



## Legislation Details (With Text)

<b>File #:</b>	61250	<b>Version:</b>	2	<b>Name:</b>	Prohibit MPD from using tear gas, mace and impact projectile devices
<b>Type:</b>	Ordinance	<b>Status:</b>			Filed
<b>File created:</b>	7/6/2020	<b>In control:</b>			Attorney's Office
<b>On agenda:</b>	10/6/2020	<b>Final action:</b>			10/6/2020
<b>Enactment date:</b>		<b>Enactment #:</b>			
<b>Title:</b>	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.				
<b>Sponsors:</b>	Max Prestigiacomo, Rebecca Kemble				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. 61250 v2.pdf, 2. 61250 v1.pdf				

Date	Ver.	Action By	Action	Result
10/6/2020	2	COMMON COUNCIL	Adopt Substitute	Fail
9/16/2020	2	PUBLIC SAFETY REVIEW COMMITTEE	RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER	Fail
9/10/2020	2	EQUAL OPPORTUNITIES COMMISSION	Return to Lead with the Recommendation to Place on File	Pass
8/13/2020	2	EQUAL OPPORTUNITIES COMMISSION	Table	Pass
8/12/2020	2	PUBLIC SAFETY REVIEW COMMITTEE	Referred	
8/4/2020	2	COMMON COUNCIL EXECUTIVE COMMITTEE	Return to Lead with the Following Recommendation(s)	Fail
7/14/2020	2	PUBLIC SAFETY REVIEW COMMITTEE	Referred	
7/14/2020	2	PUBLIC SAFETY REVIEW COMMITTEE	Referred	
7/14/2020	1	COMMON COUNCIL	Refer	Pass
7/6/2020	1	Attorney's Office	Referred for Introduction	

### Fiscal Note

The proposed ordinance prohibits the Madison Police Department from using tear gas, mace and impact projectile devices. Costs fluctuate from year to year in correspondence with usage, training needs or expiration. In 2019, the department spent approximately \$7,000 on these items. Additionally, the Common Council approved the expenditure of \$60,000 for less lethal equipment in the 2020 Capital Improvement Plan. While there would be savings associated with not purchasing these items, an alternative could consume some or all of these savings or require additional funding from the Common Council.

A resolution prohibiting the use of tear gas as of November 17, 2020 and requesting a study of alternatives by the Madison Police Department, Legistar file ID #61265, is also being introduced.

**Title**

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~~.

**Body**

DRAFTER'S ANALYSIS: This ordinance prohibits all Madison Police Department commissioned officers while on duty, and any commissioned officers employed by any other law enforcement agency responding to a request for mutual aid by the Madison Police Department, from using tear gas, mace, pepper mace, pepper gas or projectile devices ~~as crowd control measures~~.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Section 5.17 entitled "Prohibition of Tear Gas, Mace and Impact Projectile Devices" of the Madison General Ordinances is created to read as follows:

**"5.17 PROHIBITION OF TEAR GAS, MACE AND IMPACT PROJECTILE DEVICES.**

- (1) While on duty, all commissioned officers employed by the Madison Police Department and any commissioned officers employed by any other law enforcement agency responding to a request for Mutual Aid by the Madison Police Department are prohibited from using the following ~~as crowd control measures~~:
  - (a) Tear gas, the active ingredient of which is either Chloroacetophenone (CN) or o-Chlorobenzylidene malononitrile (CS).
  - (b) Other chemical agents commonly known as mace, pepper mace, or pepper gas.
  - (c) Impact projectile devices, including 40mm sponge rounds and small beanbags."