

**Text of Legislative File 04661**

**...Fiscal Note**

Approximately \$775,000 is available in the Contingent Reserve to fund the \$35,000 expenditure authorized by this resolution. **Funding for this expenditure is included in the 2007 Operating Budget.** There is no impact on the tax levy or eligibility under the state expenditure restraint program. The Police Department policy report required by this resolution could be accomplished through the reallocation of existing Police staff resources.

**...Title**

SECOND SUBSTITUTE - Amending the 2006 Operating Budget by authorizing the expenditure **payment** of \$35,000 from the contingent reserve, requesting the creation of a new Madison Police departmental policy, and conveying an apology.

**...Body**

WHEREAS, in September of 1997, a visually impaired Madison resident named Patty was brutally raped in her home by an armed intruder; and

WHEREAS, Patty briefly recanted her story under questioning by a Madison Police Department detective who had come to doubt her story, questioning which Patty characterized as being extremely pressured; and

WHEREAS, Patty was subsequently charged with obstruction for filing a false report and faced these charges for seven months before they were dropped; and

WHEREAS, despite the dismissal of Patty's subsequent civil rights lawsuit against City officials, concerns still exist as to the whether the investigation by the Madison Police Department and the conduct of attorneys with the firm of Axley Brynelson, who represented City officials in that lawsuit, were inappropriate under the circumstances, and whether such conduct further victimized Patty; and

WHEREAS, the criminal charges and lawsuit saddled Patty with an extraordinary amount of expenses and debt from legal expenses and lost wages; and

WHEREAS, a "cold hit" in a DNA databank ultimately led to the identification of Patty's rapist, a known criminal named Joseph Bong; and

WHEREAS, it was only as a result of Patty's perseverance that this dangerous criminal was ever identified and brought to justice; and

WHEREAS, despite Bong's subsequent conviction, the City of Madison has never apologized for the extremely harmful impact of these events on Patty, and public trust in our criminal justice system has been tarnished by this inaction;

NOW, THEREFORE, BE IT RESOLVED that the City of Madison express its most heartfelt apology and deepest regrets to Patty, who persevered against all odds after having been brutally assaulted by Joseph Bong and then further victimized by the criminal justice system; and

BE IT FURTHER RESOLVED that the City of Madison shall not retain the firm of Axley Brynelson for any future legal services for the City until January 1, 2017, without an express resolution of the Common Council to do so, and that the City request of its insurer, WMMIC, that it similarly not retain the firm of Axley Brynelson to represent the City during this time; and

BE IT FURTHER RESOLVED that the City of Madison, despite the outcome of litigation which cleared City officials, finds it has a moral obligation to assist Patty due to the impact of her ordeal, and thereby authorizes the expenditure **payment** of \$35,000 from the contingent reserve to Patty, to cover the costs incurred by Patty for legal fees, lost wages, and the trauma caused by her experience in the justice system; and

BE IT FINALLY **FURTHER** RESOLVED that the Common Council applauds Madison Police Chief Noble Wray's heartfelt and courageous apology to Patty that was made at the Common Council meeting of October 17, 2006, as well as his involvement on a statewide commission seeking to improve interrogation policies and practices, and,

**BE IT FINALLY RESOLVED, that the Common Council** hereby requests that he **Chief Wray prepare a report back to the for Common Council consideration** within **30 90 days of adoption of this resolution** with **his** recommendations to create a new Department policy that **on interview and interrogation policies or procedures**, would **including how to** eliminate the use of lies, coercion, deception, ruses, or other techniques

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designed to break down individuals who are reporting that they are victims of ~~domestic violence or sexual assault~~ **sensitive crimes**, in all but the rarest of circumstances