

Recom- menda- tion	Substance of Recommendation	MPD	MPPOA	City Atty	Disagr ee- ment	Action
1	Consider the OIR Report while creating Strategic Plan	Generally agree, but may be constrained by resource limitations.				Adopted 3/18
2	Continue collaborative programs that address systemic inequity, like the "unpaid Ticket Resolution Days."	Disagree with continuing "unpaid Ticket Resolution Days."		Opposes	X	Adopted, as modified by OIR reply
3	Commit to a re-energized Racial Disparity Impact Committee and provide incentives and continued organizational support for participation.	MPD is committed to the goals of the Racial Disparity Impact Committee.				Adopted 3/18
4	MPD should enhance its structural and philosophical commitment of the Judgment Under the Radar program.	MPD is strongly supportive.				Adopted 3/18
5	Should Judgment Under the Radar presentations re bias receive negative reactions, MPD should assess where it is coming from.	MPD routinely seeks input/feedback on all training.				Adopted 3/18
6	City should provide a translation function for its website.	MPD strongly supports full accessibility to the website. The Common Council in 2016 passed a resolution prohibiting automated translation. ¹				Adopted. ² 3/18
7	CORE Team should provide rigorous analysis & assessment of individual initiatives.	MPD agrees that CORE Team should have increased responsibility for oversight. However, quantifying and evaluating community outreach efforts is				Adopted 3/18

¹ While the Council prohibits automated translation, website translation is incorporated into Madison's Department of Civil Rights draft Language Access Plan.

² City's Civil Rights Dept., via Language Access Plan, is working on this with IT.

		difficult, and MPD has limited capacity for complex social science analysis. ³				
8	MPD should support officer-driven outreach efforts within specific communities, such as Amigos en Azul.	MPD strongly supports. ⁴				Adopted 3/18
9	MPD and the City should discuss the most efficacious way to analyze the demographic data currently being collected on arrests, summons, and use of force.	MPD supports this concept and is making efforts toward this end. ⁵				Adopted 3/18
10	MPD should consider implementing 21 st Century Policing recommendation to make all department policies available for public review.	While most SOPs are already posted, a few are not. MPD will review the few that are not to determine if they should be posted, but MPD has not at least yet made a commitment to post all.			X	Adopted as modified to be a recommendation only 3/18
11	MPD should dialogue with criminal justice partners to determine whether restorative justice programs can be extended to incidents that do not attract high levels of media attention.	MPD is currently reviewing the Community Restorative Court project.			No firm position expressed yet.	Need more info from police
12	MPD should continue to participate in community-initiated events.	Agreed.				Adopted 3/18
13	MPD should conduct town halls and listening sessions after all critical incidents. In the first few days after an incident, MPD should be empathetic, listen to concerns, and explain the	MPD supports these concepts, but with reservations. State law now requires MPD to be a spectator in early stages of investigations. Sharing			Mixed	Adopted, as clarified in reply 3/18

³ MPD has requested additional information from OIR about how to do this.

⁴ MPD believes that expanding these efforts may require additional resources.

⁵ MPD believes that expanding these efforts may require additional resources.

	process. At conclusion of investigation, MPD should provide a public debriefing.	details of the incident early in the process serves the goal of communicating with the public, but can undermine the integrity of the investigation. In the immediate aftermath, a public meeting might create more community frustration, because MPD won't be able to release any info. After the investigation, MPD will continue to hold public listening sessions.				
14	MPD should engage with community about controversial events, including officer conduct that does not reflect core values or best performance.	MPD agrees.				Adopted 3/18
15	MPD should relax its uniform requirement at appropriate community events.	MPD believes officers must be prepared to take police action whenever on duty.			X	Adopted w/modification —MPD should be "encouraged" 3/18
16	MPD should find new ways to solicit and encourage feedback about performance from the community.	MPD is in full agreement. ⁶				Adopted 3/18
17	MPD should devise a feedback loop for its criminal justice partners about officer and Department performance.	MPD already regularly receives input and feedback, but "[f]ormalizing a feedback process would be a challenging effort, requiring			X	Adopted 3/18

⁶ MPD believes that expanding these efforts may require additional resources.

		participation by outside agencies who are generally already overworked.”				
18	MPD should revise policy discouraging use of family, friends, or bystanders as translators, except in exigent circumstances. Non-availability of other resources should be documented in each case.	MPD is committed to providing translation services. In 2017, Madison’s Dept. of Civil Rights released draft Language Access Plan for all City agencies. ⁷			MPD is following city plan.	Deferred for more info
19	MPD should devise policy to instruct officers not to use social workers to provide translations unless there is a pre-existing understanding with the agency.	MPD will review this recommendation in the context of the City’s Language Access Plan. ⁸			MPD is following city plan.	Deferred for more info
20	MPD should incentive bilingual officers to assist in providing translation in the field by, among other things, providing a pay differential.	The City’s Language Access Plan is exploring this for all City employees.	“This is a topic that has been brought up in the collective bargaining process in the past and one that we support...”	This recommendation is subject to collective bargaining	MPD is following city plan. ⁹	Deferred
21	MPD should audit its officers’ use of the City’s telephonic translator program to gauge its effectiveness.	MPD will continue to explore ways to provide this service and evaluate its effectiveness, in conjunction with the Dept. of Civil Rights.				Adopted 10 3/18

⁷ The City is recommending that MPD not use family, friends, or bystanders, unless no other option is available, in which case they should document it. Video relay in the field should be available starting, making the need for volunteer translators very rare.

⁸ DCR is working on city-wide policy on this. That policy will agree with OIR that social workers should not provide interpretation. But OIR does not go enough. The Madison DCR does not envision permitting social work agencies to provide interpretation, even by agreement.

⁹ Working through vendors, DCR might even be able to certify bilingual officers to provide interpretation services widely.

¹⁰ Madison DCR will be collecting this data.

22	MPD should continue to expand local Captain's Advisory Groups.	MPD supports the concept of district advisory groups. ¹¹				Adopted 3/18
23	MPD should continue to dialogue with City's Rapid Response Team to develop trust and provide additional services to major crime victims.	MPD remains committed to maintaining a positive and cooperative working relationship with crime victims.				Adopted 3/18
24	MPD should conduct random reviews of footage to evaluate officer performance.	MPD supports this in concept. ¹²				Adopted 3/18
25	MPD should train detectives and officers in the use of trauma-informed interviewing skills.	MPD will explore the possibility of providing this training to all sworn personnel; it will be dependent on availability of qualified trainers, the cost of training, and balancing of competing training needs. "This topic will be added to MPD's list of future training priorities."			MPD will explore this.	Adopted 3/18
26	MPD should explore Scotland's de-escalation methods and the UK's national decision-making model.	"Training staff can review the Scotland and United Kingdom models and evaluate whether any individual aspects should be incorporated into MPD training. It is neither appropriate nor practical to consider full implementation of the models, however.				Adopted 3/18
27	MPD should consider and review the Special Community/Police Task for	"MPD agrees."				Adopted 3/18

¹¹ MPD believes that expanding these efforts may require additional resources.

¹² MPD believes that expanding these efforts may require additional resources. MPD requested examples from OIR.

	Recommendations to further integrate them into MPD culture, and to embrace the spirit and underlying rationale with which they were made.					
28	MPD should work with city & county to recognize crime as a danger to public health and to develop strategies for prevention & remediation consistent with the model.	"MPD agrees."				Adopted 3/18
29	MPD should develop formal mechanisms to bring a broader group of community stakeholders into the selection process for special assignments.	"MPD is committed to involving community members," but formalizing the process raises two issues: (1) availability or applicability of community involvement; and (2) where a clear constituency exists, "there is no guarantee that we can identify a member of the public interested and able to participate."	"We have a long history of agreement with the idea behind this recommendation and our agreed upon process for selection of special assignment officers includes having a community representative as a part of the selection process"	This recommendation is subject to collective bargaining		Adopted as clarified by OIR reply 3/18
30	MPD should routinely seek input from community stakeholders and professionals regarding performance of officers assigned to specialized units.	MPD does receive feedback from external stakeholders, but formalizing this process could be problematic.			X	Adopted 3/18
31	Each specialized MPD unit should devise a mission statement.	Most units/teams already have them, but MPD will explore this further and post				Deferred for more info from MPD

		specialized unit/assignment mission statements.				
32	With stakeholder input, MPD should devise a media release policy about when arrests of persons will be proactively released.	MPD has an SOP on News Media Relations, but agrees that some additional language would improve consistency.				Deferred for more info from MPD
33	In publishing information about “shots fired” calls, MPD should include whether the call led to an arrest, revealed corroborating information, or had no further corroboration.	MPD disagrees with the premise that uncorroborated reports of shots fire are included in data released by MPD.			X	Accepted as good and current practice 3/18
34	MPD should consider resource neutral ways to supplement staffing its facilities so they can be open for public access for longer hours.	While MPD would like to extend its hours, “there is no ‘resource neutral’ way to accomplish this.”			X	
35	MPD should dialogue with the City & UW Law School to identify ways that law students can be reintegrated into the Department’s learning & problem-solving functions.	MPD supports this, and each year hosts more than 30 interns from undergraduate programs.				Adopted 3/18
36	In selecting neighborhood officers, MPD should broaden its selection process to include City and community stakeholders.	“MPD is committed to this concept.”				Adopted 3/18
37	MPD should ensure an effective transition between outgoing and newly assigned neighborhood officers.	Cross training with outgoing officers will be formalized.				Adopted 3/18
38	MPD should have its Neighborhood Officers (and all specialized officers) prepare daily activity logs.	While PD has made efforts to quantify work done by some non-patrol units, MPD will explore ways to	MPPOA agrees with MPD position on this.		X	

		capture work that non-patrol units do, but believes that “requiring daily logs of all non-patrol officers is an ineffective and inefficient way to do so.” ¹³				
39	To obtain an evidence-based understanding of patrol officers’ problem-oriented activities, MPD should institute daily activity logs for patrol officers.	“We are not aware of departments of our size or with our workload who have all officers complete daily logs. Nor are we aware of any evidence that daily logs lead to improved officer performance or public safety outcomes.” ¹⁴	MPPOA agrees with MPD position on this		X	
40	MPD should develop evaluative metrics consistent with the stated mission of neighborhood officers and prepare at least annual performance evaluations based on those metrics.	MPD will continue to have neighborhood officers complete annual reports and to assess neighborhoods on an annual basis. ¹⁵			MPD needs additional information from OIR	
41	MPD should regularly seek input from City and community stakeholders in evaluating performance of Neighborhood Officers on at least an annual basis	MPD does receive feedback from external stakeholders, but formalizing this process could be problematic.			X	Adopted 3/18
42	MPD should devise ways to publicize community policing activities.	MPD “recognizes the importance of publicizing this type of activity.”				Adopted 3/18
43	MPD’s executive leadership should pursue ways to utilize its neighborhood	“MPD is committed to the problem solving process.”				Adopted 3/18

¹³ MPD has asked OIR to provide examples of agencies using daily logs in an effective way.

¹⁴ MPD has asked OIR to provide additional information on this.

¹⁵ MPD has asked OIR to provide examples of agencies that have established these types of measures.

	officers in developing, facilitating, and measuring specific problem-oriented policing projects.					
44	MPD should commit to a new collaborative engagement with the City's Neighborhood Resource Teams in establishing new goals and performance measure for proactive problem solving.	MPD will continue to engage in the future.				Adopted 3/18
45	For field assignments, MPD should find ways to use officers who practice problem-oriented policing, such as modeling, training, etc.	"MPD is committed to this concept."				Adopted 3/18
46	MPD should evaluate the substantive work of its Community Policing Teams, and consider changing their names to better reflect their work.	MPD disagrees with OIR's suggestion that much of the work of the Community Policing Teams is not community policing.			X	
47	MPD should have the CPT officers prepare daily logs of their activity.	MPD does collect data on CPT activity. It appears to disagree with the idea of daily logs, however.			X	
48	MPD should regularly review activity of EROs to ensure appropriate balance between prevention, problem-oriented policy, and enforcement	MPD already does this.				Adopted 3/18
49	MPD should work with school administrators to ensure congruity of purpose re mission and responsibility of EROS in the school setting.	MPD does this.				Adopted 3/18
50	In selecting EROs, MPD should include faculty, juvenile justice partners, and student leaders in the	MPD already includes school district leadership in the selection process, and				Adopted 3/18

	selection process.	is “willing to explore ways to expand participation in conjunction with MMSD. ¹⁶				
51	MPD should regularly seek input from school stakeholders and juvenile justice partners in performance of its EROS on at least an annual basis.	MPD does receive feedback from external stakeholders, but formalizing this process could be problematic.			X	Adopted 3/18
52	MPD should collaborate with the school district to communicate with the public the range of services it provides in each high school.	EROs already make their annual reports available to the public. “We also support exploring other ways to share ERO activities with the public.				Adopted 3/18
53	MPD should closely review arrest and citations issued by EROs to ensure appropriate use of discretion and avoidance of unnecessarily entering juveniles into the criminal justice system.	“MPD is committed to this.”				Adopted 3/18
54	MPD should develop a Field Training Officer program for its newly assigned EROs to foster transfer of skills and orientation of high functioning outgoing officers.	MPD already does much of this. “We recognize that this process could be formalized somewhat and will move forward with doing so.”				Adopted 3/18
55	MPD should consider specialized training for its EROs in the arena of dealing with students who have identified behavioral/emotional issues.	“MPD is committed to this.” ¹⁷				Adopted 3/18
56	City should work with Police Officers’ Ass’n to amend	It appears that MPD opposes this because term limits ensure	MPPOA sees both	This recommendation is subject to	X	

¹⁶ MPD says any formal changes in the selection process are a subject for collective bargaining.

¹⁷ MPD believes this type of training is dependent on the availability of funding.

	current contract so that EROs (and other specialized officers) who have established effective working relationships in their assignments can remain beyond five years.	turnover and create opportunities for all officers, and spread high-performers across multiple important assignments.	sides of this issue and is open to dialogue about it.	collective bargaining		
57	MPD should consider moving to a “soft” alternative uniform for EROS, as a means of reinforcing the unique mission of these officers in the school setting.	“The ‘soft’ uniform can adversely impact the ERO’s ability to respond effectively [to disturbances and confrontations] or be identified as an officer while doing so.”			X	
58	The Mental Health Team should develop guidelines or protocols for periodically reviewing mental health safety bulletins and associated alerts to assess whether they should be amended or purged from the system.	As public records, these documents cannot be purged until a set number of years has elapsed. “The mental health team will review the process to ensure that the alert expirations are set appropriately.				
59	MPD should communicate with the public regularly about activities of its Mental Health Team by, among other methods, including a sample narrative of the team’s activities in the daily crime blog.	“[W]e fully support the concept of communicating the team’s good work to the public.”				Adopted 3/18
60	MPD should devise methods to fully document the daily activity of MHOs.	“MPD is committed to reasonable efforts to capture data and demonstrate the work done by non-patrol personnel.”				Adopted 3/18
61	MPD should quickly fill the position of Mental Health Team sergeant and maintain funding for this position.	“MPD has recognized this as a priority for several years, but previous attempts to secure funding through the budget process were unsuccessful.” The 2018 budget should				Adopted 3/18

		accomplish this in mid-2018.				
62	MPD should continue to integrate use of force training scenarios with scenarios involving someone in a mental health crisis.	"MPD is committed to providing this type of realistic training."				Adopted 3/18
63	MPD should cross-train patrol tactics and force instructors to also run an debrief mental health crisis scenarios to strengthen the Dept's message about the importance of de-escalation.	"MPD supports this concept and has made efforts to implement this structure already."				Adopted 3/18
64	MPD should amend its Mental Health SOP by breaking it into separate policies that would address separate topics, and would specifically include the tactical principles the Dep't trains and expects its officers to employ in situations involving individuals in mental health crisis.	MPD believes having the mental health SOPs in one document makes it easier for officers to find the appropriate SOP. (MPD does agree, however, to remove the term "abnormal behavior" from the SOP.)			X	
65	MPD should look for innovative ways to fill the critical gaps in its efforts to collect data on mental health contacts with police.	MPD appreciates the need for quality data and "will continue to evaluate data points relevant to mental health issues and ways to collect and capture them."				Adopted 3/18
66	The MPD Mental Health Team should develop a set of clearly defined performance measure that can be consistently tracked and monitored to provide benchmarks for how the Dep't and community define success for the mental health program.	The issue of mental health crises "goes far beyond something that the police can remedy. So, while it is appropriate to explore measure that evaluate the Mental Health Team, community progress on the overall issue requires effort from other stakeholders."			X	
67	The MPD Mental Health	MPD supports collecting				Adopted 3/18

	Team should work to integrate its volunteer assistants w/Dep't resources in a way that provides consistency in data gathering and analysis tasks.	and analyzing data, and is open to additional volunteer support from researchers to assist with data analysis.				
68	MPD should clarify its officer-involved critical incident SOP to ensure that, absent extraordinary circumstances, investigators should obtain a statement from involved and witness officers prior to release from shift.	MPD believe that allowing 24-72 hours before taking a statement is consistent with best practices for a variety of reasons.		This recommendation might have an adverse impact on any potential criminal investigation	X	
69	MPD should clarify its SOP on officer-involved deaths and other critical incidents to ensure that investigators obtain a statement from involved and witness officers prior to providing the officers opportunity to review any recording of the incident.	"MPD's view is largely in alignment with that of OIR." ¹⁸		The City Attorney disagrees with this recommendation, because MPD does not control the investigation.	X	
70	MPD should review DCI protocols regarding contact with family members after an officer-involved shooting and integrate them into its own officer-involved critical incident protocols	MPD agrees.				Adopted 3/18
71	Consider using the Rapid Response Team as a resource in the specific context of interacting with	MPD is willing to explore this option, if the Rapid Response Team is willing to do so.				Adopted 3/18

¹⁸ OIR and MPD may not be in full agreement on this, however, as MPD's new SOP adopted in 2017 provides some exceptions to the principle. It provides, first, that "officers involved in an OICI will be asked to provide an initial statement without viewing video, have an opportunity to view video (if any exists) and then the interview will continue to allow for additional discussion (with the benefit of having viewed the video)." It provides, second, "for deviation at the discretion of the OICI commander for one simple reason: these remain voluntary interviews."

	family members after an officer-involved shooting.					
72	MPD should create guidelines within its officer-involved critical incident SOP to address the concerns of witnesses to the incident.	MPD is unaware of any need for this.			X	
73	MPD should automatically conduct an administrative investigation of all officer-involved shootings and other critical incidents separate from any criminal investigation, including, at a minimum re-interviewing involved and witness officers.	MPD is willing to re-interview witnesses only if the DCI criminal investigation does not fully address compliance with all relevant MDS SOPs.			X	
74	If the criminal investigation has not obtained a full account of the observations of the on-scene emergency medical providers, MPD should interview them as part of the administrative investigation.	MPD agrees.				Adopted 3/18
75	MPD should develop a robust review process after a critical incident that examines the incident through the lenses of performance, training, supervision, equipment and accountability. The review process should consider pre-incident decision making and tactics, the use of force, and post-incident response, including the provision of medical care and communication with family members. The review process should include development of a corrective remedial plan designed to address any issues	MPD supports this recommendation in concept, but believes the recommended timing is unworkable.		The MPD's PS&IA does this already.	Partial agreement.	

	identified.					
76	After a civil judgment or significant settlement, the Dep't and its attorneys should convene a meeting intended to holistically review the incident and any insight learned from the litigation process itself, and should devise a public corrective action plan that addresses any policy, performance, training, supervision, investigative, and equipment issues identified during the course of the litigation.	"MPD supports this concept."		The City Attorney's Office and MPD command staff already do this. Just because there has been a judgment does not mean there needs to be a corrective action plan. The City Attorney will not be convening a public meeting to discuss the specifics of any case.	X	
77	The City should have regular dialogue with its police liability insurer to examine what risk management initiatives might result in lower premiums or could be funded by the insurer.	MPD supports this.		The City already does this.		Adopted 3/18
78	MPD should make clear through policy and training that an officer who witnesses another officer use force is required to report it and document his or her observations in a supplemental report.	MPD requires officers to intercede and report when they observe <i>excessive</i> force. Officers who apply any force must report it. Officers who are present during use of force often report it, but apparently are not required to do so. MPD will review whether additional SOP language or training is needed on this.				
79	MPD should amend its force reporting protocols so that, for certain categories of	The PS&IA unit investigates any time there is a citizen				

	force, supervisors are required to conduct a separate investigation meeting basic investigative standards sufficient for a thorough and complete review of the incident and the events leading up to it.	complaint. Some other use-of-force incidents may also be subject to internal investigation or administrative review. Every use-of-force incident is reviewed by use-of-force coordinator and summarized for the chiefs on a regular basis. But requiring more full-fledged investigations or reviews of all use-of-force incidents would be a significant drain on limited supervisory resources. "MPD does recognize, however, that certain use-of-force incidents might benefit from additional front-end work by a patrol sergeant. The department will explore additional SOP language or training guidance to address this."				
80	MPD should adopt policy requiring a supervisor to evaluate whether each use of force was within policy, as well as compliance with any other policies implicated such as the foot pursuit or de-escalation policies, with a supporting analytical narrative that also demonstrates a holistic review of all the circumstances surrounding the use of force.	The MPD use-of-force coordinator reviews every use-of-force incident. "Requiring a narrative document reviewing each incident is not feasible, without additional staffing for this position. However, MPD recognizes that some standardization would be beneficial, and steps will be taken to fine-tune this process."				
81	In evaluating force incidents, MPD should go beyond a determination of whether the use of force met a Constitutional standard or was inconsistent with Department policy, to also identify any tactical or other performance issues, and determine whether additional remedial action—such as	Use-of-force coordinator already does this, and this will continue.				

	discipline, training, or debriefing—is appropriate.					
82	On selected force incidents, MPD should convene a panel to roundtable the incident, to identify training, policy, supervision, and equipment issues, and to develop an appropriate after-action plan.	“This recommendation largely parallels #75 above. And while there may be benefits from this type of process, many of the same complications could arise from implementation. MPD will consider this type of process when weighing the feasibility of recommendation #75.”				
83	MPD should identify and publicly commend officers who practice de-escalation techniques and problem oriented policing.	MPD is committed to this concept, and currently does it.				
84	MPD should regularly evaluate its use of force training to make sure it continues to be consistent with best practices, maximizes its ability to meet the demands of the Madison community, and is considered by officers to be effective at preparing them for real-life encounters.	MPD is committed to this concept.				
85	MPD should reevaluate its training regarding the implications of the reactionary gap principle, focusing on principles of officer safety such as cover and distance to ensure that officer tactics and deployment minimizes the need to use deadly force.	MPD agrees and regularly reevaluates its training.				
86	MPD should consider when it is appropriate to begin employing documented accountability measures for officers and sergeants who fail to comply with the requirement for entering force incidents into the use of force database	The use-of-force coordinator is responsible for ensuring the use-of-force database is comprehensive. Officers are held accountable when they fail to make required entries. “The department will review the process and evaluate whether to incorporate it into the more formal audit process or otherwise standardize				

		it.”				
87	MPD should further break down its published use of force data by district and shift to ensure that Department leaders are focused on where and when officers use force most frequently.	MPD currently breaks the data down by district and will begin breaking it down by shift in 2018.				
88	MPD should proactively seek input from City stakeholders and the public before completion and implementation of any new policies or changes to its existing policies.	MPD provides opportunities for community input through its web site and receipt of complaints, and occasional public fora. But many SOP changes are technical or minor, so “Requiring an extensive public comment and input process for each minor SOP change would be cumbersome and delay needed updates. However, the department does recognize the benefit of enhancing opportunities for input into significant SOP changes, and will explore options to do so. Expanded District Advisory Groups (recommendation #22) might provide a mechanism for this.”				
89	MPD should modify its use of force policies to more clearly instruct officers on the duty to employ tactical alternatives to force, and to make clear the Department’s expectation that officer follow tactical principles of officer safety.	“These are laudable goals, consistent with MPD’s philosophy and core values. They are fully incorporated into MPD use-of-force training at both the pre-service and in-service levels. The concepts are also addressed in MPD’s De-Escalation SOP. In 2017, the Common Council’s “President’s Work Group on Police and Community Relations” put forth a series of recommendations related to MPD policy and		City Attorney: “MPD’s ... SOP on the Use of Deadly Force states that ‘deadly force is a measure of last resort, only to be employed when an officer reasonably believes all other options have been exhausted or would be ineffect-ive.’ MPD employs a variety of tools and tactics to		

		training. These recommendations—adopted by the Common Council—included directives to modify certain MPD SOPs, including the Use of Force and Use of Deadly Force SOPs. These recommendations were implemented in SOP in mid-2017, and speak to the same concepts.”		minimize the likelihood of a deadly force encounter.”		
90	MPD should publicize to its officers and its community its commitment and willingness to go beyond the Graham v. Connor standards when it further refines its policies relating to the use of force.	MPD does go beyond Graham by, for example, limiting the types of weapons officers may carry, emphasizing de-escalation, prohibiting warning shots, restricting shooting at vehicles, etc. But MPD opposes replacing the overall objective reasonableness standard of Graham with an entirely new standard.		“The City Attorney cannot recommend abandoning Graham v. Connor for another standard. Employing a more stringent standard may have the unintended effect of making the City and its officers open to greater liability, as claims might be made that failure to meet the City’s new self-imposed standard was actionable.”		
91	MPD should amend its Electronic Control Device Use SOP to limit ECD use to circumstances involving violent or assaultive subjects, or to prevent subjects from harming themselves or others.	MPD already does this. OIR misreads current policy. Policy permits ECD use only if (a) there is violent/assaultive behavior or its threat <i>and</i> the subject poses an articulable threat of harm to an officer or other person; or (b) to control persons in order to prevent them from harming themselves or others.				

92	MPD should modify its ECD guidelines to prohibit ECD use on women obviously pregnant, elderly individuals, obvious juveniles, individuals on stairwells, rooftops, or other elevated positions, and bicyclists.	“Training provides the appropriate context on these particular situations, stopping short of a complete prohibition, but articulating the increased risk potential when an ECD is used in these circumstances. A complete prohibition on ECD use in these contexts is unwise, as the alternative force options or outcomes that result from not using an ECD could be far worse than the potentially increased risk from using an ECD.”				
93	MPD should modify its ECD guidelines to require officers to re-assess the threat posed by an individual prior to any successive ECD application.	“This applies to any use-of-force tool or technique, and is a cornerstone of MPD’s use-of-force training. It is also specifically incorporated and reinforced in ECD training, and is addressed in the general language of MPD’s Use of Non-Deadly Force SOP (applicable to all force options).”				
94	MPD should modify its ECD guidelines to preclude officers from deploying more than three ECD applications on an individual, or a prolonged single application lasting longer than five seconds	“This would be an unwise policy decision. It is not difficult to envision a scenario where an ECD deployment is preventing a scenario from escalating, even from preventing an escalation to a deadly force situation. An example would be a subject holding or attempting to access a weapon.”				
95	MPD should modify its ECD guidelines to preclude multiple officers from simultaneously deploying their ECDs on an individual.	“Again, this would be an unwise policy decision. A particularly high-risk situation might call for multiple ECD deployments, or multiple ECD deployments may				

		occur unintentionally in an unfolding and chaotic situation. An absolute prohibition could result in a single deployment failing to control a subject and in an escalation to a higher level of force”				
96	MPD should modify its ECD guidelines to require medical clearance for all subjects on whom an ECD has been used, and to have ECD darts removed by medical personnel.	MPD has learned through experience that medical personnel do nothing more than the officers do to remove the probes, so to require transport to a hospital for probe removal is wasteful and unnecessary. Madison’s policy is consistent with most other police dept’s and with the International Association of Chiefs of Police Model Policy.				
97	MPD should amend its SOP on Foot Pursuits to fully address the safety concerns associated with chasing a suspect without communicating with dispatch, solo foot pursuits, pursuing in unfamiliar areas or after losing sight of the suspect, and chasing a suspect while not in full patrol uniform and gear.	“These topics are all fully addressed in MPD foot pursuit training. The department will evaluate the SOP and determine if any adjustments are needed.”				
98	MPD should amend its use of deadly force policy to eliminate authorization for shooting to prevent escape, or in any situation that does not present an imminent threat of death or great bodily harm to identifiable officers or third parties.	“MPD agrees that this language in the Use of Deadly Force SOP could be improved. We believe the best language to be adopted is similar to that in the National Consensus Policy on Use of Force. ...: <i>To prevent the escape of a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit a felony involving great bodily harm or death, and the officer reasonably believes</i>				

		<i>that there is an imminent risk of great bodily harm or death to the officer or another if the subject is not immediately apprehended.”</i>				
99	MPD should modify its prohibition on shooting at moving vehicles to make it clear that discharging a firearm at a moving vehicle is prohibited unless an individual in the car poses an immediate threat of death or serious bodily harm by means other than the vehicle, and that officers have a duty to move out of the path of a moving vehicle.	MPD agrees that its SOP on this should be improved, but not in the way OIR suggests. OIR's ban on shooting at a moving vehicle unless the individual in the car poses an immediate threat of death or great bodily harm by means other than the vehicle is too broad. "This ignores the potential for the intentional use of a vehicle as means of killing or as a terroristic tool." Instead, MPD will adopt this language: <i>Firearms shall not be discharged at a moving vehicle unless:</i> <i>(1) A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or</i> <i>(2) The vehicle is operated in a manner that reasonably appears deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical).</i>				
100	The Use of Force Coordinator and executives assessing force should regularly reevaluate the SOPs governing uses of force in light of the facts and circumstances of the incidents they review, making	MPD does this now and will continue to do so.				

	amendments as necessary.					
101	MPD should engage in regular internal assessments (such as surveys) and other feedback opportunities, to ensure that issues relating to minority status within the Department are not adversely affecting individuals or groups, and to continue seeking potential remedies and reforms when such dynamics arise.	MPD does this now and will continue to do so.				
102	MPD should assess its recruit training programs and patrol deployment strategies with an eye toward supporting and taking positive advantage of the unique perspectives and life experiences of its officers of color.	MPD agrees with this and does this.				
103	The Madison Professional Police Officers Association should make efforts to enlist greater participation by officers of color, including in leadership positions.	This recommendation is directed to MPPOA, not MPD.	"There have been, and continue to be, efforts at encouraging a diverse representation on the board so that we might best serve our members. To assume we haven't is not fair in our opinion."			
104	The City should work to revise the current agreement with the Police Association in order to provide MPD more flexibility regarding shift and location assignment of officers.	This is subject to bargaining. MPD does have the ability to restrict seniority picks based on discipline or performance issues, and has done so, albeit rarely. Seniority is a valuable criterion.	"[T] the report offers few compelling arguments against our current practice."	This is subject to bargaining.		
105	MPD should reinstitute an officer performance evaluation	MPD has tried various approaches to performance	"We support the			

	system that collects and incentivizes progressive policing activity.	evaluations, because of limitations inherent in traditional performance evaluations. It currently employs what it calls “a progressive approach to employee engagement and performance assessment through a process of ‘Management by Walking Around’ (MBWA), where employees formally meet with their direct supervisor each quarter.” Other tools are also employed.	concept of officer evaluations.”			
106	MPD should regularly audit performance evaluations to ensure that supervisors are uniformly documenting officer activity objectively and fairly.	MPD will incorporate this.	“We support the concept of officer evaluations.”			
107	MPD should change its current SOP to require presentation and signature of the consent to search forms prior to executing a voluntary search.	MPD has specific SOP on consent searches that is adequate. MPD appears to disagree with this OIR recommendation.				
108	MPD should work with the City and the Professional Police Officers’ Association to consider the feasibility of moving sergeants to the Association of Madison Police Supervisors.	This is subject to bargaining, but MPD has experienced no problems with the current arrangement.	“[H]aving Sergeants in our association has never interfered with Sergeants doing their jobs as supervisors and holding officers accountable.”	This is subject to collective bargaining.		
109	MPD training staff should work with the Dane County Department of Public Safety Communications to establish a regular schedule for teaching at the quarterly communicators’ in-service training at least once a year.	MPD is willing to explore providing this training.				
110	MPD should work with Dane	MPD supports this				

	County 911 center to develop scenario-based interagency training to better integrate the functions of patrol officers and dispatchers, particularly with regard to calls for service involving persons in mental health crises.	concept.				
111	When MPD convenes a critical incident review, communications issues involving dispatch should be among the topics reviewed, and in cases where the effectiveness of communications is in issue, managers from the Dane County 911 center should be invited to participate.	MPD is committed to this concept.				
112	MPD should continue to strive for a diverse recruitment and hiring program, and should regularly assess its criteria and any other hiring process to ensure there is no unnecessary exclusion of persons who otherwise might be excellent officers.	MPD does this.				
113	MPD should regularly seek input from its contract psychologists about ways to improve the background investigation process, both with respect to particular individuals' applications and more broadly on a systemic basis.	MPD supports the concept of soliciting additional input on the overall process, but this will require additional funding as this work is outside the current contractual agreement with the psychiatrists.				
114	MPD should engage community members at the interview stage of its promotional process.	This is subject to bargaining. The current process does not involve a traditional interview, so it's not clear how this would be done.		This is subject to bargaining.		
115	MPD should consider modifying its Academy in order to provide students with non-police social service work exposure in the City's diverse communities prior to graduation.	The suggested concept is one that MPD supports, though it would require extending the pre-service academy by two weeks (which will have a cost).				
116	MPD should study whether the Academy class ranking system has a disparate impact on	MPD will task the MPD Equity Team with reviewing the academy				

	persons from diverse backgrounds.	class rank process and making recommendations for improvement if needed. MPD supports additional analysis of the system from an equity perspective, though a rigorous, data-driven analysis would require external professional assistance (with a resulting cost).				
117	MPD should consider whether using Academy class rank for purposes of seniority places outsized importance on such criteria, or whether there are alternatives for determining the “seniority” of students from the same class.	MPD has previously experimented with a non-competitive class ranking system, and found it to have significant adverse consequences (as it created no incentive for recruits to give maximum effort during the academy). The impact of class-rank on long-term career prospects is not great in practice.				
118	MPD should regularly solicit the Madison community for topics to be presented at the pre-service Academy or during in-service training.	MPD agrees with this concept, and will explore additional mechanisms to solicit this feedback from the community.				
119	MPD should consider more frequent and regular use of training bulletins as a mechanism for training staff to more regularly communicate with officers on timely topics relating to tactics, equipment, or other issues of concern.	MPD agrees with this concept, but it will require additional staffing.				
120	MPD should continue to examine training protocols throughout the country and use that review to continue to improve its well-functioning training.	MPD does this now and will continue to do so.				
121	MPD should seek, encourage, and provide additional training opportunities outside the Department, particularly leadership training for first level supervisors.	MPD agrees with this concept, and has been exploring ways to improve training for first level supervisors.				
122	MPD should provide accessible	MPD agrees.				

	literature at its stations encouraging feedback regarding the performance of its officers, including blank complaint and commendation forms.					
123	MPD should remove the 90- day limit from its SOP on investigation of complaints and investigate all complaints that allege a violation of rules.	MPD agrees and will do so.				
124	MPD should expressly codify its current practice by indicating in its SOP that it is committed to investigating anonymous complaints.	MPD agrees and will do so.				
125	MPD's SOPs should be revised so that every complaint alleging a policy violation should receive a PSIA number.	MPD agrees and has already made this change.				
126	MPD should change its policy so that all interviews of victims, witnesses, or complainants to internal investigations that could result in discipline are recorded unless the situation proves impossible or if a civilian witness declines.	Requiring that every interview be recorded is problematic, although some changes to the SOP are warranted. The main problem identified is the delay required for transcribing recordings.				
127	MPD should ensure that violations of integrity are appropriately charged as such in the disciplinary process.	No explicit response (it appears the response is covered by the response to 128).	"[W]e agree that violations of integrity are serious and should be dealt with appropriately."			
128	MPD should consider whether there is sufficient accountability in its disciplinary process regarding violations of integrity and force.	MPD is committed to a robust system of internal accountability.				
129	MPD should expand its restorative justice disciplinary program to authorize and address courtesy violations or other low-level violations involving police/civilian contacts.	Department SOP outlines the restorative performance process and criteria for consideration. It is not limited to performance issues, as the OIR report suggests, and has already been utilized in a broad array of				

		circumstances.				
130	MPD and the City should devise and promote a mediation program to resolve civilian complaints outside the traditional disciplinary process.	MPD supports the concept, but believes it will require additional funding.		The City encourages MPD to continue its current mediation practices. But practical problems argue against doing more & accepting this recommendation.		
131	PSIA should continue and build upon its current practice of post-investigation complainant outreach, including the evaluation of cases for possible informal discussion opportunities with involved parties.	MPD supports this current practice.				
132	MPD should regularly evaluate serious disciplinary cases to determine whether, pursuant to Department policy, they should be subject to proactive release.	MPD agrees and has done this.				
133	Rather than rely entirely on the computer to identify early intervention candidates, MPD's Early Intervention System should regularly request first-level supervisors to identify officers who might benefit from the remedial aspects of the program.	MPD appears to agree and indicates it does so already.				
134	MPD should press forward toward full implementation of its Early Intervention System.	MPD is doing so and anticipates the system will be operational in the first part of this year.	"We are generally supportive of this recommendation...."			
135	Before a body-worn camera pilot project is implemented, MPD should seek the input of stakeholders—including City leaders, prosecutors and defense attorneys, civil rights litigators, privacy advocates, the	See response to 139 below.				

	community at large, and rank-and-file officers—to identify and prioritize, to the extent possible, the intended benefits and potential drawbacks of any body-worn camera adoption.					
136	Before a body-worn camera pilot project is implemented, MPD should work with stakeholders to develop policies for that implementation consistent with the principles set out in this Report, and with intended benefits identified and prioritized in a manner consistent with the prior Recommendation.	See response to 139 below.				
137	If the pending Wisconsin legislation regarding body-worn cameras is enacted in its current form, Madison should delay implementation of any pilot program until the implications of the legislation on release of body camera footage can be assessed. ¹⁹	See response to 139 below.				J
138	Assuming a reasonable consensus can be reached on policy, Madison stakeholders should remain open to funding a body-worn camera pilot project.	See response to 139 below.	"We strongly support the implementation of a body worn camera pilot program and commit to working with the Department and the community on policy development so that the use of BWC's can meet all of our			

¹⁹ Note: this legislation did not pass, and a legislative study commission is now exploring the issue.

			needs.”			
139	If MPD adopts body-worn cameras, it should commit to periodic evaluations (e.g., a one-year, three-year, and five-year review) to assess the qualitative and quantitative impact of the technology on the agency and stakeholders. Such periodic reviews should seek to identify whether the agency should continue its program and, if so, whether policy revisions are necessary to achieve or maximize the identified benefits.	Because of the costs and complex issues associated with body-worn cameras, the MPD believes this is a matter that must be decided by the Mayor, Common Council, and community.		The City Attorney supports body cameras for the simple reason that the cameras will assist the City in determining potential civil liability.		
140	The PFC should consider ways to involve the Madison community in the process for selecting the chief through community panels and interviews.	MPD takes no position: “This recommendation is directed to the Police and Fire Commission.”				
141	The City should institute protocols for calling for a performance evaluation process for the Chief at fixed intervals, with evaluation being a potential basis for a finding of “cause” to terminate.	MPD takes no position: “This recommendation is directed to the Police and Fire Commission.”		City Attorney does not believe that there “should or could be a finding of ‘cause’ if someone believes the Chief’s performance has fallen significantly below community expectations (Wis. Stat. sec. 62.13(3))		
142	The City should consider whether to consult with its state legislative representative to propose amending the PFC statute so that the Chief of Police serves a fixed term, subject to renewal by the PFC.	MPD takes no position: “This recommendation is directed to the Police and Fire Commission.”		The City Attorney agrees with considering this recommendation.		
143	MPD and the independent auditor should continue to review the MPD disciplinary	MPD disagrees with many of the assertions related to this				

	decisions on significant discipline to determine to what degree the PFC post-disciplinary process is impacting those decisions.	recommendation.				
144	The PFC should consider the routine use of hearing examiners for any complaints received by the community or MPD to conduct any hearings emanating from those complaints.	MPD supports the use of hearing examiners when appropriate.				
145	When the PFC or MPD receives a complaint against the Chief of Police or high-ranking MPD command staff, it should consider retaining an outside investigator to conduct an independent investigation.	“Any complaint that MPD receives against an employee is always investigated by an employee of higher rank. The department has also elected, on occasion, to request that an outside agency perform an investigation or review of a complaint. This is decided on a case-by-case basis, and this practice will continue.”				
146	Madison should enhance its civilian oversight by establishing an independent police auditor’s office reporting to a civilian police review body.	“MPD does not take a position opposing the concept of an independent auditor.”		“The City Attorney may support this recommendation. Before doing so we would want to know specifics on how this would function.”		