Hello,

I'm Alec Esther, a constituent of District 20 represented by Albouras in the Common Council. I'm messaging you to voice my opposition to the candidacy of Christopher A. Davis, current Deputy Chief of the Portland Police Bureau.

Chief Davis has not only done a horrid job of managing protests in Portland, as his department has brutalized both peaceful protesters and press (see <u>this article</u> for one thorough detailing of these incidents), but Davis has also received <u>lawsuits for civil misconduct</u> and <u>even assisted in the killing of a civilian while on duty.</u>

Hiring someone with such a record when officers such as Matt Kenny are already under fire for their misconduct would be a death knell for the department, and lead to even fiercer protests, perhaps even riots (heaven forbid), within Madison. I fear for the safety of our city on multiple levels, and strongly urge that you consider Batista instead, who has a far better track record of strengthening relations between the police department and his community.

Please say no to problematic cops like Davis, and say yes to community advocates like Batista.

Thank you for your consideration,

Alec

Dear PFC members,

I write to express my opposition to Portland's deputy chief Christopher Davis for Madison police chief. Chief Davis has been involved in the shooting of a disabled Latino immigrant. He has retaliated against officers who filed complaints about him. And he brutalized peaceful protesters in Portland this past summer.

Davis would terrorize our community just as he terrorized Portland. Please say NO to Davis.

Thank you, Andrea Singletary 3706 Drumlin Ln Madison, WI 53719

Dear Police and Fire Commissioners:

The PFC should not make a decision on a Police Chief this morning. The community needs an opportunity to engage with the candidates and give informed feedback before the vote. 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 United States. It's even more important here, since police chiefs here basically can have lifetime tenure.

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 <u>Oversight Board member Shadayra Kilfoy-Flores</u> wasinterviewed 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."

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 rhetoric. In 2002, Davis participated in a controversial **police killing**, 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 could be fatal.

Please allow the community to properly engage, vet, and provide input on these finalists.

Sincerely, Erin Clancy

From:	<u>Liz Light</u>
То:	Police Chief Search
Cc:	jrousseau@strangpatteson.com
Subject:	Police Chief - Community Input is Needed
Date:	Tuesday, December 8, 2020 7:28:06 AM

Hello PFC members,

I am writing to request the implementation of public exchange and review before the committee moves forward with a Police Chief selection. Yet again, those in power act as though the time, money, and effort of the Ad Hoc committee and report were for nothing. Studies do not hold power until those in power let them inform their processes and choices. This is work done by and for our greater community. You need to trust the community in order for us to trust you and any choices you make.

Madison should be working toward progressive processes for a decision such as this, not struggling to follow the protocols that are typical and expected, like public engagement and vetting of police chief candidates. Without this crucial step, candidates with abusive track records like Portland Deputy Police Chief Chris Davis go unchecked. To say you were aware of his record and chose to move him forward to a finalist position is disturbing and shows complete rejection of the impact your choices make on our community. As of now, the committee is showing itself to be invested in interests that have nothing to do with our community.

Sincerely, Liz Light 1601 Porter Ave. Madison, WI

Coral and David Conant Gilles
Police Chief Search
JRousseau@strangpatteson.com
No Decision on Police Chief Wednesday
Tuesday, December 8, 2020 7:29:38 AM

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.

The Madison community deserves a voice. The City of Madison will benefit by a community approved Police Chief and be harmed by a Police Chief that the public doesn't want.

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." I agree. https://www.channel3000.com/there-needs-to-be-actual-community-exchange-some-say-finalinterview-process-for-madison-police-chief-lacks-transparency/

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 **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. 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. **Davis' 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, Coral Conant Gilles Madison, WI 53715

Dear Police and Fire Commissioners,

I'm writing to urge you to not make a decision on a police chief without offering some sort of opportunity for public engagement or feedback opportunity first. By not doing so, you are not only squandering an opportunity to build trust, but further eroding the gap between the public and local law enforcement. Failing to involve those most affected by your hiring decision is a step in the wrong direction, no matter who you choose to hire. That being said, the naming of controversial candidate Chris Davis as a finalist gives me severe doubts about the priorities/motivations involved in your decision process.

Please follow the recommendation of former MPD Chief David Couper and allow public input on your finalists.

Thank you,

Michael Falk 1601 Porter Ave Madison, WI 53704

Hello,

I am a longtime resident of Madison living in the Marquette neighborhood. I'm writing in strong opposition for Christopher Davis.

His horrific and unlawful treatment of civilian protestors in Portland, his murder of Jose Mejia, and his retaliation against coworkers do not belong in Madison.

Frankly, it's upsetting that he is an option. Davis would terrorize our community just as he did in Portland.

Reject Christopher Davis and support Ramon Batista.

Zac Francis

From:	Kap Mueller
То:	Police Chief Search
Cc:	jrousseau@strangpatteson.com
Subject:	Police chief search
Date:	Tuesday, December 8, 2020 7:57:42 AM

Dear Police and Fire Commissioners:

I am a Madison resident requesting a delay in the Police Chief Search. The PFC should not make a decision on a Police Chief on Wednesday, December 9. Please 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.

I am not the only Madison resident dismayed by this lack of oversight. 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."

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. 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.

Please allow the community to properly engage, vet, and provide input on these finalists. Independent investigations of officials' past behavior will be critical information for us to consider. Past performance indicates future results. Sincerely, Kaspar Mueller

From:	Sue Breckenridge
To:	Police Chief Search
Cc:	jrousseau@strangpatteson.com
Subject:	Police chief hiring
Date:	Tuesday, December 8, 2020 8:21:03 AM

Dear member of the Police and Fire Commission:

I am extremely disappointed to hear that the PFC is rushing to a decision on Madison's next police chief without allowing adequate time for public input and no opportunity for community members to engage with the candidates so that we can provide informed feedback as to whether any of the candidates is a good fit for the city. 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 country. If you rush this through without public input, you are setting your hiree up to fail.

I am particularly concerned that the committee considers Portland Deputy Police Chief Chris Davis acceptable in any law enforcement capacity, let alone as Madison police chief. The Portland police department has a terrible record on race relations, and the Portland police department has become nationally famous for their brutality toward citizens this past summer. Davis's personal history on the police force--including his involvement in the controversial shooting of a Latinx man experiencing a mental crisis, his reputation for covering up misconduct while part of the Internal Affairs department, and his retaliation against a fellow officer who investigated him for misconduct--demonstrate that he is unsuited for this position. It is not difficult to find information about this man's history, and the fact that he is a finalist suggests either the PFC didn't do any basic background check, or the PFC knows all this and considers it acceptable--neither of these options puts the PFC in a good light. If he is hired, it will only exacerbate the tensions between the Madison police force and the community.

That said, any candidate the PFC selects under the current plan of shutting the public out of the process will not have the support of the people. The Madison community has worked hard over the past several years to put measures in place that will improve policing in Madison. If the PFC goes ahead with their hiring of the police chief as planned, it will undermine all of this hard work. Please slow down the process, allow greater transparency, and allow the public to have a voice.

Sincerely, Sue Breckenridge

Sue Breckenridge 5605 Stadium Dr Madison WI 53705

From:	Shawn Matson
To:	JRousseau@strangpatteson.com; Police Chief Search
Subject:	Madison's Next Police Chief
Date:	Tuesday, December 8, 2020 8:37:32 AM

Dear PFC,

I am writing today with great concern for the process of selecting a new Madison Police Chief. It has come to our attention that, through a process that has lacked public input and oversight, the trust of the community has been broken.

It is my firm belief that it is of the utmost importance for public safety that Madison's next Police Chief not start off the job at a disadvantage. If selected through a process that is viewed as illegitimate as currently planned, it will harm the ability of rank-and-file officers to do their job. It will imperil the tenure of a new Chief before it has ever begun.

We cannot have frank discussions about our city priorities without an open and transparent process. What's more, since communities of color have experiences generational violence and harm from state violence, many members of the community view this process with skepticism and fear because of that history.

We cannot simply dismiss these concerns as irrelevant because this is our community. These are the very people to whom our Police Chief will be serving.

I urge you not to take further action without community input.

Best,

Shawn Matson District 6 Resident 2101 Linden Ave #6 Madison WI 53704

Dear Atty Rousseau,

Please see my comments below and please ensure that a copy of this correspondence is sent to all PFC members and brought to their attention.

1. The PFC is choosing to ignore the recommendation of OIR and the Madison Police Department Policy & Procedure Review Ad Hoc Commitee.

Recommendations #140 of the OIR Report and #5 of the MPD Policy & Procedure Review Ad Hoc Committee Report state: "While retaining the ultimate determination on selecting the Chief, the PFC should consider ways to involve the Madison community in the selection process **through community panels and interviews**."

<u>I can speak pretty authoritatively to that recommendation, since I served on the Ad Hoc</u> <u>Commitee, was present for the committee deliberations on this recommendation, and wrote</u> <u>the text for that segment of the Ad Hoc Committee report</u>. The intent of both OIR and the Ad Hoc Committee was that there be an opportunity for community exchange with the finalists. OIR and the MPD Policy & Procedure Review Ad Hoc Committee envisioned that the community would have an opportunity to engage with the finalists and provide input to the PFC.

As the OIR report notes of interviews: "*In past cycles, the process has operated behind closed doors, with interviews between PFC members and the candidates but no opportunity for community input or engagement.*"

The OIR Report notes, and the MPD Policy & Procedure Review Ad Hoc Committee Report specifically quotes, "A number of jurisdictions have recently included a public component to the Chief selection process in which community panels are provided the opportunity to ask questions and engage with the final set of candidates." The inclusion of such a component, in which community members directly ask questions of finalists, appears quite common in U.S. cities. 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 (and can only be removed for cause), rather than serving fixed terms. When the Ad Hoc Committee was deliberating this recommendation, our co-chair, who was simultaneously serving on the PFC, said he discussed it with the PFC and there was no opposition to it.

Again, the intent, as reflected both in the language of the recommendation and the discussion text of the report, was to allow community interviews of the finalists. Broadly speaking, more community input was being called for - but a more specific element (of community panels/community interviews) was a clear part of the recommendation.

Of course, the PFC was under no legal obligation to follow the recommendation and has apparently chosen to ignore it.

2. Indeed, in contrast to the recommendation, it would appear clear that the PFC has chosen to try to minimize community input at this stage.

The PFC is releasing a 35 minute video excerpt of each interview on the same day that it will deliberate on a decision and potentially make a decision - with the PFC meeting starting 5:30 PM on December 9. Obviously, community members will have almost no time before that meeting to review the videos and provide input.

And it appears you've chosen to make public comment on the 9th extra hard. The PFC webpage says you need to e-mail or call the PFC attorney, before a meeting begins, to register for the meeting. Until now, from what I recall, e-mailing you, that one wished to provide public comment, was sufficient.

When I wrote you yesterday, you informed me that:

Members of the public who wish to offer comment during the public comment period must register in advance using the City of Madison's Registration Statement Form available on the PFC's webpage: <u>www.cityofmadison.com/PFC</u>. Once completed, the Form must be submitted to the following e-mail address: <u>policechiefsearch@cityofmadison.com</u>.

That form requires a signature. Almost no-one will register since adding that signature is difficult - people would either have to print, sign, and scan that form, or use some kind of other method to add a facsimile signature.

Indeed, people I've relayed your instructions to are asking in social media how to add a signature.

Is it your intent to stifle public comment in this manner?

Sincerely,

From: Jenna Rousseau <JRousseau@strangpatteson.com>
Sent: Tuesday, December 8, 2020 7:10 AM
To: Gregory Gelembiuk
Subject: RE: registering to provide oral public comment

Dear Dr. Gelembiuk:

The PFC, which consists of five (5) citizens from the Madison community, remains committed to receiving community input regarding the police chief appointment process. As you know, the PFC has spent the last year carefully working on this process, including designing various methods for community members to provide input. The PFC committed to listening to all residents in the City of Madison, including those who have the greatest challenges to providing feedback. For instance, the PFC received oral comments over the course of multiple meetings from various groups and individuals. The PFC also received numerous written feedback through its community survey, via email, and U.S. Mail. The PFC worked with Local Voices Network (LVN) to facilitate small group discussions and received helpful summaries and suggested questions from LVN. Further, the PFC conducted virtual town hall meetings and participated in several radio programs.

The PFC has spent a considerable amount of time developing questions for the candidates based directly on the community input that it has received to date (both for the initial interviews and for the final interviews) to ensure that it selects the best candidate for the City of Madison. The community input has contributed to all stages of this process. The PFC is also committed to ensuring a fair hiring process for all candidates.

A component of the final interview process will include a 35-minute recorded Q&A session with each candidate based directly on the community input that the PFC received during this process. The videos will be published on December 9, 2020.

The PFC will be holding a Special Meeting on December 9, 2020, at 5:30 P.M., which will include a public comment period. In addition, the next regular meeting of the PFC is scheduled for December 14, 2020, at 5:30 P.M., and will include a public comment period. If there is insufficient time available on December 14, 2020, to hear oral comments from those members of the public who have registered, the PFC will likely set aside additional time after December 14, 2020, so that any member of the public who wishes to offer public comment regarding this process can do so. The PFC is also receiving written feedback at policechiefsearch@cityofmadison.com.

The PFC is an independent body created pursuant to state law, Wis. Stat. § 62.13. State law does not require governmental bodies to include public comment periods during public meetings. Rather, under the Wisconsin Open Meetings Law, a governmental body may set aside a portion of an open meeting as a public comment period, in which case the period must be included on the meeting notice. In addition, the Rules of the PFC do not require a public comment period. It is a standard practice of the PFC to include a public comment period for its regular meetings. For special meetings/working sessions, the PFC may or may not include a public comment period in its meeting notice. As a creature of state law, the PFC has long taken the position that the ordinance you cited below is not clearly applicable to the PFC. Indeed, the Wisconsin Supreme Court has stated that "one of the primary purposes for the legislative act providing for the creation of the board was to remove the administration of fire and police departments from city politics and to place it in the hands of impartial and nonpolitical citizen boards."

I hope this information is helpful.

Jenna Rousseau Legal Counsel to the Board of Police and Fire Commissioners of the City of Madison

Attorney Jenna E. Rousseau

Strang, Patteson, Renning, Lewis & Lacy, s.c. Green Bay Office: 205 Doty St., Suite 201, Green Bay, WI 54301 Madison Office: 660 W. Washington Avenue, Suite 303, Madison WI 53703 Ph. 844.833.0828 Fax 608.333.0828 jrousseau@strangpatteson.com www.strangpatteson.com



From: Gregory Gelembiuk
Sent: Monday, December 7, 2020 2:23 PM
To: Jenna Rousseau <JRousseau@strangpatteson.com>
Subject: Re: registering to provide oral public comment

Dear Jenna Rousseau,

Madison ordinances require that all committees, boards and commissions allow public comment at or near the beginning of each meeting outside of a few specified exceptions, and the PFC meeting on December 8 doesn't appear to fall into one of those exceptions (see <u>Madison General Ordinances 33.01(9)(e)</u>). It's not a quasi-judicial hearing on a contested matter, nor a deliberation on such a quasi-judicial hearing, nor an Ethic Board closed session held for the purpose of hearing and deliberating confidential requests for advisory opinions.

Is it your position that the Madison ordinance does not apply to PFC meetings?

Sincerely,

Dr. Gregory Gelembiuk

From: Jenna Rousseau <<u>JRousseau@strangpatteson.com</u>>
Sent: Monday, December 7, 2020 2:06 PM
To: Gregory Gelembiuk
Subject: RE: registering to provide oral public comment

Dear Mr. Gelembiuk:

The Board of Police and Fire Commissioners of the City of Madison will hold a Special Meeting on December 9, 2020, at 5:30 P.M. The Board will receive oral comments from members of the public regarding any matter within the statutory authority of the Board. Each

speaker will be limited to a maximum of three (3) minutes. Members of the public who wish to offer comment during the public comment period must register in advance using the City of Madison's Registration Statement Form available on the PFC's webpage: www.cityofmadison.com/PFC. Once completed, the Form must be submitted to the following e-mail address: policechiefsearch@cityofmadison.com. The order of speakers will be based on the order of submission of the completed Registration Form.

Attached is the meeting notice/agenda for December 8, 2020 (it does not include a public comment period).

Thank you, Jenna Rousseau

Attorney Jenna E. Rousseau Strang, Patteson, Renning, Lewis & Lacy, s.c. Green Bay Office: 205 Doty St., Suite 201, Green Bay, WI 54301 Madison Office: 660 W. Washington Avenue, Suite 303, Madison WI 53703 Ph. 844.833.0828 Fax 608.333.0828 jrousseau@strangpatteson.com www.strangpatteson.com



From: Gregory Gelembiuk
Sent: Monday, December 7, 2020 11:57 AM
To: Jenna Rousseau <<u>JRousseau@strangpatteson.com</u>
Subject: registering to provide oral public comment

Dear Jenna Rousseau,

I am writing to register to provide oral public comment before agenda item 1 of Tuesday's (Dec 8, 8:30 AM) PFC meeting, as allowed for in Madison ordinances.

Thank you,

Gregory Gelembiuk