



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Meeting Minutes - Amended PUBLIC SAFETY REVIEW COMMITTEE

*Consider: Who benefits? Who is burdened?
Who does not have a voice at the table?
How can policymakers mitigate unintended consequences?*

Wednesday, September 16, 2020

5:00 PM

Virtual

CALL TO ORDER / ROLL CALL

Present: 7 - Patrick W. Heck; Brenda K. Konkel; Matthew D. Mitnick; Mary T. Anglim;
Allen M. Rickey; Barbara Harrington-McKinney and Charles Myadze
Absent: 2 - Christian A. Albouras and Gideon W. Amoah

APPROVAL OF MINUTES

Mitnick made a motion to approve the August 26, 2020 minutes. Alder Heck seconded the motion. The minutes were unanimously approved.

PUBLIC COMMENT

AGENDA ITEM #61227
BOB SCHAEFER
6 Cottonwood Cir
Madison WI 53704
Neither Support Nor Oppose
Yes, Wants to speak

Bob Schaefer voiced his concern on the police having options for needs of crowd control with protestors ability to use rocks and bottles. It is important for free speech but not violence and the police are there to keep some sort of reasonable behavior. He shared if officers were in situations and had to announce before using their tools they would be injured before they could get to use their tools. There is a need to look at this with a different perspective and there could be work to improve the police but to also look at things logically and to not defund the police as that would turn into mob rule and anarchy.

AGENDA ITEM: 61250
MELANIE SARD
4029 Rockwell Dr
Madison WI 53714
Support
No, I do not want to speak.

DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

UNFINISHED BUSINESS/ACTION ITEMS

1. [61250](#) SUBSTITUTE - Creating Section 5.17 of the Madison General Ordinances to prohibit the Madison Police Department from using tear gas, mace and impact projectile devices ~~as crowd control measures~~.

Attachments: [61250 v2.pdf](#)
[61250 v1.pdf](#)

Mitnick made a motion to approve and create the section of the Madison General Ordinance that is listed. Alder Heck seconded the motion for approval. Alder Heck shared item number 1 and 2 are similar but not the same as item number 1 as item number one bans the police department from using tear gas, mace, and impact projectiles and there is not a date of enactment and if passed by council it would go into effect shortly after. Alder Harrington-McKinney made a motion to refer to a future meeting as she would like to have the Alder who presented the ordinance available to answer and ask questions. Rickey seconded the motion. Anglim inquired to be more specific on the referral of the item or to offer a substitute and made a motion to table after the next item has been discussed. Alder Harrington- McKinney made an amendment to her motion to table until the next item. Mitnick objected the motion. Mitnick inquired what the exact motion was presented. Anglim shared her motion would be to table item 1 until there has been an opportunity to discuss item number 2 to compare and contrast. Mitnick indicated he would be okay with that motion. Konkel inquired if there are any objections to the substitute motion on waiting on item number 1 until the committee hears on item number 2. There were no objections from the committee. Alder Harrington- McKinney made a motion for a substitute motion for item number 1 that it is placed on file until January 1 until the police department completes the study of alternatives of tear gas, mace, and projectile devices. Rickey seconded the motion. Konkel shared there is the ordinance which is item number 1 and there is the study for item number 2 and in order to do what Alder Harrington-McKinney is proposing the committee would have to pass number 2 and change the dates and then table number 1 until the report comes back and the report would need to be amended to include impact projectiles and mace. Konkel shared the best method would be to table number 1 again and go to item number 2 and see if the motion from Alder Harrington- McKinney passes and go back to item number 1. Alder Harrington-McKinney tabled item number one and Anglim seconded the motion. There was unanimous consent. Alder Heck made a motion to un-table. Mitnick seconded the motion. Konkel shared the motion to approve the ban of tear gas, mace, and impact projectiles. Motion to approve failed: 4:3 Noes: Alder Heck - No, Alder Harrington- McKinney – No, Rickey - No, Anglim - No, Ayes: Konkel – Aye, Mitnick – Aye, Myadze – Aye.

Absent: 2 - Christian A. Albouras and Gideon W. Amoah

Ayes: 3 - Brenda K. Konkel; Matthew D. Mitnick and Charles Myadze

Noes: 4 - Patrick W. Heck; Mary T. Anglim; Allen M. Rickey and Barbara Harrington-McKinney

2. [61265](#) Prohibiting the use of tear gas as of November 17, 2020 and requesting a study of alternatives by the Madison Police Department.

Attachments: [References](#)
[8/4/20: Ald. Henak Email Re 61265.pdf](#)
[61265 v1.pdf](#)
[Ald. Lemmer amendment](#)
[Ald. Abbas amendment](#)
[v2.pdf](#)

Alder Heck shared item number 2 is a resolution rather than an ordinance change as there is an ask from the police department on a study of the history on the use of tear gas use only by November 17 on what it is used for and to explore alternative methods on de-escalation techniques that they see other law enforcement agencies use. The report would be returned to council in October to finish the report and in November they would ban tear gas. Alder Harrington-McKinney inquired with Alder Heck the sponsor of the resolution to clarify the decision on banning tear gas when there is a request to study tear gas and that there should be consideration of the study before a ban. Alder Heck shared the primary motivation of the study is for the police department to adopt new de-escalation techniques rather than using tear gas and not to help guide on whether to ban tear gas. Alder Harrington-McKinney inquired about the timeline. Alder Heck responded the timeline is slow moving and for the resolution the sponsors are open to extend the study from the police department and the tear gas enactment date as they have recognized there is four weeks to the original deadline and would want to give the police department ample time to work on other de-escalation techniques rather than tear gas. They also would like to see the results from the Quatrone Center report from when tear gas was used during the protests at the end of May and early June and that it would be important to have that information. Alder Heck made a motion to place item number 2 on the table. Alder Harrington-McKinney seconded the motion. There was unanimous consent. Alder Heck made a motion to take item number 1 off the table and Mitnick seconded the motion. There was unanimous consent. Alder Harrington-McKinney made a motion to approve and to add mace and impact projectiles to the report and the report would be due back by January 1 and to remove the ban of tear gas until after the study. Anglim seconded the motion but wanted to add pepper spray and tear gas. Alder Harrington-McKinney clarified her motion to table item number 1 and that it was not indefinitely but to be discussed at today's meeting. Acting Chief Wahl shared if there is research being discussed on broadening the study on more than just tear gas there would need to be a longer timeframe to accomplish this and he would need to have more specific requests from the committee. Alder Heck shared as an author of the resolution he finds it confusing to combine item number 1 and 2 and he respects the desire to have the entire use of force related to the items but feels it is complex to come up with the framework and would like to take the agenda items separate. Alder Heck made a substitute motion to pass item number 2 as written except the study due date is changed to January 5, 2020 and to keep the ban of tear gas and that would be for February 2, 2020. Mitnick seconded the motion. There was unanimous consent. Motion passes. Alder Harrington-McKinney made an amendment to remove the finally be resolved clause. Rickey seconded the motion. Konkel shared this would be the removal of the Madison Common Council prohibiting the use and purchase of tear gas. There were objections to this amendment and a roll call vote was taken. Konkel – No, Alder Heck- No, Alder Harrington- McKinney – Aye, Rickey – Yes, Anglim – No, Mitnick – No, Myadze- Abstention. Motion failed. Konkel shared now the vote is for original motion; Alder Heck made a substitute

motion to pass item number 2 as written except the study due date is changed to January 5, 2020 and to keep the ban of tear gas and that would be for February 2, 2020. Mitnick seconded the motion. Motion to approve passes: 5:2 roll call vote. Konkol – Aye, Alder Heck – Aye, Anglim - Aye, Mitnick - Aye, Myadze - Aye Noes: Alder Harrington- McKinney – No, Rickey – No.

Absent: 2 - Gideon W. Amoah and Christian A. Albouras

Ayes: 5 - Patrick W. Heck; Brenda K. Konkol; Matthew D. Mitnick; Mary T. Anglim and Charles Myadze

Noes: 2 - Allen M. Rickey and Barbara Harrington-McKinney

A3. [61252](#)

ALTERNATE - Creating Section 5.18 of the Madison General Ordinances to establish procedures for the Madison Police Department to obtain property from the Defense Logistics Agency under the 1033 Program.

Attachments: [61252 v2 Alternate.pdf](#)
[61252 Version 1.pdf](#)
[LESO Inventory.pdf](#)
[61252 v1 Legistar Version.pdf](#)

Alder Heck made a motion for approval of the alterate. Mitnick seconded the motion. There was unanimous consent from the committee.

Absent: 2 - Gideon W. Amoah and Christian A. Albouras

Ayes: 7 - Patrick W. Heck; Brenda K. Konkol; Matthew D. Mitnick; Mary T. Anglim; Allen M. Rickey; Barbara Harrington-McKinney and Charles Myadze

4. [61315](#)

Authorizing the Mayor and City Clerk to execute a five year contract with the Wisconsin Department of Military Affairs for the Fire Department to provide services to support the provision of emergency medical services at Dane County Regional Airport and Truax field.

Attachments: [Truax Fire MOA 2020-2025.pdf](#)

Assistant Fire Chief Art Price shared he will seek additional information from their Finance Manager and report back to the committee on if the contract is a break even or a deficit to the department.

A motion was made by Anglim, seconded by Harrington-McKinney, to Return to Lead with the Recommendation for Approval to the FINANCE COMMITTEE. The motion passed by voice vote/other.

5. [61570](#)

"8 can't wait policy review"

Attachments: [PSRC Eight Can't Wait Analysis final draft.docx](#)
[PSRC Eight Can't Wait Analysis 2nd draft 8 12 20.docx](#)

Anglim made a motion to refer to the October PSRC meeting. Alder Harrington- McKinney seconded the motion. There was unanimous consent.

6. [62160](#)

Madison Fire Department Budget Discussion

Alder Harrington-McKinney inquired what a burn tower is and what it is used for. Assistant Fire Chief Price shared it is a facility used for live fire training.

Alder Harrington-McKinney asked if the Finance Manager could share more detailed information on the burn tower that was removed from the horizon list and additional items on the horizon list. Konkel shared if the committee agrees for the October agenda the budget timeline would be placed first on the agenda to hear the recommendations on the fire department budget. It was requested to have the fire finance staff forward information to the committee prior to the meeting to be able to look at in advance and during the next meeting the committee can decide if there are proposals to support or not and that could be made at that time. Alder Heck shared the budget timeline. Konkel suggested for committee members to watch the upcoming budget hearings for police and fire items to obtain information. Harrington- McKinney made a motion to refer. Anglim seconded the motion. There was unanimous consent.

PRESENTATIONS

7. [61584](#) Emergency Operations Center presentation and debrief. Is there a need for an office of Emergency Management?

Konkel shared this agenda item came up after the MG&E incident and before COVID-19 and then COVID-19 brought up all of the issues again. Some of the questions being asked were how does the city respond to emergencies, what kind of additional resources are needed for a more robust response, and technical issues explained with County and State responding to emergency services. And, it was asked if there is a need for the PSRC to support the fire department more as they are the lead of the Emergency Operations Center(EOC). Ed Ruckriegel, Fire Marshal and also the Emergency Management Coordinator shared information on the EOC. There were a few events that occurred in the city and it was realized that Dane County Emergency Managements ability to provide multi-agency coordination was not occurring. The fire department system as well had developed beyond what the county could do for the department. It was also realized the city is required to have their own emergency management coordinator and a plan was developed on emergency management plan and was adopted in 2006. The plan is used as high level framework and has responsibilities such as response plans and the recovery process. The EOC has been activated many times since 2004 and is used to support the incident commander but to bring other city agencies together to support what is going on in the city. With terms of coordination with other units of government the EOC would request non-emergency resources from the county, the county would ask from the state, and the state would ask from the federal government. The emergency management plan is on the city website and it is a Madison General Ordinance (3.20). In 2019 the plan was updated but has been delayed because of COVID-19 and eventually the existing draft will be taken to council for action. After the explosion at MG&E it was realized every city agency needed to create their own continuity of operations plan and all city agencies have submitted a plan which has been reviewed and approved. Alder Heck inquired on a process to streamline information being provided to the council on a timely basis to which Ruckriegel responded this has been rectified and has been added to the emergency management plan to include sharing information. Ruckriegel shared about the need for a full-time emergency management coordinator with the size of the city and the number of people to protect. Konkel shared this is an area that she does not want to lose sight of. She inquired with the committee if this is a topic to add to the February agenda to

have further discussion on an emergency management coordinator and input for the budget. Alder Harrington McKinney spoke about the importance of the budget and having discussions earlier to allow the committee to have input on capital and operating budgets.

8. [61575](#) Mental Health Ambulances presentation on costs and recent discussions

Attachments: [Crisis Response Team Projected Cost Summary.docx](#)
[Crisis Response Team Draft.docx](#)

Assistant Fire Chief Scott Bavery (AC) shared information on mental health ambulances. He indicated he will share a document with the committee on operational information and need. He went through the pilot program information sharing that it has been looked at lightly for a few years and that it would be used to respond to people in the community who have a mental health crisis or issues in a non-police manner. It is a program designed to help people in their homes to improve patient outcomes. The Mayor requested to research on other mental health programs to see if anything could fit in the city. The department continued to come back to a program that has been out since 1989 called the Crisis Assistance Helping Out On The Streets (CAHOOTS). This consists of a paramedic and a mental health provider. The pilot program would be to help de-escalate some of the behavioral and mental health concerns and includes welfare checks. He shared information on savings from having such a program verses time utilized from fire and police resources responding and equipment being out of service. He shared the police and their mental health officers have had huge success and the fire community paramedics have been beneficial as well but there still is a lot work to do. He shared some examples of different responses they tend to. He shared the fire department came up with a name calling it the Community Alternative Response to Emergencies (CARE Team). He is hopeful there is a facility at some point to provide care and spoke about the unit having an electric type of car that follows up at homes with no uniforms, no lights or sirens responding. The position would be intended for someone who wants to be in the position for the long haul to have familiarity and spoke on the team and the 24/7 crisis response. He shared an annual staff estimated cost would be anywhere from 700,000 to a 1,000,000 for the program consisting of four community paramedics, four mental health providers and one mental health medical director. There would be a one time cost of 75,000 for the vehicle, technology, radios, and medical equipment. AC Price shared nothing has been determined with hours of operations or costs and is still being talked about and that a program of this nature needs to be built the right way from the start for those to serve. AC Bavery shared an updated cost received from Fire Marshal Ruckriegel stating it would cost around 700,000.

REPORTS

9. [61227](#) Report from Anglim and Amoah on further research efforts - Our response to other community demands and initiatives (Breonna's law, 8 to abolition, NAACP and WSJ article)

Attachments: [searchWarrantservice.pdf](#)
[#8toAbolition.htm](#)
[NAACP letter.pdf](#)
[Wisconsin State Journal Article summarizing community demands.docx](#)
[Copy of Black Lives Matter Movement Demands WK 3 62420.xlsx](#)
[Daily Round Up 702.docx](#)

Anglim made a motion to refer to the October meeting. Rickey seconded the motion. There was unanimous consent from the committee.

10. [62225](#) OIR recommendations subcommittee report

This will be discussed at the October 8, 2020 meeting and will report back to the committee at the November meeting.

11. [61534](#) Report from the Chair of the Budget Subcommittee

Attachments: [PSRC Subcommittee Meeting on June 22, 2020.pdf](#)
[Budget Workgroup for June 22, 2020.pdf](#)
[PSRC Subcommittee Agenda for July 3 2020.doc](#)
[Draft July 3 2020 Budget Subcommittee Minutes .docx](#)
[PSRC Budget Subcommittee Agenda for July 15 2020.docx](#)
[Draft PSRC Budget Subcommittee Minutes for July 15 2020.docx](#)
[PSRC Budget Subcommittee Agenda for July 29 2020.pdf](#)
[Draft PSRC Budget Subcommittee Minutes for July 29 2020.docx](#)
[7-29 PSRC Briefing \(Police Officer Costs Cap Budget Overview\).pdf](#)
[PSRC Budget Subcommittee Agenda for August 19 2020.pdf](#)
[Public Safety Review Committee Budget Subcommittee Minutes from August](#)
[PSRC Budget Subcommittee Agenda for August 25 2020.pdf](#)
[Draft August 25, 2020 Public Safety Review Committee Budget Subcommittee](#)
[PSRC Budget Report Outline.pdf](#)
[Police Presentation.pdf](#)
[MPD Staffing Overview-3.docx](#)
[Finance Presentation.pdf](#)
[2021 Police Operating Budget Transmittal Memo - Final.pdf](#)
[LESO Inventory.pdf](#)
[PSRC Inventory August 2020.pdf](#)
[Copy of 2021 MPD Projected Cost of Budgeted Civilian Positions.pdf](#)
[PSRC Budget Report.docx](#)
[PSRC Budget Report-Draft for Public Comment.docx](#)
[PSRC Budget Report- October Revised.docx](#)

Mitnick, Chair of the budget subcommittee shared the committee should have received the draft budget report via e-mail during the beginning of the meeting. There is a public hearing on September 24, 2020 at 6pm. There will then be another meeting after the hearing to capture additional information from the budget hearing and then the report would be sent to the Mayor and Council before the budget process begins. Alder Heck inquired if there is a need for the committee to accept the report. Alder Harrington- McKinney inquired about the process and wanted to know if the timeline allows the subcommittee to present the report in some way to the PSRC. Konkel shared the report is basically factual information and there is no need for a recommendation from the committee. Alder Harrington-McKinney felt there should be a timeline built in to honor the subcommittee on the report before it

goes to the Mayor or Council. It was decided there would be a short PSRC meeting on October 30 at 5pm to honor the process. Alder Heck inquired with Attorney Haas to share information on the influence from the Council on the police budget. Attorney Haas briefly described the Attorney's Office is working on drafting information on the level the council has procedurally on the police budget and he will work to have this information available before the public hearing on September 24.

12. [61585](#) Report from Chair of the Policy Subcommittee

Myadze, Chair of the policy subcommittee shared the subcommittee put together a draft report on the recommendations from previous meetings. Anglim is going to take the recommendations and clean up the document. Konkel is going to look at the SOPs from the draft report and make corrections needed to the recommendations. The subcommittee is going to meet in about a week to go over the draft document and then have a meeting with the Chief and Attorney Haas to see if everything is feasible.

14. [62156](#) Report from the Police Department

Captain Winter shared workplace adjustments with COVID. There is a smaller team that works on squad decontamination, equipment needs, etc. Captain assignments have been sent out and are based on the current assignments. There are two Captains retiring from the department early 2021 and it depends on where things fall in the budget for these positions. Lieutenant preferences will be discussed soon but also are hinging on budget scenarios. Recruits begin field training in mid-November and will pair up with a field training officer in a squad however COVID presents challenges and testing procedures are being looked at to keep employees healthy. Protests continue and there continues to be a command post. Capital police assist staffing events on the top of State Street as they occur. Staffing scenarios for families and school being virtual was shared. The department is looking to identify and fill positions with retirements; Sergeant K9 explosive dog handler and a K9 handler for the unit. Big Ten football games will present a challenge for the department with COVID. Alder Heck inquired with Halloween downtown and COVID. Freakfest is not occurring this year but since Halloween is on a Saturday and there is daylight savings this will still prevent a challenge for the department. Acting Chief Wahl shared what the plan will look like sharing it will be something similar to Mifflin this past spring however there will be more students around than in the Spring. It was asked if the department has special COVID testing process. It was shared staff goes through the same testing process at the Alliant Energy Center. There is Exact Sciences however they have the same turnaround time and it costs money for the department. The main focus is with the recruit academy testing.

13. [62157](#) Report from the Fire Department

Attachments: [PSRC - August 2020.pdf](#)
[Copy of Covid-19 Surveillance with 2019 data.xlsx](#)

Assistant Fire Chief Price shared information from the attached document. Konkel inquired with Alder Heck if Chief Davis was going to attend the October meeting to do a follow up on the Town of Madison and the impacts on the fire department. Alder Heck shared that was the plan but he would need to verify.

15. [61715](#) Recent gun violence

Attachments: [Fwd gun violence and public health.msg](#)

Acting Chief Wahl shared an update on the recent shootings indicating they have been down recently but there continues to be an increase in workload due to a number of other areas such as enforcement initiatives, follow-ups and working on different options for intervention.

16. [62154](#) Alder Report

No additional information at this time.

17. [62155](#) Chair/Co-Chair Report

Myadze inquired with Captain Winter on the climate of the department with the additional hours officers have been working and how they are doing. He also inquired if there is a support network for department staff. Captain Winter appreciated the check-in and shared there are mechanisms for having adversity that is appropriate for each individual. Hours have been changed on short timelines or officers are working longer hours and mentioned the COVID response and shared calls for service that require different responses. She shared it is encouraged that officers check-in and take care of each other. Command Staff checks in with their people. There have been younger officers resigning from the department and the department faces potential retirements with some of the department being at retirement age. Winter spoke about taking off the uniform and returning home and the affects of that with loved ones. She shared there is peer support for officers through the Employee Assistance Program although the five peer support position requests that was requested for the department in the budget that could directly assist employees providing support was removed from the budget. Konkel asked Captain Winter to remind her to add this topic when the budget is discussed this next year. Alder Harrington- McKinney reiterated the same sentiments and praised Myadze for bringing up this important topic.

ADJOURNMENT

Myadze made a motion to adjourn. Rickey seconded the motion. The meeting was adjourned at 9:40pm.