

From: [Paulsen, Marci](#)
To: [Rodriguez, Rachel](#)
Subject: FW: Points regarding RFP for review of MPD, review cost, etc.
Date: Thursday, March 31, 2016 8:20:28 AM

This should be attached to #2 on the agenda

From: Gregory Gelembiuk [<mailto:gwgelemb@wisc.edu>]
Sent: Sunday, March 20, 2016 10:21 PM
To: braunginn@gmail.com; acooper@nehemiah.org; christian.albouras@gmail.com; jackie.hunt@journeymhc.org; Keith Findley; Ketcham, Linda; Yudice, Luis; marios.sierra@gmail.com; Sean Saiz; smarsh@lelc.org; suekp93@charter.net; Lazo, Veronica; jvang@wisbar.org; kjorgensen@meriter.com; tbrown@ulgm.org
Cc: Miller, Michael
Subject: Points regarding RFP for review of MPD, review cost, etc.

Dear Committee Members,

I'm writing with information on a number of different points.

1. As requested, here is [a link](#) to the RFP for comprehensive review of the University of Cincinnati Police Department. The review is currently ongoing (and two weeks ago led to the [resignation of the Police Chief and a Major in the department](#)). I think it's a pretty well written RFP. If you inspect closely, you'll find that the CRT revised draft RFP borrowed liberally from it. The review of the University of Cincinnati Police Department is of policies, procedures, practices, and training (a review of culture is not included). Goals/criteria of the Cincinnati review include rebuilding trust, adherence to best practices, and a number of narrower goals specified throughout the text.

The basic structure of police department reviews can vary widely. They can range from comprehensive (broad spectrum) reviews that examine a department top-to-bottom, to more narrowly focused reviews examining one or more specified target outcomes (e.g. use of force). Comprehensive reviews might or might not include a component such as culture. There are a number of positive features in the resolution passed by the Madison Common Council (setting up this review). 1. The resolution specified that the review should be comprehensive (a broad-spectrum review) and that the review should include examination of departmental culture ("*review policies, procedures, culture and training of the Madison Police Department by hiring an expert(s)...*"). I think including examination of culture is very beneficial (from what I know, I believe there are serious problems in the current MPD culture, and a culture shift is needed). 2. The resolution also specified goals/target areas ("*racial disparity, implicit bias, use of force, dealing with people with mental health problems or who are under the influence of alcohol or other drugs, the rights of civilian witnesses, disproportionate contact with youth of color, culturally-related behavioral variations, and other areas*"). This feature of the resolution is also beneficial. In combination with the call for a comprehensive review, it sets up a hybrid approach – a top-to-bottom review, with focus on a set of outcomes. Especially after corresponding with police reform experts, I believe this to be a very good approach, and that's the approach the CRT followed in our revised RFP draft – with specification of goals/criteria in section 2.5.1 and the components of MPD to be reviewed in 2.5.2.

Since I thought you might find these interesting, I'm including here links to two reviews that

are much narrower in scope. Each only focuses on a single goal (these are not comprehensive departmental reviews). They might be worth glancing at, just to provide an idea of what a goal-focused approach can generate (though there's no need to read them in full). Here's [a link](#) to an expert review of the Las Vegas Metropolitan Police Department, with a goal/criterion of racial equity in treatment of residents (“*The CPLE was tasked with examining individual officer and aggregate department records with the goal of understanding what (if anything) further could be done to promote racial equity in the treatment of residents*”). And here's [a link](#) to a review, by PERF (Police Executive Research Forum), of the Fairfax County Police Department's policies, procedures, directives, and training materials and curricula related to police use of force. Essentially, the goal (and evaluation criteria) was minimization of use of force, and particularly deadly force (apparently Fairfax County arranged to conduct the review in response to controversial officer involved shootings).

In addition, here is [a link](#) to PERF's recent report *Use of Force: Taking Policing to a Higher Standard - 30 Guiding Principles*. If you have the opportunity, I would suggest reading this in full. David Couper is quite impressed with these guidelines (and strongly advocates them), and I also think they're quite good. In defining best practices in the CRT revised RFP, we specifically cite the PERF guidelines on use of force. I'll also note that there's substantial overlap between some of PERF's guidelines and the demands of Black Lives Matter Campaign Zero.

2. I spoke at length with [Robin Engel](#), University of Cincinnati [Vice President for Safety and Reform](#). She's a subject matter expert on police reviews and monitoring, and the information that she provided (including cost information) is invaluable.

Robin Engel was a professor of criminal justice for 13-14 years, with work focusing on police reform and reduction of force. She has worked on review teams and monitoring teams as an analyst and has the capacity/background to assemble review teams herself. Following the shooting of Sam DuBose by a University of Cincinnati Police Department officer, the University of Cincinnati created a new executive position, Vice President for Safety and Reform, to oversee investigation, review, and reform efforts, and placed Robin Engel in the position.

University of Cincinnati retained Kroll Inc. to conduct an external expert review just of the shooting incident itself, and this cost just shy of \$300,000. The officer stands indicted of murder and voluntary manslaughter, with a trial upcoming.

University of Cincinnati has now retained Exiger (a New York City-based consulting group) to conduct a comprehensive review of the University of Cincinnati Police Department at a cost of \$393,250 (with travel costs left out as a separate negotiation). Exiger is using a 12-member team to conduct the review.

Advice from Robin Engel:

- “You want the RFP to be very specific. As specific as possible.”
- Information on cost:

I spoke with Robin about the costs of obtaining a comprehensive review for MPD. She said that it wouldn't be possible to get a decent top-to-bottom review for less than \$250

K, and it would probably be in the $\geq \$300$ K range (which is very consistent with what I've heard from others, including David Couper). What follows are some of the relevant factors for cost. **A.** For a longer timeframe – for example, a completion deadline of six months or a year – the review will be less expensive than for a shorter timeframe, since for a shorter timeframe, you need more people working on it simultaneously. For the University of Cincinnati comprehensive review, she placed what she referred to as a “very aggressive, unreasonable timeline” on it, of four months, since they wanted the review done by the initial scheduled date of trial of the officer who shot Sam DuBose. **B.** For a larger police department, the cost will be higher. The University of Cincinnati Police Department has only 97 officers, while Madison Police Department has ~450 officers. **C.** In the University of Cincinnati RFP, they indicated that for nonlocal teams, much of the work needn't be done onsite (if more work can be done offsite, it can somewhat lower cost). **D.** The level of expertise is critical, and people with appropriate expertise are more expensive (more on this below).

Robin further advised that the way to sell it is as an investment to avoid higher costs. If you don't act, it will cost (in suits, legal expenses, costs of investigating complaints and deadly force incidents, increased insurance rates, and potentially ultimately federal involvement). The City of Cincinnati consent decree cost was in the millions – that's something you want to avoid.

- The importance of expertise:

Robin strongly emphasized that you want people who have expertise managing such a review. That's especially critical for a somewhat resistant police department (e.g. MPD did not call for this review, and I would expect some resistance). She said you will get people applying who don't have the necessary expertise in managing such a project. Look for people who have served as monitor or been on monitoring teams, and who also have substantive expertise - legal background, policing experience, etc. The diversity of the team is also important.

The odds of implementation of recommendations is also higher if heavy hitters are brought. A resistant agency will respond to high-level people in the field; especially if they see that they're behind, it's motivational. It's worth the money to bring in leading edge, nationally recognized folks. In her experience, cops will often be in awe of them, and it reduces resistance. If you bring in mid-range folks, the common response is “they don't know my problems”. You really need a high-level team.

- You need to sell your community or agency to top level teams - that it's not a waste of time. Good teams don't want to waste time with agencies that won't want to implement reforms; that aren't serious. Though even in such a case, some good teams might still apply if there's Department of Justice or Court oversight in place (since these can mandate implementation of reforms). Robin gave one example of a large law enforcement agency that has repeatedly asked her to lead a review, but that she wouldn't do (since in her view they're not serious about reform and she believes it would be a waste of her time).

I'll also pass on more information she provided me about the University of Cincinnati Police

Department review process.

They set up a community advisory council, chaired by a judge who is African-American and including faith leaders, student representatives, other community representatives, etc. This group helped draft the RFP and, when proposals were received, a subset of the Community Advisory Council helped choose among the applicants. Robin could have hand-picked (assembled) a review team herself, but concluded that setting up a Community Advisory Council and sending out an RFP was a better way to go, since a team hand-picked by a University of Cincinnati administrator might be viewed as not having credibility. She had one minor criticism of the Cincinnati RFP – that given the structure of the RFP, it had a lot of redundancy – e.g. with certain goals/criteria (e.g. rebuilding trust) reiterated throughout the text (the CRT revised RFP for MPD seeks to avoid this repetition by specifying goals discretely in section 2.5.1 and MPD components to be reviewed in section 2.5.2).

They sent out the RFP “everywhere” (we should get advice on all the places to send Madison’s RFP to). They received seven applicants. The bids ranged from \$160K to just under \$400K (the bid from one local team was \$250K). She noted that the level of expertise varied dramatically among the teams that applied. Those at the low end clearly lacked the expertise necessary to conduct such a review. Exiger, the team that was ultimately selected, was the most expensive (and highest quality) bid. The Exiger team included the former LAPD monitor, two members of The President’s Task Force on 21st Century Policing (including Charles Ramsey, the co-chair of the task force), etc.

The selection committee (choosing among the applicants) consisted of four members of the Community Advisory Council and four University of Cincinnati administrators. As a starting point, they individually filled out a scoring sheet looked at the proposal quality and expertise of the individuals on the teams applying. However, Robin emphasized that she just had people use this for themselves as a starting point, and it was not used when they met to rank applicants. The meeting at which they ranked applicants was freeform. That was used to narrow the pool down to two applicants, and both came to Cincinnati for interviews, where both teams were asked a structured set of questions. This process ultimately led to the choice of the Exiger team. Robin also noted that, as a subject matter expert, she had an advantage in judging the teams, but the selection committee of its own accord came to the same ranking conclusions that she would have herself (she thought that, given the differences between the teams and proposal methodologies, it was pretty obvious). Robin also noted that travel expenses were left as a separate negotiation (not covered in the bid). In part, this was done to allow for community forums – where the team could come in and host such forums – allowing community engagement and community input.

Robin Engel’s e-mail address: robin.engel@uc.edu

The preferred mode of contact is via phone, and Robin’s assistant, Meg Morris (morri2mr@ucmail.uc.edu), can set up a phone appointment if desired.

3. We also sent Representative Chris Taylor a copy of the CRT revised RFP to vet. She thought it looked good, but suggested “*The only thing I didn't see that I would add is an assessment of the internal review process when an officer involved death or injury occurs. I would like to see this review done by an independent board or person. I'm wondering if they could look at making this process more independent.*” We plan to add language in 2.5.2 to accommodate this point.

Brenda Konkel also noted that the RFP “*doesn’t say how the proposal will be scored. How many points do they get for what types of things.*” After speaking to Robin Engel, it seems to me that such a point based scoring system would be too rigid (at least as anything other than a preliminary starting point in the evaluation) and wouldn’t adequately allow for the complexities of evaluating such a proposal. However, some text should probably be added to the RFP to indicate, in a general way, how proposals will be evaluated.

4. For the list of experts I provided your committee, I was remiss in failing to include Prof. Herman Goldstein of Madison (retired from the UW Law School). David Couper has noted of Goldstein that “*The leading police thinker in the world lives right here in Madison and is generally overlooked*” and that neglecting to consult him would be a “*terrible oversight.*” Couper also notes that Goldstein has been in the field for nearly 60 years and “*was a key player in the 1967 President's commission on policing, formulating the American Bar Association's ‘Standards for the Urban Police Function’ (1974), creating an internationally-recognized ‘best method’ of policing (Problem-Oriented Policing), and was, and is, mentor to literally thousands of police leaders, practitioners, and academics.*”

Goldstein is currently in his 80’s and not in good health, but he’s still willing to share his time and knowledge, and is a potential resource that should not be overlooked.

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5. The following is unrelated to the expert review. Data to date suggests that U.S. CIT programs are less efficacious than might be hoped in reducing use of force against people with mental illness. I’ve looked into novel research/evidence-based approaches that could supplement or be integrated with existing MPD programming for working with people with mental illness or substance abuse issues. Two promising research-informed approaches warrant mention. One is a training program developed by researchers at University of Alberta, and which appeared to substantially reduce use of force when implemented by the Edmonton Police. [Here](#) and [here](#) are two papers describing this approach and outcomes. A second approach of interest is the enhanced CIT program implemented by the Spokane Police Department and developed based on the work of a set of researchers at Washington State University (among other things, these researchers developed new tools for dissecting factors contributing to shooting decisions by officers). [Here](#) and [here](#) are two articles regarding the Spokane Enhanced CIT program.

I’ve corresponded with Yasmeen Krameddine, one of the University of Alberta researchers responsible for development of the training program used in Edmonton. They’ve now set up an organization, [ProTraining](#), to make their training available to law enforcement agencies elsewhere. Yasmeen provided detailed information on their program in response to my questions – please [see her full e-mail here](#) (she also send a brochure – see [here](#)). Their program specifically focuses on changing behaviors of officers. Also, it’s intended to be given periodically (e.g. a refresher every three years) to reinforce the behaviors. The training includes up to 3 units, depending on the needs of the department – 1. a 90 minute online training session, designed to be taken by all officers, 2. a 4 hour in-person session with role plays, again designed to be taken by all officers, 3. a 40 hour intensive unit, designed for officers with frequent contact with people suffering from mental illness. I could potentially see these units, especially 1 and 2, implemented alongside existing MPD training.

Yasmeen kindly provided me with access to their 90 minute online training unit, which we can use up to 15 separate times (of which 13 uses are now left), and she offered to provide us additional entries into the program if needed. It provides video-based interactive training with four scenarios and assessment opportunities. Choices made by the trainee during the scenario determines the outcome. Trying this online training is useful to get a more specific sense of their approach (at least in the initial training unit). If you want access, please e-mail me for the login information. I would encourage any of you who are interested to give it a try.

Sincerely,

Dr. Gregory Gelembiuk