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From: **Bonnie Roe** <bonnie.roe@gmail.com>

Date: Thu, Feb 11, 2021, 2:29 PM

Subject: PSRC Meeting on 2/10/2021

To: Mayor Satya Rhodes- Conway <SRhodes-Conway@cityofmadison.com>, <mbottari@cityofmadison.com>, <allalders@cityofmadison.com>, Alder Henak <district10@cityofmadison.com>

Cc: Haas, Michael R <mhaas@cityofmadison.com>, Chief Victor Wahl <Vwahl@cityofmadison.com>

Dear Mayor, Mayor's Chief of Staff, and Members of the PSRC,

How many of you read that tear gas report you tried to discuss last night at your February 10 meeting? Obviously not some very vocal members.

The actions the committee took were muddled and disappointing. Agenda #7 was on whether or not to accept MPD's Tear Gas Report. The reason for the report in the first place is not lost on me. The topic of banning tear gas (along with other less-lethal tools) came up at the October 6 Common Council meeting, where alders rejected two measures that would have banned the use of what is commonly called tear gas. One would have taken effect immediately and also banned the use of impact projectile devices, such as sponge rounds. The other would have taken effect on Feb. 2.

Instead, the council opted to require a report on the department's use of tear gas since 1990, and then referred that report to PSRC.

What happened at the meeting was disappointing and makes no sense to me. If I have it right, Alder Harrington-McKinney's motion was to put MPD's Tear Gas Report report on file until the results of the Quattrone Center Study comes out, at which point it will be revisited. That seems a logical proposal to me. But to that, Matthew Mitnick added an amendment which would reject the report the motion just put on file and recommend that the Common Council bans tear gas, with no discussion of options. There was no discussion of alternatives.

Which options would you like better when a crowd gets out of control? A line of bikes pushing people out? Would you like wood batons to be used? Tasers fired into a crowd? Firearms shot? Officers in hand-to-hand combat with civilians? Or do you have another idea? I mean, to a tax-paying resident, it's absolutely ridiculous. The report makes the case for why CS is the best and safest tool to use in these situations.

Some of you say that things don't get out of hand until the police use tear gas. Then how do you explain 180 days straight of protests without CS being deployed?

When things get out of hand, and a crowd turns violent, what do you think should happen? Should we allow angry people to harm and throw things at each other or ruin people's livelihoods and cause harm? How about what happened at the Nation's Capitol on January 6? What if we have a large, out-of-control event and need to call for reinforcements? That's not going very well

in Milwaukee since they banned tear gas. More than 100 police agencies pulled out of assisting with the Democratic National Convention in Milwaukee (before it was canceled) because Milwaukee banned tear gas.

<https://www.pbs.org/newshour/politics/police-agencies-pulling-out-of-democratic-convention>

Law enforcement officers don't really want to be put in harm's way without the tools they need to protect themselves and others. Can you blame them? We expect them to do a job and provide our City with safety and security for its residents. Yet some of you want to send them out into a violent scene without the tools they need to enter it.

What would be your plan for extracting a barricaded subject who presents a threat to public safety? The report states the reasons that CS is the best and safest way to encourage compliance and avoid a worse outcome in a high-risk situation. You recommend that the Common Council ban tear gas without a single conversation about alternatives. It feels extremely irresponsible.

I don't mind at all having long meetings when productive conversations take place. These are really, really important issues that deserve careful deliberation. But there was none of that here. More time was spent on process and trying to understand what the vote was about than anything else. It's understandable people were confused, it made no sense. I understand why Alder Harrington- McKinney ended up not wanting her name even associated with her motion after what it turned into. A motion was made to recommend banning tear gas without even one word said about alternatives. But that couldn't happen, and the amended motion passed, with her name on it, though she voted against.

The agenda item was about accepting or rejecting the report. The report answered every question asked of it, in detail and in simple terms. One of the members called the report inaccurate. What do you find inaccurate in this report? This member called the summary an opinion, when it was a conclusion drawn from the factual information listed above. Please try to take off your lens and look with an objective perspective.

This committee continues to be such a disappointment. The Chair needs to learn Robert's Rules and how to conduct a meeting. Attorney Haas should receive a raise for all his heavy lifting in the meeting. I can hardly wait for the next meeting, addressing body-worn cameras. I hope you will all show up prepared (having read the report) and with an objective mindset (considering what's actually best for our City at this moment in time) and not continue down the path of rubber stamping your own fantasies without thinking of the reality we're in.

For ease, you can find the video at the link below. The tear gas discussion starts at approximately 2:00:00 (public comments precede). Alder McKinney's motion begins about 2:34:55.

<https://media.cityofmadison.com/Mediasite/Showcase/madison-city-channel/Presentation/d19113282ded47cc9069e638ec6862d51d>

Bonnie Roe
District 10

As a follow-up on my email to you last night, I have the following comments:

First,

In my over 80 years of life, and having served on Madison committees, commissions, boards, and studies, as well as attending many more, this was the most disorganized and out of focus one ever. (I had other words to use, but they would not have been kind). The task at hand was to receive or reject the MPD report after hearing the presentation and public comment.

Second,

The hijacking I observed was when the review of the report turned into a discussion about the use of tear gas, and its affect on protesters/demonstrators. The report detailed times used, which included the 2020 activities in downtown Madison. If there would have been a discrepancy in the report that would need correction, then rejecting the report would be the required action. If no inaccuracies were found, accepting it and returning it to CC would have been the correct action.

Third,

While it is true that this meeting allowed public comment that gave information about the use or nonuse, those comments could be included in the minutes to address later if that was part of the groups purpose at a later meeting.

Forth,

Due to the amount of time the group discussion used, people waited patiently for public comment.

Fifth,

The chair proposed a break, after which public comment would be taken from those who wished to stay on. At the same time, the public was assured that if they left, they would be able to comment at a later time before a vote was taken.

Sixth,

After the break, the public who remained were given an opportunity to speak, and the group moved into a vote on the item without consideration of the commitment on the part of the chair that another meeting would be scheduled soon to hear the remainder of public comment.

Seventh,

The corker was that an amendment was proposed, followed by another amendment that passed, which required the sponsor of the first amendment to vote against the original amendment.

Conclusion,

Now, when are those members of the public who left going to have the opportunity participate in a manner the chair promised?

Bob Schaefer

My understanding is that this report was referred to you for your information, either accept the report or send it back to MPD with comments or questions of clarification. It was disrespectful of you to rewrite or question the use of tear gas. It happened. It was a total waste of time, and disrespect of the effort that went into preparation of the report. If there were inaccuracies in the report, those would be appropriate to discuss or challenge. Asking questions about the report accuracies would make sense.

About tear gas and protests, I totally agree that tear gas ought not be used as a first line of crowd control. When you rule out one method, you must provide other effective methods. Obviously "Move back" did not work.

What method would you suggest when police are pelted with rocks, fire crackers, ice filled pop bottles, and dumpsters on fire. Another tool police could use would be their batons to hit people back. The real solution for demonstrators is to focus on the message in a peaceful manner. There were even demonstrations when officers joined in, and or protected demonstrators from traffic when they took to the streets. Police officers are our family members, neighbors, and community members. They deserve our respect and honor. There is no other profession that sometimes requires split second decision making in life and death situations of protecting self or others.
Bob Schaefer

Dear Public Safety Review Committee Members,

I strongly urge you to follow through on the City Council's initial plan to ban the use of tear gas. On June 12, 2020, The American Thoracic Society called for a moratorium on the use of tear gas during the coronavirus pandemic. The moratorium cited research showing chronic bronchitis, compromised lung function, and acute lung injury as results of exposure to tear gas. The announcement of the moratorium can be found here : <https://www.thoracic.org/about/newsroom/press-releases/journal/2020/tear-gas-use-during-covid-19-pandemic-irresponsible-moratorium-needed,-says-american-thoracic-society.php>

I am deeply concerned about the use of tear gas and do not support any attempt by the Madison Police Department to defend or continue its use during this pandemic or in the future.

Thank you for your consideration in this matter.

With Gratitude,
Evy Gildrie-Voyles
202 Farley Avenue
Madison, WI. 53705

Good morning,

Please find attached a Facebook posting to the Community Response Team-Madison, Wi. page, authored by Greg Gelembiuk, with whom I'm sure you are all acquainted. I wanted to make you aware of the continuing disgruntled and hyperbolic tone and tenor of Gelembiuk's most recent

public postings wherein he continues to incite and recruit others in his circle to contact your committee based on his long-standing anti-police stances, fringe views and opinions. Such dissemination's by Gelembiuk are transparently obstructionist in an obvious effort to slow or stymie the progress of common sense measures such as the important implementation of a body worn camera program and the ability of police to deploy chemical agents under appropriately authorized circumstances. As a long-time resident of Madison who is concerned with baseline public safety for all community members and the police officers who serve them, I strongly encourage each of you to not be deterred by the ploy of Gelembiuk and others, to make it appear, simply by the numbers of people they convince to contact you, that they represent the views of the community at large. That is simply not the case.

Thank you for your time and attention to this important matter.

John Summers
Madison, Wisconsin

Dear PSRC members,

On your agenda for Wednesday, you have what Madison PD claims is a "report" on tear gas usage and alternatives. The problem is, all they've returned is a self-serving justification of their behavior, based solely on the reasoning that "we wouldn't have used it if it wasn't justified."

The report barely even names possible alternatives. It does not give any detail of the pros and cons of those alternatives. Worse still, it fails to acknowledge the role that tear gas plays in escalating and prolonging the situations in which it's used. It fails to note how tear gas puts police themselves at greater risk, how the clouds of gas limit their own visibility, how flying canisters can cause the very sort of property damage police seek to prevent. Moreover, it fails to consider the most obvious, safe, and cost-effective alternative to tear gas, which would be to simply stop using it.

The report also fails to adequately assess or weigh the health impacts of tear gas. It's been shown to kill, to spread respiratory disease, to terminate pregnancy, to cause eye damage, and its effects have yet to be adequately studied. We have yet to find out what the lasting consequences of this poison will be, to both our community and our biome.

Tear gas is immoral on a fundamental level. Its purpose is to inflict violence in a way that avoids any potential accountability. Once released, police have no control over who it affects. This is reflected in their Use of Force reports: unlike other uses of force, with tear gas, the reports make no mention of which individual warranted it or why. Nor is there any consideration of whom the force was actually used on. They don't know who they gassed, and they don't seem to care.

When it comes to the use of tear gas in crowd control situations, there are plenty of people to give you the other side of the story, not just MPD's myopic, self-serving justifications. There are

musicians and journalists and community leaders and neighbors and friends who could tell you how it was used on them for no reason, and how it felt that day and many days afterward.

We shouldn't ignore that MPD's justifications are fundamentally grounded in racism: When the topic of protest is a mask mandate or a peacefully conducted election and the crowd is white, with a few isolated incidents of crime on the fringes. When the topic of protest is violent, racist policing and the crowd is Black and brown, MPD stops seeing the individual human beings involved, and starts seeing a "riot".

MPD's report also talks about use of tear gas in barricaded situations. It's true that I know less about the impacts of it in these situations. But I don't trust MPD's justifications for using tear gas in these situations either, and I don't trust their assurances that other options wouldn't work. They destroyed that trust themselves. Nor does the report consider who else might be affected (unjustly, possibly lethally) in these situations, whether it's victims trapped in the barricaded area, or residents of an adjacent apartment with shared ducts.

The Common Council delayed consideration of a ban on tear gas until the completion of this report. Now that the report has been completed (nominally at least), I urge you to reintroduce a ban on chemical weapons--both the current formula used by MPD and other formulas they might consider switching to, to circumvent a narrowly written ban.

The overwhelmingly-supported push to ban chemical weapons isn't some passing fad in reaction to MPD's vindictive treatment of protesters last summer. It's something that our community will continue to prioritize for as long as it takes to achieve. Give us half-measures if you must; we'll thank you for it and immediately start asking for more, and we won't rest until this is done. Our numbers will only grow with time, as more people are unjustly poisoned firsthand, or see their friends, their neighbors, their leaders, vomiting on the sidewalk or struck in the arm by a flying canister or desperately trying to wash out their reddened eyes.

Chemical weapons like these are banned from civilian use and from military use. It's only through a loophole (and cruelty) that our police department continues to use these weapons against city residents. We must put an end to this barbaric era.

Thank you,

Nick Davies
3717 Richard St

Hello, I just wanted to send an email in opposition to the use of tear gas. During the police-led riots last summer, I was repeatedly tear gassed. I have asthma and other health conditions. The use of tear gas almost killed me. Without the help of street medics, I might be just another story that brings shame to this city, just like the decision to not fire Matt Kenny does. Shame on MPD for causing the riot and then using harmful crowd control methods. Shame on all of them.

If you have any questions, I can be reached at 217-549-0718. I still live in Madison, WI because of COVID, but my employer is below if you need that information for some reason.

Jeff Tischauser, PhD

Lecturer in Communication
School of Design and Communication
University of Wisconsin-Stevens Point

Hi. Last summer the rioting came within one block of my apartment building.. I was glad the police tried to protect my neighborhood. What are the alternatives to tear gas? If the alternatives to tear gas are worse than tear gas then I'm for tear gas. If there are safer alternatives to tear gas then we should use them. Susan Balliette

Dear PSRC members,

Please see attached my letter concerning the MPD tear gas report, which is item #7 on your upcoming meeting agenda.

Sincerely,

Dr. Gregory Gelembiuk

Dear PSRC members,

I am writing with respect to MPD's report on tear gas.

I will start by providing some context. This year the American Thoracic Society - the medical society of doctors that work on lung and breathing issues - called for a moratorium on tear gas use. Pulmonary doctors recognize that tear gas can cause serious long and short term damage, and its use is completely irresponsible during the Covid epidemic. Here's the medical society's statement: "[Tear Gas Use During COVID-19 Pandemic Irresponsible; Moratorium Needed, Says American Thoracic Society](#)". I'll also note that I have personally reviewed the medical literature on this, and those doctors are telling you the truth. Anyone saying otherwise is not being straight with you. As Dr. Rohini Haar noted, alluding to the fact that the dangerous side effects of tear gas have long been known, "The science is not moving the policy the way it should." Moreover, there's a racially disparate impact. People with asthma or other pulmonary conditions (e.g. COPD) are at greatly increased risk, and data shows African Americans were almost three times more likely to die from asthma related causes than the white population, and Black children are four times more likely to be admitted to the hospital for asthma, as compared to non-Hispanic white children.

MPD's report appears to be deliberately obtuse. This report is not an open-minded effort to consider alternatives. Though, if you have MPD write a report on

whether it should be able to tear gas residents, what else would you expect? I will note that I appreciated Alder Abbas' effort, during the Council meeting when this report was requested, to find a means to generate a more valid report (such as assigning it to the Independent Monitor working with MPD – though in the Council deliberation, the timeline was judged to preclude specifically using the Independent Monitor for this).

The actual full range of de-escalation options or other tactical alternatives is not being considered.

This past year, the declaration of unlawful assembly and attempt to sweep everyone off State Street with tear gas and pepperspray – precipitating rioting – was MPD's grossly excessive and ham-handed response when a few individuals broke the windows of Goodman's Jewelers. But rather than targeted enforcement against that small handful of individuals, while protecting the rights of everyone else on State Street, MPD went into Robocop mode against all.



And now, MPD says there were no alternatives!?

Former MPD Chief David Couper knew how to handle protests, He attended in plainclothes and talked to people – and effectively brought an end to the War at Home. It is possible to do, you know.

When this was all going on at the beginning of June, I wrote to Chief Wahl – suggesting that he talk with protesters in the State Street area, and I noted “I would suggest calling David Couper, to find out exactly how he did this, under analogous circumstances - since it worked for him, and he is very skilled in this area. He might be able to coach you.” Wahl thanked me for my e-mail, but said

that he was afraid of “becoming a flashpoint and sparking some kind of disturbance or worse.” This is the customary response from police – and what Couper did differently. Police tend to be way too afraid of residents – seeing an exaggerated threat – then respond out of that mindset, creating a self-fulfilling prophecy. For more on this, see the excerpt I’ve included below, from Couper’s book “Arrested Development” (on the factors holding back improvement of policing in the U.S.).

There are many better options for handling crowd control. The MPD report keeps referencing the “Madison Method” for protests, developed under Couper, but MPD is not actually doing much of what Couper did, and would have done under current circumstances.

The MPD teargas report states things in a way that makes the options not taken invisible – as though there are no alternatives: *“If an unlawful assembly is declared, that message will be communicated to the crowd (typically by verbal announcements over a PA), and the group will be provided an opportunity to comply. If the crowd does not voluntarily disperse, and if the violent/criminal behavior continues, intervention will be implemented. At that moment, a significant need for immediate police response exists and the circumstances preclude additional de-escalation efforts (immediate action is required; effective communication is not possible; etc.). Once the need for immediate action no longer exists, officers will attempt to de-escalate the situation (attempting communication, avoiding establishing lines of officers, moving to a position out of sight, etc.).”*

This type of description elides the reality. In the George Floyd protests, the alternative of just targeting the few individuals breaking Goodman’s windows was not used. Almost no-one who was present reported hearing an unlawful assembly declaration from MPD before the Robocop action and chemical agent use started. And MPD was violating its own policy on the use of such agents (MPD SOP prohibits OC spray use against people who aren’t engaged in active resistance). It was certainly not the case that circumstances precluded “additional de-escalation efforts” – MPD moved to sweep all of State Street – a senseless provocation that would unite everyone present against them.

In its report, MPD also appears not to be adequately considering de-escalation options with barricaded individuals.

Recommendation #124 from the [MPD Policy & Procedure Review Ad Hoc Committee report](#) was “All of Fyfe’s Principles should be incorporated into MPD’s ‘Response to Persons with Altered State of Mind’ SOP” (see page 127 of the report). MPD has not implemented this recommendation. The President’s Work Group on Police and Community Relations report made a similar recommendation – suggesting incorporation of Fyfe’s Principles in MPD policy – and MPD responded by doing so in only a partial/minimal way.

James Fyfe, the originator of Fyfe's Principles, was an NYPD officer and professor of criminal justice, who served as NYPD's Deputy Commissioner for Training. He introduced many beneficial changes in training and policy at NYPD, leading to large reductions in officer-involved shootings. He developed 7 key principles for dealing with subject in crisis/in an altered mental state.

Fyfe's Principle #7 states: "Officers should take as much time as necessary to talk EDPs [emotionally disturbed persons] into custody, even if this runs into hours or days."

Meanwhile the MPD teargas report says CS gas was used after: "negotiation and de-escalation efforts have been exhausted without success."

By what definition were they "exhausted without success"? Without MPD imposing an implicit artificial timeline for resolution, this assertion appears to fall.

Another directly relevant MPD Policy & Procedure Review Ad Hoc Committee report recommendation that has not been implemented is Recommendation #79: "City of Madison should contract with ProTraining to provide their full training program for all officers" (see page 76 of the report). This comes from President's Work Group report Recommendation #2. It's a specific research-informed training approach for police officers for handling people in crisis/people with mental health issues. Unlike conventional Crisis Intervention Training, it focuses on changing behaviors of officers more than on changing attitudes toward mental illness, and that has been shown to be effective at significantly reducing uses of force in mental health calls. It was included as a recommendation because of evidence that it reduced use of force with people in crisis.

The MPD teargas report states: "CS deployment contributed to positive outcomes in these incidents." One of nine dead and another incapacitated from a drug overdose is not a particularly good outcome.

MPD also fails to consider all tactical alternatives. I hate to give MPD ideas for additional things it could shoot at us, but use of malodorants is one option with a barricaded suspect. E.g.:

[40 mm BIP MO Malodorant rounds](#)

"This product is unique to any other 40 mm round of its kind on the market, as it is a safer alternative to tear gas (C.S.) rounds and aerosol pepper spray (O.C.). Upon impact, the pungent non-toxic and organic liquid is dispersed on the target or within a concentrated area"

[40 mm Skunk rounds](#)

"Skunk is also available in 40mm grenades that can be deployed down-range by either hand tossing or launching it from a 12 gauge shot gun."

The stench is overpowering and can force exit, without the respiratory hazard

posed by CS gas. I'll incidentally add – these should never be used for crowd control.

There are also options such as banning teargas for crowd control and for all but the most serious situations, [as New Orleans has done](#):

“The New Orleans City Council on Sept. 17 unanimously passed an ordinance to restrict the New Orleans Police Department and other law enforcement officers from using tear gas and other “riot control agents,” with the caveat that it would be permissible in the “most serious situations.””

I'll add that the MPD report cites Amnesty International in a totally misleading way, saying “Amnesty International recognizes the need for use of chemical agents (including CS) under certain circumstances”. In reality, Amnesty International has expended huge effort condemning exactly the kinds of uses of CS gas that MPD has engaged in. Amnesty International states “Tear gas should only be used to disperse a crowd in situations of more generalized violence, and only when all other means have failed. It may not be used in a confined space...” That precludes all the uses of tear gas that MPD has engaged in. It condemns its use in Hong Kong against largely peaceful protesters and [states](#): “If we are to put an end to the abuses seen in Hong Kong and around the world, tear gas needs to be addressed for what it is: a potentially dangerous – even lethal – weapon which is being recklessly traded and deployed across the world.” And Amnesty International says “in practice police forces use tear gas in ways that it was never intended to be used, often in large quantities against largely peaceful protesters.” Amnesty International specifically labels teargas use at George Floyd protests in the U.S. this year as abuses.

The remainder of this letter consists of highly informative excerpts from articles (and from Couper's book) regarding crowd control, teargas, and better alternative approaches.

Article: [“Another way: A former chief says police should ditch riot gear, tear gas at protests”](#). Excerpt:

[Former MPD Chief] Couper is among those questioning whether his former department retains the trust needed to keep the peace during future confrontations. “If you start using tear gas or pepper spray, you've pretty well lost things,” said Couper, now an Episcopal priest, poet and peace activist in Blue Mounds. “People are going to remember that for years.”.... “History has taught us that the premature or ill-advised use of force against protesters, particularly the use of riot control techniques, often amplifies conflict with protesters and can instigate violence,” Edward Maguire, a professor of criminology and criminal justice at Arizona State University, wrote in a 2015 Saint Louis University Public Law Review study.... Officers are more likely to keep crowds peaceful by targeting enforcement against those whose actions are endangering the public, while continuing to protect the rights of peaceful protesters — rather than gearing up for war

and indiscriminately arresting people or firing crowd control weapons, ASU's Maguire wrote in 2015....

Ducksworth-Lawton [a history professor at UW-Eau Claire with expertise in civil rights and the military] said researchers continue to see evidence that such militarized policing only escalates tension and violence between crowds and police. People of color — particularly Black residents — are most likely to face the most harm. “The problem is that the ‘us versus them’ militarized occupation mentality creates anxiety and nervousness and (police) don’t know how to de-escalate,” she said.

Madison Police said in a statement that officers fired chemical weapons only after people began damaging property and throwing rocks and other items. But the chemical clouds also stung peaceful protesters and bystanders.

“Nothing turned violent until police instigated the violence,” said Nick Harrison, a 27-year-old Madison resident who protested one night. “I saw a strong sense of community until the police showed up, dressed for war.”

Article at FiveThirtyEight.com: [De-escalation Keeps Protesters And Police Safer. Departments Respond With Force Anyway](#). Excerpt:

Researchers have spent 50 years studying [the way crowds of protesters and crowds of police behave — and what happens when the two interact](#). One thing they will tell you is that when the police respond by escalating force — wearing riot gear from the start, or using tear gas on protesters — it doesn’t work. In fact, disproportionate police force is one of the things that can make a peaceful protest not so peaceful. But if we know that (and have known that for decades), why are police still doing it?

“There’s this failed mindset of ‘if we show force, immediately we will deter criminal activity or unruly activity’ and show me where that has worked,” said Scott Thomson, the former chief of police in Camden, New Jersey.

“That’s the primal response,” he said. “The adrenaline starts to pump, the temperature in the room is rising, and you want to go one step higher. But what we need to know as professionals is that there are times, if we go one step higher, we are forcing them to go one step higher.”...

There’s 50 years of research on violence at protests, dating back to the [three federal commissions formed between 1967 and 1970](#). All three concluded that when police escalate force — using weapons, tear gas, mass arrests and other tools to make protesters do what the police want — those efforts can often go wrong, creating the very violence that force was meant to prevent. For example, the Kerner Commission, which was formed in 1967 to specifically investigate urban riots, found that police action was pivotal in starting half of the 24 riots the commission studied in detail. It recommended that police eliminate “abrasive policing tactics” and that cities establish fair ways to address complaints against police.

Experts say the following decades of research have turned up similar findings. Escalating force by police leads to more violence, not less. It tends to create feedback loops, where protesters escalate against police, police escalate even further, and both sides become increasingly angry and afraid...

De-escalation strategies definitely exist. Anne Nassauer, a professor of sociology at Freie Universität in Berlin, has studied how the Berlin Police Department handles protests and soccer matches. She found that [one key element is transparent communication](#) — something Nassauer said helps increase trust and diffuse potentially tense moments. The Berlin police employs people specifically to make announcements in these situations, using different speakers, with local accents or different languages, for things like information about what police are doing, and another speaker for commands. Either way, the messages are delivered in a calm, measured voice.

Article in ProPublica: [“We Reviewed Police Tactics Seen in Nearly 400 Protest Videos. Here’s What We Found. We asked experts to watch videos showing officers using tear gas, pepper balls and explosives on protesters. Police actions often escalated confrontations.”](#) Excerpt:

Experts said weapons that aren’t designed to be lethal, from beanbag rounds to grenades filled with pepper spray, **can make officers more willing to respond to protesters with force and less disposed to de-escalate tense situations**. Not only can some of these weapons cause considerable injury to protesters, particularly if misused, but experts say the mere presence of the weapons often incites panic, intensifies confrontations and puts people on all sides at risk.

Michael Sierra-Arévalo, a University of Texas at Austin sociology professor who focuses on police behavior, said officers are taught to view every situation as “full of risk, full of potential violence.” That framing, he said, which stresses control to stave off “catastrophic” yet unlikely outcomes, can often result in the rationalization of excessive force.

“In protests, you see cases where officers are engaged in a self-fulfilling prophecy,” Sierra-Arévalo said. “We know that when you show up with that kind of equipment, it can escalate. You don’t even have to use the equipment. You show up ready for war, and the stakes have now changed.”

Here is former MPD Chief David Couper, writing about the first major protest he dealt with in Madison. Informative excerpts from his book “Arrested Development”:

maintained there were no dossiers, no personal files on individuals. Still, the rumors abounded that personal information had been illegally gathered and used to force support from local politicians regarding police department matters—essentially to blackmail them into supporting the police department. This was a very serious allegation. But at the time, no one seemed to have any specific evidence. I would soon find out Thomas was lying. He was in a bind. If he told me the truth, he and his intelligence officers would have been subject to not only internal discipline but also the possibility of criminal charges.

Early one Saturday morning, I had read in the newspaper there was going to be a campus march into and through the city. It was a celebration of an international event called China Day. I went to the planning meeting, and some students asked who I was. I told them I was the new chief of police. I don't think any of them believed me because they ignored me and went on talking about the demonstration.

happened. Why hadn't I stopped the students, as the department had always tried to do in the past? Why weren't they kept out of the street? It was again a teachable moment of the type I would frequently take advantage of during my career. I told the reporters I believed it was the job of police in a democracy such as ours to protect demonstrators and, if necessary, to facilitate their right to protest as guaranteed in our Constitution. Rather than to block or suppress these events, the role of the police is to assist and protect. What I said made headlines in the *Wisconsin State Journal*. Not everyone in the city was pleased with what they read.

I later found out that I wasn't the only police officer at that student meeting. An undercover officer, unknown to me, was present. I was about to be the subject of an intelligence report submitted to Thomas. What concerned me most was what the officer reported about the nature and atmosphere of the meeting. At best, he didn't know what was going on.

Their leaders even announced that they were going to try to take the street in opposition to city rules and that some of them might be arrested. When the march began, I gravitated to the front. I wanted to see what was going to happen.

The demonstration went well until we approached the corner of Park Street and University Avenue. At that location, Madison officers from the day shift had assembled and formed a barrier to prevent the students from moving forward into the street. The tension was high as I walked up to the officers, identified myself, and asked them to let us pass. I asked them to help us get to the South Student Union a half-mile down the street. The officers stepped aside and the rest of the march was uneventful, and the demonstration ended when we arrived at our destination.

My first protest demonstration in Madison had ended without incident. After the demonstration, reporters contacted me and asked what had

In the worst case, he submitted a false report.

At work on Monday, Thomas informed me he had received a report that said I was in physical danger during that meeting. It was from that undercover officer. Thomas went on to say that there were people there who were planning on physically harming me and that I shouldn't be out there in the community like that. This was strange, but even more strange because I was personally present and it was in direct contradiction to what I experienced at the meeting. The students present at the meeting were cordial, friendly, and respectful, and I was never at any time in any danger.

I reminded Thomas that I had been a street cop for many years, and knew danger and what that felt like. I told Thomas he needed to evaluate the intelligence he was receiving, because it wasn't correct. In fact, I said, what was written in that report was false. I also reminded him that while I was the new kid in town, I wasn't stupid—and that group had not been

One of the primary obstacles the Couper identified as standing in the way of improvement of policing in the U.S.:

Obstacle 2: Violence

When I came to Amsterdam in 1971, I noticed their police force's remarkable restraint in handling protests and demonstrations. They had a huge population of hippies, migrants, and street people that had settled in their city. I was commenting on their tolerance to a couple of senior officers when one of them said, "You must realize that many of us were prisoners ourselves. We were arrested and put in prison when the Germans invaded our country. That experience made a difference in how we treat people."

A few weeks later, in Germany, I was amazed how that country's police tried creative ways to prevent having to use force during protests and demonstrations. At the time, the only method used in

my country was physical force. The police in Hamburg, however, had developed other methods and strategies. For example, they would field a powerful sound truck when a protest was scheduled. Police in the truck played popular music and bantered with the crowd. They felt it tended to set a positive tone and reduce tension in the crowd. The police officer in the sound truck served as a disc jockey, communicating, and sometimes cracking jokes—all of which had a very positive effect and tended to reduce tension and anti-police sentiment within the crowd.

When I related to them what we in America did to control crowds and demonstrations, they looked at me as if I came from another planet. I resolved at that time that I would try to experiment with different methods of crowd control—to use force only as a last resort. That was in the 1970s, and the methods we use today in our country to manage crowds and protests have changed little since then. In fact, they have gotten worse, as police now overly depend on

technology to handle crowds and protests.

It is conceivable that we may even see a new device on our streets to control people who protest. The army has developed large microwave transmitters that literally heat people up. I'm not joking. Such a unit can be used as a non-lethal weapon to move people away from an area, or deny them access to it.⁵⁶ This technology could create a situation in which police no longer have to form a line or even be present. The power between police and protesters has dramatically shifted during the past 40 years. There is no need for police to talk to protesters anymore. They don't even have to be close.

Removing the obstacle of violence does not just pertain to handling collective gatherings—it must also apply to police officers' daily interactions and the way they make arrests. Rather than quickly resorting to physical force to accomplish their work, police need to be consistently trained to always use the *least* amount of force necessary to overcome resistance. The abuse

of force by police does not only hurt those who are on the receiving end, because when the public determines that police have used unnecessary force, police lose their respect, which ultimately results in less cooperation, thereby diminishing the effectiveness of the police function.

If police should ever be expert on any subject it should be persuasion and the use of force. For example, many police use-of-force manuals rank pepper spray below that of using a pressure point to gain compliance. The thinking here is that the pepper spray leaves no permanent damage or continued pain to a person while a pressure point (like a wrist lock) could. This has permitted police to use pepper spray in situations of passive resistance. But the question is, should they? And should they do it in highly public protest situations like many of us recently witnessed on the campus of the University of California at Davis?⁵⁷

Rev. David Couper lost his beloved wife Sabine just a couple weeks ago, so please keep him in your thoughts.

Sincerely,
Dr. Gregory Gelembiuk

Announcements



Greg Gelembiuk is with

15h · 🌐

Action item!!! Wednesday and Thursday

Do you want to be tear gassed? Do not, now is a time to speak up!!! You are on the Police Review Committee and the Equal Opportunity

At their Wednesday February 10 meeting the Police Review Committee (PSRC) will deliberate and accept (1) the Body-Worn Camera Policy and the implementation of bodycams in Madison and (2) alternatives to tear gas, which basic

On the PSRC meeting agenda, the item is #8.

Agenda: <https://madison.legistar.com/MeetingDetails.aspx?M=A&ID=813644&GUID=66CC9BB>

Registration link to provide public

<https://www.cityofmadison.com/clearinghouse/MeetingDetails.aspx?meeting-id=51336>

