews of involved officers will be audio recorded unless impractical or the officer refuses.
9. The Chief of Police is the sole authority as to when an officer is arrested unless exigent circumstances exist.
10. The Assistant Chief of Investigative & Specialized Services, after consulting with the Assistant Chief of Operations (or designee), PSIA, and the OICI Commander, will determine whether the officer(s) will be ordered to provide statements. If the officer(s) are ordered to provide statements, the following procedure will be adhered to:

    a. PSIA will order the officer(s) to provide a statement and the order will be documented in writing.
    b. The compelled interview will be audio recorded and transcribed and will be documented under the PSIA case number for the critical incident review.
    c. PSIA will coordinate the compelled interview of the involved officer(s) with the goal of obtaining a complete and accurate statement from the officer(s). This may involve the utilization of Detectives as primary interviewers. If Detectives are utilized, the OICI Commander, after consultation with PSIA, will assign De~~t~~ectives that have not been involved in the criminal investigation to be the primary interviewers.
    d. Detectives conducting the compelled interviews will report directly to PSIA and the original reports will be maintained by PSIA. Content of the

compelled interview (and reports documenting the compelled interview) will only be used for internal investigation/review of the incident and will not be released to the District Attorney's Office (or other prosecuting entity), to the OICI Investigation Team, or to any member of the public. Compelled statements will only be subject to release when no possibility for criminal prosecution (of the subject of the compelled interview) remains.

e. If a compelled statement is made prior to the resolution of a District Attorney review of a criminal investigation, then a second Assistant Chief will be involved to oversee the criminal investigation.
f. Deviations from this procedure may only occur with the approval of the Chief (or designee).

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

1. Ensure adequate supervision at all scenes.
2. Ensure that involved personnel have had appropriate opportunities to contact family members, Union officials, and/or attorneys.
3. Ensure that EAP services have been offered.
4. Officers directly involved in the incident shall be placed on Administrative Leave with Pay. This leave is not a suspension and is no way to be construed as disciplinary action or any indication of wrongdoing on the part of the officer(s).
5. Ensure that within 72 hours of the incident, the involved officer(s) are contacted by an MPD approved traumatic stress professional.
6. Ensure that regular command briefings are given to the Chief and to the Assistant Chief of Operations.
7. If applicable, ensure that the SOP regarding Significant Exposure to Blood Borne Pathogens is followed.
8. Responsible for Community Care tasks.
9. Ensure the City's external medical call-in line (Paradigm, ~~-~~844-847-8709) is contacted for each involved officer noting the reporting is to document exposure to a critical incident event. The employee's supervisor will call this external line on the employee's behalf.

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

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

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

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

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

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

PS&IA Function – Officer Involved Deaths and Critical Incidents

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

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

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

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

1. Professional Standards and Internal Affairs Unit (PSIA)
   a. PSIA has the primary responsibility for conducting the internal investigation to ensure compliance with the MPD Policy, Procedures, Regulations, Work Rules, and Training and Standards.
   b. PSIA may be present in the command post and at key steps in the investigation (scene walk through, interviews, etc.) as appropriate. The OICI Commander retains responsibility for directing the investigation.
   c. PSIA may observe the interviews of involved officers conducted by OICI personnel.
   d. PSIA shall have access to all reports and interview transcripts.
   e. Additional supervisory personnel may be assigned to PSIA as needed.
   f. If the criminal investigation has not obtained a full account of the observations of the on-scene emergency medical providers, PSIA will interview them as part of the administrative investigation
   g. The PSIA internal review/investigation of the incident shall be concluded as soon as practical.
   h. The PSIA findings of the incident may be utilized as the basis for future training.
   i. PSIA will report the findings of the internal investigation directly to the Assistant Chief of Support Services.

2. Assistant Chief of Investigative & Specialized Services
   a. Oversee all internal investigations resulting from the Officer Involved Critical Incident that which results in death or serious injury.
   b. Review administrative command decisions of the internal investigation.

Officer Involved Critical Incident
Mental Health Response

DEFINITIONS

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

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

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

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

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

Aftercare Response

A. **Peer Support** – MPD SOP: Employee Assistance Program outlines the role of the Peer Support Officers in facilitating the CISM response, to include providing information about the stresses often induced by critical incidents, coordinating the defusing process immediately following the incident and prior to involved officers going home, and finally scheduling and facilitating any subsequent Critical Incident Debriefing. The role of the PSO in an OICI is to ensure that the MPD Employee Assistance Program SOP is observed and to facilitate our CISM protocol. The Peer Support Coordinator will be responsible for the oversight/monitoring of the aftercare process.

B. **Critical Incident Partner (CIP)** – The CIP is an officer pre-designated by the involved officer to be deployed to focus exclusively on the emotional welfare of the involved officer. Each officer will designate ~~1-2~~ one or two officers in order of preference in advance of any involvement in a critical incident. Officers' pre-designated list of CIP officers will be housed confidentially in LERMS ~~the OIC's office~~ to be consulted and activated upon an ~~and~~ officer's involvement in a critical incident. The form will be completed/updated annually during the Employee Feedback process ~~at district/section in-service~~. The CIP will be pulled from their regular assignment and/or called in to work to support the involved officer. Guidelines for the role of the CIP are as follows:
    - The CIP will serve as a liaison for the involved officer and other MPD personnel throughout the investigative process.
    - The CIP may be put on Administrative Leave with Pay with the involved officer to whom they are assigned as support. The length of time that a CIP will be placed on Administrative Leave with Pay will be evaluated on a case-by-case basis and approved through chain of command.
    - The CIP will review the "OICI Aftercare Information" packet outlining MPD expectations and procedures with the involved officer following the incident.
    - The CIP will coordinate continued support and CISM care with the assigned PSO.

- Communications between the CIP and the involved officer regarding the critical incident are not privileged and therefore not confidential.

C. **Critical Incident Stress Management** (CISM) – Recognizing that officers involved in a critical incident are likely to experience compounded stress related to the incident and any ongoing investigation(s) into their actions, the MPD CISM response to officers involved in an OICI will include additional formalized support as outlined in this SOP beyond that which is covered in the MPD Employee Assistance Program SOP. Support systems already in place under the MPD Employee Assistance Program SOP include a mandatory Defusing and optional attendance at any subsequent Critical Incident Debriefings.

D. **Clinical Consultation** - Officers involved in a critical incident will be required to attend mandatory consultations with a Clinical Consultant. The first of these consultations will occur within 24-72 hours following the incident. Subsequent required sessions will be scheduled prior to the officer's return to work or at six (6) months post-incident; at one (1) year post-incident; and annually thereafter up to five (5) years post-incident (as indicated by the Clinical Consultant). The District/Unit Commander and the MPD Human Resource Coordinator will work with the involved officer(s) to schedule these mandatory consultations. Officers attending Clinical Consultation appointments outside of scheduled work hours shall make Telestaff entries that reflect the original case number and OT Extraordinary Event.

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

E. **Administrative Leave with/Pay** – Officers involved in an OICI shall be placed on Administrative Leave with Pay for a minimum of two rotations, beginning with the first work day following the incident and will be placed on a Monday-Friday, 8 AM to 4 PM schedule. This leave is not a suspension and is in no way to be construed as disciplinary action or any indication of wrongdoing on the part of the officer. Officers on Administrative Leave with Pay should not be recognizable as police officers during contact with the public. They can go armed (including to court) as long as they received permission through the Training Division.

F. **Restricted Duty -** Involved officers may transition from Administrative Leave with Pay to a full or part-time restricted duty assignment. Officers on restricted duty should not be recognizable as police officers during any contact with the public. They can go armed (including to court) as long as they received permission through the Training Division.

a. Before transitioning to a restricted duty assignment, the involved officer's District/Unit Command, the MPD Human Resource Coordinator, and the involved officer will ensure that:

- The involved officer has a desire to return to work in a Restricted Duty capacity.
- An agreed upon work schedule has been communicated to and approved by the appropriate Assistant Chief and Human Resource Coordinator.
- The involved officer has a clearly identified supervising commander.
- Work responsibilities and/or assignments are clearly defined and approved.
- The involved officer has attended required meetings with the clinical consultant.
- Re-familiarization training has occurred before participation in activities that may require emersion into stressful scenarios, such as special team training or in-service.

G. **Return to Full Duty** – The Chief of Police must approve an involved officer's return to full duty. Before becoming eligible for return to full duty, the involved officer's District/Unit Command, the MPD Human Resource Coordinator, and the involved officer will ensure that:

1. The office of PSIA has completed their review of the incident and final dispositions have been determined by the Chief of Police.
2. The investigation has been submitted to the District Attorney for review.
3. The involved officer has attended required meetings with the clinical consultant.
4. The involved officer has participated in a relevant re-familiarization training scenario~~/s~~ as appropriate and depending on the circumstances surrounding the critical incident in which they were involved. For example, if an officer was involved in a critical incident that included the use of deadly force by use of a firearm, the officer would participate in a firearms course of fire facilitated by Personnel & Training staff. The purpose in this case is not to qualify the officer, but rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision making and weapons handling.
    a. Re-familiarization training scenarios will be coordinated by Training staff as needed and will be tailored to provide the officer with a useful opportunity for self-assessment based on their specific incident.
    b. District/Unit command is responsible for coordinating this re-familiarization training for the involved officer with the T~~t~~raining team. After the re-familiarization/scenario based training has taken place, the District/Unit Commander shall ensure that the involved officer and the training team feel that restricted duty is appropriate/approved.
5. The officer has met with their District/Unit Captain or Lieutenant to establish a Return to Duty Plan.

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

- Graduated return schedule that allows for a paced re-entry.
- Return in a temporary Restricted Duty capacity or inside assignment for a period of time.
- Temporary change of assignment to a non-patrol work unit such as Traffic Enforcement Safety Team (TEST), Community Policing Team (CPT), partnering with a Neighborhood Police Officer (NPO), etc.
- Ride with a partner officer for a period of time.
- Return to regular assignment under close supervision.

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

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

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

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

I. **Responsibilities of the Madison Police Department Training Captain:**
1. Assign an MPD training team member to provide a replacement handgun to the involved officer(s).
2. Ensure that an identified training team member is assigned to review incident specifics to identify any possible training concerns and to work with the officer to provide any necessary review or clarification.
3. Ensure that a training team member is assigned to the involved officer(s) to coordinate re-familiarization training or scenario based training for the involved officer as they work through an identified return to duty plan. The purpose in this case is not to qualify the officer, rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to deadly force decision-making and weapons handling.
4. Ensure that a training team member is assigned to consult with PS&IA during their internal review of the incident.
5. Ensure that a training team member is assigned to receive the involved officer(s)' firearm(s) from an OICI Team member in order to have it function tested and inspected prior to returning it to the officer(s).

J. **Responsibilities of the MPD Human Resource Coordinator**:
1. Coordinate with the District/Unit Commander regarding all appropriate Telestaff entries.
2. Ensure that all clinical consultation appointments are scheduled and attended.
3. Ensure each employee's exposure to a critical incident has been documented with Paradigm.
4. Ensure that any invoices received for medical treatment of involved officer(s) are appropriately addressed.

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

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

officer throughout the process and following their return to duty is essential in stemming any long-term stress related to an OICI.

Original SOP: 11/06/2013
(Revised: 04/24/2014, 07/15/2014, 11/23/2015, 6/10/2016, 06/06/2017, 12/21/2017, 06/08/2018, 09/08/2020, 06/01/2022, 1/23/2024)
(Reviewed Only: 02/25/2016, 01/30/2019, 1/31/2023)

Attachment A

Officer Involved Critical Incident
Investigation Conflict of Interest Checklist

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

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

1. You are a direct relative or are related by marriage to the involved employee(s).

2. You have been involved in a romantic or sexual relationship with the involved employee(s).

3. A former spouse or domestic partner of yours is currently or has been involved in a relationship with the involved employee(s).

4. You have been involved in an internal investigation as a complainant or subject of an investigation involving the employee(s).

5. Any other possible conflict of interest that would create a potential appearance of unfairness in your ability to conduct an objective investigation (close friendship with the involved officer(s), etc.).

Attachment B

Post-Incident Alcohol/Drug Testing

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

1. The primary means of testing will be a blood draw conducted at a medical facility~~.~~ (~~I~~in the event that a blood draw is not practical, urine may be used as an alternate test~~.~~). If it is not practical for the sample to be collected at a medical facility, an alternate means of collection—utilizing an appropriately trained professional—may be used.

2. The sample will be collected as soon as is reasonably practical after the incident, taking other needed post-incident tasks into account (collecting other evidence, medical treatment, etc.).

3. The sample should be collected in the presence of an FSU Investigator. The FSU investigator will ensure that the sample is handled, transported, and shipped in accordance with proper evidence handling practices. In the event that an Investigator is not available to monitor the sample collection within a reasonable time frame, the OICI Commander may assign an MPD supervisor or OICI Team Member to do so. The sample will be turned over to an FSU Investigator as soon as possible for further handling.

4. A sufficient sample will be collected to allow for additional testing in case of an initial positive test.

5. The sample will be sealed and transported to a testing facility using proper evidence handling practices. MPD will not retain any portion of the sample.

6. MPD will request a report from the testing facility that shows the presence and concentration of the following substances and derivatives:
    a. Alcohol
    b. Marijuana/THC (Tetrahydrocannabinol)
    c. Cocaine
    d. Opiates
    e. Amphetamines
    f. LSD (lysergic acid diethylamide)
    g. PCP (phencyclidine)

7. The test result report will be directed to the PSIA Lieutenant and will be placed in the internal investigative file. The OICI commander will notify the outside investigating agency (if applicable) and the District Attorney's office that the test results are available. The test result report will be provided to the outside investigating agency and/or to the District Attorney's office if requested.

8. The PSIA Lieutenant or designee will share the test results with the involved employee. A copy of the results will go in the PSIA investigation file. The lab will automatically destroy any remaining sample six (6) weeks after the test results become available. The involved employee may request additional testing with the remaining sample. In that event, it is the responsibility of the involved employee to notify the PSIA Lieutenant that the employee would like any remaining sample to be preserved by the lab.

9. Other testing protocols as permitted by policy, APM, or law remain in effect.