

RECOMMENDATION xx: MPD should continue its active role in collaborative programs that address systemic inequity, like the “Unpaid Ticket Resolution Days,” and set internal goals for accomplishing such events each year and encourage MPD to hold community courts in cooperation with community partners. [OIR 2]

Discussion: A variety of collaborative programs have the capacity to reduce and ameliorate systemic inequities. Some of these involve citations for municipal ordinance violations, where the penalty is a forfeiture, the amount of which varies depending on the offense.

Some citations require the alleged offender to appear in court. The City of Madison Municipal Court handles about 26,000 cases per year, including traffic, parking, first offense drunk driving, disorderly conduct, trespassing, and other low-level, nonviolent offenses. Court is held at the City-County Building in downtown Madison from 8 a.m. – 4:30 p.m. on weekdays. Given the Court’s hours of operation, this means a person may have to take time off work; find and pay for parking; or take the bus, which can be time-consuming and include one or more transfers.

In addition, while the forfeitures imposed for violating a municipal ordinance can be an annoyance and inconvenience for some members of the community, they can be financially devastating for others. Even a \$25 parking ticket can bust the budget of someone making minimum wage, especially given the high cost of living in Madison. Most forfeitures are much more than \$25, often as much as several hundred dollars. And, the failure to pay a forfeiture can lead to further penalties. For example, a person who does not pay a forfeiture can have their vehicle registration suspended, thus subjecting them to additional forfeitures if they keep driving. In addition, an arrest warrant can potentially be issued for failure to pay or failure to appear in court. To the extent that socio-economic status correlates along racial lines in Madison, the practical effect of the traditional court system response to these low-level law violations is to perpetuate Madison’s racial disparity problem.

MPD has worked with its community and system partners to address these systemic inequities. Examples include:

- A program whereby youths aged 12-16 who receive a municipal citation are eligible to participate in a restorative justice program so they will not have to pay a forfeiture or have an arrest record if they successfully complete the program.
- Other Municipal Court diversion programs, such as a “homeless court.”
- Addressing the collateral consequences of a retail theft citation by urging retailers to forego the civil recovery if the offender enrolls in a diversion program.
- MPD taking its own photographs of individuals cited for minor offenses, to avoid incarcerating individuals who lack identification but who are otherwise eligible for in-field citation and release.
- Developing a Spanish-language enhancement of the second-notice paperwork for parking citations.
- Participating in “Unpaid Ticket Resolution Days.” These were events held on two Sundays during the spring of 2016, at locations out in the community (rather than at the

City-County Building). People with unpaid forfeitures for municipal ordinance violations had the opportunity to meet with the City Attorney's Office and negotiate a reduced payment plan or otherwise reach an agreement to resolve the matter.

The Ad Hoc Committee recognizes collaborative efforts like those described above can build trust between the community and MPD because it shows MPD's willingness to assist the community and work collaboratively to address issues that lead to systemic inequity.

The City Attorney's Office and MPD expressed concern about specifically repeating "Unpaid Ticket Resolution" days on a regular basis, noting that only 39% of participants actually paid the reduced fines and/or completed the community service hours (assigned in lieu of the forfeiture), and arguing that it could undercut the deterrent effect of citations by circumventing the usual process. However, committee members noted that in terms of community engagement and trust-building by MPD, this initiative would appear to have been very beneficial; and that a success rate of less than 50% for ticket resolution should not be deemed a failure. In addition, committee members noted that involving advocates from community organizations (such as Centro Hispano), who engage with ticketed individuals and the court process, could greatly increase accountability for community service hours. Committee members also believed that the process itself—requiring the individual to come in and negotiate a resolution—would itself continue to provide significant deterrent effect for traffic violations.

Therefore, the Ad Hoc Committee recommends MPD continue its role in all these types of programs and encourages it to pursue other non-traditional responses to low-level law violations. An example of a non-traditional response that could benefit the community and reduce the justice system's disparate impact is holding municipal court in neighborhoods, making it more accessible to community members. Efforts by both MPD and community partners to make people aware of this opportunity would enhance its impact. The Committee therefore adopted OIR recommendation 2 with the additional language, "and encourage MPD to hold community courts in cooperation with community partners."

RECOMMENDATION xx: MPD should consider resource neutral ways to supplement the staffing of their facilities and also explore alternative shifts and hours so that they can be open for public access for longer hours. [OIR 34]

Discussion: Having an accessible presence in a community is critical to effective policing. An obvious indicator of a law enforcement agency's community presence is the district stations. OIR notes that, given the size of the department, the hours the MPD district stations are open to the public are very limited.

MPD district stations are open to the public on weekdays from 8 a.m. – 4 p.m. This creates obvious barriers for community members who may want to contact the police. A person working traditional hours would be unable to visit a facility to talk with a station commander

without taking time off work. Madison residents can submit non-emergency issues/requests for information online and if a person wanted to report a crime or make a complaint, they could call MPD and an officer would be sent to the residence. However, some people prefer to go to the station to talk with MPD rather than have an officer show up at their home. The current hours of operation do not allow for this and limit the public's access to MPD.

MPD recognizes the drawbacks of the limited hours and fully supports expanded hours, but it questions whether it has the resources to do so. The Ad Hoc Committee recognizes that MPD has limited resources so it cannot keep all facilities open 24/7. However, an effective police force is one that is open and readily accessible to the community, so it would benefit MPD and the community if the facilities' hours were more conducive to public access. There are resource-neutral alternatives that would provide the public with greater access to MPD's facilities and services. For example, the lobby could be staffed with volunteers or cadets from the Explorer program. Also, alternative schedules could be used. For example, the stations could be open from 10 a.m. - 7 p.m. one or two days a week or some other non-traditional hours to enable greater public access and enhance MPD's ability to serve the community. The Ad Hoc Committee thus adopted this OIR recommendation, adding the phrase, "and also explore alternative shifts and hours," since this mechanism could potentially increase accessibility without increasing staffing requirements.

RECOMMENDATION xx: MPD should collect and document information pertaining to the work of neighborhood officers and other specialized officers either through daily logs or through such other data collection methods that the department deems appropriate that generate comparable data. [OIR 38]

Discussion: MPD has created several specialized units to perform community- and problem-oriented policing, an approach to policing that seeks to be proactive in identifying issues that matter to the community and finding ways to address them systemically and comprehensively, rather than on a reactive, case-by-case basis. These specialized units include neighborhood officers, educational resource officers, mental health officers, community policing teams, and the Community Outreach and Resource Education (CORE) team.

While the intent behind the specialized units is laudable, other than anecdotal stories there is little documented evidence to know how well specialized officers are performing the problem-solving functions of their job. For example, because they are not handling calls for service, regularly making arrests, and issuing citations, neighborhood officers are freed from much of the traditional report writing of patrol (and their activities are mostly not captured on the computer-aided dispatch system). They also do not keep daily logs of their activities. The result is that there is little contemporaneous documentation with which to gauge their activities and learn how effective they are in performing their job duties.

One way to measure whether the specialized officers are performing their jobs as intended is to have officers keep documentation that would help MPD assess the degree to which the objectives of problem-oriented policing are being carried out. For example, a brief, daily activity log completed at the end of a shift would provide some documentation from which to make assessments. OIR recommends implementation of such daily activity logs. OIR further points out that MPD currently has no formal evaluation process for its police officers, and notes that daily activity logs and input from the community could provide the backbone of an evaluative process for specialized officers. Meanwhile, MPD's position is that keeping daily activity logs is an ineffective and inefficient way to capture the officers' work. Madison Professional Police Officers Association (MPPOA) agrees with MPD's position but it recognizes that supervision alone will not provide the measurable data that is being sought by this recommendation.

MPD Neighborhood Officers did use activity logs when community policing was first initiated. OIR states that it knows of a number of agencies that use daily activity logs, and it provides an example from the Burbank Police Department, noting, "Burbank PD has indicated that the logs are helpful, not unduly burdensome, provide important data to its command staff, and are used to better know and guide what its officers are doing on a day-to-day basis." As another option possibly worth exploring, OIR references computerized platforms, such as one from Benchmark Analytics, advertised as designed to map the spectrum of on-duty actions of officers to "paint a full picture of an officer's patterns, skills, and abilities."

Capturing data is necessary so MPD can determine if the specialized officers are fulfilling the expectations of the job. If MPD truly believes it is critical for these officers to be engaged in community-based policing, and it does not want officers to keep daily activity logs, it needs to devise an alternative data collection method to learn whether the officers are doing so. Without information on daily activities, MPD has no way of assessing program effectiveness, addressing problems, or recognizing quality work. A more concerted effort to capture and report community policing efforts, including problem solving, incidents of de-escalation, and the daily work of its specialized units will provide a more robust and complete record of the work that is being done by MPD and provide additional data points with which to better assess important questions about resource allocation. Committee members noted that a mere checklist would be insufficient – this would not capture the data needed to properly understand the nature and quality of an officer's problem-oriented policing activities. MPD argued for the importance of a system that could track and code officer activities in a way that would have meaningful use.

The Ad Hoc Committee's position is that capturing the relevant data is of utmost importance, but the Committee is flexible about the exact means of doing so. The original OIR recommendation stated, "MPD should have its Neighborhood Officers (and all specialized officers) prepare daily activity logs of their performance." The Committee amended the OIR recommendation to give MPD flexibility in how it collects the data, so long as the data is truly comparable, recommending, "MPD should collect and document information pertaining to the work of neighborhood officers and other specialized officers *either through daily logs or*

through such other data collection methods that the department deems appropriate that generate comparable data.”

RECOMMENDATION xx: In order to be able to gain an evidenced-based understanding of patrol officers’ problem-oriented policing activity, MPD should develop a system to track and report the specific efforts including results, ongoing efforts, and collaboration with community groups. [OIR 39]

Discussion: MPD expects that at least 50% of an officer’s time should be devoted to engaging in problem-oriented policing and has used this expectation to request additional resources for staffing from the Common Council. Most traditional law enforcement work performed by patrol officers is documented and tracked through the 911 Center’s computer-aided dispatch (CAD) system. In addition, patrol officers write reports, make arrests, and issue citations, thus providing another source for capturing the traditional law enforcement functions of the patrol officers. However, patrol officers do not keep daily activity logs. While incident categories have been created in the CAD to better track patrol officers’ community-oriented policing activities, as opposed to traditional enforcement activities, there is not enough data to determine the amount and effectiveness of the patrol officers’ activities non-traditional law enforcement activities.

In response to requests from the Common Council, MPD began publishing a departmental daily activity log that focuses largely on MPD’s response to calls for service and observed criminal activity. What is not included in this departmental daily log is police activity such as problem solving, incidents of de-escalation, and other community-based policing initiatives. As OIR notes, “[A] more concerted effort to capture and report out ‘community policing’ efforts – by patrol officers or others – and the daily work of its special assignment units will provide a more robust and complete record of the work that is being done by MPD.” Capturing more data on community policing efforts, including problem solving, will reinforce to patrol officers that MPD values a community policing orientation thereby incentivizing them to maintain a community policing orientation as they perform their duties. It will also allow MPD to determine which officers are meeting the 50% expectation, establish remediation programs for those who are not, assess the quality of officers’ problem-oriented policing efforts, and make this information available to the public. Moreover, the data could be mined for superior, creative responses to problems. OIR recommends instituting daily activity logs for patrol officers to capture this data. MPD argues that maintaining a daily activity log would be onerous for officers, though OIR notes in reply: “In its response, MPD suggests that it might take eight minutes of an officer’s day to complete such logs. In our view, for an officer to spend eight minutes documenting and reflecting on her/his activity during the shift has significant value and is not a wasted use of time.”

The Ad Hoc Committee discussed the question of data collection at length. Committee members noted the importance of instituting some form of narrative tracking log for patrol officers engaged in problem-oriented activities. A system such as CAD that merely captures

categories of activities (e.g., foot patrol) is insufficient. Some type of narrative log is needed that captures the heart of what happened – from the start of the problem to resolution – including steps taken in responding to a problem, analysis of the problem, individuals or entities engaged with, trials attempted, what worked, what didn't work, etc. Such a log would not necessarily have to be daily. Indeed, responses to some problems may play out (and require narrative tracking) over protracted periods. But when officers are engaged in activities responding to a problem, they need a log around the activities that captures their approach. In addition, it is worth noting that logging at long time intervals may lead to pertinent information being forgotten.

Given all of these considerations, the Committee amended the OIR recommendation (that MPD should institute daily activity logs for patrol officers) to instead state: “In order to be able to gain an evidenced-based understanding of patrol officers’ problem-oriented policing activity, *MPD should develop a system to track and report the specific efforts including results, ongoing efforts, and collaboration with community groups.*” The exact details of the approach are thus left to MPD to develop, providing the Department with flexibility, though the approach should fully capture the types of information discussed.

RECOMMENDATION xx: MPD should develop evaluative metrics consistent with the stated mission of neighborhood officers and prepare at least annual performance evaluations based on those metrics, to be completed in conjunction with the neighborhood as laid out in OIR Recommendation 41. [OIR 40]

Discussion: As noted in Recommendation **XX** [OIR 38], other than anecdotal stories about neighborhood officers, there is little documented evidence on the extent to which they are performing their problem-solving duties and how well they are performing them. Moreover, MPD has no formal evaluation process for its neighborhood officers. The neighborhood officers complete an annual report on their assigned neighborhoods that addresses neighborhood wellness and the need for MPD intervention, but that report is not designed to measure individual officer performance. These annual reports may be valuable for some purposes, but they do not address the crux of this recommendation.

The intent of this recommendation is for MPD to develop metrics regarding its expectations for a high-functioning neighborhood officer. Annual performance evaluations should be conducted using the metrics. The purpose is for each neighborhood officer to understand the department’s expectations and the fields of activity under which their performance will be evaluated. In addition to the officers being informed of those expectations, the neighborhood would also be aware of them and could contribute ideas for inclusion and refinement. The documentation of the officer’s daily activities (through a daily activity log or other method—See Recommendation **XX** [OIR 38]) and input from the community [OIR 41] should be used as part of the evaluation process. The metrics need to be “homegrown” and developed in consultation with the neighborhood, because each neighborhood has different interests and challenges. The Ad Hoc Committee recognizes the uniqueness of each of Madison’s neighborhoods and the

importance of neighborhoods partnering with MPD in determining exactly what measurements they want performance to be evaluated on, and in providing direct input to the evaluations, so it added “to be completed in conjunction with the neighborhood as laid out in OIR Recommendation 41” to the original OIR recommendation.

MPD is supportive of this recommendation as it relates to evaluating individual officers. Though Assistant Chief Vic Wahl noted that care needs to be taken in choosing metrics – for example, increased trust in a neighborhood officer may lead to an increase in service calls because people are more comfortable contacting the officer, and the increase in service calls should not be taken as an indication of poor performance. Metrics based on relationships created with the community or community services (outside of traditional law enforcement) provided by an officer could potentially provide more appropriate bases for evaluation.