

**From:** [senji1@sbcglobal.net](mailto:senji1@sbcglobal.net)  
**To:** [All Alders](#)  
**Subject:** [All Alders] Proposed ban on use of tear gas  
**Date:** Sunday, September 18, 2022 10:26:14 PM

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**Recipient:** All Alders

**Name:** Vaira and Ron Akselis  
**Address:** 13 Julia Circle, Madison, WI 53705  
**Email:** [senji1@sbcglobal.net](mailto:senji1@sbcglobal.net)

**Would you like us to contact you?** Yes, by email

**Message:**

We would like to voice our firm OPPOSITION to the proposal to ban the use of tear gas in the City of Madison by MPD. This is a really, really bad idea. Our MPD does NOT go around indiscriminately gassing anybody. If anything, more looters and rioters should have been gassed during the summer of 2020. As Chief Barnes has pointed out, other cities that have banned it, have later reversed the decision, seeing it's folly. It's just plain common sense that tear gas should be used in certain situations.

**From:** [jakealtwegg@att.net](mailto:jakealtwegg@att.net)  
**To:** [All Alders](#)  
**Subject:** [All Alders] Proposed Tear gas, etc. Ordinance  
**Date:** Monday, September 19, 2022 12:25:06 PM

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**Recipient:** All Alders

**Name:** Jake Altwegg  
**Address:** 5408 Maher Ave, Madison, WI 53716-3228  
**Phone:** 608-222-4754  
**Email:** [jakealtwegg@att.net](mailto:jakealtwegg@att.net)

**Would you like us to contact you?** No, do not contact me

**Message:**

Alders: Please vote against the proposed outright prohibition on the use of tear gas and other much less lethal means of controlling unruly crowds by MPD. I definitely believe that such measures should be employed very sparingly which they are, but that a total ban could be a grave mistake moving forward. Just imagine a January 6th type of incident at our capitol in 2024 and that you were a responding officer. How would you feel if this proposal actually passes. While I consider myself relatively liberal, this proposal goes way too far and could contribute to a catastrophic incident.

**From:** [margaret benbow](#)  
**To:** [All Alders](#)  
**Subject:** Oppose Resolution Banning Use of Tear Gas  
**Date:** Tuesday, September 20, 2022 8:15:53 AM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders,

I'm concerned that if the police are banned from using tear gas, they'll turn to more violent methods in the heat of the moment, during active protests or engaging with crowds. The effects of tear gas are certainly unpleasant, but they're not as bad as the use of night sticks, fists, kicking with boots, tasing, or even drawing weapons and shooting. Tear gas is safe in the sense that it doesn't cause lasting damage, while all of the other alternatives do.

I think it's safer for citizens if the police continue to have this less-violent alternative. However, a good Council resolution would be that the police receive training to use tear gas only in dangerous or potentially dangerous situations

Thank you,  
Margaret Benbow

**From:** [bkoykkar33@gmail.com](mailto:bkoykkar33@gmail.com)  
**To:** [All Alders](#)  
**Subject:** [All Alders] Banning Tear Gas, Mace, Rubber Bullets  
**Date:** Monday, September 19, 2022 7:26:37 PM

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**Recipient:** All Alders

**Name:** Barbara Koykkar  
**Address:** 5205 Hammersley Rd., Madison, WI 53711  
**Phone:** 608-284-0644  
**Email:** [bkoykkar33@gmail.com](mailto:bkoykkar33@gmail.com)

**Would you like us to contact you?** Yes, by email

**Message:**

Please vote against banning non-lethal tools for our police such as tear gas, mace, and rubber bullets, etc. I want to protect our police officers who put their lives at risk for protecting us. They should not have to put their lives at any more risk by having to engage in hand -to-hand combat with batons and shields, etc., with physical injuries. Support our police and community safety!

**From:** [John Davenport](#)  
**To:** [All Alders](#); [Mayor](#)  
**Cc:** [Barnes, Shon F](#); [MCPF ROAR](#)  
**Subject:** Tear Gas / Pepper ban proposal  
**Date:** Tuesday, September 20, 2022 12:17:24 PM

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Madison Alders,

It is my understanding that you will once again be discussing the issue of potentially prohibiting the Madison Police Department's (MPD) use of tear gas and pepper spray. If you have already decided to prohibit MPD from using chemical agents during the course of their duties I implore you to reconsider. Law Enforcement officers have very few tools they can utilize when attempting to manage people or large crowds and MPD has been using chemical agents for over five decades. The decision to utilize chemical agents is never an easy one to make. When situations escalate to the point where verbal commands are ineffective and officers have to assume control of a person or large crowds, quite frankly, the use of chemical agents is the most humane option compared to the other options available, fists, batons or firearms. Unfortunately, they have no other tools to utilize. Although most officers would like to disengage and possibly retreat, in most situations they are confronted with that response is not an option as they are ultimately responsible for protecting life and property. Chemical agents are utilized to facilitate the movement of people away from the police to avoid physical confrontations. For those of you that don't know me, I was on the Madison Police Department for over 41 years. I proposed the formation and commanded the Department's Special Events Team for almost 16 years.

Law Enforcements commanders from a variety of departments have come to Madison to see firsthand how the MPD manages large crowds, including but not limited to the National police force of England, Arizona St. University, and the City of Milwaukee. A national organization based in Washington DC, the Police Education Research Foundation (PERF) has utilized the MPD SET's mission statement and crowd management / control philosophy and policy as a model for law enforcement in our country.

Since Chief David Couper exposed the philosophy of Quality to the organization, which has been supported by all of the subsequent Chiefs, members of the MPD have strived for improvement in every aspect of policing including MPD's response to civil disobedience. The Department has also trained with other local law enforcement agencies, including the State Patrol, to ensure that should the need arise to require their support in responding to events of civil disobedience their response w Since it's inception the SET team has successfully policed and facilitated the protection of first amendment rights for the following events:

- <!--[if !supportLists]-->■ <!--[endif]-->Mifflin St. block parties
- <!--[if !supportLists]-->■ <!--[endif]-->Annual fireworks displays, Rhythm & Booms to Shake the Lake
- <!--[if !supportLists]-->■ <!--[endif]-->Halloween celebrations on State St.
- <!--[if !supportLists]-->■ <!--[endif]-->Black Lives Matter demonstrations
- <!--[if !supportLists]-->■ <!--[endif]-->Anti war demonstrations
- <!--[if !supportLists]-->■ <!--[endif]-->Labor disputes

Members of the Department are much better educated, are much more diverse, better trained and more dedicated and committed now than ever before to providing quality service to all of the citizens of Madison. Since the inception of the SET team there has not been an incident where a baton strike was used during a large crowd situation. If you vote to remove Tear Gas or Pepper from options to be used to assist officers in quelling disturbances they will be forced to use their batons or fists, which will certainly increase injuries to citizens and officers.

The MPD has made significant improvements in managing people and crowds over the last five decades, and I absolutely believe the MPD should continue looking to improve how they respond to acts of civil

disobedience. I respectfully ask that you not take away some of the less lethal tools they use to effectively manage these situations.

Please remember that the members of the police department are your employees. Please do not take away the tools to be able to perform their responsibilities with the least amount of force necessary.

Thank you for your consideration.

Respectfully,

John Davenport,

Assistant Chief of Police (Ret.)

**From:** [Nicholas Davies](#)  
**To:** [All Alders](#)  
**Subject:** Re: Tear gas resources (RE: 72126)  
**Date:** Sunday, September 18, 2022 5:29:01 PM

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Dear alders,

With the vote on item 72126 coming up on Tuesday, I wanted to bring these resources back to the fore.

I also have a few additions to make, as the landscape on this issue continues to evolve in real time...

### **Lawsuits**

- \* [Rochester NY lawsuit over miscarriage](#)
- \* [Cleveland settlement for \\$540K](#)
- \* [Alameda County ban, prompted by \\$250K settlement](#)
- \* [Another \\$55K settlement against Portland for excessive force against journalists](#)
- \* [Lawsuit against Des Moines](#)
- \* [Detroit \\$1M settlement](#)

### **Bans**

- \* Alameda County (see link above)
- \* [US senators holding GAO accountable](#)
- \* [Akron faith leaders calling for tear gas ban](#)
- \* [Dallas](#) (not new, just new to me)

### **Effectiveness / necessity of tear gas**

- \* Still no studies on the effectiveness of tear gas for crowd control
- \* In his [departmental blog](#), Chief Barnes asked us all to "trust in the research". I emailed him asking for links to the research he was referring to. His response: "I have stated my position. It is out of my hands now."

On Sun, Jul 10, 2022 at 9:27 PM Nicholas Davies <[nbdavies@gmail.com](mailto:nbdavies@gmail.com)> wrote:

Hello,

Here are some resources to help you all consider banning tear gas, as proposed in item 72126. I shared some of this with PSRC back in February (although that was back in February). Much of this info is new since the last time a chemical weapons ban was before the council, back in October 2020.

### **Medical impacts**

- \* [CDC fact sheet on tear gas exposure](#) - Immediate risks include chemical burns to lungs and throat, fatal respiratory failure, rashes, blindness. Long-term effects include eye damage such as glaucoma or cataracts; or respiratory conditions such as asthma.
- \* [Sep 2021 U of Minnesota summary study](#) - concluding that effects of tear gas are still too unknown
- \* [Apr 2021 study of overall health impacts](#) - found that victims of tear gas attacks ended up

requiring more healthcare resources afterwards

- \* [2014 study of long-term respiratory effects](#) - tear gas exposure doubles the risk of chronic bronchitis.

- \* [2014 US military study](#) - found that tear gas exposure significantly increases risk of acute respiratory illness.

- \* [May 2021 NY Times article on reproductive health impacts](#) - Tear gas has been observed to cause sudden menstruation, including for trans men on long-term hormonal therapies. This also makes it abortifacient (illegal under current Wisconsin law).

- \* [Dec 2021 civil rights complaint](#) - lawsuit against Portland, OR for violating reproductive rights.

### **Tear gas bans / severe restrictions elsewhere**

- \* [New Orleans](#)

- \* [Philadelphia](#)

- \* [Denver](#) (via court order)

- \* [Boston](#) (plus [Cambridge](#), [Somerville](#))

- \* [Washington \(state\)](#)

- \* [Oregon \(state\)](#)

- \* [Canada \(national law enforcement\)](#)

- \* [Brooklyn Center, MN](#)

### **Fiscal impacts**

- \* The city stands to save on equipment costs (\$50K-\$100K per last request), and ongoing personnel training costs.

- \* By continuing to use tear gas, MPD could at any time incur the astronomical cost of a court settlement. We're lucky to have avoided a lawsuit so far, but it's already happened in [Pittsburgh](#), [Oakland](#) (\$1.5m), [Denver](#) (\$14m), [Minneapolis](#) (\$2.4m), [New York City](#), [Santa Rosa](#) (1.9m), [Washington D.C.](#), [Charlotte](#), [Portland](#) (\$22.5k) and [Richmond](#).

- \* The "Fiscal note" in item 72126 claims that event organizers will pull out of Madison if they cannot expect MPD to tear-gas people. This is not a real thing. See list above of cities/states that have already taken action on tear gas. These places are not shunned by event organizers.

### **Effectiveness / necessity of tear gas**

- \* [Jan 2021 MPD report on tear gas](#)

"Projectiles used to deploy CS are not fired directly at individuals."

- [This is false.](#)

"Evaluating the effectiveness of the May/June 2020 deployments is much more complicated due to the size/scope of the unrest."

- The report contained no evidence that CS gas is effective for crowd control, either from inside or outside MPD.

- The Common Council specifically requested counts of tear gas victims, which this report did not include.

- \* [Nov 2021 Quattrone Center report on MPD's uses of force in summer 2020](#)

- This report repeatedly explains how tear gas escalates a conflict, putting officers in greater risk. Tear gas is cited as a contributing factor in widespread property damage and the arson of a police vehicle.

- It also notes how gas masks impair communication.

- The incidents described in the report include times when tear gas failed to clear an area, or only cleared it momentarily; in contrast, it also includes times when MPD decided not to use

tear gas, and resolved the situation quickly and peacefully.

\* [1980 National Institute of Justice study](#) - The *only* study I could find on the tactical effectiveness of tear gas, and it's specifically about adding dye and CS powder to banknotes during a robbery.

\* [MPD records request](#) - I contacted MPD directly, to try to understand what they refer to when they claim tear gas is effective/necessary for crowd control. MPD had no matching documents. (I have also reached out to Chief Barnes directly, and received no response.)

I really do hope this helps. I would not say that the police violence of 2020 was a good thing, but it does put us in a better position than any generation before us, to reassess the merits of tear gas. To fully weigh the real, scientific evidence that it negatively, seriously impacts everyone present at an event--journalists, protesters, neighborhood residents, officers themselves--against the sorely lacking evidence that tear gas improves the situation at all.

Thank you,

Nick Davies  
3717 Richard St

**From:** [kjdemets@chorus.net](mailto:kjdemets@chorus.net)  
**To:** [All Alders](#)  
**Subject:** [All Alders] Agenda Item 42 on Sept 20, 2022 agenda  
**Date:** Sunday, September 18, 2022 10:19:29 PM

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**Recipient:** All Alders

**Name:** Kathryn DeMets

**Address:** 6333 LANDFALL DR, MADISON, WI 53705-4308

**Email:** [kjdemets@chorus.net](mailto:kjdemets@chorus.net)

**Would you like us to contact you?** No, do not contact me

**Message:**

We must support our police force. It is an excellent force.

Please give them the tools they need to do their job.

Therefore, PLEASE OPPOSE Agenda Item 42 which will be presented Sept. 20, 2022

**From:** [tessaecheverria@gmail.com](mailto:tessaecheverria@gmail.com)  
**To:** [All Alders](#)  
**Subject:** [All Alders] Please ban chemical weapons in Madison  
**Date:** Tuesday, September 20, 2022 9:06:34 AM

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**Recipient:** All Alders

**Name:** Tessa Echeverria

**Address:** 1950 Manley St, Madison Dane County, WI 53704

**Email:** [tessaecheverria@gmail.com](mailto:tessaecheverria@gmail.com)

**Would you like us to contact you?** Yes, by email

**Message:**

Hello all,

I am writing in support of agenda item 42 tonight on the council agenda.

Please support the ban of chemical weapons. Chemical weapons should ever be used on a population. I can't believe we still have to state that in 2022.

Please stand on the side of the residents in this city and stop the use of chemical weapons.

-Tessa Echeverria

**From:** [baentwistle77@gmail.com](mailto:baentwistle77@gmail.com)  
**To:** [All Alders](#)  
**Subject:** [All Alders] Police use of tear gas  
**Date:** Saturday, September 17, 2022 1:42:22 AM

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**Recipient:** All Alders

**Name:** Robert Entwistle  
**Address:** 2709 Center Ave, Madison , WI 53704  
**Email:** [baentwistle77@gmail.com](mailto:baentwistle77@gmail.com)

**Would you like us to contact you?** No, do not contact me

**Message:**

Council Meeting Sept. 20, Agenda Item 42, Reference # 72126

I am opposed to restricting the use of tear gas. There may be situations where crowd control warrants the use and this is a tool that is essentially non-violent.

I grew up in the era of 60s/70s protests and realize that the default Madison liberal bias is to control the policing of protests. But everyone needs to understand that Madison may become the target of conservative groups much like Portland was in the past. We want police to have the ability to disperse without some future GOP governor sending in the National Guard to deal with it in a worse way.

**From:** [George Hank](#)  
**To:** [All Alders](#)  
**Subject:** PROHIBITION OF TEAR GAS, MACE AND IMPACT PROJECTILE DEVICES - Please Vote No!  
**Date:** Monday, September 19, 2022 10:30:56 AM

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Dear Alders,

I very seldom express my opinions to you but I feel compelled to reach out to you regarding the proposed ordinance that would prohibit MPD from using non-lethal measures when trying to control a dangerous crowd. I believe this is incredibly short sided. I am old enough to remember when protester had skin in the game. They believed in their cause and were willing pay the price for exercising their constitutional right to protest knowing that some of the crowd members could cross the line and necessate the use of non-lethal measures. Chemical agents cannot identify a peaceful protester from someone intent on causing injury to another or damage to property. Until peaceful protesters weed out the bad actors in their midst, the police will need to have access to non-lethal crowd control measures. If this passes you might as well tell police to return to the station when peaceful protests turn violent because you are tying their hands and removing the tools they need.

Thank you for your time and I strongly urge you to vote no on this proposed ordinance.

George Hank  
2118 E Mifflin St  
Madison WI 53704

**From:** [Mary Gigot](#)  
**To:** [Mayor](#); [All Alders](#)  
**Subject:** Ban on tear gas  
**Date:** Saturday, September 17, 2022 3:28:29 PM

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As a Madison tax payer I strongly disagree with this proposal. Please allow the police to do their job to protect the citizens & visitors to Madison. The fact that other police organizations will not provide mutual aid would be very concerning. This could cause groups to come to Madison & cause havoc because they know the police have had their hands tied.

Please do not pass this ordinance.

Thank you for your time  
Mary Gigot

**From:** [Charles James](#)  
**To:** [All Alders](#)  
**Cc:** [Wendy Reichel](#); [judybl@tds.net](#); [jhirsch@chorus.net](#); [Kim Richman](#); [bonnie.roe@gmail.com](#); [joe.keyes@tdstelecom.com](#); [Mike Thomsen](#)  
**Subject:** tear gas  
**Date:** Monday, September 19, 2022 11:04:37 AM  
**Attachments:** [TISHLER22-09-20.rtf](#)

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Dear Alders, September 20, 2022

I'm writing today to ask you vote against the proposed ordinance change regarding the use of chemical munitions for crowd control [#42 - 72126]. This change will not have the effect its sponsors think it will have. It will, however, have unintended negative consequences for the ability of the Madison Police Department to protect the lives of the residents of Madison. Other members of the community will go into detail on this, but I want to share an observation of my own, starting with a question .....

..... What does "indiscriminate(ly)" mean? One of your colleagues uses this term six times in her one-page blog. Yes, tear gas is a very messy substance that is difficult to impossible to control once it is released into the air. Having lived through protests against the Vietnam War in the 1970s and having been tear gassed myself, I agree that it is an extremely unpleasant experience, to put it mildly. That may be one of the reasons why, in the last 30 years, it has been deployed only twice by the MPD, most recently in 2020 during the riots on State Street following the murder of George Floyd. At the same time, I have to ask if tear gas was ever used by the MPD "indiscriminately". From all the reports surrounding the events of the summer of 2020, I doubt it. In other words, while I might be willing to argue about the one-time use of tear gas in 2020, I'm not willing to argue whether it should be available to the MPD for crowd control in the first place. Recently the Police Community Oversight Board (PCOB) appointed an "Independent Monitor" (IM) whose job it will be to observe, examine, and report on various aspects of the procedures, training, and policies of the Madison Police Department. The MPD has many tools and detailed rules for using each of them, any one of which could be cited for exclusion in an ordinance like the one being proposed. Let's let the "IM" do his job! Don't complicate it by telling the MPD that they can have one tool (e.g., guns) but not another (e.g., pepper spray). This is not the time to micromanage any city agency, especially one as vital to the safety of the residents of Madison as the Madison Police Department. Please vote against this ordinance change.

Respectfully,

Charles J. James

Westmorland

4018 St. Clair

Dear Alder Tishler,

September 16, 2022

First of all, I want to thank you for being willing to step in as alder of District 11. Arvina Martin served the district well. I'm sure you will do so as well.

I'm writing today to ask you and your colleagues to vote against the proposed ordinance change regarding the use of chemical munitions for crowd control [#42 - 72126]. This change will not have the effect its sponsors think it will have. It will, however, have unintended negative consequences for the ability of the Madison Police Department to protect the lives of the residents of Madison. Other members of the community will go into detail on this, but I want to share an observation of my own, starting with a question .....

..... What does "indiscriminate(ly)" mean? One of your colleagues uses this term six times in her one-page blog. Yes, tear gas is a very messy substance that is difficult to impossible to control once it is released into the air. Having lived through protests against the Vietnam War in the 1970s and having been tear gassed myself, I agree that it is an extremely unpleasant experience, to put it mildly. That may be one of the reasons why, in the last 30 years, it has been deployed only twice by the MPD, most recently in 2020 during the riots on State Street following the murder of George Floyd. At the same time, I have to ask if tear gas was ever used by the MPD "indiscriminately". From all the reports surrounding the events of the summer of 2020, I doubt it. In other words, while I might be willing to argue about the one-time use of tear gas in 2020, I'm not willing to argue whether it should be available to the MPD for crowd control in the first place.

Recently the Police Community Oversight Board (PCOB) appointed an "Independent Monitor" (IM) whose job it will be to observe, examine, and report on various aspects of the procedures, training, and policies of the Madison Police Department. The MPD has many tools and detailed rules for using each of them, any one of which could be cited for exclusion in an ordinance like the one being proposed. Let's let the "IM" do his job! Don't complicate it by telling the MPD that they can have one tool (e.g., guns) but not another (e.g., pepper spray). This is not the time to micromanage any city agency, especially one as vital to the safety of the residents of Madison as the Madison Police Department. Please vote against this ordinance change.

Respectfully,

Charles J. James  
Westmorland  
4018 St. Clair

**From:** [jkoykkar13@gmail.com](mailto:jkoykkar13@gmail.com)  
**To:** [All Alders](#)  
**Subject:** [All Alders] Police chemical deterrents and more  
**Date:** Monday, September 19, 2022 5:20:44 PM

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**Recipient:** All Alders

**Name:** Joseph Koykkar  
**Address:** 5205 Hammersley Rd , Madison , WI 53711  
**Email:** [jkoykkar13@gmail.com](mailto:jkoykkar13@gmail.com)

**Would you like us to contact you?** Yes, by email

**Message:**

As a citizen of Madison since 1987 I urge you to NOT vote to ban the police from using tear gas and related non-lethal methods of mob control.

The police need these tools to squelch violence created by all factions of the political spectrum, be it left or right. America's democratic foundations need to be protected and the police are the first line of protection for all the citizens of Madison regardless of race, ethnicity and the like.

The right vote on Tuesday is to allow the MPD to continue the use of these deterrents because their employment in times of hostile violence works.

**From:** [Carol Koehler](#)  
**To:** [All Alders](#)  
**Cc:** [Carol Koehler](#); [Cliff Koehler](#)  
**Subject:** Please vote "no" to the police ban  
**Date:** Tuesday, September 20, 2022 2:35:09 AM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Mayor Rhodes-Conway and Madison Alders,

I understand a vote is scheduled for Tuesday, September 20, 2022 to ban Madison Police Department use of tear gas, mace, impact projectile devices or other chemical agents for the purpose of crowd control. I urge you all to vote against this ban.

Police Chief Barnes wrote an excellent piece giving many reasons why this ban is inappropriate. I totally agree with him.

For the police department to maintain order, they must have a consequence for the public if they are not following the officers' direction or if actions are escalating to create unsafe situations.

Limitations are a necessity to control crowds and to give the police tools to perform their job. This is NOT a denial of the First Amendment. The public can express free speech, but there must be a limit if it threatens the safety of others or property.

These rules and decisions need to be made by those who are trained and experienced in police work and the behavior of those creating unsafe or out-of-control situations. This cannot be determined by the city council who do not have the expertise nor the experience. We must trust and delegate these decisions to the police chief and the police. How many of you have not been able to follow the medical advice of your physician because your health insurance company has deemed that you cannot have that test, procedure or medication? Wouldn't you rather that the decision be made by your experienced and trained physician than an insurance company?

It might be reasonable for the MPD to provide some guidelines to indicate when these more drastic measures will be used, so it doesn't make such a scene when it needs to be done. Not all instances can be outlined, but something less vague than "when needed" could be valuable, and prevent a future fury if the tactics are used.

I look forward to hear that common sense and support of the police department and police chief encourages you to vote against the ban.

Thank you,  
Carol Koehler

**From:** [Wayne Morris](#)  
**To:** [All Alders](#)  
**Subject:** Tear gas  
**Date:** Tuesday, September 20, 2022 9:51:35 AM

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Please do not vote to ban use of tear gas and mace by MPD to disperse unruly crowds. This action would seriously limit MPD to less desirable options and puts our city at risk by not having backup from surrounding policing organizations.

Wayne & Karen Morris

**From:** [MaryPat](#)  
**To:** [All Alders](#)  
**Subject:** PROHIBITION OF TEAR GAS, MACE AND IMPACT PROJECTILE DEVICES - Please Vote No!  
**Date:** Monday, September 19, 2022 3:49:20 PM

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Dear Alders,

I have never, ever expressed my opinions to you about any city ordinances but I feel strongly that you should vote no on the proposed ordinance to prohibit the use of Tear Gas, Mace and Impact Projectile Devices.

I believe that our police force would only use these tools as a last resort. And I am afraid that if they didn't have these less-lethal tools as options and people were resorting to violence to protest then it would be even more difficult and dangerous to stop violent protestors.

Thank you for your time and I strongly urge you to vote no on this proposed ordinance.

Mary Pat Hank  
2118 E. Mifflin St.  
Madison, WI 53704

**From:** [Rachel Niesen](#)  
**To:** [All Alders](#)  
**Subject:** Support Agenda Item 42  
**Date:** Sunday, September 18, 2022 11:57:22 AM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders,

My name is Rachel Niesen and I live at 3034 Commercial Ave Apt.6 in district 12. I am writing to urge you to please support agenda item 42 to prohibit MPD and other law enforcement officials from using tear gas, mace, impact projectile devices or any other chemical agent for the purpose of crowd control.

Agenda item 42 is an important step towards decreasing police violence in this city. Supporting this agenda item is a way to honor the countless lives lost to police violence in this country. Supporting this agenda item is a way to move forward on the right side of history, listening to the lessons of the past few years- the trauma, tears, pain that those impacted by police violence have bravely shared. Supporting this agenda item is a way to honor the value of human life and human dignity- the dignity of your constituents, over property or profits.

Please make the right decision and support agenda item 42.

Thank you,  
Rachel Niesen

**From:** [Ron Opelt](#)  
**To:** [All Alders](#)  
**Subject:** Crowd control  
**Date:** Monday, September 19, 2022 5:40:50 PM

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I am in favor of Madison police being able to use pepper spray, tear gas or whatever nonleathal means is necessary to take or keep control of unruly crowds. Ron Opelt

Sent from my iPhone

**From:** [Jack P.](#)  
**To:** [All Alders](#); [Harrington-McKinney, Barbara](#)  
**Subject:** Item 42 on agenda for Sept 20,2022  
**Date:** Monday, September 19, 2022 6:07:17 PM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

We are against the prohibiting of tear gas, mace, impact projectile devices or other chemical agent for the purposes of crowd control.

What means are left to control a crowd that puts human life and/or property at risk. There are times that an out of control crowd which is putting human life or significant property damage at risk must be dealt with. Taking away the use of non-lethal tools only leaves lethal ones, which no one wants to be forced to use.

This prohibition would also deter other law enforcement agencies from responding under mutual aid agreements.

The past proves that well meaning or not crowds can get out of control and cause damage and even threats to human life. If anyone thinks other than the use of tear gas, mace, impact projectile devices or other chemical agents can be used to move a crowd once it becomes volatile they are not being realistic.

Please to not pass this ordinance.

Jack & Cheryl Parrino

**From:** [Mcp4852@gmail.com](mailto:Mcp4852@gmail.com)  
**To:** [All Alders](#)  
**Subject:** [All Alders] Tear gas  
**Date:** Tuesday, September 20, 2022 8:05:44 AM

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**Recipient:** All Alders

**Name:** Margaret Perry  
**Address:** 718 Saukdale Way, Madison , Wi 53717  
**Phone:** 734-971-9413  
**Email:** [Mcp4852@gmail.com](mailto:Mcp4852@gmail.com)

**Would you like us to contact you?** Yes, by email

**Message:**

Tear gas is a necessary tool in the tool box. Do I wish it were never needed, of course. Businesses and citizens have a right to feel protected. George Floyd's death was despicable and deserved protests. But ruining the businesses of Madison residents is not justified. Please reserve tear gas as a tool of last resort.

**From:** [Paulson, Erik](#)  
**To:** [All Alders](#)  
**Subject:** Fw: Resolution 5.17, proposed by Juliana Bennett, banning MPD and outside units called to assist MPD from using non-lethal tools, including tear gas  
**Date:** Tuesday, September 20, 2022 12:32:58 PM

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[THIS IS A ONE-WAY COMMUNICATION FORWARDED ON BEHALF OF A RESIDENT PLEASE DO NOT REPLY-ALL]

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**From:** rollieandjudy@charter.net  
**Sent:** Tuesday, September 20, 2022 12:30 PM  
**To:** Paulson, Erik  
**Subject:** Resolution 5.17, proposed by Juliana Bennett, banning MPD and outside units called to assist MPD from using non-lethal tools, including tear gas

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I urge all of the city alders to vote against the proposed resolution. I don't know if the resolution will come up tonight as I did not find it on the agenda but I am totally AGAINST it. Would Ms. Bennett rather have the police use guns instead of tear gas and other non-lethal methods? I think not! The police have a tough enough job with having their hands tied with resolution 5.17. I have lived in Madison for 82 years and this scares me. Erik Paulson is my alder.

Mary Judith Pollock  
rollieandjudy@charter.net

\*\* Eric Paulson: please forward to all alders-I could not find an address to include all. Thanks

**From:** [Max Prestigiacomo](#)  
**To:** [All Alders](#)  
**Subject:** Support Agenda Item #42: Chemical Munitions Ordinance  
**Date:** Monday, September 19, 2022 10:32:53 AM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

Alders,

I'm emailing today as a District 2 resident to encourage you to vote in favor of Agenda Item #42, prohibiting the use of chemical munitions as crowd control weapons, at this upcoming Council meeting on Tuesday.

While it may have been a year or two since the Madison Police Department and agencies responding under mutual aid indiscriminately deployed rounds of chemical munitions on peaceful protesters, many of us have not forgotten. Those nights will forever stain the City and Police department's reputation in the history books. The reality is that these incidents are encouraged and inevitable. The police did exactly what the law allowed, and those motivations are built off decades of this nation investing heavily into militarized communities that will above all else protect property and wealth and use violence and fear as a means of upholding the social order. As Alders, as "progressive" Alders, you have a duty to intervene and reshape how this city approaches public safety. At the end of the day, police departments are archaic institutions. They are vestiges of a social order built to suppress civil rights, and their demilitarization is inevitable. Below are a few examples of violations of SOPs from 2020, personal accounts of some of those nights, and photo evidence of some of these acts.

### **MPD Standard Operating Procedures: Demonstrations & Assembles**

- "We protect citizens' constitutional rights to assemble, petition the government, and engage in free speech."
- "We protect people first and property second."

From Isthmus Journalist Kori Feener: "Arielle Leatherwood-Fritz was out protesting Sunday evening in Madison's Mansion Hill neighborhood when she got sprayed with tear gas.

"What is even more painful is the fact that the people who are supposed to be protecting you are inflicting this pain on you. It's traumatic and scary. That hurt the most. The Madison Police Department on the evenings of May 30 and 31 used both tear gas and pepper spray during confrontations with mostly peaceful protesters downtown."

### **MPD Standard Operating Procedure: Use of Non-Deadly Force**

- "Impact projectiles will not be used to move or disperse crowds."

From JT Jenkins (a street medic on the scene): "I personally witnessed 2 youth take rubber bullets [technically, 40mm sponge rounds] to the face. But we were being pushed so hard

by the cops I couldn't stop and get bullets from ground or interview the kids. But yeah one had an open wound above eyebrow. I also have video of them spraying OC spray to face of people treating others on the ground. And video of people throwing up in all directions from the CS gas."

### **Use of O.C. Spray**

Isthmus journalist Dylan Brogan reported: "Officers in riot gear formed a line around 6 p.m. at the intersection of Johnson and State streets to clear the people who were blocking traffic. Police started spraying pepper spray at demonstrators at close range and walking forward to push people onto the 300 blocks of State Street. Brittany, a UW-Madison student, was hit with mace while trying to help someone who fell to the street as officers marched toward them."

"Sharon Irwin (Tony Robinson's grandmother) was trying to de-escalate folks - just trying to help - and was pepper sprayed in the face. She later described those events to me. Shadayra Kilfoy-Flores witnessed these events and posted on Facebook: My friend Sharon Irwin was maced trying to STOP people from breaking into Goodman Jewelers. I had to wash PEPPER SPRAY out of my friend's hair. She was keeping the peace. The police sprayed her dead in her face."

It's clear that the Madison Police Department has both committed violence against citizens of this community and has at certain points violated their own SOP's by relying on individual officers' judgement calls while on duty. It doesn't have to be this way. Agenda Item #42 is a compromise--if you think it can be changed, then introduce an amendment, participate in the discussion, and show that you acknowledge this is a problem that can and will happen again.

By carving out exceptions for extenuating circumstances and codifying criteria for crowd control, this can be a powerful piece of legislation that would protect the first amendment rights of members of this community. This is not the be-all-end-all as Police Unions will go out of their way to make it seem. Unfortunately, police unions and their affiliates have all the power in this situation. They will continue to assert their preeminence in matters like these, serving as a roadblock to demilitarization and eventually unarmed crisis response teams. It will not be comfortable to reimagine public safety and create a community that invests in its people, not its wealth and property.

To demonstrate how possible such an ordinance is to this community, I invite you to look at every other example of local jurisdictions taking control of their statutory police powers: the Common Council is the primary governing body in this city, and our public policy should not be dictated by police unions that don't have a vested interest in the growth of this community. Please read the [City of New Orleans Ordinance](#), [City of Seattle Ordinance](#), [City](#)

[of Boston Resolution](#), [City of Brooklyn Center Resolution](#), and [more](#).

Thank you and please vote for Agenda Item #42 on Tuesday.







**From:** [Jenny Quinn](#)  
**To:** [All Alders](#)  
**Subject:** Do not ban Chemical irritants  
**Date:** Tuesday, September 20, 2022 10:48:05 AM

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I can't believe this is actually on the agenda.

Can't even imagine what this will do to the City of Madison economically and socially. Especially, of people are called in for mutual aide.

They won't assist. What is happening to Madison? The common council brings this up for the agenda.

Imagine that fight at East High last year where parents showed up, and principals were being pushed to the ground, teachers and other scholars being assaulted. Jumping up and down on car - police and privately own cars.

What would of happened? They had to get control some how. Just imagine if they didn't. If a student was affected by irritant then obviously they were way too close to all the fighting.

I am asking you to vote against the banning of chemical irritants

Jenny

**From:** [badgerjaner@yahoo.com](mailto:badgerjaner@yahoo.com)  
**To:** [All Alders](#)  
**Subject:** [All Alders] Tear Gas  
**Date:** Saturday, September 17, 2022 12:49:22 PM

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**Recipient:** All Alders

**Name:** Jane Renneberg  
**Address:** 5834 Suffolk Rd, Madison, Wi 53712  
**Phone:** 608-225-0225  
**Email:** [badgerjaner@yahoo.com](mailto:badgerjaner@yahoo.com)

**Would you like us to contact you?** No, do not contact me

**Message:**

I am writing to urge you to continue to allow MPD officers to use tear gas when necessary to maintain public safety. I'm worried about the safety and security of everyone . I'm sure it's in everyone's best interest to keep non-lethal tools available for law enforcement .

**From:** [Bonnie Roe](#)  
**To:** [Rhodes-Conway, Satya V.](#); [All Alders](#)  
**Cc:** [Bottari, Mary](#); [Barnes, Shon F](#); [Tishler, Bill](#)  
**Subject:** Please vote No on Resolution 5.17  
**Date:** Tuesday, September 20, 2022 12:33:35 PM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Mayor and Alders,

You are about to vote on an important resolution, whether or not to ban tear gas, mace, impact projectiles and all chemical irritants for use in crowd control. Passing this ban would be loaded with unintended consequences that will affect us all.

As the fiscal note states, "This ordinance has the potential to increase costs to the City through increased claim and litigation costs, and lack of mutual aid from surrounding jurisdictions that may result in increased overtime. It may result in the loss of revenue from the loss of large events due to the inability to obtain mutual aid."

You know from the letters sent by the Dane County Chiefs Association and the Badger State Sheriffs Association that mutual aid agencies will no longer respond to our mutual aid requests if you pass this ban.

Cities around the U.S. that banned tear gas in the wake of George Floyd's murder, including Minneapolis, Seattle, Portland, Austin, and Milwaukee walked their bans back to strict restrictions. Restrictions we already have in place. Milwaukee learned the hard way. After their tear gas ban went through, more than 100 mutual aid agencies backed out of their offers to help staff the Democratic National Convention, which was later canceled due to covid.

Let's learn from these cities that have gone before instead of repeating their mistakes.

Task forces across the board recommend increasing less-lethal tools for law enforcement for 21st century policing, not removing these options. The Quattrone Center Report recommends keeping tear gas. Recommendation #65 on page 109 of the Quattrone Center's Review says, "The Stakeholders recognize the intrusiveness and undesirability of CS gas and other similar chemical munitions. At the same time, the Stakeholders understand the potential need for MPD to disperse a crowd in ways that avoid the use of more dangerous or potentially lethal weapons. Therefore, the Stakeholders recommend that MPD should use CS gas as a crowd dispersal tactic cautiously, using it only when people are at risk of imminent physical harm or to prevent substantial property damage."

There are a lot of great recommendations in the Quattrone Review and maybe PSRC and Common Council can look through those as well at some point, to further needed

reforms and the equipment that enables it. But its recommendation on tear gas is to keep it.

<https://www.cityofmadison.com/police/documents/SentinelReport20211116.pdf>

Of course having the right protocols and accountability is important. MPD has strong policy and standard operating procedures regarding the use of these tools. I look forward to hearing what Alder Bennett would change, as they seem pretty spot on to me.

Madison has a high and growing degree of accountability and oversight over our police department. From internal accountability like the Professional Standards & Internal Affairs Department within MPD to the Public Safety Review Committee, the Police Civilian Oversight Board, the soon-to-be hired Independent Monitor, the Police and Fire Commission, the Mayor's office, and of course the Common Council. Madison has more oversight over its police department than any other city in the U.S. Certainly any use of chemical irritants would be subject to reporting and oversight.

Chief Barnes and mutual aid agencies across the state have clearly laid out what is at stake if you vote this ban into place. I hope you will all vote no tonight and stand with the city employees we hire and entrust with our public safety. We all desire a safe, secure place to call home, and public safety is the backbone of our economic viability as a City.

Please vote no on this ban.

Thank you,

Bonnie Roe  
District 11  
608-239-1748

**From:** [CJ Rouse](#)  
**To:** [All Alders](#)  
**Subject:** Prohibiting the use of tear gas and rubber bullets.  
**Date:** Tuesday, September 20, 2022 8:48:56 AM  
**Attachments:** [image.png](#)

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2. 72126 Creating Section 5.17 of the Madison General Ordinances to prohibit the Madison Police Department and law enforcement responding under mutual aid from using tear gas, mace, impact projectile devices or other chemical agent for the purposes of crowd control.

Hello Alders!

I am strongly in favor of this ban. I was in Kenosha every day and night during the protests and saw first hand how detrimental tear gas, rubber bullets, and pepper balls were. I was there both to clean up the city after demonstrations, and represent my community (Racine) in the struggle against police brutality.

My observations:

The use of tear gas, and projectiles not only severely agitated a peaceful crowd, it forced that agitated crowd away from the concrete and marble public buildings and into more vulnerable neighborhoods/business districts.

At that point those of us community leaders that gathered to maintain peace in our demonstrations were unable to maintain our influence as we were being forcefully dispersed in all directions.

I am without a doubt positive that if Kenosha had a policy similar to this one being presented that the protests in Kenosha would have remained peaceful and at the very least would have been isolated to the one area surrounded by secure public buildings.

I strongly encourage you all to approve this measure, and look deeply into what causes a demonstration to turn violent or destructive.

Thank you for your consideration and as always I am available for questions, comments, or concerns.

CJ Rouse  
4701 cottage grove rd  
262-939-8990

**From:** [CJ Rouse](#)  
**To:** [All Alders](#)  
**Subject:** Gas and projectiles ban.  
**Date:** Tuesday, September 20, 2022 9:57:10 AM

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Hello again alders here is an example of a similar change we created for kenosha. There are useful resources supporting this change at the bottom.

<https://docs.google.com/document/d/1MSZ7iqLUUavpO7dXGtspibkiEn74OfO2/edit?usp=drivesdk&oid=107570863095931319044&rtpof=true&sd=true>

**From:** [Yvonne Subak](#)  
**To:** [All Alders](#)  
**Subject:** Meeting agenda number 72126  
**Date:** Monday, September 19, 2022 12:10:08 PM

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Hi, I encourage all of you to vote against this proposal number 72126, this will make the city less safe. Also any alder who votes for this should now be trained in how to do crowd control and be the first to respond to needed situations, Doug

Doug Subak

608-359-1053

[Doug.Subak@kellogg.com](mailto:Doug.Subak@kellogg.com)

Kellogg Sales Representative

"Game Changer"

**From:** [Maureen](#)  
**To:** [All Alders](#)  
**Cc:** [Barnes, Shon F](#); [ROAR](#)  
**Subject:** Tear Gas Ban  
**Date:** Tuesday, September 20, 2022 8:15:06 AM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Madison City Alders,

I was a Madison Police Officer for 31 years. I was one of the first few groups of women brought into the department. During the first decade of my career, we did not have access to pepper spray. Teargas was never used except to quell major riots.

As a result, I sustained approximately 15 different injuries during that first decade of policing, even though I was well trained in Defensive Tactics, Taekwondo, and Aikido. This was because we did not have options for less lethal use of force except to use our fists and feet.

This made for very difficult odds for smaller officers and female officers who did not have the size, build, and muscle mass to do hand to hand combat with the out of control resistant people that police officers encounter every single day on the streets, without coming away with some form of injury.

This resulted in more time off for recovery, more Worker's Compensation claims for medical bills, and short staffing on the streets until injured officers could return to duty.

When pepper spray finally arrived, and our department approved its use and deployment on the continuum of force, my world of policing changed forever. Finally we had an equalizer in dealing with combative people on the street. My injury rate dropped to almost zero, as it did for other officers. No longer did I always have to resort to hand-to-hand combat in order to contain, control, and arrest resistant and combative subjects.

If you take teargas and pepper spray options away from our officers, or limit the use of them in more ways than they are already limited, you will be sending the Madison Police Department back into the dark ages. You may also reduce the number of women who seek to do this job. Madison will see higher rates of injuries, higher rates of Worker's Compensation claims, and shorter staffing on the street as officers take time off to recover from injuries.

The Madison Police Department already has the most advanced, progressive, and well thought out continuum of force in the world, and it guides and restricts when officers can use these tools on the street.

Do not hamstring our ability to do our jobs by limiting or restricting the use of these tools. If you do, you will leave us with no options except to use our hands and feet to control combative and resistant subjects, thereby increasing our likelihood of sustaining numerous injuries again, or God forbid, having to resort to the use of deadly force.

Retired Madison Police  
Detective M. Wall

**From:** [liz.winter.dannenbaum@gmail.com](mailto:liz.winter.dannenbaum@gmail.com)  
**To:** [All Alders](#)  
**Subject:** [All Alders] Use of Tear Gas Proposal 72126  
**Date:** Tuesday, September 20, 2022 9:28:21 AM

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**Recipient:** All Alders

**Name:** Liz Dannenbaum  
**Address:** 4313 Major Avenue, Madison, WI 53716  
**Phone:** 608-852-7144  
**Email:** [liz.winter.dannenbaum@gmail.com](mailto:liz.winter.dannenbaum@gmail.com)

**Would you like us to contact you?** Yes, by email

**Message:**

We support the MPD's ability to use tear gas as they deem necessary & we approve the rules established by the City and the Police Chief and department on this issue.

Donna Winter & Liz Dannenbaum

**From:** [jaydub45@att.net](mailto:jaydub45@att.net)  
**To:** [All Alders](#)  
**Subject:** [All Alders] Meeting of Sept. 20, Agenda Item 42  
**Date:** Sunday, September 18, 2022 6:50:35 PM

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**Recipient:** All Alders

**Name:** James Wold  
**Address:** 2845 Hoard St., Madison, WI 53704  
**Email:** jaydub45@att.net

**Would you like us to contact you?** No, do not contact me

**Message:**

James S. Wold Sunday, September 18, 2022  
2845 Hoard St.  
Madison WI, 53704  
District 12

To all Alders,  
Madison Common Council.

Re: Council meeting Sept. 20, 2022. Agenda Item 42, Legislative Ref. number 72126

To prohibit the Madison Police Department, and assisting police agencies, from using non lethal crowd control tools such as tear gas, mace, pepper spray, and sundry impact projectile devices.

I oppose this agenda item and ask that you simply vote it down.

The key words are “non lethal” crowd control tools. Way back in the 1970s we ran around Madison, mostly near campus, protesting the Vietnam War. Then protesting other things as well. I participated in many of the protests. And I got tear gassed.

So yes, I’ve been gassed several times. I cried, and sniffled, wiped my eyes out with a wet bandanna and ran away. Which was kind of the whole idea from the cop’s point of view. To get us to run away and thus break up the demonstration.

And I’m fine. I never took any serious harm from being gassed, you cry, you blow your nose, you wipe your eyes repeatedly, it clears up and you go back to join the crowd and do it again.

Adopting this proposal reduces the police to using guns, nightsticks, and their fists. Which is the last thing you should want.

I’ve been in protests. I’ve been in actual mobs. Mobs can get very scary, very fast. The police need to be able to promptly respond in an effective - yet safe and non lethal - manner.

I want the police to have use of all the possible non lethal tools out there, instead of having to shoot people or crush their skull with a club and leave them brain damaged.

I know Alder Bennett has promised to offer “amendments”, at the last minute, from the floor of the Council meeting. You, making snap decisions, after several hours of meeting, is the worst way to decide this issue. At best refer those those last minute “amendments” back to the Public Safety Review Commission for thorough consideration.

The most appropriate response you can make is to choose to allow the police to employ the widest possible array of non lethal and less injurious crowd control tools. Please simply kill this proposal period, and thereby make the sensible decision to afford the police the widest latitude available to control crowds with as little harm as possible to the people in those crowds.

Thank you for your consideration of my letter.

/s/ Jim Wold

**From:** [Rickey, Al](#)  
**To:** [All Alders](#)  
**Subject:** Letter to the editor: Tear gas  
**Date:** Tuesday, September 20, 2022 1:26:03 PM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

Published WSJ 7/24/22

A [July 14 letter to the editor](#) called for the ban of tear gas used by the Madison Police Department. Any reasonable person who has watched the ongoing Jan. 6 hearings and the video evidence of the violence cannot seriously make such a demand on law enforcement. All those who endorse this ban need a severe reality check. Removing this less-than-lethal alternative for police will shrink their options regarding use of force.

On the other hand, if Madison's blind politics again abandon common sense and the abolition is approved, it should require all supporters to be on the scene when hostile crowds burn buildings and threaten human life. They must agree to stand between violent protesters and their targets even as they suffer blunt force trauma while being pelted with large rocks and bottles by protesters.

Those targets could include local African American churches, synagogues, mosques, elected officials' homes, schools, government buildings and even polling places. Crowd madness and violence frequently infect the entire political spectrum.

Law enforcement cannot always quell crowd violence with de-escalation techniques, handshakes and hugs. Unfortunately, tear gas is a necessary law enforcement tool that should be used sparingly and scrutinized when deployed.

Al Rickey  
North Madison