

From: [Jessica Loreth](#)
To: [Police Chief Search](#)
Cc: jrousseau@strangpatteson.com
Date: Wednesday, December 9, 2020 1:34:45 PM

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

Dear Police and Fire Commissioners:

The PFC should not make a decision on a Police Chief on Wednesday, December 9. Give the community an opportunity to engage with the candidates and give informed feedback before deliberating. The OIR report and the MPD Policy and Procedure Review Ad Hoc Committee report recommended that the PFC should involve the Madison community in the selection process through community panels and interviews. Such community engagement with police chief finalists is a normal part of the hiring process in many cities across the U.S. This was also recommended by former MPD Chief David Couper, who had one of the most successful tenures of Madison Police Chiefs. Some Madison alders are taken aback that this apparently isn't happening. Police Civilian Oversight Board member Shadayra Kilfoy-Flores was interviewed about the issue by Channel3000, stating "Candidates providing a video is not going to be sufficient. There needs to be actual community exchange. The community needs to be given an opportunity to interact with these candidates so we can get an idea of who they are as people."

<https://www.channel3000.com/there-needs-to-be-actual.../>

As OIR pointed out, this is all the more important in Wisconsin cities since, unlike cities in most states, police chiefs here basically can have lifetime tenure, rather than serving fixed terms.

It's also shocking that you have selected Portland Deputy Police Chief Chris Davis as a finalist and believe him suitable to be Madison's Chief of Police. You should examine what a candidate has done, not just their pretty words to you. In 2002, Davis participated in a controversial officer-involved fatality, precipitating major protests by Portland's Latinx community and mental health and civil rights advocates. Later, when Davis headed the Portland Police Bureau Internal Affairs Department, it had a deserved reputation of covering up misconduct. Then in 2014, Portland Police Lieutenant Rachel Andrew filed a \$300,000 civil rights lawsuit against Davis, Chief Reese, and the Portland Police Bureau for retaliation after she investigated Davis for misconduct. More recently, under Deputy Chief Davis' leadership, the Portland Police Bureau became a poster child for brutal mishandling of protests, and was found to be in direct violation of a federal restraining order regarding use of force against protestors. Davis has advocated practices like police in riot gear charging at crowds of protester to scare and disperse them, use of a wide variety of nonlethal munitions against protesters, slashing the tires of protester's cars, etc. His approach and mentality would never be accepted by Madison community members, and would exacerbate unrest here. That you chose Davis as a finalist seems to show a fatally flawed process. The most charitable explanation is that you're not doing adequate independent investigations into candidates but just relying on the materials submitted (i.e., how the candidates present themselves). This is what happens when a commission operates in the dark as you currently appear to be seeking to do. Please allow the community to properly engage, vet, and provide input on these finalists.

Sincerely,
Jessica Loreth

From: [Alexandra Wilburn](#)
To: [Police Chief Search](#); jrousseau@strangpattenson.com
Subject: PFC meeting registration speaker.
Date: Wednesday, December 9, 2020 3:07:30 PM
Attachments: [RegistrationFormPFC completed.pdf](#)

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

Hi, I'm alexandra wilburn here is my documentation that I want to speak,

I'd also like to state for any official communications being saved in a public record documentation (email) that the way to register for this is too complex, it takes computer literacy, it's different than the processes to speak at other city / county meetings. Whether intentional or not it is suppression of the public voices and should be remedied.

From: [Alexandra Wilburn](#)
To: [Police Chief Search](#)
Subject: Re: Automatic reply: PFC meeting registration speaker.
Date: Wednesday, December 9, 2020 3:12:32 PM

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

I'm glad my registration was confirmed,

I will be stating this in the meeting but I would like to state here.

Whether intentional or not asking for public opinions and nominations during the same time as campaigning for national and state positions is inappropriate as it is obvious to anyone in the government systems that most activists and social justice groups focus is on those larger elections.

I will be calling for a complete renewal of the beginning of the process in good faith with wanting transparency with the community which will include not holding meetings at 8:30am or 4:30 pm but after traditional work hours.

in the early 1900's the police and fire commission's President deputized KKK members and allowed them to maim and kill members of the greenbush community. This board is remnant of an era that actively professed white dominant beliefs and it is not a representation of the democratic values that we claim as a nation to hold as it is not a democratic body that oversees those who enforce laws.

On Wed, Dec 9, 2020 at 3:07 PM Police Chief Search

<policechiefsearch@cityofmadison.com> wrote:

Your e-mail message has been received and will be forwarded to Jenna Rousseau, Legal Counsel to the Board of Police and Fire Commissioners of the City of Madison.

From: [Nelson, Cory Cpt](#)
To: [Police Chief Search](#)
Subject: Chief input
Date: Wednesday, December 9, 2020 3:34:10 PM

Thank you for your work on finding us a new Police Chief. My input is as follows:

Larry R. Sciroto

- He spoke at length about the group violence initiative as a way to reduce crime, this is a well known form of focused deterrence pioneered by Professor David Kennedy and started in Boston. This in fact is an evidence based way to reduce violent crime. We at the MPD have been doing a form of this for many years in our Special Investigations Unit. He could have done more research to realize this is something MPD has been a national leader in for years.

Christopher A. Davis

- He spoke about ways to address substance abuse and mental health through diversion programs that they have been doing in Portland. Again, this is something MPD has been doing for years through our nationally recognized Mental Health teams and our Madison Addiction Recovery Initiative (MARI). Again, he could have done more research to find out this is something we have been doing and it would not be a new idea to bring to MPD

Ramon S. Batista, Jr.

- Good speaker, very adequate background though comes with baggage in the no confidence vote from his previous department. This tells me the majority of his dept did not believe in him and his leadership for whatever reason. This would have to be vetted out more.

Shon F. Barnes, PhD

- He seems to be an up and comer in the policing world. I enjoyed hearing about his ideas about a Chief's Advisory Panel. He mentioned having separate panels for adults and juveniles. I think this a fantastic step in the right direction towards community input on what they want and need from MPD.
- He also has a good sense on forming relationships with juveniles, mentioning that it is not all about basketball and athletics, kids may have other interests. I like the ideas of meeting the kids on their home turf, whether that is computer lab, a community center or a dance studio. The fact that he used to be a School Resource Officer also may give him an edge on knowing what these kids need from the police.

My vote is for Shon Barnes, I like his background working with 2 other agencies and the current position in Chicago. I feel he has a lot to offer MPD and has some great ideas on places to start.

Cory Nelson

From: [Gregory Gelembiuk](#)
To: [Police Chief Search](#)
Cc: [Jenna Rousseau](#)
Subject: Feedback on finalists
Date: Wednesday, December 9, 2020 3:45:19 PM

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

Dear Police & Fire Commissioners,

I'll start with a brief synopsis. Since Friday I've been trying to track down all information I can about each finalist. That included looking extensively online for articles, videos, etc. The Community Response Team also received some input from trusted sources (with law enforcement background) on two of the finalists. And I've now watched all four interview clips posted by the PFC.

Here is my current personal numeric ranking, on a scale of 0-10, for each candidate, given the information I have currently reviewed (10 being best).

Ramon Batista 10
Shon Barnes 7
Larry Sciroto 3
Chris Davis 0

Below are miscellaneous additional thoughts, from watching the interview clips. The order of my comments is somewhat random and I apologize for that – I don't have much time and wanted the PFC to receive this before deliberations on a selection.

Ramon Batista seems very good. I think he would be most like David Couper. He embraces the things many progressives would like to see (including non-police violence interrupters, etc. as recommended in the MPD Policy & Procedure Review Ad Hoc Committee Report). He has also clearly done his homework with respect to Madison – listening to the Madison Police Department podcasts, visiting our city and its police stations, etc. This level of diligence and effort in seeking the position here bodes well.

Ramon Batista and Shon Barnes appear much better than the remaining two finalists. Both of them show human sensitivity and cultural competence (much moreso than the other two candidates). Both appear to have a heart (which is really needed in policing here). In general, their thinking seemed more original and outside the box. Batista's fluency in Spanish would be a major asset in outreach to the Latinx community here. As I've noted before, Chris Davis would be a terrible choice for Madison.

I've written you before about positive feedback we received about Ramon Batista from Melron Kelly. We also asked Seth Stoughton (an Associate Professor at South Carolina School of Law, who specializes in regulation of policing and is a former police officer himself) his thoughts on the candidates. Seth is a professional in the world of policing with whom we have a longstanding relationship. Seth said he hasn't met any of the finalists but heard from a trusted source that "Shon is one of our LEADS scholars and a very smart, evidence-based guy. I have known him for a long time and think he would make an excellent Chief. He was a deputy chief in NC for a long time."

Some of the candidates touted their success in reducing crime. For example, one said "We were able

to reduce our crime to a 20 year low". However, there's a major problem with such claims. They ignore the fact that crime has been declining in cities nationwide over the last two decades. And that's true not just in the U.S., but in Canada and most European Union countries. It's been occurring regardless of the policing and criminal justice approach taken in any given country or city and clearly reflects larger societal trends. Canada, for example, has not had the large increase in police staffing found in most U.S. cities, and incarcerates a fraction the number of people that U.S. jurisdictions do, but has seen the exact same pattern. Crime has been steadily falling, but most Americans don't realize it. Here's [one article](#) touching on the topic. Though there has been an increase in aggravated assaults and homicides this year in cities across the nation, given the psychological and financial conditions created by the pandemic. I'll also add that in any given city, there's a stochastic element to crime rates over the short run, especially for crimes that are less common (e.g., homicides), so one should be careful about making any major conclusions from a change over a few years in a given city.

As the esteemed criminal justice scholar David Bayley noted [Bayley, D., 1994, "Policing for the Future", Oxford University Press]:

The police do not prevent crime. This is one of the best kept secrets of modern life. Experts know it, the police know it, but the public does not know it. Yet the police pretend that they are society's best defense against crime and continually argue that if they are given more resources, especially personnel, they will be able to protect communities against crime. This is a myth.... Changes in the number of police within any practicable range will have no effect on crime....

Crime experts generally accept that the best predictors of crime are factors such as employment status, income, education levels, gender, age, ethnic mix, and family composition. A precise figure can't be put on it, but most - perhaps as much as 90% - of the differences in crime rates among communities can be explained by differences in such factors.... To give only one example from a voluminous literature, Cohen, Felson, and Land (1983) found that between 1947 and 1977 such factors could account for 96.5% of the differences in robbery rates, 99% of the differences in burglary rates, and 99.3% of the differences in auto-theft rates throughout the United States. It is not really surprising, then, that finding evidence that police prevent crime is so difficult. Police shouldn't be expected to prevent crime: They are outgunned by circumstances....

Honest law enforcement saves the police from promising something they cannot deliver. Police often say – correctly – that they should not be blamed for increases in crime because the causes of crime are beyond their control. Honest law enforcement solves this public relations dilemma by narrowing the police mission to a set of actions they can demonstrably perform well. As Peter Manning (1977, p 18) has thoughtfully pointed out, the police “have tied themselves to a socially determined process [that is, crime] over which they have no control. They have thus achieved success in focusing public attention upon an activity which can be seen as explosive and self-defeating.” Honest law enforcement cuts this Gordian knot....

The fundamental problem with dishonest law enforcement, beyond its potential for embarrassing the police, is that it prevents communities from facing what really needs to be

done. As long as people believe that police can prevent crime, communities will not insist that something else be done (Shearing 1991). The police know – or are rapidly discovering – that successful crime prevention requires multifaceted programs involving all agents, informal as well as formal, of societal control and social amelioration (Clinard 1978, Anderson 1979).... What modern societies lack is an institution apart from the police with responsibility for formulating and implementing crime-prevention programs ((Shearing 1992).

The above isn't entirely correct – implying that police “do not prevent crime” at all is too extreme. Strategies such as problem-oriented policing, hotspot policing, etc. can have a modest crime reduction effect. I'm a particular fan of problem-oriented policing. But it's too easy to misinterpret shifts in crime rates – and especially longterm trends in crime - as being driven by policing, in a way that the data doesn't bear out. So if you really want to reduce crime and maximize public safety, you have to think more broadly.

That's part of why I was particularly impressed by Batista's response to the last question in the posted video clips. He honestly acknowledged the reality, noting “it would be unfair to go to a hospital and to say ‘solve this pandemic’, because they can't... You have to look at it as a holistic approach where you have to look at the coopting of different social services to come to bear to help in this issue. It is impossible to say that we are going to put a police officer on every corner and have law enforcement as the sole driver of a reduction in crime.” In his response he noted the value of innovative data driven policing approaches, but also said things like “you have to be thinking of use of violence interrupters”, job opportunities for youth, programs for at-risk youth to form foundations for them to be successful, etc. The use of street-level non-police violence interrupters has a great deal of empirical evidence of efficacy and a great monetary return on investment. This is all congruent with the recommendations of the Ad Hoc Committee, which call for increased use of a public health approach to crime. There were similar things stated by other candidates (calling for partnerships, etc.), but this is an area I've been looking into for years, and Batista's statements appeared to show more advanced thinking on this. To really deeply minimize crime, you need a really deeply holistic approach, and Batista seems to be thinking most in these terms.

I also like Batista's reference to being surrounded by determined women, and valuing and being shaped by that. Honestly, in law enforcement, on average, women officers kill fewer people and tend, on average, toward a better approach. Plus, one of the problems with law enforcement, even in MPD, is that the culture tends to be too macho – leading to problems. So Batista's perspective is refreshing.

I also really appreciated Batista's statement that he “believes that policing is going through a transformation; entering new era.” That he “wants to be part of the solution to move policing forward and believes it so much I wrote a book about it” (the Do No Harm book). Policing really does appear to be going through a transformation in this way, and it appears to be accelerating. MPD has kind of coasted on the reputation that David Couper generated, but as the OIR report noted, has been regressing in important ways. It would be really great to again see Madison at the forefront of the progressive transformation in policing.

The perspectives (overtones in language) of Davis and Scirotto appeared overly judgmental to me. Davis in particular seems to too often divide the world into good versus bad people. That's not a perspective that's helpful. I also noticed the contrast between the statements Davis was making in

this interview (potentially playing to his audience), and video clips I've watched of his statements in Portland. In Portland, most everything I watched him say appeared to show a command-and-control policing attitude that would be very unhelpful here.

Davis commented that Portland was a progressive policing agency. But many (perhaps most) residents of Portland would beg to differ. I am not saying that Portland policing has no progressive aspects, but in many ways it has a reputation for the opposite.

Davis also indicated that he ran the day to day operations of the Police Bureau in Portland – which directly implicates him in their disastrous handling of protests, including multiple violations of federal court orders.

Sincerely,

Dr. Gregory Gelembiuk

From: [bailey welch](#)
To: [Police Chief Search](#); [Police Chief Search](#)
Subject: RE: Police Chief Decision
Date: Wednesday, December 9, 2020 3:54:32 PM

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

Hi Mike,

Thanks for getting back to me. Unfortunately due to my work schedule I'm never available to speak during the committee meeting times. I do however have and echo concerns of others regarding how this process of selection is transpiring to say the least. I know others who intend to speak out, whether or not available to be present for these fast tracked decisions to effect ask of our lives. Their opposition to this matter and the words with which they speak are very much so ones I respect and support wholeheartedly. Our city isn't moving forward when it's leaving behind the people. The voice of the community is our party forward.

Regards,
Bailey

[Sent from Yahoo Mail on Android](#)

On Wed, Dec 9, 2020 at 3:46 PM, Police Chief Search
<policechiefsearch@cityofmadison.com> wrote:

Dear Bailey,

I assume from your submission of a registration form that you wish to speak at tonight's meeting. All of the meeting information for this evening, including the agenda and the zoom link, is on the city website:

<https://www.cityofmadison.com/clerk/meeting-schedule/police-and-fire-commission-106>

Please make sure that you use your own name as the Zoom screen name to make it easier for the chair to recognize and unmute you. You'll be the fourteenth person called on during the Public Comment section of the meeting.

Mike Quieto
City Clerk's Office

From: Jenna Rousseau <JRousseau@strangpatteson.com>

Sent: Wednesday, December 9, 2020 3:39 PM
To: Police Chief Search <policechiefsearch@cityofmadison.com>
Subject: Fwd: Police Chief Decision

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

Attorney Jenna E. Rousseau

Strang, Patteson, Renning, Lewis & Lacy, s.c.

205 Doty Street, Suite 201

Green Bay, WI 54301

Ph. 844.833.0828

Fax 608.333.0828

jrousseau@strangpatteson.com

Begin forwarded message:

From: bailey welch <>
Date: December 9, 2020 at 3:38:32 PM CST
To: Jenna Rousseau <JRousseau@strangpatteson.com>
Subject: Police Chief Decision
Reply-To: bailey welch <>

Dear Police and Fire Commissioners:

The PFC should not make a decision on a Police Chief on Wednesday, December 9. Give the community an opportunity to engage with the candidates and give informed feedback before deliberating. The OIR report and the MPD Policy and Procedure Review Ad Hoc Committee report recommended that the PFC should involve the Madison community in the selection process through community panels and interviews. Such community engagement with police chief finalists is a normal part of the hiring process in many cities across the U.S. This was also recommended by former MPD Chief David Couper, who had one of the most successful tenures of Madison Police Chiefs. Some Madison alders are taken aback that this apparently isn't happening. Police Civilian Oversight Board member Shadayra Kilfoy-Flores was interviewed about the issue by Channel3000, stating "Candidates providing a video is not going to be sufficient. There needs to be actual

community exchange. The community needs to be given an opportunity to interact with these candidates so we can get an idea of who they are as people.”

<https://www.channel3000.com/there-needs-to-be-actual.../>

As OIR pointed out, this is all the more important in Wisconsin cities since, unlike cities in most states, police chiefs here basically can have lifetime tenure, rather than serving fixed terms.

It’s also shocking that you have selected Portland Deputy Police Chief Chris Davis as a finalist and believe him suitable to be Madison’s Chief of Police. You should examine what a candidate has done, not just their pretty words to you. In 2002, Davis participated in a controversial officer-involved fatality, precipitating major protests by Portland’s Latinx community and mental health and civil rights advocates. Later, when Davis headed the Portland Police Bureau Internal Affairs Department, it had a deserved reputation of covering up misconduct. Then in 2014, Portland Police Lieutenant Rachel Andrew filed a \$300,000 civil rights lawsuit against Davis, Chief Reese, and the Portland Police Bureau for retaliation after she investigated Davis for misconduct. More recently, under Deputy Chief Davis’ leadership, the Portland Police Bureau became a poster child for brutal mishandling of protests, and was found to be in direct violation of a federal restraining order regarding use of force against protestors. Davis has advocated practices like police in riot gear charging at crowds of protester to scare and disperse them, use of a wide variety of nonlethal munitions against protesters, slashing the tires of protester’s cars, etc. His approach and mentality would never be accepted by Madison community members, and would exacerbate unrest here. That you chose Davis as a finalist seems to show a fatally flawed process. The most charitable explanation is that you’re not doing adequate independent investigations into candidates but just relying on the materials submitted (i.e., how the candidates present themselves). This is what happens when a commission operates in the dark as you currently appear to be seeking to do. Please allow the community to properly engage, vet, and provide input on these finalists.

Regards,

Bailey