



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Draft PUBLIC SAFETY REVIEW COMMITTEE

Tuesday, July 12, 2011

5:00 PM

City of Madison Police Department
211 South Carroll Street
Room - GR-22 (City County Building)
Central Community Room

CALL TO ORDER / ROLL CALL

Present: 6 -

Paul E. Skidmore; Tyrone W. Bell; Michael S. Scott; Chan M. Stroman;
Maurice S. Cheeks and Ald. Matthew J. Phair

Excused: 1 -

Ald. Jill Johnson

APPROVAL OF MINUTES

Alder Phair made a motion to approve the June 14, 2011 meeting minutes.
Tyrone Bell seconded the motion. The minutes were unanimously approved.

PUBLIC COMMENT

There was no public comment.

DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

UNFINISHED BUSINESS

2. [22805](#) Election of the Chair and Co-Chair of the Public Safety Review Committee

According to the ordinance this would be the last meeting that Chair Michael Scott, and Co-Chair Tyrone Bell would be allowed to attend as it would be more than 90 days beyond the expiration of their terms. Chair Scott said that the Committee is in need of a Chair and Vice-Chair. Alder Skidmore made a motion to open the nominations to elect a Chair of the PSRC. Alder Phair seconded the motion. The Committee voted unanimously to open nominations. Alder Skidmore nominated Chan Stroman for Chair of the PSRC. Chair Scott asked the Committee if there are any other nominations for Chair, and then asked again for the second time if there are any other nominations for Chair, and for the third time asked again if there are any other nominations for Chair. Alder Skidmore moved that the Committee close the nominations and cast a unanimous vote for Chan Stroman for Chair. Tyrone Bell seconded the motion. The Committee voted unanimously in favor of electing Chan Stroman to be the Chair of the Public Safety Review Committee. Alder Skidmore then

asked to open the nominations for Vice-Chair of the PSRC. Alder Phair seconded the motion. The Committee voted unanimously to open the nominations to elect a Vice-Chair. Alder Skidmore nominated Maurice Cheeks for Vice-Chair, Alder Phair seconded the motion. Chair Scott asked if there are any other nominations for Vice-Chair. And then re-asked if there are any other nominations for Vice-Chair, and then re-asked again if there are any other nominations for Vice-Chair. Alder Skidmore then moved that the Committee close the unanimous ballot for Vice-Chair. Chan Stroman seconded the motion. The committee voted unanimously in favor of closing the nominations. Maurice Cheeks was elected Vice-Chair of PSRC.

NEW BUSINESS

1. [22661](#) Creating new Sec. 8.19(3), renumbering current Sec. 8.19(3) to Sec. 8.19(4), repealing current Sec. 8.19(4), creating Sec. 8.24(1)(q), creating Sec. 8.30(2)(c), amending Sec. 8.31(4)(b), creating new Sec. 8.42(2), renumbering current Sec. 8.42(2) to Sec. 8.42(3), creating Sec. 23.05(4)(f), creating new Secs. 23.05(4)(e), 23.07(9) & (10), renumbering current Secs. 23.07(4) through (10), amending renumbered Sec. 23.07(12), creating Sec. 23.195, creating new Sec. 24.04(3)(c), renumbering current Sec. 24.04(3)(c) to (d) and Sec. 24.04(3)(d) to (e), respectively, creating Sec. 25.04, creating new Sec. 25.29(4), renumbering Secs. 25.29(4) & (5) to Secs. 25.29(5) & (6), respectively, and amending Sec. 1.08(3)(a) of the Madison General Ordinances to create ordinances that prohibit bringing animals, radio controlled toys, sound amplification devices and loaded firearms into the zoo. The ordinances prohibits harassing zoo animals, smoking, consuming alcohol, trespassing, feeding animals, bike riding, skateboarding, rollerblading and riding a scooter on zoo property. It establishes bail deposits for violations of the new ordinances.

Attachments: [Version 1](#)

Tyrone Bell made a motion for approval for discussion. Alder Skidmore seconded the motion.

Alder Skidmore questioned why the PSRC received this ordinance since the Zoo is actually a County facility. He mentioned that he did speak to a Captain of the Madison Police Department (MPD) who indicated that the Zoo is under the operational jurisdiction of Madison Police. Captain Wahl said that the Zoo is in the City of Madison and that MPD would have responsibility. Alder Skidmore felt that this was a systematic move so that concealed weapons are not carried into City controlled facilities and that he supports the ordinance. Chan Stroman mentioned to the group that she felt the description and the language in the ordinance is unclear as there is no distinction made between adults and minors and felt that the language is vague and questioned how it would be enforced. Chair Scott questioned if Madison Police would routinely patrol the Zoo grounds which makes him wonder how the ordinance would be enforced. Alder Phair suggested to re-refer the ordinance until another PSRC meeting to invite someone from the Zoo or the Sponsor of the ordinance to brief the Committee. Maurice Cheeks said that he was just visiting the Zoo and noticed that there are signs displayed that already indicate what the ordinance is asking to prohibit. Chair Scott mentioned that it would be nice to know what the underlying problem is. Tyrone Bell said that he would like to re-refer because the Committee is trying to interpret the ordinance. Alder Skidmore

mentioned if there is a drafter's analysis when Chair Scott read it over to the Committee. At this point Tyrone Bell felt that the ordinance was clear to him now as some of items listed seem pretty obvious to him. Alder Skidmore mentioned that it could be used as a tool for the Police Department to use and then said that he has an amendment on public nudity and if seconded he would like to explain for discussion purposes. Alder Phair said that he would second for discussion purposes. Alder Skidmore said that citizens can go anywhere naked unless specifically prohibited. Maurice Cheeks asked Captain Wahl whether nudity can still be someone who is nude in public that are behaving disorderly if they can be cited for disorderly conduct. Captain Wahl responded that the amendment to the indecency ordinance didn't change or take away disorderly conduct however he said that in certain instances it could. It would be the discretion of the Police Officer. Chair Scott said that those in favor of the amendment to include nudity to say aye and those who are not in favor of the amendment to say nay. Maurice Cheeks, Alder Phair, and Chan Stroman voted against the amendment. Tyrone Bell and Alder Skidmore voted in favor of the amendment. The motion failed. Alder Phair made a motion to re-refer item number 22661 to the next PSRC meeting to be able invite a member from the Zoo or the sponsor of the ordinance to speak on the ordinance. Chan Stroman seconded the motion. Chan Stroman, Matt Phair, and Maurice Cheeks voted in favor of re-referring the ordinance to the next PSRC meeting. Tyrone Bell and Alder Skidmore voted against re-referring. The motion carries.

Excused: 1 -
Ald. Johnson

Ayes: 3 -
Stroman; Cheeks and Ald. Phair

Noes: 2 -
Skidmore and Bell

Non Voting: 1 -
Scott

3. [23005](#) Repealing Section 38.12 and renumbering Section 38.13 to Section 38.12 to eliminate the prohibition of alcohol to habitually intoxicated persons, and amending Section 1.08(3)(a) of the Madison General Ordinances to repeal the bail deposit for such violation.

Alder Skidmore made a motion to not approve item number 23005. Alder Phair seconded the motion. Alder Skidmore asked Captain Wahl if the Police Department has a reaction to the ordinance. He said that the position of the Police Department is for the ordinance to stay on the books. He said that it actually has never been fully implemented as from the time that it has been passed it took some time internally to set up the procedure, identify people, and that the Alcohol Policy Coordinator position was vacant for a while. He said that the Police Department hasn't given a list of names to merchants to see if it works and whether it will be effective or not. Further, he mentioned that when it was first enacted that it wasn't a Police Department initiative, but also a number of other stakeholders to push the strategy. Chan Stroman said if the ordinance were repealed what the effect would be on the State Statute. Captain Wahl mentioned that there is a small core group that drives work downtown whether detox, conveyances, police calls, or disturbances and that in most cases it will put an officer out of service for 45 minutes to an hour and

over the course of the year that is a lot of police time. He said a new development is that the County is eliminating detox funding and it is very common now for detox to be full. Instead of officers taking an incapacitated person to detox they now go to an emergency room and spend hours at the hospital. He said the long-term impact on police staffing is pretty significant. He further said that with the budget and looking at next year all the potential impacts this could cause. Assistant Jim Keiken from the Madison Fire Department also mentioned that they work with the same individuals who demand ambulance assistance due to the patient being too intoxicated to go to detox. Instead, they go to the hospital which increases wait time for other people in the emergency department. The Committee unanimously voted against item number 23005.

4. [23022](#) Creating Section 23.55 of the Madison General Ordinances to prohibit being party to a retail theft.

Alder Skidmore made a motion to consolidate items number 23022, 23023, and 23024. Alder Phair seconded the motion. The Committee unanimously voted in favor of consolidating all three items.

Captain Wahl indicated that there are slight differences between 23022 and the other two ordinances - 23023 and 23024. He said the party to retail theft ordinance was enacted about fifteen years ago, prior to that it was a state crime. He said that the Police Department and the City Attorney's Office are seeing connecting behavior with people on retail thefts which are not captured in the retail theft ordinance. As an example this could be look-outs, assisting of removing a tag and handing it to the individual, and causing distractions. He said the City Attorney's Office has about one hundred cases a year that would qualify. He said the theft and battery ordinances have a little different origin. He said over the last couple of years the Police Department workload has increased and that the District Attorney's (DA) has lost grant positions primarily prosecutors. They have had to prioritize what they charge or don't charge and the Police Department has had to triage what they send to the DA's Office. Chair Scott said that he generally feels that the ordinances are good to create additional tools for the Police to use but that a big part on how they are enforced and used and how fairly they are used will depend on the Police Department policy. Depending on the Police Officers discretion could lead to a criminal conviction or a ticket. He said that is a pretty big gap and consequential differences. The group voted unanimously in favor of all three ordinances.

5. [23023](#) Creating Section 23.58 of the Madison General Ordinances to prohibit theft and amending Sec. 1.08(3)(a) to establish a bail deposit for a violation thereof.

See item number 23022 for details.

6. [23024](#) Creating Section 24.05 of the Madison General Ordinances to prohibit battery and amending Sec. 1.08(3)(a) to establish a bail deposit for a violation thereof.

This Ordinance was RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER

REPORTS

7. [23215](#) 911 Center Committee Update

Attachments: [911 Center Board Meeting Minutes from June 22, 2011.pdf](#)

Alder Skidmore, member of the 911 Center Board shared that intermedial items were discussed at the last meeting but that the Committee has some big items coming up. He said that the deadline for the inter-operable radio is approaching. He said that the County is going to have to do something and that a lot of money is going to be spent. Further, he said for the City it is a County decision and if they approve funding he said fifty-two percent of the system that is going to be purchased will be paid for by Madison residents who pay County tax. He also said that the County decided to hire Harris Corporation instead of Motorola which is a concern with Harris Corporation time delays that have happened in the past. He shared a little regarding the County budget. He said a staff person from the 911 Center is to come up with two budgets with a five and a ten percentage decrease. He said that if it were a five percent decrease that it would eliminate six positions from the 911 Center who take calls and a ten percent decrease it would be even greater. He said that this would publicize public safety. Alder Skidmore said that he would keep the Committee updated. Lastly, the Committee went over the 911 Center Board meeting minutes that were attached to the PSRC meeting minutes.

ADJOURNMENT

Alder Skidmore made a motion to adjourn, Alder Phair seconded the motion. The Committee dismissed at 6:15pm.