



**City of Madison**  
**MINUTES - DRAFT**  
**CCOC Subcommittee on**  
**Police & Community Relations**

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

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**Monday, March 20, 2017**

**7:00 p.m.**

**Room 321**  
**City-County Building**  
**210 Martin Luther King, Jr. Boulevard**

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[Website](#) | [Handouts at Meetings](#) | [Meeting Minutes](#)

Members Present: Ald. Marsha Rummel (chair), Ald. Shiva Bidar-Sielaff (vice-chair | participated via conference call | 8:20 pm), Ald. Sheri Carter (8:10 p.m.), Ald. Denise DeMarb and Ald. Rebecca Kemble

Staff Present: Capt James Wheeler, MPD Representative, Lisa Veldran, Council Administrative Assistant and Heather Allen, Council Legislative Analyst

Others Present: Lt. Amy Chamberlin and Assistant Chief Vic Wahl, Madison Police Department, Assistant City Attorney Marci Paulsen, Gregory Gelembiuk (Community Response Team), Deb Rogers, Shonita Roach, Amelia Royko Maurer, Nathan Royko Maurer, Yannette Cole, Will Williams, Brenda Konkel

#### **Call to Order**

Chair, Ald. Marsha Rummel, called the meeting to order at 7:00 p.m.

#### **Approval of Minutes**

Ald. Rebecca Kemble moved to approve the minutes from the January 30 and February 16, 2017 CCOC Subcommittee on Police & Community Relations meetings, seconded by Ald. Denise DeMarb. Motion was approve unanimously.

#### **Public Comment**

Gregory Gelembiuk, Community Response Team Spoke  
Mr. Gelembiuk requested that the subcommittee allocate more time in drafting the final report and recommendations and referenced emails that he sent the subcommittee members regarding report recommendations.

#### **Disclosures & Recusals**

There were no disclosures or recusals from members of the subcommittee present.

#### **Suspension of the Rules**

Rules were suspended by consensus to allow for public participation on agenda items of #5 (Presentation on IA Pro Software) & #6 (Discussion on MPD Internal Investigations and Public Communications After Officer-Involved Shootings)

#### **Presentation: Madison Police Department's IAPro - Police Integrity Software**

For decades, the Madison Police Department has relied on various methods for documenting and collecting data on:

- Citizen and internal complaints
  - Squad crash incident
  - Pursuit incidents
  - Use of force incidents
-

Methods of data collection over the years have evolved:

- Excel spreadsheets
- Paper complaint forms
- Electronic documents uploaded to SharePoint
- Complaint specific software product called AIM

While MPD noted the importance of documenting these types of incidents, the data was not easily deciphered or available for meaningful analysis.

In 2015, Lt. Cory Nelson proposed that the MPD move to a computerized system that would allow for the collection of additional and more meaningful data in the categories of complaints, squad crashes, pursuits and use of force incidents in a singular, web-based, user friendly software system.

MPD installed IA Pro in March 2016. Access to the management system was limited to IA staff and IT programmers for security and confidentiality. Staff started entering complaints retroactively for 2016 and then added use of force data. Soon thereafter, they added pursuit reviews and squad crashes as well.

The previous system for complaints, AIM, was an antiquated system that was not user friendly or web based and did not meet the growing needs of MPD. MPD decided to invest in a CI Technologies product called [IA Pro](#) and [Blue Team](#) (portal within IAPro) to address those concerns. IA Pro is used by over 680 customers across the United States including departments such as the Cook County Sheriff's Department, Las Vegas Metro, Philadelphia PD and NYPD. The Dane County Sheriff's office has recently acquired the software as well and will start their implementation in 2017.

IA Pro allows for the ability to attach files of any type – including MS Word, video, audio, PDF and digital images to investigations of all types. A broad range of statistical reports and charts are now available to MPD.

While IA Pro is the overarching data management system, BlueTeam is the frontline digital platform that ensures that defined incidents are documented, reviewed and managed with consistency and completeness. In October 2016, Blue Team was introduced to MPD sergeants at their fall check-in. Supervisors are now able to enter complaints, pursuits, crashes and use of force incidents directly into Blue Team which are then sent through the chain of command process for review.

BlueTeam is web-based software that allows officers and supervisors to enter and manage incidents from “the field”. A simple, step-by-step internet-style interface is used, minimizing training requirements. Since BlueTeam is a browser-based web application, it resides on a web server and no installation of software is required on the users' PC's.

BlueTeam enables incidents to be entered and managed by field personnel in a straightforward fashion with minimal training. These entries can then be routed through the chain-of-command with review and approval at each step. Handling and filling out of cumbersome paper forms is eliminated with BlueTeam which enforces the entry of required information. The web form utilizes pick-list values enforcing consistency of the data entered. This results in more consistent and pertinent statistical reports.

Incidents including use-of-force, complaints, vehicle accidents, and pursuits are entered and can then be routed through the chain-of-command with review and approval at each step. Recently MPD has added an entry mechanism for their MDC, Email, and In Car Video audits as well.

#### **Internal and External Complaints (outlined in the Complaint SOP)**

1. Supervisor/Officer-In-Charge (OIC) makes entry into Blue Team and sends to Professional Standards and Internal Affairs (PSIA)
2. PSIA reviews all new entries daily and briefs the chief every Monday or sooner depending on the nature of the complaint.
3. A Decision is made mainly on the severity of the complaint and is either sent to the specific district for follow up and investigation through Blue Team or for more serious infractions, PSIA investigates more formally.
1. When the district has investigated the complaint thoroughly, the results are sent through Blue Team to the Captain of the unit for ultimate review and then results are sent back to PSIA for final review, again

through Blue Team. The chief is updated on the findings and ultimately the complainant is notified of the investigative results. All supporting documents, pre-determination hearing dates, notifications, responses, and ultimate sanctions and findings are recorded in the entry prior to closing the case.

### Squad Pursuits (outlined in the Emergency Vehicle SOP)

MPD has recently updated their Emergency Vehicle SOP to include the use of Blue Team and IA Pro to house these incidents.

Prior to Blue Team, officers sent emails and memos to a designated Captain and an Excel spreadsheet was used to track the data. An electronic check box template was used in SharePoint that officers had to complete and submit via email to a commanding officer for review.

1. With Blue Team and IA Pro, a supervisor can enter the pursuit data and attach the pursuit review memo into the Blue Team entry which is then forwarded to their commanding officer through Blue Team for review.
2. District Commander reviews for accuracy and thoroughness as well as policy compliance. If further investigation is needed, the district commander can send the review back to the investigating supervisor through Blue Team. If the investigation is complete, the commander will send the entry to PSIA through Blue Team noting their assessment for policy compliance.
3. When PSIA receives the investigation, MPD further reviews the incident for policy compliance as well.
4. If the pursuit is outside of policy, a separate PSIA investigation is opened.
5. If the pursuit is within policy, an assistant chief will make the final review and recommendation. Regardless of outcome, the investigation is housed in IA Pro and the chief is updated on all pursuit investigations on a bi-weekly basis.

Samples of the data collected for pursuits include:

- Officers and citizens involved
- When and where the pursuit occurred

Vehicle pursuit: 2016P-0009

Save Print BT Rpt BlueTeam QA Flag Class Timescales Properties

Links Summary Status + Assign Tasks Routings When + where Vehicle pursuit specific Usage log

Reason initiated: Traffic/Ordinance Violation  
Initial violation:  
Pursuit distance: 1 to 2 miles  
Beginning location: Within City of Madison  
Agency initiating pursuit: MPD  
Event that concluded the pursuit: Pursuit aborted by LE  
 The pursuit was aborted  
Pursuit aborted by: Supervisor  
 An accident occurred

Time of day: 3p-11p  
Weather conditions: Dry  
Type vehicle pursued: SUV  
Ending location: Within City of Madison  
Agency ending pursuit: MPD  
Driving under influence factors:  
 Stop device was used

Duration in minutes: 3  
Maximum speed (mph): 54  
 Heliocopter available  
 Heliocopter used  
 In-car camera was available  
 In-car camera used  
In-car camera video ID number  
 DUI Arrest  
 Liability claim filed  
 Pursuit was justified  
 Pursuit was within policy

Offender details  
Offender Sex: Unknown Age of offender: 0 Offender Race: Unknown

### Squad Crashes (outlined in our Crash SOP)

MPD recently updated their policy and procedure to include the use of Blue Team and IA Pro to house these incidents.

1. Prior to Blue Team, officers wrote emails and memos and this documentation regarding squad crashes were kept in a file by the MPD Traffic Captain. With the implementation of Blue Team, the supervisor makes a Blue Team entry and writes a memo regarding the circumstances of the crash. When complete, the supervisor sends the investigation to the Traffic Captain for review.
2. If the officer is determined to be operating within policy and no tickets are issued, the case is sent to PSIA through Blue Team and closed out accordingly.
3. If the crash is deemed to be the fault of the officer, an internal review committee called VORC (Vehicle Operations Review Committee) reviews the crash specifics and makes a recommendation to the Traffic Captain whether the officer should receive a ticket or not. If a ticket is ultimately deemed warranted, district supervisor will cite the officer.
4. Once the ticket is issued, the investigation is sent through Blue Team to PSIA for review of potential policy violations.
5. Any policy violations sustained or otherwise are noted in Blue Team. All documents created during the investigation are attached to the investigation in Blue Team.
6. Once the investigation is complete, it is closed out and housed in IA Pro. The Chief is updated on all crash incidents on a bi-weekly basis.

Data Collection Includes:

- Officer and citizen involved
- When and where the incident occurred

Vehicle accident: 2016SC-0008

Save Print BT Rpt BlueTeam QA Flag Class Timescales Properties

Links Summary Status + Assign Tasks Routings When + where Vehicle accident specific Usage log

Accident information:

Time of accident: 3p-11p  Employee was at fault

Cause of accident: Too Fast For Conditions

Weather conditions: Snow

Vehicle information:

Vehicle info: Ford Taurus (marked) Vehicle ID: N557

Amount of damage:

Departmental vehicle: 4000 Other vehicle(s) involved: 2000

Injury information:

Employee was injured  Others were injured

### Use of Force (outlined in MPD Use of Force policies)

MPD's use of force incidents were entered in IA Pro starting January 1, 2016. This early implementation of data entry into the IA Pro has already proven valuable and instrumental to their 21st Century Policing commitment by giving MPD meaningful use of force data to share on the MPD website each quarter. (<http://www.cityofmadison.com/police/documents/UseOfForceOctDec2016.pdf>)

Previously, supervisors were required to go to SharePoint and complete an electronic form that was later reviewed by our Use of Force Subject Matter Experts (SME) in the training division. This platform did not provide MPD an effective way in which to analyze the data.

1. With the implementation of IA Pro and Blue Team, supervisors in the field meet with officers when use of force is used and the supervisor makes the Blue Team entry which is then forwarded directly to our UOF coordinator.
2. The UOF coordinator reviews the entry and requests any follow up or clarification if needed.
3. If the force was deemed to be justifiable and within policy, the incident is closed in Blue Team and housed permanently in IA Pro.
4. If the force is deemed to be outside of policy, PSIA will update the commanding officer of the involved district and brief the chief and before investigating further.

#### Data Includes:

- Officers and citizens involved along with their demographics (age, gender, race)
- When and where the incident occurred
- Type of force used, by who, and if it was effective
- Any injuries to officer or citizen, whether visible or claimed, including area and specific injury type, and whether or not medical treatment was sought

### **Audits (Outlined in New Policy)**

Because of the customization IA Pro and Blue Team now gives MPD they have a place to capture audits of their Arbitrator system, City email, and Mobile Data Computer (MDC, in squads) messages, speed and microphone syncing.

Starting in 4<sup>th</sup> quarter 2016, all suspected arbitrator violations were entered into Blue Team and sent out to associated command staff for further review. This included going over 80 mph, microphone syncing, and logging into the system.

Once reviewed, the audit will be deemed to be either within or outside of policy and sent back to PSIA for further review. Clear policy violations will be discussed with the chief for potential discipline. All other entries are noted in Blue Team, closed out, and stored in IA Pro.

This same system is put in place for emails and MDC messages.

These audits were previously done in silos and officer's infractions were not consistently following the officer's change of assignment. Now the audits are in one place and attached to officer's files in IA Pro making for better consistency and tracking.

### **Awards and Commendations**

They are retroactively hand entering our 2016 officer commendations to their files and previous years' awards are also being attached to officer's files as well.

### **Additional IA Pro Capabilities**

Ability to monitor officers

- Adherence to Work Rules for one year
- Probationary Officers
- Restorative Performance for one year

Ald. Kemble asked who read the 24 hour audits of emails, etc. Lt. Chamberlin indicated that it was divided up between Capt. Lengfeld (emails) and Capt. Ackeret (MDC).

Ald. DeMarb asked if IA Pro can alert MPD early on of any behavior issues. Lt. Chamberlin noted that the software has the capability to be used as an early intervention system (by setting incident thresholds that still need to be defined and refined) and they are exploring that capability in addition to working with the training team and EAP. Reference was made to the [PSIA Discipline Matrix](#).

Ald. Kemble asked what data collected by IAPro would be subject to an open records request. Assistant Chief Wahl stated that all records are open but subject to a balancing test on a case-by-case basis.

Gregory Gelembiuk, Community Response Team

Spoke

Advocated for early intervention system, would like to see a predictive system used.

Ald. DeMarb asked why this couldn't be implemented right away if there were national standards that could be used vs. using Madison's standards. Lt. Chamberlin noted that the industry standards right now are their thresholds. Ald. DeMarb stated that they would be building in their own biases.

Amelia Royko Maurer

Spoke

Had questions about how behavior tracking was done pre-service and asked that the use of the word "citizens" be changed to "residents".

Brenda Konkel

Spoke

Had questions about open record requests for discipline records. Assistant Chief Wahl noted that it was a case-by-case determination when releasing records.

Ald. Kemble asked if there was a relationship between IAPro and an officer's personnel file. Assistant Chief Wahl noted they have a permanent employee file and you would find formal discipline actions. Not everything in IAPro would make it into employee file. Training records and medical files would be in separate areas.

Assistant Chief Wahl noted early intervention is not meant to be thought of as a disciplinary tool.

(Ald. Bidar-Sielaff joined the meeting via conference call at this time)

Ald. Kemble asked about the rolling 12 month period. Lt. Chamberlin stated that the one year time period is only for the early intervention system, not for used for discipline.

Ald. DeMarb asked about where commendations or merit awards are recognized. Lt. Chamberlin stated that they release quarterly discipline and commendations to the media and press.

Ald. Carter asked what kinds of early intervention programs they use. Lt. Chamberlin said they are looking at training and other programs that can be utilized before they start using the early intervention system.

### **Discussion: MPD policies/processes for internal investigations and public communications after officer involved shootings**

Will Williams Spoke  
Noted that internal investigations are not independent. Outside people should be used to do independent investigations.

Nathan Royko Maurer Spoke  
Supported outside investigations. PFC members are appointed by the mayor and already have a bias built in. Would like to see more communications happening after an incident vs. waiting until all the facts are in – avoid controlling the narrative/spin – erodes trust.

Gregory Gelembiuk, Community Response Team Did Not Speak

Yannette Cole Did Not Speak

Amelia Royko Maurer Spoke  
Spoke about her involvement in [AB409](#).

Assistant Chief Wahl noted that there was an unintended consequence with the 2014 law change requiring an outside agency to investigate incidents. While the local agency may want to provide the community with information, the investigating agency does not have that interest in providing information and feels it can be contrary to their investigation.

Ald. Kemble stated that no one – police or citizens – want the outcomes that have occurred from individuals who are impaired. She requested Assistant Chief Wahl and Lt. Chamberlin walk the subcommittee through the process of an internal investigation of an officer-related shooting.

Assistant Chief Wahl noted that the 2014 law change requires an outside agency to investigate these types of incidents. The city uses the Division of Criminal Investigation (DCI). They do the entire investigation themselves. The MPD may provide administrative assistance to provide requested records. Once the investigation is completed the results to the District Attorney and they wait for the decision. PSIA will have access to the information and see if there is more follow-up investigation needed due to violations of MPD policies.

Ald. Kemble asked if MPD would need to interview the officer. Assistant Chief Wahl said sometimes yes, sometimes no. Ald. Kemble asked when DCI interviews takes place. Assistant Chief Wahl stated within 48 – 72



hours after the incident, officer has an opportunity to meet with an attorney, will do a walk-through of the scene with DCI, their attorney, PSIA. Sequence varies upon the situation, scene is typically already processed before the walk-through.

Assistant Chief Wahl reiterated that DCI comes in with a full complement of investigators and MPD is not involved other than providing administrative support.

Ald. Kemble asked if Graham v. Connor standard was too low of a standard when compared to civil cases that are being settled for large amounts of money and if that is an issue. Assistant Chief Wahl stated he does not draw a straight line between civil cases and PSIA findings and are necessarily consistent – entirely set of circumstances for each of those cases.

### **Discussion and Drafting Report and Recommendations of the CCOC Subcommittee on Police & Community Relations**

Heather Allen distributed a March 9, 2017 version of the [draft report](#).

Shonita Road	Did Not Speak
Deb Rogers	Did Not Speak (supports revisions in letter)
Gregory Gelembiuk, Community Response Team	Spoke
Supported revisions as outlined in the letter from the Community Response Team (attached) and recommendation revisions as outlined in his email.	
Amelia Royko Maurer	Spoke (supports revisions in letter)

Ald. Denise DeMarb moved to refer this item to a future meeting, seconded by Ald. Sheri Carter. Motion was approved unanimously.

### **Discussion: Scheduling Upcoming Meetings & Agenda Items (if needed)**

Saturday, April 1, 2017  
2:00 p.m.  
Madison Water Utility, 119 E. Olin Avenue (no City Channel coverage)

Wednesday, April 12, 2017  
7:00 p.m.  
Room 201, City-County Building

### **Adjournment**

Ald. Rebecca Kemble moved to adjourn, seconded by Ald. Denise DeMarb. Motion was approved. Meeting adjourned at 9:34 p.m.



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REPORT OF: CCOC Subcommittee on Police and Community Relations

TITLE: Recommendations on police policies and procedures

DATE: March 9, 2017

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## Introduction

The Common Council Organizational Committee Subcommittee on Police and Community Relations (the Subcommittee) held its first meeting on September 14, 2016 and confirmed the following objectives:

- a) Provide a forum for residents and members of the Council to discuss police and community goals, priorities and interactions. Build a deeper understanding of policing for elected officials and members of the public; and,
- b) Explore models and options from other communities related to policing and other police policies; and,
- c) Provide a forum for information sharing regarding police training, policies, data and trends including detailed presentations from the MPD related to policing; and,
- d) Make recommendations to the Council on short-term policy, procedure and training while waiting for the results of the Ad Hoc Review of Police Policies and Procedures.

Ald. Marsha Rummel chairs the Subcommittee and Ald. Shiva Bidar-Sielaff serves as vice chair. Ald. Rebecca Kemble, Ald. Sheri Carter and Ald. Denise DeMarb are members of the Subcommittee.

## Overview of Activities

The PCR Subcommittee has received several presentations from experts on policing including the following:

- o A presentation from Capt. James Wheeler and Sgt. Erik Fuhreman on the City of Madison Police Department (MPD) investigation and discipline process, and
- o A presentation from City Attorney Michael May and Assistant City Attorney Marci Paulson on the division of legal authority between the Police Chief, the Mayor and the Council in the operation of the police department, and
- o A presentation from Capt. James Wheeler and Capt. Kristen Roman on the 2016 Special Community/Police Task Force Recommendations Regarding Police 'Use of Force'. The Report was issued jointly by the United Way of Dane County, the Dane County Chiefs of Police Association and the Dane County Branch of the NAACP. The City of Madison and MPD had also contributed to the development of the Report and recommendations, and
- o A presentation from State Representative Chris Taylor regarding statewide use of force proposals as well as best practices from other communities, and

- A presentation from Freedom Inc, regarding community control of the police, and
- A presentation from the ACLU regarding surveillance technologies.
- A presentation from Collen Clark, Equity and Criminal Justice Council Coordinator regarding the efforts of the Dane County Criminal Justice Council to expand collaboration, data driven justices and innovation.
- A presentation from Sgt. Kimba Tieu on the MPD's Use of Force policies and procedures.

The PCR Subcommittee has also reached out to neighborhood associations directly with a short survey. The goal of the survey is to understand the types of cooperative activities neighborhood associations have with MPD and to learn more about existing neighborhood watch programs as well as perceptions of public safety.

#### Madison Police Oversight Committees

Madison Police and Fire Commission	Public Safety Review Committee	Madison Police Department Policy and Procedure Review Ad Hoc Committee	Common Council Organizational Committee Subcommittee on Police and Community Relations
Permanent, established by WI Statute	Permanent, established by Common Council	Temporary, established by Common Council	Temporary, established by Common Council
Madison General Ordinance Sec. 33.06 and State Statutes 62.13 - Appoints the chief of each department; approves or disapproves promotions and supervision of the hiring process, with certification of an eligibility list and approval of those who are finally hired; holds hearings on disciplinary matters brought to its attention either directly or through appeal and imposes discipline if appropriate.	Madison General Ordinance Sec. 33.22 - The board shall be advisory to the mayor and Common Council to assist them in the performance of their statutory duties. The board may review and make recommendations concerning departmental budgets; review service priorities and capital budget priorities of the Police and Fire Departments; serve as liaison between the community and the city on public safety issues; and review annually and make recommendations to the Common Council regarding the annual work plans and long-range goals of the departments.	The Committee's objective is to complete a thorough review of the Madison Police Department's policies, procedures, culture and training using the report, other resources and testimony. Creating resolution RES-15-00477, File ID# 37863; effective 5/21/2015	The Subcommittee's objective is to provide a forum for residents, to share information on Madison policies and procedures, to explore police policies and procedures from other communities, and to make short-term policy recommendations while waiting for the results of the Madison Police Department Policy and Procedure Review Ad Hoc Committee. Established 9/14/2016.

## Recommendations

The following is the list of indentified issues, findings and recommendations:

### Surveillance Policies

*Issue:* Surveillance technologies are rapidly expanding governmental capabilities to gather a data and information on residents. Though the City of Madison does not yet have comprehensive policies related to surveillance.

*Recommendation:* The Council will develop policy governing the purchase and use of all surveillance equipment employed by all City Agencies including MPD. The policies will also address data management and storage.

### Addressing mental health and substance abuse issues

*Issue:* The majority of officer-involved shootings in the last 3 years in the City of Madison have involved a person with a mental health issue or intoxication.

*Recommendation 1:* Increase the level of training for officers to interact with people experiencing a mental health crisis or intoxication.

*Recommendation 2:* Hire social workers to work with officers in every district on every shift.

*Recommendation 3:* Establish policies for mental health teams.

### Use of Force Policies

*Issue:* The Madison Police Department Use of Force Policies do not include the following precautions which are contained in similar policies from other police departments: a duty to preserve life, use of deadly force only as a last resort, the principle of proportionality, the duty to intervene with another officer, nor the duty to de-escalate a situation.

*Recommendation 1:* The Council will direct the Chief of Police to incorporate these precautionary principles, as identified by Rep. Chris Taylor into the MPD Use of Force policy.

*Recommendation 2:* Policies will also include a clear requirement that officers will wait for backup if alone, unless there is an immediate threat to an officer and they are facing imminent fatal threat within 7'.

### Oversight of Internal Investigations

*Issue:* Internal review may be perceived as biased, especially in cases of officer-involved deaths.

*Recommendation 1:* Every MPD internal investigation of an officer-involved death will be audited by an external reviewer.

### **Safety in numbers**

*Issue:* Officers are at higher risk when working alone, and may be more likely to use deadly force because of that risk.

*Recommendation:* MPD policy should state that two officers should be working together if at all possible.

### **Communication with City Council:**

*Issue:* The MPD and Council could work together more closely if communication was enhanced.

*Recommendation:* Chief of Police will provide quarterly written and verbal updates to City Council (verbal as a standing quarterly agenda item at either Council or the Common Council Organizational Committee) to include the following information; 1) any changes to Code of conduct and SOP, 2) any changes in training, 3) any new initiatives, 4) MPD arrest data by reason for arrest and race/ethnicity, and 5) use of force incidents.

### **Conclusion**

The Subcommittee achieved the objectives established in September 2016 and has created a suite of recommendations for the Common Council. A resolution and full report will be introduced to the Council along with this Executive Summary.

Dear CCOC Subcommittee members,

3/20/17

I'm writing with some suggestion regarding your draft recommendations. A number of them express very worthwhile ideas (a valid starting point to work from), but require modification to have utility.

I believe it's essential that you extend your current deadline, to give yourselves more time to craft useful recommendations.

1. Some recommendations are attempting to address problems that genuinely need to be addressed, but as currently written are too vague to have utility (to bring about the desired outcomes).

That's true with some of the sub-recommendations in "Addressing mental health and substance abuse issues"

11 of the last 12 MPD officer involved shootings have been of people incapacitated by mental illness and/or chemically. It is indeed a very serious problem that needs to be addressed.

Recommendation 1 sounds superficially fine: "Recommendation 1: Increase the level of training for officers to interact with people experiencing a mental health crisis or intoxication."

But what does this recommendation actually mean? What does it actually do? Will it actually improve the problem?

Note that the rate of MPD officer involved shootings of people who are mentally ill or chemically incapacitated has been increasing over the same period of time that MPD has been increasing/expanding Crisis Intervention Training (now required of all incoming recruits). Simply increasing the level of such training is not working.

The officer who engaged in excessive use of force in the Genele Laird case was actually an MPD Mental Health Liaison Officer – he'd received the highest level of Crisis Intervention Training.

Randomized controlled trials of Crisis Intervention Training have, so far, basically failed to show a reduction in use of force as a result of the training.

You need a recommendation that addresses the variables that matter for effective training – the type of training, the frequency, whether all officers receive training, etc. You need to find language that will actually make a difference.

I've been advocating incorporation of ProTraining (the Edmonton Model), since: 1. There's some evidence base for its efficacy in reducing use of force with people with mental health issues, 2. Unlike much standard crisis intervention training, it's specifically designed to change officer behavior (to reduce use of force and improve the quality of interactions). 3. It's time efficient – only requiring a very limited number of hours (so can be added on to conventional crisis intervention training). 4. It provides a generalized practical skill set for handling people in crisis, rather than emphasizing intellectual knowledge of mental illness.

I've documented ProTraining more in prior e-mails.

If you want more general language, rather than referring to ProTraining per se, you perhaps could ask for training that's evidence-based and specifically designed to modify officer behavior to reduce use of force on people with mental health issues.

The frequency of training is also key. In general crisis intervention training is given once. But the science shows that refresher training is critical. Some police departments are now having all officers do repeat crisis intervention training every three years. And ProTraining is designed to have a refresher every three years.

The last recommendation in the set under "Addressing mental health and substance abuse issues" is also very vague: "Recommendation 3: Establish policies for mental health teams."

What's really needed, to reduce the disastrous use of force outcomes that have been occurring, is policy specifically addressing handling of resistant people with mental health and substance abuse issues. MPD has policy for dealing with mentally ill subjects (e.g. to help guide officers in assessing whether someone needs treatment). But specific policy to prevent tragic use of force outcomes with resistant mentally ill subjects is completely lacking. It's crucial that policy gap be rectified.

Some language from an early policy draft Chris Taylor's office was working on a few months ago:

*"Emotional Disturbances: Treat the arrest of a subject exhibiting symptoms of a drug-induced psychosis or a psychotic episode as a medical emergency.<sup>1</sup> Adopt NYPD approach to these situations.<sup>2</sup> 1. Based on Dallas PD*

*language: <http://static1.squarespace.com/static/56996151cbced68b170389f4/t/569ad58a0e4c1148e6b1079b/1452987794280/Dallas+Use+of+Force+Policy.pdf> 2. <http://www.nyc.gov/html/ccrb/downloads/pdf/2016pg/pg221-13-mentally-ill-emotionally-disturbed-persons.pdf> "*

Here's some alternative draft language for "**Addressing mental health and substance abuse issues**"

**Issue: The vast majority of officer-involved shootings in the last decade in the City of Madison have involved a person with a mental health issue or intoxication.**

**Recommendation 1: Increase the level of training for officers to interact with people experiencing a mental health crisis or intoxication. Specifically:**

**a. Increase training with mental health training systems that are evidence based and designed to alter behavior of officers to reduce use of force and improve the quality of interactions. [alternative language for this point: Incorporate use of the ProTraining mental health training system, given its evidence of efficacy in improving outcomes.]**

**b. Provide mental health training to all officers.**

**c. Provide periodic refresher training to all officers.**

**Recommendation 2: Hire social workers who have expertise in mental health and substance abuse issues to work with officers in every district on every shift.**

**Recommendation 3: Develop specific policy for responding to, and averting adverse outcomes with, resistant subjects with mental health or substance abuse issues. Adopt James Fyfe's Principles and NYPD's approach for such situations. Treat the arrest of a subject exhibiting symptoms of a drug-induced psychosis or a psychotic episode as a medical emergency.**

2. The "Use of Force" recommendations also need modification. It's not correct that MPD currently has none of these provisions in its policy. Moreover, the current draft language is too vague. Furthermore, the "backup" provision (currently recommendation 2 in this set) would be unrealistic in practice. 7 feet doesn't account for needed reaction time. There's a valid idea that officers should wait for backup before engaging. There's a valid idea that the threshold for use of deadly force should be "immediate threat" rather than the less restrictive "imminent threat" (which MPD currently uses). Though it's internally inconsistent, since both terms are used in the recommendation. It's not viable as written.

Here's alternative language for this section. I've removed language about waiting for backup – it can be addressed elsewhere.

**Use of Force Policies "Issue: The Madison Police Department Use of Force Policies do not include precautionary principles which reduce the likelihood of adverse outcomes and which are contained in similar policies from other police departments. Recommendation: The Council will direct the Chief of Police to incorporate the following precautionary principles, as identified by Rep. Chris Taylor, into the MPD Use of Force and Use of Deadly Force policies:**

- 1. Duty to Preserve Life: The primary duty of all members of the service is to preserve human life, including the lives of individuals being placed in police custody.**
- 2. Necessity: Deadly force should only be used as a last resort. The necessity to use deadly force arises when all other available means of preventing immediate and grave danger to officers or other persons have failed or would be likely to fail.**
- 3. Proportionality: It is this department's policy to accomplish the police mission with the cooperation of the public, with minimum reliance upon the use of physical force. When force is needed, the force used shall be in proportion to the threat posed.**
- 4. Reassessment: Officers shall reassess the situation after each discharge of their firearm.**
- 5. Totality of officer conduct: The reasonableness of an officer's use of force includes consideration of the officer's tactical conduct and decisions leading up to the use of force. Police officers shall ensure their actions do not precipitate the use of deadly force by placing themselves or others in jeopardy by taking unnecessary, overly aggressive, or improper actions. It is often a tactically superior police procedure to withdraw, take cover or reposition, rather than the immediate use of force.**
- 6. Immediate threat: Deadly force is only authorized if the threat is immediate. A threshold of "immediate threat" reflects language in United States Supreme Court decisions. The latest model use of force policy published by the International Association of Chiefs of Police eliminates the term "imminent". In addition, the following precautionary principles, which are addressed elsewhere in MPD policy, should be explicitly referenced in the MPD Use of Force and Use of Deadly**



## **Force Policies.**

- 7. De-escalation: De-escalation tactics and techniques are actions used by officers which seek to minimize the likelihood of the need to use force during an incident. Officers shall attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution. 8. Duty to Intercede: Officers have a duty to intercede to stop other officers who are using excessive force and report them to a supervisor.**

3. "Safety in Numbers" states "MPD policy should state that two officers should be working together if at all possible." Though the motive behind this is good (and indeed I think it's important to wait for backup before approaching situations), mandating that everything (patrol, etc.) be done in pairs would decrease coverage and exponentially increase political pressure to hire many more officers (at the expense of other essential city services). Moreover, former Chief David Couper strongly sees such a practice as bad policy because if cops are always in pairs, they'll be talking to each other rather than to residents. One illustration of this problem can be seen in what's happening with MPD's "Community Policing Teams" – MPD converted most Neighborhood Officer positions into Community Policing Team positions, to the great detriment of its community policing efforts.

I am strongly opposed to this policy recommendation. However, the valid idea behind it is worth noting. Richmond CA greatly decreased its rate of officer involved shootings, and that department believes one key to this was a shift in training in policy to emphasize the need to wait for backups before engaging. MPD now has a policy provision that specifies that officers should wait for backup before engaging.

MPD implemented a policy requiring that officers wait for backup, but then subsequently weakened the policy (i.e. under the newest policy, you can't just disregard backup, but there's no longer language really requiring officers to wait for backup before physically approaching).

On Nov 16 the key passage in dispatch policy was changed from this:

*"Officers shall not disregard backup, if so assigned by dispatch. Additionally, officers shall wait for backup before physically approaching any involved subject(s), unless an officer reasonably believes there is a significant risk of bodily injury to any person(s)."*

to this:

*"Officers shall not disregard backup, if so assigned by dispatch, prior to arrival at the scene and assessment of the situation."*

Simply verbally acknowledging the backup officer over radio (prior to arrival at the scene), then proceeding to physically approach the subject alone, would appear to satisfy the newest policy.

For the "Safety in Numbers" section, you may wish to recommend that MPD revert to its original (more restrictive) backup policy. Of course, some people may complain – why is a responding officer just standing around and not doing anything. But the benefit, in reducing adverse outcomes, may be substantial.

Potential alternative language for the "**Safety in Numbers**" section:

**Issue: Officers are at higher risk, and may be more likely to use deadly force because**

**of that risk, when they engage alone in a situation in which there may potentially be a resistant subject.**

**Recommendation: Training and policy should strongly emphasize waiting for backup, rather than engaging alone. Policy should specify that officers shall wait for backup before physically approaching any involved subject(s), unless an officer reasonably believes there is a substantial risk of bodily injury to any person(s).**

4. I've previously noted other potential recommendations (e.g. implementing a predictive early intervention system, on top of the IAPro system, by collaborating with University of Chicago's Data Science for Social Good program). I sent you all a compilation of some potential recommendation on 3/1/2017.

One potential recommendation of particular merit that I'd like to again point out. The Police Executive Research Forum (the premier U.S. policing think tank) has developed a wonderful set of guidelines for reducing the number of deadly force incidents.

Last week, Herman Goldstein (the internationally famous originator of Problem Oriented Policing – a Professor Emeritus at UW Law School, who happens to live right here in Madison) and Cecelia Klingele (also of UW Law School) provided testimony to the Ad Hoc Police Review Committee. One point that was emphasized was, that if there's only one thing committee members should read in full, it should be PERF's 30 Guiding Principles on Use of Force. I've attached a copy to this e-mail.

A potential recommendation:

**Issue: The rate of officer involved shootings has been increasing in Madison over the last two decades. Very few of these incidents involve an active shooter. The Police Executive Research Forum has developed a set of 30 principles to provide officers with guidance and options, and to reduce unnecessary uses of force in situations that do not involve suspects armed with firearms. Recommendation: The Council will direct the Chief of Police to implement in full the Police Executive Research Forum's Guiding Principles on Use of Force.**

5. I don't have much to add at this point regarding the "Oversight of Internal Investigations" and "Communication with City Council" recommendations in your draft. They both seem appropriate. Perhaps you may wish to add a bit more detail to the "Oversight of Internal Investigations" recommendation.

Sincerely,

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Nate Royko Maurer  
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