
REPORT OF: CCOC Subcommittee on Police and Community Relations

TITLE: Recommendations on police policies and procedures

DATE: March 21, 2017

Introduction

The Common Council Organizational Committee Subcommittee on Police and Community Relations (the Subcommittee) held its first meeting on September 14, 2016 and confirmed the following objectives:

- a) Provide a forum for residents and members of the Council to discuss police and community goals, priorities and interactions. Build a deeper understanding of policing for elected officials and members of the public; and,
- b) Explore models and options from other communities related to policing and other police policies; and,
- c) Provide a forum for information sharing regarding police training, policies, data and trends including detailed presentations from the MPD related to policing; and,
- d) Make recommendations to the Council on short-term policy, procedure and training while waiting for the results of the Ad Hoc Review of Police Policies and Procedures.

Ald. Marsha Rummel chairs the Subcommittee and Ald. Shiva Bidar-Sielaff serves as vice chair. Ald. Rebecca Kemble, Ald. Sheri Carter and Ald. Denise DeMarb are members of the Subcommittee.

Overview of Activities

The PCR Subcommittee has received several presentations from experts on policing including the following:

- o A presentation from Capt. James Wheeler and Sgt. Erik Fuhreman on the City of Madison Police Department (MPD) investigation and discipline process, and
- o A presentation from City Attorney Michael May and Assistant City Attorney Marci Paulson on the division of legal authority between the Police Chief, the Mayor and the Council in the operation of the police department, and
- o A presentation from Capt. James Wheeler and Capt. Kristen Roman on the 2016 Special Community/Police Task Force Recommendations Regarding Police 'Use of Force'. The Report was issued jointly by the United Way of Dane County, the Dane County Chiefs of Police Association and the Dane County Branch of the NAACP. The City of Madison and MPD had also contributed to the development of the Report and recommendations, and
- o A presentation from State Representative Chris Taylor regarding statewide use of force proposals as well as best practices from other communities, and

- o A presentation from Freedom Inc, regarding community control of the police, and
- o A presentation from the ACLU regarding surveillance technologies.
- o A presentation from Collen Clark, Equity and Criminal Justice Council Coordinator regarding the efforts of the Dane County Criminal Justice Council to expand collaboration, data driven justices and innovation.
- o A presentation from Sgt. Kimba Tieu on the MPD's Use of Force policies and procedures.

The PCR Subcommittee has also reached out to neighborhood associations directly with a short survey. The goal of the survey is to understand the types of cooperative activities neighborhood associations have with MPD and to learn more about existing neighborhood watch programs as well as perceptions of public safety.

Madison Police Oversight Committees

Madison Police and Fire Commission	Public Safety Review Committee	Madison Police Department Policy and Procedure Review Ad Hoc Committee	Common Council Organizational Committee Subcommittee on Police and Community Relations
Permanent, established by WI Statute	Permanent, established by Common Council	Temporary, established by Common Council	Temporary, established by Common Council
Madison General Ordinance Sec. 33.06 and State Statutes 62.13 - Appoints the chief of each department; approves or disapproves promotions and supervision of the hiring process, with certification of an eligibility list and approval of those who are finally hired; holds hearings on disciplinary matters brought to its attention either directly or through appeal and imposes discipline if appropriate.	Madison General Ordinance Sec. 33.22 - The board shall be advisory to the mayor and Common Council to assist them in the performance of their statutory duties. The board may review and make recommendations concerning departmental budgets; review service priorities and capital budget priorities of the Police and Fire Departments; serve as liaison between the community and the city on public safety issues; and review annually and make recommendations to the Common Council regarding the annual work plans and long-range goals of the departments.	The Committee's objective is to complete a thorough review of the Madison Police Department's policies, procedures, culture and training using the report, other resources and testimony. Creating resolution RES-15-00477, File ID# 37863; effective 5/21/2015	The Subcommittee's objective is to provide a forum for residents, to share information on Madison policies and procedures, to explore police policies and procedures from other communities, and to make short-term policy recommendations while waiting for the results of the Madison Police Department Policy and Procedure Review Ad Hoc Committee. Established 9/14/2016.

Recommendations

The following is the list of indentified issues, findings and recommendations:

Surveillance Policies

Issue: Surveillance technologies are rapidly expanding governmental capabilities to gather a data and information on residents. Though the City of Madison does not yet have comprehensive policies related to surveillance.

Recommendation: The Council will develop policy governing the purchase and use of all surveillance equipment employed by all City Agencies including MPD. The policies will also address data management and storage.

Addressing mental health and substance abuse issues

Issue: The majority of officer-involved shootings in the last 3 years in the City of Madison have involved a person with a mental health issue or intoxication.

Recommendation 1: Increase the level of training for officers to interact with people experiencing a mental health crisis or intoxication.

Recommendation 2: Hire social workers to work with officers in every district on every shift.

Recommendation 3: Establish policies for mental health teams.

Use of Force Policies

Issue: The Madison Police Department Use of Force Policies do not include the following precautions which are contained in similar policies from other police departments: a duty to preserve life, use of deadly force only as a last resort, the principle of proportionality, the duty to intervene with another officer, nor the duty to de-escalate a situation.

Recommendation 1: The Council will direct the Chief of Police to incorporate these precautionary principles, as identified by Rep. Chris Taylor into the MPD Use of Force policy.

Recommendation 2: Policies will also include a clear requirement that officers will wait for backup if alone, unless there is an immediate threat to an officer and they are facing imminent fatal threat within 7'.

Oversight of Internal Investigations

Issue: Internal review may be perceived as biased, especially in cases of officer-involved deaths.

Recommendation 1: Every MPD internal investigation of an officer-involved death will be audited by an external reviewer.

Safety in numbers

Issue: Officers are at higher risk when working alone, and may be more likely to use deadly force because of that risk.

Recommendation: MPD policy should state that two officers should be working together if at all possible.

Communication with City Council:

Issue: The MPD and Council could work together more closely if communication was enhanced.

Recommendation: Chief of Police will provide quarterly written and verbal updates to City Council (verbal as a standing quarterly agenda item at either Council or the Common Council Organizational Committee) to include the following information; 1) any changes to Code of conduct and SOP, 2) any changes in training, 3) any new initiatives, 4) MPD arrest data by reason for arrest and race/ethnicity, and 5) use of force incidents.

Conclusion

The Subcommittee achieved the objectives established in September 2016 and has created a suite of recommendations for the Common Council. A resolution and full report will be introduced to the Council along with this Executive Summary.