

**From:** Charles James <cjjames@wisc.edu>  
**Sent:** Sunday, February 28, 2021 10:42 AM  
**To:** All Alders; Rhodes-Conway, Satya V.  
**Subject:** Tuesday's meeting

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Mayor Satya Rhodes-Conway,  
Alders on the Common Council

March 1, 2021

Dear Mayor Rhodes-Conway,

Dear Alders,

I recently wrote to you about the topic of body-worn cameras (BWCs). I started with the statement: I don't understand.

Now I'm writing to you about the topic of tear gas. I'm starting again with: I don't understand.

I know what tear gas smells like, if "smell" is the correct word. In the 1970s, at the height of protests against the Vietnam War, I "smelled" tear gas several times. It was not pleasant. However, since then I have rarely heard of tear gas being used on a regular or random basis. In Madison it has been used fewer than a dozen times in the last 30 years and only twice for crowd control. There are strict guidelines in place as to who is authorized to use it and when. Here is what I know about the issue as it applies to the Madison Police Department.

The MPD has managed hundreds of protests without having to resort to tear gas. It is important, however, to have that option, but with the following observations. Tear gas is used where behavior escalates to include significant violence, looting, or property damage. Tear gas deployment in these situations is typically accompanied by the declaration of an unlawful assembly, which is defined as an assembly which causes such a disturbance of public order that it is reasonable to believe that it will cause injury to persons or damage to property unless it is immediately dispersed. Before tear gas is deployed in a crowd control context, standard operating procedure is to give a public notice of unlawful assembly over a loudspeaker, and an opportunity to disperse whenever possible.

In addition, tear gas use is limited to SWAT and Special Events Teams (SET). It is not available to regular patrol officers. Officer involved in any use of force involving any device or chemical agent must submit a report of why, how, and how much of it was used. These reports are public record.

Again, I don't understand why this is an issue. Tear gas is just one of many tools the MPD has at its disposal to deal with extreme situations which, again, very rarely occur. There are mechanisms in place to make sure that it and the other instruments available to the MPD are not abused.

Respectfully,

Charles J. James  
Westmorland (District 11)

Veldran, Lisa

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**From:** Elizabeth Falkos <bdjfalkos@hotmail.com>  
**Sent:** Sunday, February 28, 2021 1:26 PM  
**To:** Mayor; All Alders; Furman, Keith  
**Subject:** Vote To Accept MPD Tear Gas Report

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders:

Please accept the tear gas report submitted by the MPD.

It seems ridiculous to me to ask for a report and then not accept it. It is a report, not a policy. The MPD put a lot of time and energy into doing the report as asked. Accept it.

If you are considering banning tear gas, I oppose that.

In Madison, tear gas has been used carefully and rarely in dire circumstances by trained professionals using careful protocols.

The affects are harsh on individuals, but it is a non-lethal tool of last resort needed in some situations. Individuals have the option of listening to warnings to cease and desist and step away to avoid exposure.

Cities who have banned tear gas have had negative repercussions. In an emergency, other agencies are unwilling to come to aid due to their officers being put in harm's way. This happened in Milwaukee in preparation for the Democratic National Convention last summer. If the MPD is to be prepared to keep all of us safe, they need policies in place to prepare for rare, but possible large-scale emergencies.

If we continue to allow people to destroy tax-generating businesses, the city will be hurting down the road on income and tourism. Note: State Street area restaurants, services, and hotels. Many of these businesses are owned and run by people from minority groups. State Street is devastated now with so many businesses shuttered. It looks and feels very unappealing for people to gather, shop, or eat out.

The history of discrimination and abuse against people of color in this country is shocking and wrong, but is not a reason to hyper manage and limit the functioning of a leading-edge police department here in Madison. I see that the leadership of the MPD is willing to learn and grow and adapt to the needs of the community. We are damaging our city if we let a small group of activists with radical ideas take over in small steps. Yes, we need more social programs and equity. Yes, we need more businesses run by BIPOC. And, we need a well-funded and reasonably managed police department. In my opinion, the amount of oversight and the number of committees the MPD needs to report to is out of hand.

Simply put, accept the tear gas report, don't ban the MPD from using tear gas in a serious situation, and let's move on.

Thank you, Beth Falkos  
District 19

Veldran, Lisa

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**From:** Kathy McComb <kamccomb@tds.net>  
**Sent:** Sunday, February 28, 2021 5:05 PM  
**To:** All Alders  
**Cc:** Mayor  
**Subject:** Acceptance of MPD Tear Gas Report

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Dear Alders,

Last Tuesday, I spoke out for the first time at the CCEC meeting.

As I listened to others, I was appalled at the disrespect and vulgarity that I heard. Yes I know freedom of speech.

So I am writing to you with respect that you will also listen to my voice.

Please Accept the tear gas report that was submitted by the MPD.

Thank you.

Kathy McComb  
14 Winterset Circle  
53717

Veldran, Lisa

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**From:** George and Patricia Silverwood <psilver4414@gmail.com>  
**Sent:** Sunday, February 28, 2021 4:23 PM  
**To:** All Alders  
**Subject:** tear gas report  
**Attachments:** Common Council letter.docx

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Last August, I sent you a discussion regarding a potential tear gas ban which I am, again, attaching given the passage of time and the agenda item set for this Tuesday. It is an account of my crowd management experience and, specifically, my decision to order use of tear gas because of the Halloween riot in 2002.

The last paragraph also discussed the potential threat of violent activity by radical right wing groups. The events on January 6th certainly confirmed that threat as a reality. With Madison's position as State Capitol, it seems fairly likely that rallies with potential problems could occur here in the future. As one example, in the late 1990's we were fortunate that the Klan decided to cancel a rally.

Please do not leave the Police Department, your City employees, and the City at large without options.

Capt. George Silverwood (ret)

To: Public Safety Review Committee and Mayor's Office

Subject: Proposed tear gas ban

I retired in 2004 after serving 32 years with the Madison Police Department (MPD). During that period I had partial or overall responsibility for crowd management at numerous protests, strikes, large public parties and other events. Included among them were several Mifflin St. block parties, as well as numerous State St. Halloween gatherings. Two of the latter reached an estimated attendance of 100,000.

In 2002, I shared command responsibility for the Halloween gathering that turned violent. Eight officers were struck by concrete blocks and bottles. A crowd surrounded the officers and firefighters aiding an injured person in the 500 block of State St. Bottles and other debris were also hurled at the victim and those coming to his aid. Similar confrontations continued up to bar time when the crowd started smashing windows. At that point, supplies of pepper spray had been depleted and I approved the use of tear gas (CS) which ended the event. Had I not done so, it is likely that significantly more property damage and injuries would have occurred. The crowd was highly intoxicated and not subject to other crowd control measures. A number were from out of the area without any ties to the community.

In the current discussion, arguments have been made that use of CS is a health threat to individuals. The research is mixed on that subject, particularly in the case of otherwise healthy individuals. For example, police and military personnel are routinely exposed to CS as part of their training. However, there is no question that rocks and bottles can injure and perhaps even disable officers who are struck. No one wants peaceful protesters to be exposed to CS. The difference is that officers do not have the option to leave when an event starts to become violent while peaceful individuals do. In fact, by staying, they become part of the problem. It allows the individuals intent on violence to hide in the larger crowd.

The Molotov cocktail recently thrown into the City County Building is an example of how crowd behavior can escalate. Little attention has been given to the fact that dozens of jail residents, deputies, and other personnel could have been incinerated had the fire not been quickly extinguished. Firefighters would also have been at risk in responding to a larger fire, not only from the fire itself, but potentially from a hostile crowd. The Common Council and Mayor not only have a responsibility to protect their constituents but also to insure the safety of City employees.

Use of tear gas is often not a sound tactical strategy as evidenced by its rare use in Madison over the years. However, to remove it as an option endangers your employees and potentially other community members living or working in affected areas. It could also serve as an invitation to those outside the community who want to engage in violent behavior. Given the current National atmosphere, the next activity could just as easily involve a radical right wing group. If a violent confrontation occurred, what options would MPD then have?

Captain George Silverwood (Ret)

Veldran, Lisa

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**From:** jillm@charter.net  
**Sent:** Sunday, February 28, 2021 7:28 PM  
**To:** Mayor; All Alders  
**Subject:** Please Accept the Madison Police Report

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Mayor and Alders,

Please vote to accept the Madison Police Department's tear gas report. Knowing that tear gas could be used if a civil protest got dangerous or destructive actually makes it a deterrent for those wishing to engage in bad behavior during a peaceful protest. Our police department uses tear gas very sparingly. Please do not take away this option for extreme situations.

Thank you.

Jill McKinley - District 11

Veldran, Lisa

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**From:** wreichel@charter.net  
**Sent:** Sunday, February 28, 2021 7:47 PM  
**To:** All Alders; Mayor  
**Subject:** RE: Tear Gas Report and Ban

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Dear Mayor and alders,

Because we have no idea what the next threat to public safety will be or how it will unfold, and because there are currently no favorable alternatives to tear gas for when chaotic violence and destruction break out, please ensure our police department can continue to keep this tool as a last resort.

Please accept the MPD's tear gas report and reject any new proposals to ban tear gas.

Thank you!

Wendy Reichel  
District 10



**From:** Bonnie Roe <bonnie.roe@gmail.com>  
**Sent:** Tuesday, March 02, 2021 9:14 AM  
**To:** Mayor; Bottari, Mary; All Alders; Henak, Zachary  
**Cc:** Wahl, Victor  
**Subject:** Please Accept MPD's Tear Gas Report  
**Attachments:** CaseReportSupp6220.pdf

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Mayor, Mayor's Chief of Staff, and Alders,

The insurrection at our Nation's Capitol in Washington, D.C. on January 6 paints a picture of why we need tear gas. Violent rioters showed up to do calculated violence. The police were overpowered by an unruly mob and the Capitol breached while lawmakers were certifying election results.

This isn't about using tear gas against peaceful protestors exercising their first amendment rights. Our police department has successfully staffed hundreds of those without tear gas. The conversation we need to have is what happens when every other means of de-escalation has failed and a crowd, or elements within a crowd, of people is bent on causing violence and destruction. The report shows this has not happened frequently in our City. Of hundreds of protests carried out in 2020, only a few had elements that got out of control. What do we want our police to do then? We need to be practical and realistic. There needs to be an effort to understand the tools needed. Police officers can't do the jobs we pay them to do while being pelted with water bottles, baseball-sized rocks and chunks of concrete and their squads burning in our streets. They cannot be left defenseless or with nothing but lethal force. For all residents to thrive, we need peace on our streets.

Some cities that recently banned tear gas have walked those back to restrictions instead of outright bans. Restrictions that we already have in place here through Standard Operating Procedures. Tear gas should be a tool of last resort, it should have restrictions and oversight. But CS is a better option for dealing with a large-scale, violent crowd than having our Officers go hands on with residents or have to resort to closer in or more lethal options. I worry that a knee-jerk reaction to a couple incidents will put our residents, our business owners, and our officers in a dangerous place.

Tear gas is unpleasant, and it's why it works. The report shows how sparingly it has been used by our MPD over the past 30 years. Nine times in extracting a barricaded subject posing a threat to self or others, and twice for crowd control.

Supplemental reports like the one attached show with what care, limits, professionalism and oversight these tools are used. It's used only when circumstances have taken a dangerous turn and lives and safety are at stake, and/or significant property damage is imminent or has taken place. It is used after an unlawful assembly is declared and an opportunity to willfully disperse, when possible. It is in direct response to public outcry for less-lethal options, as stated in the ad hoc recommendations, specifically #127.

Please accept MPD's tear gas report and use it as evidence of why an outright ban on tear gas is unnecessary and counterproductive.

Thank you,

Bonnie Roe  
District 10  
608-239-1748



██████████ - SET ACTIONS



## MADISON POLICE DEPARTMENT

CASE# 2020-00191347

## CASE REPORT SUPPLEMENT

REPORTING OFFICER

REPORT DATE

06/02/2020

## SUPPLEMENTAL NARRATIVE

Saturday, 06/02/2020

On Saturday, 06/02/2020, starting at approximately 8:00pm, I was assigned to the Special Events Team (SET) and operating in my capacity as the Grenadier Commander. I was assigned ██████████ to assist in duties consisting of gathering grenadier munitions and supplies, water, respirator protection equipment, and other supplies that may be needed to assist SET. I and ██████████ also self-deployed to numerous high-risk incidents to assisting in resupply, command, or grenadier tasks.

I have been a Madison Police Officer for over 21 years. I have been a member of Special Events Team for approximately 18 years. I have been a grenadier, grenadier supervisor/sergeant, or the grenadier commander for approximately the last 15 years. I have attended training presented on the use of chemical (CS), OC and Impact, munitions presented by both the FBI and Defense Technologies. I have numerous training deployments on all munitions utilized by the SET Grenadier Team. I have presented and conducted trainings for MPD Grenadiers and oversee all purchasing and munition selections. I was part of the team that wrote and finalized the SOP on SET Grenadiers. During the course of my service on SET, I have participated in numerous deployments on SET for crowd management and control, to include nearly every Halloween and Mifflin St block party for the last 18 years. As a grenadier and grenadier supervisor, I have had every tool and munition available for that entire period as those utilized by MPD currently. During all of those events, only during the Halloween riots in the early 2000's were chemical munitions and OC utilized by MPD grenadiers. I have advised outside agencies on the use, tactics, and consideration when utilizing grenadiers and chemical/OC munitions. I have never seen the level of property damage, projectiles directed at officers, injuries to officers, and open anger or aggression toward MPD personnel as I have witnessed since Saturday, 5/30, and through the writing of this report. My deployment, command, and supervision of impact, chemical/OC munitions have been consistent with my training and experience, as a direct result or response to violent or assaultive confrontations or to the degree that failure to utilize chemical/OC munitions would have made crowd management/control less safe for citizens and officers.

Upon our arrival in the State St area, I heard multiple reports of officers being targeted by projectiles and had reports of officers injured as a result. At one point, I heard officers at the intersection of State St and Johnson St advising that officers were receiving projectiles. Upon arrival, I advised ██████████ that 40mm eXact Impact sponge rounds were authorized if he observed individuals throwing dangerous projectiles at the officers in the area. After resupplying several of the grenadiers on scene, we left the area.

We then heard officers were continuing to be targeted with projectiles. As we arrived back on scene, I observed approximately 30 officers in the area and the crowd had grown in size. I also noted that Dispatch was advising that fires were being lit in the area and did see smoke begin to rise just behind the first several rows of protesters. The crowd consisted of approximately 50 or more protesters, and although they were verbally engaging officers, the majority of the crowd was maintaining a safe distance from the officers. I observed several projectiles land in the area around the officers and observed that most of these were fist-sized or larger pieces of concrete or rocks. Those choosing to engage in throwing projectiles typically did so at distance and behind the crowd that was peacefully protesting. Given the active fire, dangerous projectiles, unblocked traffic I made the determination that we were going to attempt to move the crowd out of the area of the fire until it could be extinguished. As no other Lieutenant or Commander was on scene, I assumed



## MADISON POLICE DEPARTMENT

CASE# 2020-00191347

## CASE REPORT SUPPLEMENT

REPORTING OFFICER

REPORT DATE

06/02/2020

## SUPPLEMENTAL NARRATIVE (continuation)

command and advised the group of officers on the line for Johnson/State, on the east-side of the intersection of our goals and not to attempt to move the crowd until I had an opportunity to give audible warnings. I then made at least 5 verbal warnings utilizing my squad PA system, advising the crowd that due to the fire and projectiles they would need to disperse. In addition, I advised that chemical munitions may be deployed and that the use of impact munitions could be used if projectiles continued to be thrown at the officers. As I was making these announcements, my vehicle was struck with no less than 3 heavy/hard projectiles thrown from the area of the parking lot adjacent to the church located on W Johnson St. Officers in the immediate area also reported additional projectiles. After my verbal warning, I observed a noticeable difference in the density of the crowd in question and that numerous persons were heading my warning to disperse from this immediate area. I observed the fire was still active, officers were keeping vehicle traffic from the crowd, and officers continued to receive projectiles; I made the determination to immediately move the crowd beyond the active fire and attempt to disperse those throwing projectiles at officers. I did not feel at any point officers could safely disengage without presenting an unreasonable risk to those occupying the roadway or to the officers. I retrieved a protectojet containing OC that disperses in an aerosolized fashion. I have had hundreds of reps deploying the protectojets in both training and crowd control situations. I am familiar with the effects of aerosolized OC/Pepper Spray and know that the effects are greatly diminished as soon as individuals move into areas of fresh air. Decon responsibilities or needs are greatly diminished for aerosolized OC, and I have never observed any individual or officer display injuries or lasting discomfort as a result of its use. I deployed the protectojet consistent with my training and noted an immediate effect on the group. The OC was not directed at any specific individual. This effect allowed the officers to begin to move the crowd back without physical confrontation. I directed the line to continue to move forward until the point that we were beyond the items that were actively burning. I utilized approximately 4 – 5 one-second bursts, and immediately ceased when I observed it have the desired effect of moving the crowd back away from the officers. Officers were then able to manually put most of the fire out. I observed approximately 8 – 10 plastic (petroleum-based) trash bins had been moved out in to the roadway, either to obstruct traffic or officers or to use as additional burning material. I then directed, and assisted in, moving those items towards the State St area so that when we moved the line back they would be behind our line and could not be used further by the crowd. At that point, I directed the line to move back towards State St, but maintain a position that we could safely block vehicle traffic and protect officers from additional projectiles.

I remained in command of this immediate area until my presence was no longer needed.

**Sunday, 6/1/2020**

On Sunday, 6/1/2020, I continued to serve in my capacity as the Grenadier Commander for the Special Events Team.

During our duties, I heard several radio transmissions from officers located at/near the intersection of N Pinkney and E Mifflin St, specifically by the "Old Fashion," a restaurant in that area. Officers described by "surrounded" by a hostile crowd, that one officer had been "punched in the face," and that they needed "immediate assistance." [REDACTED] and I responded to the area on Pinkney St from the area of E Washington Ave. I could see a crowd of approximately several hundred persons densely convened in the area directly in front of the "Old Fashion" restaurant. I have received no information that the officers that had been surrounded were out of harm's way, or that the violent behavior towards them had ceased. In my 21-year



## MADISON POLICE DEPARTMENT

CASE 2020-00191347

## CASE REPORT SUPPLEMENT

REPORTING OFFICER

REPORT DATE

06/02/2020

## SUPPLEMENTAL NARRATIVE (continuation)

experience, I have never been involved in a situation that more clearly presented an immediate and escalating risk to officers, or the potential for escalating use of force by those officers that had described themselves as being surrounded. I immediately exited my vehicle and deployed a CS 'Spede-Heat' canister towards the crowd. I observed the canister successfully deploy and immediately deployed a second to provide additional CS coverage to the area. I believe one of the canisters had been picked up and thrown back in our general direction, however, the CS deployment from the canister continued and wind-conditions allowed for the CS to continue to drift into the desired area. As the crowd dispersed and to allow for the CS coverage to prevent the crowd from re-convening in that immediate area, I threw a third canister into the area of the capitol lawn to provide a wider corridor of CS coverage. As the CS dispersed, I could see that the vast majority of the crowd had dispersed, that the officers appeared to be out of imminent threat, and that only non-violent or confrontational citizens were remaining in the area.

During my training and experience highlighted earlier in my report, I have deployed no less than 50 CS canisters. I have been exposed to CS gas on no less than a dozen occasions. I know the effects of CS, or tear-gas, are immediately and significantly reduced as soon as individuals find themselves in fresh air. I know the effects to be generally mild, causing irritation to the mucus membranes and eyes, and have no lasting effect. In my career, I was aware of only 1 other situation requiring the use of CS, and that was the first Halloween riot in early 2000s.

As part of this continuing event, I became aware that a line was being formed on Wisconsin Ave to attempt to move the crowd to the State St area. [REDACTED] and I proceeded to that area to provide any assistance we could. I also heard on the radio that officers were continuing to receive projectiles in this area. As we arrived, we followed the line of officers in my vehicle until the line stopped near the intersection with Dayton St. As I approached the line, I observed that the crowd of several hundred were situated generally across the street on Wisconsin Ave. I observed several projectiles land near me and observed them to be approximately baseball-sized rocks or concrete. At that time [REDACTED] approached me and said he had been struck in the head/helmet area and it felt like he was "bleeding from the head." I continued to see and hear projectiles in the immediate area of officers. I felt that to effectively move the crowd back away from officers, continue to disperse the crowd and move those who would throw projectiles at officers at a greater distance, I deployed 4 40mm Skat CS rounds. Skat CS rounds are 40mm canisters that contain 4 mini-canisters of CS. These mini-canisters are about the size/weight of tealight candles and dispense a relatively small amount of CS. The Skat rounds can be safely 'direct fired' at individuals without causing serious injury. However, consistent with our training, the Skat rounds were "skip fired" at the crowd, meaning they are directed to impact approximately 10-15 feet in front of the crowd; if they are to strike anyone directly, they would do so generally in the shin area. This skip fire also allows a great deal of the energy to be dispersed before they reach the crowd. All for rounds were fired to different areas of the crowd. The report of the deployment and CS immediately dispersed the crowd and caused the vast majority of projectile throwing to cease. I did not observe any of the mini-canisters directly impact anyone, and I did not fire any of the Skat rounds with the intent of targeting any one individual. As soon as I observed the crowd dispersing, I ceased any other deployments of the Skat rounds. In my experience, the Skat round was the proper munition to use in this situation, had the immediate and desired effect, had no adverse impact on any of the crowd members, and did not cause and injuries. For the remainder of the evening, I continued to accompany several different clearing elements, but took no additional direct action or force.



## MADISON POLICE DEPARTMENT

CASE# 2020-00191347

## CASE REPORT SUPPLEMENT

REPORTING OFFICER

REPORT DATE

06/02/2020

## SUPPLEMENTAL NARRATIVE (continuation)

**Monday, 6/2/2020**

On Monday, 6/2/2020, I was assigned to lead the primary clearing element down State St. Prior to moving, we had been advised that subjects had been observed attempting to light "Molotov Cocktails," several reports of assaults involving bats, golf clubs, 2x4s and a "pry bar", in the general State St area. I formed a clearing team on Carroll St at W Washington. I had personnel from Madison PD, Dane Co Sheriff, State Patrol, Columbia Co Sheriff, Sauk County Sheriff, and National Guard. I advised the clearing teams of my decision to bypass the protesters at the top of State St and the Capitol Square as they appeared to be peacefully gathered and only verbally engaging officers from a distance. I was contacted by an approximately 25-year-old female who advised me she was one of the organizers of the protest and that she wanted to borrow my bullhorn to advise the people with her protest that their protest activity was over, they should go home, and that if they remained in the area, they could be arrested. I advised her we had no intention of clearing those gathered with the officers involved and thanked us repeatedly for allowing them to gather and leave without police involvement.

I did make several attempts to make a verbal announcement for those who had gathered, however, was advised by the officers immediately in our group that the bullhorn was not transmitting loud enough to be heard. I made several attempts, attempted to adjust the settings, removed my gasmask to speak directly into the microphone, but nothing was successful. I instructed the combined team to begin moving down State St. As we reached the 100 block of State St, I could see approximately 20 persons directly in front of us and could see, hear and had reported to me, projectiles falling in the immediate area of officers. I requested permission to use "gas" to move the crowd away from us and was advised by the CP to attempt verbal warnings first. I again tried to do so without success. I continued to have the teams moving forward, however, we continued to be assaulted with projectiles. At this point, officers had not deployed any gas, impact, or chemical munitions. We had not arrested anyone, nor come into physical contact with anyone. I again asked permission from the CP to deploy gas to move the crowd away from us to avoid physical confrontations with the crowd. We were repeatedly advised by the CP that additional damage was occurring down State St and to expedite our response. I felt that if we moved faster, we would have caught those in the immediate area and the likelihood of physical force would have increased greatly. Shortly after my second request to deploy gas, I was advised by the CP that we could deploy gas if we had attempted to give verbal warnings, which I had on at least 10 occasions. At that point, I observed several grenadiers within the various teams deploy different gas munitions. This had an immediate impact, and I felt that deployment of gas stopped nearly immediately after the crowd began to disperse. We were then able to deploy all the way to the 500-600 blocks of State St without significant interference. During this deployment, I made the determination to have the National Guard serve as our rear-guard, believing that not many people would remain in the State St area. However, once we began to move away from the intersection of State St and Gilman St, with the National Guard remaining, it was clear that crowds were confronting them. I advised [REDACTED] to join the National Guard and provide any assistance needed. Once the 500-600 blocks of State St were secure, we made another small move to the also secure the 400 block of State St.

I was then requested by the CP to have officers move to the area of Riley's Liquor as looting was being reported. I moved a small team to that area as well.

I had units continue to secure these areas until they were relieved by the CP.



**MADISON POLICE DEPARTMENT**

**CASE# 2020-00191347**

**CASE REPORT SUPPLEMENT**

REPORTING OFFICER

[REDACTED]

REPORT DATE

06/02/2020

**SUPPLEMENTAL NARRATIVE (continuation)**

NFA  
[REDACTED]

djt

**From:** Nicholas Davies <nbdavies@gmail.com>  
**Sent:** Monday, March 01, 2021 11:23 PM  
**To:** All Alders  
**Subject:** 63561 - Place on file and reintroduce a tear gas ban

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear alders,

When you passed item 61265 last fall, you tasked Madison Police with giving you a report of the impact and justification of their tear gas usage, and a study of the pros and cons of possible alternatives. This is in the original resolution.

Madison PD had an opportunity to complete that report with honesty and integrity. Instead, the report is dismissive of weighing alternatives. It only reiterates the department's previous justifications for their tear gas usage. You're expected to buy into the reasoning that "we wouldn't have used it if it wasn't necessary, so it must have been necessary".

Item 61265 specifically called for a record of the amounts used and estimated people impacted. The report doesn't include these things. MPD made no attempt to account for who their chemical weapons affected or how they were affected. Unfortunately, this "CYA" attitude of self-absolution, and their disinterest in Madisonians' health and safety, are the very things that breed civilian distrust in our department and spur on the police abolition movement.

This report also fails to justify the unjust status quo. MPD claims that it uses tear gas in "barricaded" situations to coerce a subject to come out and surrender. How someone is supposed to follow instructions while vomiting, choking, unable to see, I don't know. Sure enough, in 2/3rds of the "barricaded" incidents listed in this report, tear gas didn't have that (allegedly) intended effect.

In some of these incidents, the gas was also inflicted upon innocent victims trapped inside the barricaded area. MPD doesn't acknowledge this as a problem. The report also doesn't account for whether these barricaded areas shared ventilation with other residences where other innocent people could have been affected. We just don't know, because it isn't something MPD considers when deciding whether to use these weapons, or when reporting on the usage afterward.

MPD's report also doesn't acknowledge how tear gas escalates tense crowd situations, putting police themselves in greater danger, for no good reason. It doesn't mention how it reduces visibility at a time when visibility is crucially needed, how it impairs actual policework when a theft has just occurred, or how the flying canisters themselves can cause the kind of broken glass protesters can get blamed for.

Tear gas is counterproductive in these situations, as we all saw so clearly on June 2. After a weekend of destructive police escalation, this Council bravely told police to stand down that night, and unlike on previous nights, the protest wound down peacefully on its own.

But the ineffectiveness of these weapons at their stated purposes is ultimately beside the point...

The fact remains that tear gas can cause ocular damage, forced abortion, transmission of deadly disease, and even death, particularly for people with asthma. People like my partner.

If it weren't for COVID, I would have been out in the streets myself, demonstrating for the value of Black lives that our justice system takes for granted. My partner likely would've joined me. In a strange way, maybe we have COVID to thank for her being alive today. But COVID won't always be there to save us. We can't let the status quo continue until it takes a life.



It doesn't matter if someone is committing misdemeanor theft or property damage, or exercising their First Amendment rights of speech and association, or if they're walking the dog, or playing guitar on the street corner, or covering breaking news, or at home in their apartment on the wrong street. None of these things justify that person's suffering, their loss of a pregnancy, their permanently impaired vision, their long-term reduced lung capacity, let alone their death.

In their Use of Force reports, officers who use foam rounds for example specify who they targeted and why. With tear gas, they don't. There is no individual target because tear gas can't target an individual. Once they release it, they have literally no control over who it impacts. This is also what makes it effectively impossible to redress.

Last August, Dane County officers used tear gas despite having no authorization to do so from the chain of command. This is all public knowledge. Acting Chief Wahl himself mentioned it in a press briefing. Yet there have been no criminal charges for those wrongfully assaulted in the incident. There have been no firings. Why not? Because tear gas makes it effectively impossible to hold their attacker accountable.

The fact that this can happen with other departments, in violation of Madison SOPs, is why the ban must be Madison ordinance. This isn't just about MPD, it's about what we want to be allowed in our city, by any of the departments with overlapping jurisdiction.

MPD has claimed that other departments might be hesitant to provide mutual aid if they'd have to leave their poison toys at home. Good! If another department's only interest in coming here is to inflict cruelty on Madison residents, then they should stay away!

Furthermore we shouldn't let other municipalities (where most our officers live, by the way) force our standards for our police in our community conform to some lowest common denominator.

Tear gas is banned from both military use and civilian use. Madison residents are just asking you to close the loophole that allows these barbaric weapons to still be used on us, our friends, our neighbors, and our leaders.

As last summer showed, it isn't a hypothetical. These weapons aren't gathering dust. Racist, violent policing continues to be a problem in this country. And our department has demonstrated that they respond to crimes occurring near protesters very, very differently depending on what the protest is about.

In its recommendations for this item, PSRC reaffirmed its support for a tear gas ban. In item 61265, as it was passed, you the Council said that you are "committed to support deescalation alternatives to tear gas". So join with PSRC on this.

Your resolution last October also said:

"Upon receiving this study [...] Madison Common Council will [...] use this information to determine whether to ban tear gas"

MPD's report includes no proposed changes to city ordinance, so let's be honest: it doesn't particularly matter how you vote on this item. Accepting the report, placing it on file, agreeing to the report, it's all effectively the same. It's just acknowledging receipt of the report--which some could say is overly generous, since MPD did not actually deliver the report you asked for. But your vote is merely symbolic.

The real task before you--that you have given yourselves--is to put forward and evaluate a tear gas ban. And sure, weigh this flimsy report when you debate that ban. But you don't need me to tell you what to do here. You already told yourselves what to do.

Please get this done, and quickly. Make it easy for those of us who won't rest until this is done. Make it easy for those of you facing challengers in the April election, challengers who might otherwise claim to be the true progressive in your district. Get this done for the thousands of people who shouldn't have their right to protest this summer and beyond chilled by the threat of unprovoked chemical attacks from our police.

We have all been waiting. There's no reason to keep delaying. I'm not going anywhere, unless I choke on my own vomit in the street. After all, it could happen to any of us.

Thank you,

Nick Davies  
3717 Richard St

Veldran, Lisa

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**From:** dreichel.soils@gmail.com  
**Sent:** Tuesday, March 02, 2021 12:10 PM  
**To:** All Alders; Mayor  
**Subject:** Tear Gas Report

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Mayor and Alders,

I am the operations manager for a property located downtown, one block off of State Street. Last summer during the height of the unrest we chose to relocate the building's residents because we could no longer guarantee their safety after seeing nearby buildings breached and fires burning in the streets. Having to oust people from their homes in the middle of a pandemic was a difficult decision for us to make. It is my opinion that the situation downtown may have gotten much worse if the police had not had the option to use tear gas to break up a growing riot so that first responders would be able to reach anyone who needed help.

Please vote to accept the tear gas report and please continue to allow the police department to have this option for use in extreme emergencies.

Thank you.

Duane Reichel

Veldran, Lisa

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**From:** judybl@tds.net  
**Sent:** Tuesday, March 02, 2021 2:12 PM  
**To:** Mayor; All Alders  
**Subject:** Accept the tear gas report submitted by MPD

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Mayor and alders,

The Madison Police Department needs to have options when large crowds get out of control and people and property are in danger.

As the MPD tear gas report shows, tear gas has been deployed very few times over the past 30 years, but its use has been critical to resolving high-risk incidents without injury and without the need for deadly force. A large, unmanaged crowd can become a threat to public safety in a hurry. Tear gas is still the best and safest tool MPD has to maintain safety and security for our residents.

Please accept MPD's Tear Gas Report.

Thank you,

Judy Bluel  
26 Oak Creek Trail

Veldran, Lisa

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**From:** paul schlech <pwsbubba@hotmail.com>  
**Sent:** Tuesday, March 02, 2021 2:31 PM  
**To:** Mayor; Bottari, Mary; All Alders  
**Subject:** RE: MPD Tear Gas Report

Caution: This email was sent from an external source. Avoid unknown links and attachments.

The MPD's Tear Gas Report not only answers all the questions you've asked of them, but strongly indicates why it is the best, and far more importantly, the **SAFEST**, tool in the limited situations that require its use.

Having been used a mere eleven (11) times over the last three (3) decades, and **only twice** in crowd control situations, it makes absolutely no sense to remove it as an option.

I emphatically implore you to support MPD by supplying them with the necessary tools and resources they need to continue to adequately and expeditiously discharge the taxpayer-funded duties of public safety, which they provide for **ALL THE RESIDENTS** of our Fair City.

Thank you,

Paul W. Schlecht  
4818 Sherwood Road  
Madison, WI 53711-1342

Veldran, Lisa

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**From:** Mike Thomsen <michaellthomsen@gmail.com>  
**Sent:** Tuesday, March 02, 2021 2:57 PM  
**To:** All Alders; Henak, Zachary; Mayor  
**Subject:** Accept the tear gas report and give Chief Barnes the tools necessary

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alder Henak and Colleagues, and Dear Mayor Satya

I urge you to accept the report on the use of tear gas. It is a non-lethal tool that Chief Barnes and our police department absolutely need when the peaceful protesters turn not-so-peaceful and refuse to obey as lawful dispersal order. Chief Barnes has asked for this tool. He needs it. Please, give it to him so that in the extreme case a violent crowd refuses to disperse, he can deal with them in a reasonable way.

Thank you for your attention.  
Mike Thomsen  
Madison, Wisc.

Veldran, Lisa

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**From:** Deb Wynne <debragwynne@yahoo.com>  
**Sent:** Tuesday, March 02, 2021 3:12 PM  
**To:** Mayor; All Alders  
**Subject:** MPD TEAR GAS REPORT

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Mayor and Alders,

Please accept the tear gas report requested and submitted by MPD. In it you will see how in the past 30 years, tear gas has been used only twice for crowd control purposes and 9 times to help safely extract a barricaded person who posed a threat to self and/or others. While use of CS by MPD has been infrequent, it has been and remains to be a critically important option for resolving certain high-risk incidents. A ban on tear gas would have far more negative consequences in these high-risk situations, putting resident's and officers' lives in potential danger.

After de-escalating being first and foremost, MPD must be able to utilize tear gas going forward. Please allow MPD to deploy tear gas in times of need and when absolutely necessary, as they have proven are the only times they choose to do so.

Thank you for your serious consideration,

Debra Wynne  
District 9

Veldran, Lisa

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**From:** Scott Roe <scottroe1@gmail.com>  
**Sent:** Tuesday, March 02, 2021 3:20 PM  
**To:** Mayor; Bottari, Mary; All Alders  
**Subject:** Please do consider the research on tear gas

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Madison city leaders,

How are you to able to make informed decisions, if you ignore well researched information?

How is the Police Department able to protect the people and property in our city if you withhold best practices and resources?

What alternative, safe means of crowd control do we have in those rare, but critical times when unruly agitators run havoc, destroying our community and threaten the lives of our good neighbors?

I would hope our community would never need to deploy CS. But it is foolish to remove that sometimes necessary option.

Please adopt or accept MPD's Tear Gas Report. It documents the use of CS over the past 30 years and shows the limited situations in which it is used.

Until a viable alternative is created, this tool should not be taken from our police department as it weighs out the balance between protecting first amendment rights and their duty to maintain public safety.

Thank you,

Scott Roe



Veldran, Lisa

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**From:** James Carney <jimpinkey@att.net>  
**Sent:** Tuesday, March 02, 2021 4:36 PM  
**To:** All Alders  
**Subject:** Tear gas in Madison

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Madison Alders:

I understand that today you are considering the Madison Police Department's Tear Gas Report. I urge you to accept it as the factual report it is and leave current police tear gas policy unchanged.

The use of tear gas can sometimes produce disturbing images of its misuse by police or military forces against legitimate, peaceful public protests. Like the cries "defund the police," we also hear demands to ban the use of tear gas. But we need police and defunding them entirely would leave society open to criminal enterprise and vigilante violence. Not a good way to deal with police abuses and all reasonable people understand that "defund the police" means finding better ways to support the police while also improving protections for minorities and the mentally unstable.

Similarly, demands to ban tear gas as a means of police crowd control would produce situations where the most effective means of dealing harmlessly with unruly crowds that are threatening the public weal was not allowed. This would leave law enforcement with an unsavory choice of allowing rampaging criminal behavior or resorting to more violent means of crowd control like rubber bullets, water cannons, or hand-to-hand fighting. Without the use of tear gas in Washington, DC, on January 6, 2021, rioting Trump supporters might not have been forced out of the U.S. Capitol before members of Congress had been harmed or even killed. For that matter, without the effective use of tear gas, many more of the rioters might have been killed in the effort to expel them by more violent means.

Weapons and tools can always be abused. The proper response to misuse is to correct that practice, not to ban the means used to express the unlawful behavior. We don't take pistols, night sticks, tasers and stun guns away from police forces despite their misuse by bad police officers to inappropriately and unnecessarily harm citizens. We should not restrict the proper use of tear gas either.

Thank you for consideration of these remarks.

James L. Carney  
5 Essex Ct  
Madison, WI 53713  
608-270-1266

**From:** Sheila Martin <sheila0725@sbcglobal.net>  
**Sent:** Tuesday, March 02, 2021 6:04 PM  
**To:** Mayor; All Alders  
**Cc:** Evers, Tag  
**Subject:** Fwd: Use of Tear Gas

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders and Mayor,

I am writing in support of the Council accepting the MPD report on use of tear gas. While we would all like to live in a utopian city that doesn't ever require this, there are very real safety events where it's an important tool in the tool box. It's my understanding that while the news typically only reports uses associated with crowd control, that that has only happened 2x in the past 30 years. In reality, it's primary use is in extracting dangerous, armed perpetrators from barricaded situations, which supports victims, neighbors' and officers' safety. While it's less commonly used as a crowd control mechanism, as events unraveled downtown last summer, and peaceful protests turned violent, this proved to be an important tool to keeping this dangerous, destructive crowd from inciting even further damage to our local businesses and causing harm to both their fellow citizens and police officers. While most of the protesters were demonstrating peacefully, there was a group that was clearly out of control. This sub-group devastated businesses, many of which were owned by minority families. These families have been unable to recover from this destruction, which is a huge loss to the entire community. State Street is now just a shell of the once vibrant, lively space it represented. Without appropriate tools to control this type of violence you open up Madison to further distress, destruction and violence, when what we need is healing and hope. One hopes that this tool will never be necessary again, but our large, diverse community relies on our officers having the support and resources necessary to keep us all safe in these infrequent, but violent, devastating circumstances.

Sincerely,  
Sheila Martin

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Veldran, Lisa

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**From:** Art Paul Schlosser <artpaulwritessongs@gmail.com>  
**Sent:** Tuesday, March 02, 2021 7:22 PM  
**To:** All Alders  
**Subject:** Re: Hi, I'm Art Paul about item 63561

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Tear gas isn't the greatest way to catch people especially when there are non crooks in the crowd.

I was very much caught off guard when the Police threw gas carelessly at everyone on State street.

I am not just talking about being hit myself but afterwards I talk to many others that were not wrecking things but got hit.

If there is a better alternative I would encourage the Police to use that or other more Peaceful means