



City of Madison

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

Meeting Minutes - Approved MADISON POLICE DEPARTMENT POLICY & PROCEDURE REVIEW AD HOC COMMITTEE

Thursday, November 29, 2018

5:30 PM

Goodman Maintenance Facility
1402 Wingra Creek Pkwy

CALL TO ORDER / ROLL CALL

at 5:37 pm. Misters Brown and Findley chair. Vang arrived at 5:54 pm. Ketcham arrived at 6:02 pm. Figueroa arrived at 6:24 pm.

Present: 11 - Jerry B. Vang; Christian A. Albouras; Sean A. Saiz; Sue K. Petkovsek; Luis R. Yudice; Matthew W. Braunginn; Kim M. Jorgensen; Linda J. Ketcham; Veronica Figueroa; Tom Brown and Keith A. Findley

Absent: 1 - Jacquelyn Hunt

Excused: 1 - Mario Garcia Sierra

SUSPEND THE RULES

A motion was made by Jorgensen, seconded by Petkovsek, to Suspend the Rules. The motion passed by voice vote/other.

APPROVAL OF MINUTES

The minutes were approved via common consensus.

PUBLIC COMMENT

DISCLOSURES AND RECUSALS

DISCUSSION ITEMS

1. Introduction of and discussion with Carrie Rothbud, hired writer for the MPD Ad Hoc Committee's final report to the Common Council.
2. Review and discussion of action items number 2 and 11 located in the President's Work Group on Police and Community Relations report
A motion was made by Braunginn, seconded by Ketcham, to recommend that the City of Madison contract with Pro-Training to provide their full training program for all officers. The motion passed by voice vote/other.

A motion was made by Braunginn, seconded by Ketcham, to recommend that

MPD continue its work on an early warning system and move in the future towards working with Chicago Data Science for social good to enhance the early warning system. The motion passed by voice vote/other.

3. Review and discussion of OIR's recommendation number 107 found in OIR's Madison Police Department Policy and Procedure Review

"MPD should change its current SOP to require presentation and signature of the consent to search forms prior to executing a voluntary search."

A motion was made by Braunginn, seconded by Jorgensen, to recommend MPD collect data on how many times and the demographics of who they are asking for consent searches on and then conducting them on. The motion passed by voice vote/other.

A motion was made by Braunginn, seconded by Petkovsek, to recommend that when ever officers are in range of an operable recording system, they should audio record the entire consent encounter. The motion passed by voice vote/other.

A motion was made by Braunginn, seconded by Jorgenson, to recommend the MPD amend its SOPs to require prior to any consent searches that officers explain to individuals that they have a right to refuse consent. The motion passed by voice vote/other

A motion was made by Braunginn, seconded by Ketcham, to recommend that MPD change its current SOP to require presentaton and signature of the consent to search when audio recording of the encounter is not possible prior to executing a voluntary search. The motion passed by the following vote:

Absent: 1 - Jacquelyn Hunt

Ayes: 4 - Jerry B. Vang; Matthew W. Braunginn; Linda J. Ketcham and Tom Brown

Noes: 3 - Sean A. Saiz; Sue K. Petkovsek and Luis R. Yudice

Abstentions: 4 - Christian A. Albouras; Kim M. Jorgensen; Veronica Figueroa and Keith A. Findley

Excused: 1 - Mario Garcia Sierra

4. Review and discussion of OIR's recommendation number 117 found in OIR's Madison Police Department Policy and Procedure Review

"MPD should consider whether using Academy class rank for purposes of seniority places outsized importance on such criteria, or whether there are alternatives for determining the "seniority" of students from the same class."

5. Review and discussion of OIR's recommendation number 126 found in OIR's Madison Police Department Policy and Procedure Review

"MPD should change its policy so that all interviews of victims, witnesses, or

complainants to internal investigations that could result in discipline are recorded unless the situation proves impossible or if a civilian witness declines."

A motion was made by Yudice, seconded by Figueroa, to endorse recommendation 126. The motion passed by voice vote/other.

6. Review and discussion of OIR's recommendation number 128 found in OIR's Madison Police Department Policy and Procedure Review

"MPD should consider whether there is sufficient accountability in its disciplinary process regarding violations of integrity and force."

A motion was made by Braunginn, seconded by Jorgensen, to endorse recommendation 128. The motion passed by voice vote/other.

7. Review and discussion of OIR's recommendation number 129 found in OIR's Madison Police Department Policy and Procedure Review

"MPD should expand its restorative justice disciplinary program to authorize and address courtesy violations or other low-level violations involving police/civilian contacts."

A motion was made by Braunginn, seconded by Ketcham, to endorse recommendation 129. The motion passed by voice vote/other.

8. Review and discussion of OIR's recommendation number 135 found in OIR's Madison Police Department Policy and Procedure Review

"Before a body-worn camera pilot project is implemented, MPD should seek the input of stakeholders--including City leaders, prosecutors and defense attorneys, civil rights litigators, privacy advocates, the community at large, and rank-and-file officers--to identify and prioritize, to the extent possible, the intended benefits and potential drawbacks of any body-worn camera adoption."

A motion was made by Braunginn, seconded by Jorgensen, to recommend that the Common Council, at the conclusion of this committee's work, appoint a new committee made up of members of this committee willing to serve and the original body camera committee willing to serve along with a representative from MPD to undertake a study looking into the issues in recommendations 135, 136, 137, 138, and 139. The motion passed by voice vote/other.

9. Review and discussion of OIR's recommendation number 136 found in OIR's Madison Police Department Policy and Procedure Review

"Before a body-worn camera pilot project is implemented, MPD should work with stakeholders to develop policies for that implementation consistent with

the principles set out in this Report, and with intended benefits identified and prioritized in a manner consistent with the prior Recommendation."

10. Review and discussion of OIR's recommendation number 139 found in OIR's Madison Police Department Policy and Procedure Review

"If MPD adopts body-worn cameras, it should commit to periodic evaluations (e.g., a one-year, three-year, and five-year review) to assess the qualitative and quantitative impact of the technology on the agency and stakeholders. Such periodic reviews should seek to identify whether the agency should continue its program and, if so, whether policy revisions are necessary to achieve or maximize the identified benefits."

11. Review and discussion of OIR's recommendation number 140 found in OIR's Madison Police Department Policy and Procedure Review

"While retaining the ultimate determination on selecting the Chief, the PFC should consider ways to involve the Madison community in the selection process through community panels and interviews."

A motion was made by Braunginn, seconded by Yudice, to endorse recommendation 140. The motion passed by voice vote/other.

12. Review and discussion of OIR's recommendation number 141 found in OIR's Madison Police Department Policy and Procedure Review

"The city should institute protocols calling for a performance evaluation process for the Chief of Police at fixed intervals, with the evaluation being a potential basis for a finding of 'cause' should the Chief's performance fall significantly below community expectations."

A motion was made by Braunginn, seconded by Jorgensen, to endorse recommendation 141 amending it to read, "The city should institute protocols calling for a performance evaluation process that includes members of the community, prioritizing socio-economic diversity among those members, for the Chief of Police at fixed intervals, with the evaluation being a potential basis for a finding of 'cause' should the Chief's performance fall significantly below community expectations. This evaluation should not be conducted by the PFC." The motion passed by voice vote/other.

13. Review and discussion of OIR's recommendation number 142 found in OIR's Madison Police Department Policy and Procedure Review

"The City should consider whether to consult with its state legislative representative to propose amending the PFC statute so that the Chief of Police serves a fixed term, subject or renewal by the PFC."

A motion was made by Braunginn, seconded by Ketcham, to endorse recommendation 142, amending it to read "The City should consult with its state legislative representative to propose amending the PFC statute so that the Chief of Police serves a fixed term, subject to renewal by the PFC." The

motion passed by voice vote/other.

14. Review and discussion of OIR's recommendation number 143 found in OIR's Madison Police Department Policy and Procedure Review

"MPD and the independent auditor should continue to review the MPD disciplinary decisions on significant discipline to determine to what degree the PFC post-disciplinary process is impact those decisions."

A motion was made by Braunginn, seconded by Yudice, to Table. The motion passed by voice vote/other.

15. Review and discussion of OIR's recommendation number 144 found in OIR's Madison Police Department Policy and Procedure Review

"The PFC should consider the routine use of hearing examiners for any complaints received by the community or MPD to conduct any hearings emanating from those complaints."

A motion was made by Braunginn, seconded by Petkovsek, to endorse recommendation 144. The motion passed by voice vote/other.

ADJOURNMENT

A motion was made by Petkovsek, seconded by Jorgensen, to Adjourn at 8:51 pm. The motion passed by voice vote/other.