



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Draft PUBLIC SAFETY REVIEW COMMITTEE

Tuesday, September 8, 2009

5:00 PM

Madison Police Department
211 South Carroll Street
Community Room, Room GR-22

CALL TO ORDER / ROLL CALL

Present: 7 -

Paul E. Skidmore; Bryon A. Eagon; Eli Judge; Tyrone W. Bell; Michael S. Scott; Chan M. Stroman and Joel Plant

Excused: 1 -

Bret M. Gundlach

APPROVAL OF MINUTES

A motion was made by Plant, seconded by Judge, to approve the minutes of August 11, 2009. The minutes were unanimously approved.

PUBLIC COMMENT

Rosemary Lee, a City of Madison resident spoke on items number 15805, 15806 and 15823. On item number 15805, she expressed that officers who are interested in having an individually-sighted rifle as part of their equipment should not have to pay for it themselves, but felt strongly that the City should be able to eliminate or rearrange money somewhere to pay for the rifle. She further expressed her support on items number 15806 and 15823 on eliminating the sunset provision and requiring licenses of chronic nuisance landlords. She said that it is a matter of public safety and quality of life in the city and indicated that both of the ordinances are needed to strengthen citizens' safety. She said that there are chronic nuisance landlords and problem landlords all over the city and if they don't care enough to keep up their property that it is unfortunate and that the city will need to step in. She recommended approval of all of the above items.

NEW BUSINESS

There was no new business.

1. [15805](#) Establishing a voluntary rifle purchase program that would allow commissioned employees to voluntarily purchase department-approved rifles for on-duty use, utilize the department's bulk purchasing power to order the rifles, and establish a two (2) year repayment mechanism by which the cost of the rifle would be recovered through fifty-two (52) equal deductions taken from the employee's paycheck.

Captain Wahl gave an overview of the rifle program stating that city police officers have been using rifles for more than 10 years. The rifles the

department uses are universally sighted and interchangeable which requires officers to adjust their shooting position to adapt to the universal sighting. Capt. Wahl said that this can reduce officers' shooting accuracy. The benefits of an officer purchasing their own weapons versus using the department- or city-purchased weapon is the ability to personalize the rifles' sighting system to the individuals' posture, stance and firing position to allow greater accuracy. An internal poll of police officers revealed that there are roughly 100 officers who expressed some interest in purchasing their own rifles. Captain Wahl mentioned that starting in 2010, for a variety of reasons, the Department planned to switch to individually-issued rifles for most officers. Some additional rifles have been purchased through grant funding, which will increase the numbers of rifles, however, there will still not be enough rifles to issue to everyone in patrol and operations. Previous capital budget requests for additional rifles have not been approved; therefore, the Police Department decided to move forward to allow officers to purchase rifles out of their own money to expand and improve the rifle program. Captain Wahl said the reason the Police Department is seeking a resolution from the Common Council and the PSRC is that it will require an initial purchase by the City, which will then be paid back to the City by the officers through 52 payroll deductions.

Alders Eagon and Skidmore inquired who would insure the weapons if they are personally owned and where the rifles would be kept. Captain Wahl responded that it was his belief that the officers would own the weapon and therefore be liable for its loss or damage off duty, and that most officers would store their rifle in the police armories when not in use. Alder Skidmore made a motion that if the resolution is approved that it should become mandatory that rifles used for official purposes be stored in the department's armories. Tyrone Bell seconded the motion for discussion purposes. Captain Wahl felt the motion made by Alder Skidmore would be problematic from the Department's viewpoint for a couple of reasons: the officers' ownership of the rifles should allow them some latitude in where to store them and officers may have need to take the rifle home for cleaning or attending training outside of the Department. He further stated that the law already permits an officer, as an ordinary citizen, to privately purchase the same type of rifle him- or herself. He said that, as with duty handguns, there are policies in place as to when the weapon can be used as a Madison police officer, on or off duty. He said that these policy guidelines would be extended to cover rifle as well. Joel Plant from the Mayor's Office said that the proposed program is modeled exactly after the program used for the handgun the officer is required to carry in which there are policies and procedures in place. He opposed a provision in the resolution mandating storage of the rifles in police armories. Eli Judge said that if the officer is going to pay for and own the weapons, that it becomes their personal property. He said, given the policies in place within the Department, he would trust that the officers would follow them. Mr. Plant said that officers currently purchase handguns as a requirement to perform their official duties. He further said that many of the rifles the Department currently owns were purchased with city dollars or through grants. He said that in the last several years the Police Department's proposal to purchase additional rifles with city dollars was rejected by the Board of Estimates. Throughout the last couple of budget cycles he has heard that officers who have the universally-sighted rifles in their squad may be reluctant to use them in certain situations and that is a concern. Mr. Plant said that the move to individually-sighted rifles is at the Police Department's discretion, that the Mayor is in support of the voluntary purchase program, and the cost to the city

is minimal.

2. [15845](#) Authorizing the Mayor and City Clerk to execute a contract with Frank Productions, Inc., subject to the conditions included in the Street Use Permit expected to be issued to Frank Productions, Inc. for events associated with Halloween, 2009.

There was a motion by Bell, seconded by Judge, to approve item number 15845. The motion carried unanimously without discussion.

3. [15843](#) Amending the 2009 Operating Budgets of the Police Department, Engineering Division, Streets Division and Parks Division by appropriating \$48,335 from the Contingent Reserve Fund, utilizing these funds for various expenses related to the Halloween event, and authorizing the receipt of revenues derived from admission fees and donations.

There was a motion made by Bell, seconded by Judge, to approve item number 15843. The motion carried unanimously without discussion.

4. [15847](#) Establishing a Glass-Free Zone for the State Street area from 9:30 p.m. on October 30, 2009 to 6:00 a.m. on October 31, 2009, and from 9:30 p.m. on October 31, 2009 to 6:00 a.m. on November 1, 2009.

There was a motion made by Bell, seconded by Judge, to approve item number 15847. The motion carried unanimously without discussion.

5. [15806](#)

Repealing Section 25.09(12) of the Madison General Ordinances to eliminate the sunset provision and make the Chronic Nuisance Premises ordinance permanent.

There was a motion for approval to repeal the sunset provision of the chronic nuisance abatement ordinance by Plant, seconded by Skidmore.

Tyrone Bell requested that he would like to see a summary of enforcement of the ordinance before it is renewed. Captain Balles briefed the group on what the Police Department is doing operationally. He said that, going back a decade or more, the Police Department has issued warning notice letters to property owners, predominately owners of properties where drug nuisance activity has been documented. He has been tallying all the letters that have been issued to property owners over the last 2 ½ years and plotting the locations of the problem properties on a map. He said there have been well over 100 letters issued since January 2007 pursuant to the provisions of Wis. State Statutes Chapter 823 (dealing with drug nuisance properties) to property owners throughout the City of Madison. Madison City Ordinance 25.09 is similar to the state statute which is creating a little confusion amongst district command staff about how the chronic nuisance ordinance has been implemented. There have been only 8 times since December 2007 that a property has been officially declared a nuisance pursuant to Ordinance 25.09 and only 2 times that the Police Department has gone all the way through and filed a complaint in circuit court, but that many more warning notice letters are sent out. He said that police captains receive information from CPTs or the County Drug and Gang Task Force about drug activity and warning notice letters are then issued and follow up done. He further stated that the letters promote not only negative contact with property owners, but also help

responsive owners be more effective in controlling drug and crime activity at their properties.

The motion was approved unanimously.

6. [15823](#) Creating Section 9.25 of the Madison General Ordinances to require the licensing of landlords of chronic nuisance properties, creating Section 25.09(3)(a)10. to require notification to landlords of the requirements of Section 9.25, amending Section 1.08(3)(a) to establish a bond schedule for violations of Section 9.25, and amending Section 1.08(4) to give the Director of Building Inspection the power to enforce Section 9.25 by citation.

Tyrone Bell made a motion to approve, seconded by Joel Plant the revised ordinance to require landlords of properties with declared nuisances to get a license from the City.

City Attorney Jennifer Zilavy said that there will continue to be revisions to the ordinance. The Committee discussed waiting until there is a final ordinance in place.

Tyrone Bell made a motion to refer item number 15823 until a later date and Alder Skidmore seconded the motion. The motion carried unanimously.

PRESENTATIONS

There were no presentations

DISCUSSION ITEMS

7. [15897](#) Police Department and Fire Department FY10 capital budget proposals

New ambulance
New police district substation
New police training facility
New police property and evidence facility

Alder Eagon requested the Police Department to discuss information about the training facility. Captain Wahl shared that from the mid 1990s up until last year the Police Department pre-service academy was held at Madison Area Technical College's (MATC) Commercial Avenue location. The Police Department was charged a leasing fee. The facility met most of the training needs, which had an indoor range and classroom facility. MATC had discussions with the Police Department with regard to leasing a new facility because they would be closing the Commercial Avenue campus. After discussions, the cost associated to use the new facility would have been increased greatly. In the short term, due to having to make arrangements right away for the pre-service academy, the Marsh Court facility (located on the Southeast side of Madison) was remodeled for academy use. The facility, however, is inadequate for the long term. It lacks lockers, has a main training room that is too crowded for the class size, and only has outdoor restroom facilities for the recruits. Captain Bach added that there is a need to do something soon, as next year's class size is expected to be even larger. Assistant Fire Chief Keiken indicated that the Fire Department made a 99-year

agreement in 1987 to use the MATC Truax location to build the current fire training center. The City provided funding which was to give up the land where the old training facility was located which is now an MATC parking ramp. The main issue is that the facility has reached its capacity. He indicated that MATC is supposedly going to develop a safety education center but there would need to be a referendum approved to make that happen. A/C Keiken added that MATC works in collaboration with the Fire Department to use the fire facility for training purposes with students.

The Police Department property and evidence storage facility was also discussed in which Capt. Bach mentioned that the current property disposal process is being reviewed in hopes of being able to dispose of property more expeditiously and thereby gain space for the growing volume of new property and evidence.

8. [15899](#)

Alcohol policy and enforcement (continued discussion from August meeting)

How police and fire inspection and enforcement priorities are determined, how enforcement discretion is exercised, the goals of inspection and enforcement, the relationship of licensed and unlicensed establishments (e.g., house parties) to enforcement efforts, and the state of the relationship of city officials and the licensed establishment industry.

This item is a continuation of discussion from the August meeting on alcohol policy and enforcement. Alder Eagon from downtown District 8 indicated that students have contacted him inquiring about the reasoning behind certain alcohol policies that are enacted and if improvements, best practices or changes could be made. Captain Schauf from the Central District indicated that police alcohol enforcement downtown is behaviorally-driven and is motivated by police concern for public safety. An example she shared was "house parties": unlicensed establishments which serve alcohol where a person buys a cup and drinks heavily. Typically, the occupancy of these premises far exceeds safe limits for the space. Alder Eagon inquired what the procedures and policies are on licensed establishments, the reasoning for tavern checks, and what the police look for. Captain Schauf explained that throughout the year the police do a check with every tavern. Through experience, police know that when a bar engages in or tolerates certain unsafe behaviors, there is an impact to the city: an unruly patron carries their disorderly behavior out to the street, drunk patrons become drunk drivers, drunk female patrons become sexual assault victims, drunk patrons get into fights, etc. She said the Police Department believes that a safety check at a tavern provides the City with a lot of information about whether bar management is making an honest effort to prevent and control some of the problems inside, outside or around the tavern. Problem taverns are those that engage in or tolerate bad behaviors such as overcrowding; not having accountability for patrons, exits blocked, failing to control fighting, and overserving alcohol. The Community Policing Team (CPT) is sent out on a given night to do tavern checks. Captain Schauf explained if they go to place A and there are no safety issues or violations, there is really no need to go back right away. When a check is done on place B and there are a list of issues that the Police Department is concerned about, there is a notice given to the bar manager. She said that is when another check is done for follow up to see if problematic behaviors or conditions were corrected. She said that

there are some owners who engage in or tolerate chronic problematic behaviors who get cited for violations over and over. Fire Marshal Ed Ruckriegel shared how the the Fire Department is involved with safety in which he indicated that repeat problem premises are the ones that get visited most frequently. He said that Fire inspectors sometimes conduct routine licensed establishment checks or conduct checks if there is a concert taking place or an event which would bring a large number of patrons to the establishment. In terms of unlicensed establishments, the Fire Department is often notified by police about problem premises, in which case the Fire Department will set up a time to talk with the owner.

Eli Judge inquired what the general focus of the CPT is. He mentioned an example of a location where the CPT came into a tavern which had about 40 people in it and an allowed capacity of about 99 people and initiated a full compliance check that resulted in discovering one underage patron. He said that after the police left, he discussed with the bar manager, staff, and patrons their concerns about what they perceived to be unnecessary and excessive regulation and inspection of that tavern. He also mentioned that he has heard on other occasions of this same thing happening and asked Capt. Schauf whether police time could be more productively spent otherwise and whether the CPT hears similar complaints. Captain Schauf said the CPT travels in teams and there are checks to prevent over serving and assess safety issues. She said that having an alcohol license is a privilege and that establishments should be following the rules with voluntary compliance, but that it sometimes requires formal checks to get some bar owners and managers motivated to be a part of the solution to alcohol-related problems. She said that establishments should be held to the license requirements established by law . Alder Skidmore inquired if there are bar checks done other than downtown. Captains Bach and Balles responded that some random bar checks and some conducted as a result of complaints conducted by police in the outlying districts. This item is a continuation of discussion from the August meeting on alcohol policy and enforcement. Alder Eagon from downtown District 8 indicated that students have contacted him inquiring about the reasoning behind certain alcohol policies that are enacted and if improvements, best practices or changes could be made. Captain Schauf from the Central District indicated that police alcohol enforcement downtown is behaviorally-driven and is motivated by police concern for public safety. An example she shared was "house parties": unlicensed establishments which serve alcohol where a person buys a cup and drinks heavily. Typically, the occupancy of these premises far exceeds safe limits for the space. Alder Eagon inquired what the procedures and polices are on licensed establishments, the reasoning for tavern checks, and what the police look for. Captain Schauf explained that throughout the year the police do a check with every tavern. Through experience, police know that when a bar engages in or tolerates certain unsafe behaviors, there is an impact to the city: an unruly patron carries their disorderly behavior out to the street, drunk patrons become drunk drivers, drunk female patrons become sexual assault victims, drunk patrons get into fights, etc. She said the Police Department believes that a safety check at a tavern provides the City with a lot of information about whether bar management is making an honest effort to prevent and control some of the problems inside, outside or around the tavern. Problem taverns are those that engage in or tolerate bad behaviors such as overcrowding; not having accountability for patrons, exits blocked, failing to control fighting, and overserving alcohol . The Community Policing Team (CPT) is sent out on a

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9. [15902](#) Enforcement of traffic violations reported by crossing guards

Tyrone Bell made a motion to refer agenda item 15902 due to time constraints to the next PSRC meeting date that will be determined in October. Alder Skidmore seconded the motion. The motion was approved unanimously.

REPORTS AND ANNOUNCEMENTS

10. [15903](#) 911 Center subcommittee

Alder Skidmore reported that there was a special meeting regarding radios. The discussion was about the preferred method for distributing costs for the new system. The County is expending \$30 million for the communications hardware and proposing that individual cities, villages, and townships will pay three thousand dollars per unit. The cost of radio maintenance will also be apportioned among the user agencies. Plant mentioned that during the

meeting it was intended to get a recommendation from the Dane County 911 Board on the formula for the first 3 years of the maintenance costs. He further said that there negotiations are ongoing and there remain many unanswered questions. He reported that Motorola would be the vendor.

FUTURE BUSINESS

Professor Scott mentioned that any members that want items placed on the Committee agenda should contact either Eli Judge or himself.

ADJOURNMENT

At 7:15 p.m. there was a motion made by Bell to adjourn, seconded by Judge. Motion carried unanimously.