



City of Madison
CCOC Subcommittee on
Police & Community Relations

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

Monday, March 20, 2017

7:00 p.m.

Room 321
City-County Building
210 Martin Luther King Jr. Boulevard

POSSIBLE QUORUMS OF THE COMMON COUNCIL, COMMON COUNCIL ORGANIZATIONAL COMMITTEE AND MPD POLICY & PROCEDURE REVIEW AD HOC COMMITTEE MAY EXIST AT THIS MEETING

SUBCOMMITTEE MAY SUSPEND THE RULES TO ALLOW FOR PUBLIC DISCUSSION & ENGAGEMENT ON AGENDA ITEMS #5 & #6

[Website](#) | [Handouts at Meetings](#) | [Meeting Minutes](#)

If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below at least three business days prior to the meeting.

Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese al número de teléfono que figura a continuación tres días hábiles como mínimo antes de la reunión.

Yog hais tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntawv ua lwm hom ntawv los sis lwm cov kev pab kom siv tau cov kev pab, cov kev ua ub no (activity) los sis qhov kev pab cuam, thov hu rau tus xov tooj hauv qab yam tsawg peb hnuv ua hauj lwm ua ntej yuav tuaj sib tham.

Contact: Lisa Veldran, Legislative Administrative Assistant, 266-4071 or lveldran@cityofmadison.com

Members: Ald. Shiva Bidar-Sielaff, Ald. Marsha Rummel, Ald. Sheri Carter, Ald. Denise DeMarb and Ald. Rebecca Kemble

Staff: Heather Allen, Council Legislative Analyst, Capt James Wheeler, MPD Representative, Lisa Veldran, Council Administrative Assistant

NOTE: ALD. SHIVA BIDAR-SIELAFF WILL BE PARTICIPATING IN THIS MEETING VIA CONFERENCE CALL

1. Call to order
2. Approval of the minutes from [January 30](#) & [February 16, 2017](#) meetings.
3. Public Comment
The work group shall not take action on a matter raised in the public comment portion of the meeting unless that matter is otherwise on the agenda. If the speaker requires an interpreter, either because of his/her limited English proficiency or because of a disability, he/she shall be allowed no less than six (6) minutes.
4. Disclosures & Recusals
Members of the work group should make any required disclosures or recusals under the City's Ethics Code.
5. Presentation: Madison Police Department's IAPro (police integrity software) – Lt. Amy Chamberlin, Madison Police Department ([Link](#) to IAPro Website)
Suspension of Roberts Rules of Order may occur on Agenda Item No. 5 to allow the subcommittee to act informally, thereby allowing for the public to participate in subcommittee discussions and provide testimony. The chair shall maintain order and decorum, any motions must remain in accord with Robert's Rules; the suspension of the Rules applies only to this item.

6. Discussion: 3/5/17 Attys. David Owens & Anand Swaminathan re: Tony Robinson Shooting Presentation of Evidence Document ([Link](#) to PDF Document)

Suspension of Roberts Rules of Order may occur on Agenda Item No. 6 to allow the subcommittee to act informally, thereby allowing for the public to participate in subcommittee discussions and provide testimony. The chair shall maintain order and decorum, any motions must remain in accord with Robert's Rules; the suspension of the Rules applies only to this item.

7. Discussion and Drafting Report and Recommendations of the CCOC Subcommittee on Police & Community Relations.

- [Link](#) to Draft Report
- [Link](#) to By Title Only Resolution – Accepting the Report & Recommendations of the CCOC Subcommittee on Police & Community Relations

8. Discussion: Scheduling Upcoming Meetings & Agenda Items (if needed)

Wednesday, April 12, 2017
6:00 p.m.
Room GR27, CCB

9. Adjournment.

Tony Robinson Shooting

March 5, 2017 Presentation of Evidence

Without the truth, there can be no justice.

March 5, 2017 Presentation

David Owens and Anand Swaminathan

Loevy & Loevy

Why Are We Here Today?

- Truth
- Tony
- Opportunity for reform

The Incident

- At 6:31 pm, Officer Kenny and another officer are dispatched to 1125 Williamson Street
- At 6:37 pm, Kenny arrives at 1125 Williamson Street
- At 6:38 pm, Tony is shot and killed

What Happened?

Two competing theories...

Theory 1: What Kenny tells us happened

- Based on Kenny's word

Theory 2: What the evidence tells us happened

- Based on objective evidence -
e.g., audio-video from the scene
- Based on scientific evidence –
e.g., bullet holes, casings,
bloodspatter, gunshot wounds,
trajectories

An Important Caveat:

- Kenny's word does not *have* to be in competition or conflict with the forensic evidence
- It could be *consistent* with other evidence
- Kenny could have admitted his account doesn't work
- OR, the City of Madison could have *accounted for* the inconsistencies when assessing Kenny's actions
- OR, the City of Madison could have *investigated* the inconsistencies

→ None of that happened

Key Concepts

- Bullets and bullet casings
- Bloodspatter
- Gunshot wounds
 - Searing = near-contact (less than $\frac{1}{4}$ ")
 - Stippling = close range (less than 3-4 ft)
 - No stippling = distant (greater than 3-4 ft)

1125 Williamson Street

Stairs to Upper Apartment

HOLE IN DRYWALL
Approximately 30 inches from
top of the second step of stairwell

DEPRESSED DRYWALL
Approximately 31 - 39 inches from
top of the eighth step of stairwell

BULLET HOLE & RECOVERY
Bullet hole on west wall of apartment hallway
opposite the upper stairwell entrance approximately
51 inches from floor. Bullet recovered from interior
floor of closet

1

5

3

2

6

7

BULLET
Recovered in pool of blood on
base of the first step of stairwell

RED STAIN PATTERN
Approximately 60 inches from
top of the fifth step of stairwell

BULLET
Recovered on top of shoe located
on the eighth step of stairwell

BULLET TRACK
Approximately 30 - 34 inches from
top of the tenth step of stairwell

8

Kenny's Story

- Arrives, hears commotion coming from upstairs
- Believes someone upstairs in imminent risk of harm → warrants entering with weapon drawn, without backup
- Tony punches him at the top of stairs, and Kenny responds by firing the first three shots at the top of the stairs
- Ends up at bottom of stairs, not sure how
- Tony still “aggressing,” so Kenny fires final four shots

Kenny's Story (cont'd)

Key Claims

- First three shots fired at or near top of stairs
- Tony within “arms length”, or “a foot away” on first three shots
- Tony within “a few feet” on all seven shots
- Tony still “aggressing” during the last four shots at the base of the stairs

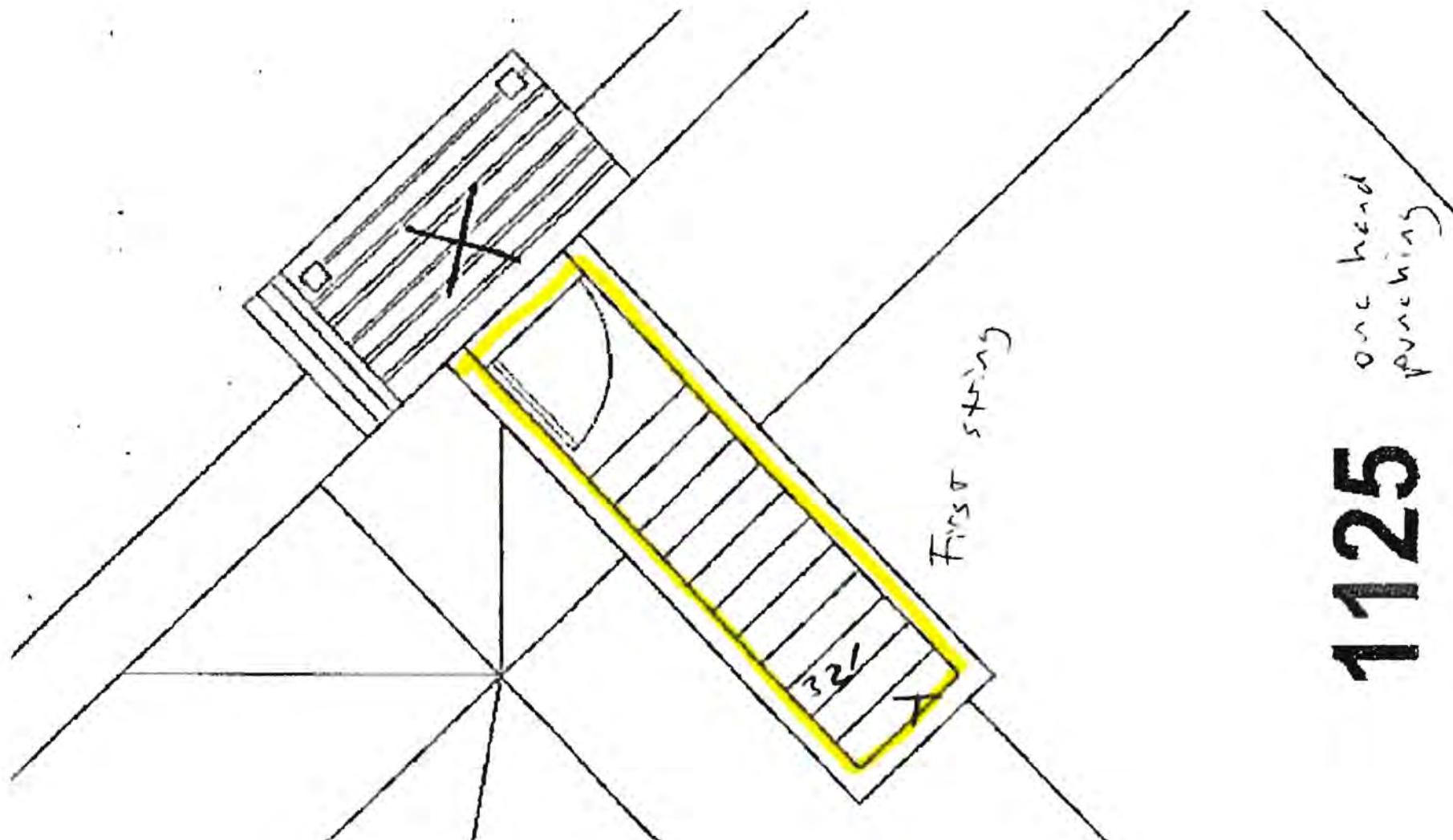
In Kenny's Own Words, from DCI interview

Almost immediately after, that ah, that, um, and that was coming from the left as I'm facing up the stairs, and, um, as I'm, ah, moving towards my right trying to slice as much of the pie as I can to get a visual, um, the, um, subject, ah, immediately turned the corner, and, ah, struck me with a closed fist right, ah, on the left side of, ah, my head knocking me back and into, um, I – knocked me back and into the, ah, wall on my right.

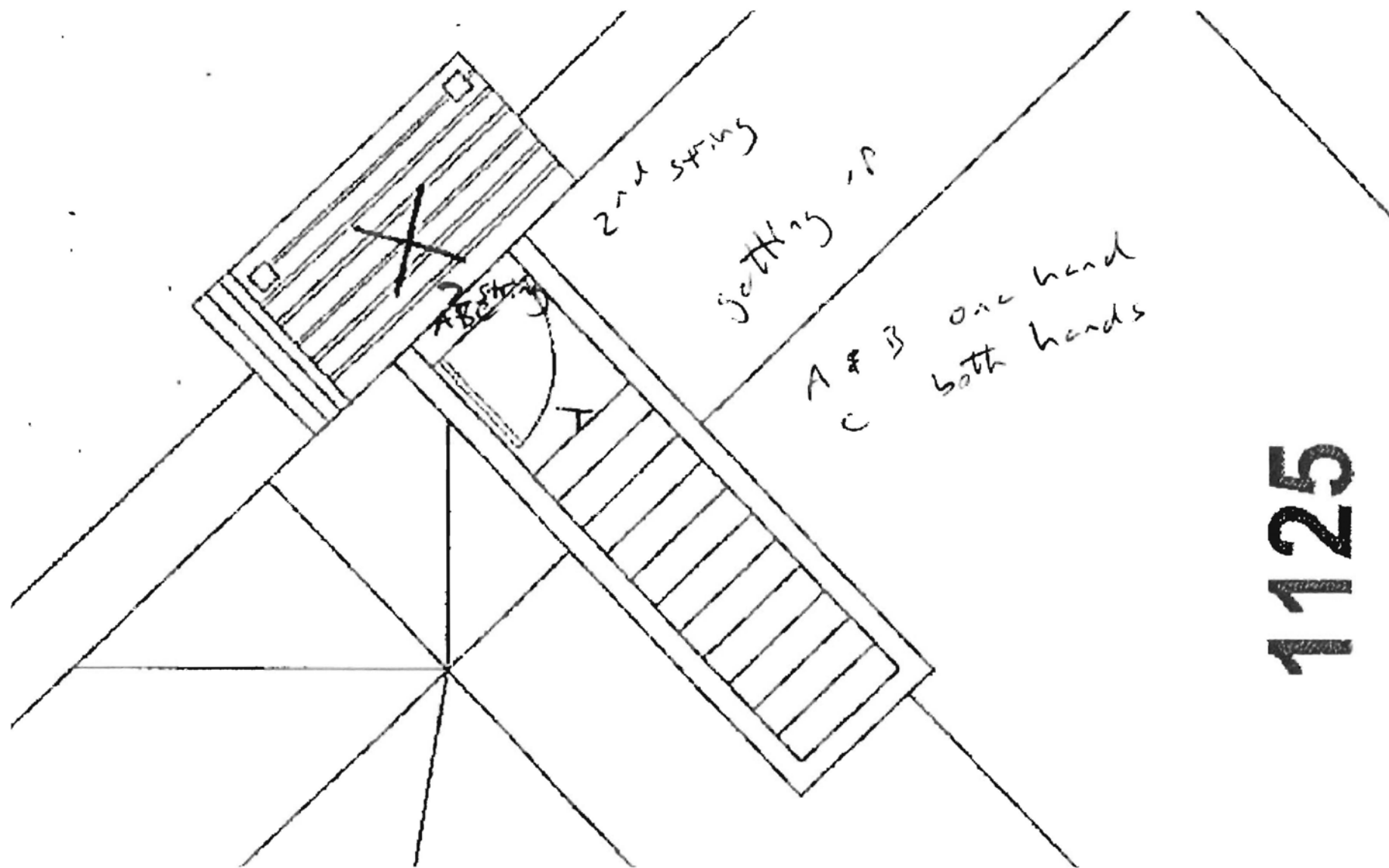
Um, I struck the wall on my right, ah, with the right side of my head, and, um, my right side, um, and then he, ah, the subject continued to, ah, swing at me. Um, we were, um, closer than arms length distance. It was, um, I, ah, was rocked back, um, losing my balance on the stairs, and, um, I know I, um, was hit at least once, that initial hit, and he continued to swing, um, at me and then continued to, ah, aggress towards me. I was afraid that, um, I would be struck, um, again in the head, um, and lose consciousness, and that he would then, ah, take my pistol and shoot me and somebody else, possibly whoever else was up in the apartment. I had, um, tucked my weapon in tight to the center of my body, but I was still, um, ah, staggering backwards. Um, and I was afraid that I – he was either going to knock me out or I was going to strike my head when I fell backwards on the stairs, and that he would then be in a position to take my pistol and shoot me or someone else.

I shot, um, three times at the, um, when we were still fairly close to the top of the stairs. He was either at the top landing, ah, coming down toward, ah, coming down a step towards me, striking me as he came. Ah, I know I lost my balance at some point. I don't know how, ah, we ended up down at the base of the stairs, um, he was still aggressing towards me, and, um, I shot, ah, another string of fire, um, two, three rounds.

First string of shots, according to Kenny...



Second string of shots, according to Kenny...

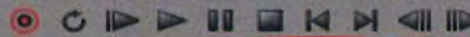


1125

Problem #1: Kenny's Most Important Claim - that he was at top steps when he fired first three shots

- Audio-video sync **disproves** the claim that the first three shots were fired from the top of the stairs in response to a punch
 - Play audio-video
 - Show stillframe of shot 2

03/06/2015 18:38:42



Frame: 3,099
Display: 882x460x32

The numbered frame that corresponds to this point in time on the video

Project: 1280x720x32, 29.970p
Review: 1280x720x32, 29.970p



Problem #1: Kenny's Most Important Claim - that he was at top steps when he fired first three shots

- Audio-video sync **disproves** the claim that the first three shots were fired from the top of the stairs in response to a punch
 - Play audio-video
 - Show stillframe of shot 2
- **In fact, first three shots fired at base of stairs**
- Additional evidence that shots fired from base of stairs:
 - All bullet casings found at base of stairs or outside
 - No high-impact blood spatter above halfway point of stairs
 - Low-angle bullet track near top of stairs

Impact of First Three Shots Being Fired From Base of Stairs

- Kenny's story cannot be true
- Kenny's entire claim about what happened unravels...
- Without the punch at the top of the stairs, Kenny admits the shooting is **unjustified**

Kenny Depo at 88-89:

Q What you've told me so far is Tony Robinson did three things: He came around the corner fast, he was moving forward, and he was punching; correct?

A Correct.

Q And we're taking out the punching. So now, in that scenario, under Madison Police Department policy, would you have been justified to shoot?

A No.

Q Under your training, would you have been justified to shoot in that scenario?

A No

Impact of First Three Shots Being Fired From Base of Stairs (cont'd)

- Because the shots were fired from the base of the stairs, there was room to backup and maneuver, and therefore use of deadly force **unjustified**

Lieutenant Cory Nelson, Head of Internal Affairs Investigation of Shooting

Q So, for example, if he's at the bottom of the stairs, he's got much greater ability to retreat, correct?

A Yes.

Q You care about the question, about whether he had the ability to retreat, because **if he did have the ability to retreat and used lethal force, that's a violation of policy, correct?**

A It could be, yes.

Kipp Hartman, Madison Use of Force Trainer

Q If he had been **somewhere like the bottom of the stairs where there was the ability to escape and maneuver, then other force options then became available?**

A Yes.

Officer Kenny, in his own words:

Q If I had had **a flat surface** where I could have back pedaled like mad and then holstered up and reengaged with my baton, then I would have done so.

Problem #2: Kenny's Claim That Tony Right On Top of Him When He Fires First Three Shots

Kenny's Claim: when he fires the first three shots...

- Tony is within one foot
- Tony is swinging at him
- Tony is above him on the stairs
- Kenny has gun tucked in to chest, shooting "upward

11 Q How were you holding your gun at the time you fired
12 your first shot?

13 A At the time, I believe it was one hand, closed tight
14 into the chest, and we were very close and tight.

7 Q What was the trajectory of the gun? Was it upward?
8 Downward? Straight ahead?

9 A I believe that as I'm going back, it would have been
10 in line with my body going upward.

11 Q Shooting upward?

12 A I believe so.

Problem #2: Kenny's Claim That Tony Right On Top of Him When He Fires First Three Shots (cont'd)

Evidence **Disproves** It

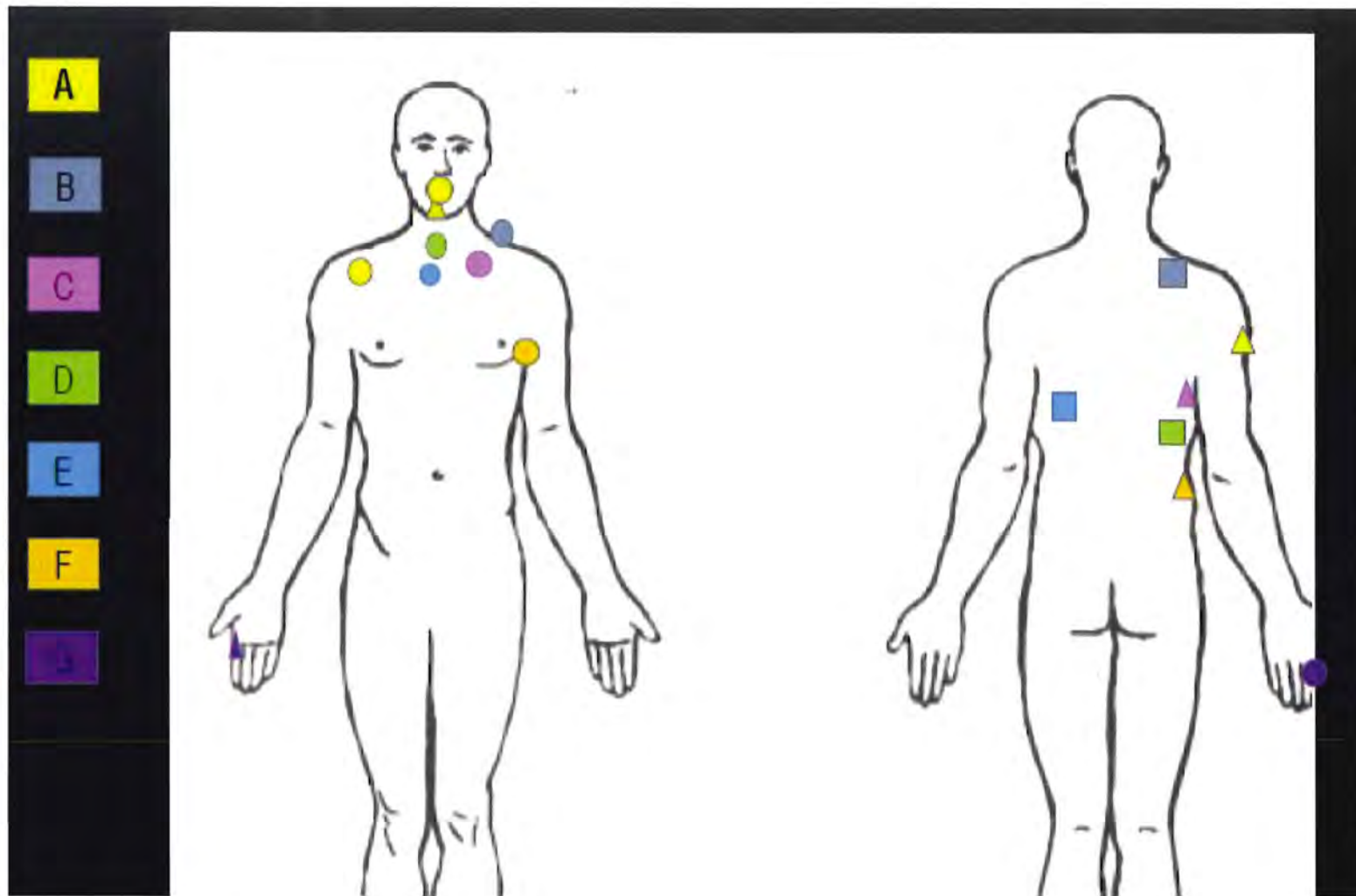
- All of the shots from close range (*i.e.*, with stippling) have downward or severe downward trajectory

Shot Chart

(Shot letters correspond to Medical Examiner's report)

Shot	Location	Trajectory	Distance	Fatal
First Three Shots (From Distance)				
A	Mouth to right arm	Severe downward	> 3-4 ft	N
B	Traps/shoulder	Downward	> 3-4 ft	N
G	Finger	N/A	> 3-4ft	N
Last Four Shots (From Close Range)				
C	Chest	Downward	< 3-4 ft	Y
D	Chest/throat	Severe downward	< 3-4 ft	Y
E	Chest	Severe downward	Contact (searing)	Y
F	Chest (side)	Downward	< 3-4 ft	Y

From Medical Examiner's Report



Problem #2: Kenny's Claim That Tony Right On Top of Him When He Fires First Three Shots (cont'd)

Evidence **Disproves** It

- All of the shots from close range (*i.e.*, with stippling) have downward or severe downward trajectory
- Kenny 5'10", Tony 6'3" – yet, all of the shots enter at the level of Tony's nipples or higher

→ How do you fire upward with gun at chest, and get shots to enter above nipples of a taller, higher man, and create severe downward trajectories?

Problem #3: Kenny Cannot Account for the Three Shots Fired From Distance

- Shots four through six are clearly fired from close range, well within 3-4 feet
 - Robinson lying on ground at base of stairwell
 - Shots 4-6: Kenny's body partially in base of stairwell, with muzzle of gun well within base of stairs
 - Base of stairs = 3 feet deep
 - Show stillframes of shots 4-7

→ So, at least two of the first three shots fired from distance → defies any claim that Tony within arms-length, punching and swinging

Problem #4: The Last Four Shots Unjustified

- Kenny's claim:
 - Tony still “aggressing” during shots 4-7
- Evidence **disproves** this:
 - Tony's position “unchanged” during shots 4-7 (Kenny Depo at 34-35)
 - Tony lying on ground at base of stairs, feet out in front of him, toes to the sky
 - Shot stillframe of shot 7
- Kenny's own expert depicts Tony just lying on ground
 - Show recreation by Krenz (Kenny's engineering expert)



Our Theory

- Based on science
 - Forensic scientist Sam Marso – law enforcement agent with expertise in shooting reconstruction
 - Forensic pathologist Dr. Jonathan Arden – renowned medical doctor
- Where is Kenny on first shots? At base of stairs
 - See above
- Where is Tony on first shots? Halfway point of stairs
 - Key evidence: First indication of high-impact bloodspatter at halfway point of stairs
 - Agreement?
 - Nick Stahlke, WI State Crime Lab
 - Lt. Nelson, in charge of MPD internal investigation

Our Theory (cont'd)

→ Lt. Nelson ultimately conceded that the forensic evidence confirms our theory

Nelson Depo at 73-74

Q The conclusion you reached based on the evidence is that Tony Robinson would have been near where those -- where the blood spatter is found on the wall, correct?

A Correct.

Q And that that was halfway up the stairs, correct?

A Approximately halfway up the stairs.

Q And then the rest of the shots would have then been lower on the stairs, all the way down to the bottom of the stairs, correct?

A That's my understanding.

Our Theory (cont'd)

What really happened?

- Kenny at base of stairs, weapon drawn
- Tony enters stairwell and starts descending
- When Tony is approximately halfway down stairs, Kenny fires first three shots from base of stairs
- Tony falls down stairs before or during the first three shots
- Kenny fires last four shots at Tony lying on ground
- First three shots are non-lethal shots A, B and G - all fired from distance
- Last four shots are lethal shots C, D, E and F - all fired from close range

Addressing Kenny's Scalp Abrasion

- Small cut on left side of head, above the hairline...
- At hospital the night of the shooting...
 - No medical testing whatsoever
 - Just clean the cut; no bandage or band-aid of any kind
- Kenny admits: no objective medical evidence (e.g., CT scans, MRIs, etc.) that he suffered a concussion
- Claim of concussion inconsistent with Kenny's actions after the incident
 - A few days after incident, riding horses
 - Within a week of incident, back on bike training for 270-mile ride

A Number of Things Could Explain the Cut on the Head

- Recoil from gun
- Head hitting banister when lunging forward
- When Tony tumbles down stairs after first three shots, his legs hit Kenny's head while Kenny lunging forward
- Kenny backs into post on front porch

→ See, e.g., stillframe of shot 4

How Do the Competing Theories Stack Up Against the Evidence?

Evidence	Accounted For?	
	Kenny Story	Our Story
Video: Kenny at base of stairs	No	Yes
Three shots from distance of > 3-4 ft	No	Yes
Bloodspatter at halfway point and below	No	Yes
Downward trajectories	No	Yes
Low-angle bullet track in left wall	No	Yes
Bullet casings	No	Yes
Distant shots all miss target	No	Yes

Internal Investigation, Summarized

- **Zero questions** asked of Officer Kenny as part of MPD internal investigation
- **Less than 12 hours after the shooting**, MPD's lead investigator sent email saying that he wanted to **avoid interviewing Kenny**

Lt. Nelson March 7 Email to DCI Investigators...

From: Nelson, Cory LT

Sent: Saturday, March 07, 2015 5:46 AM

To: 'delarosa@doj.state.wi.us'; Riesterer, Michelle

Subject: Questions for Off Kenny.docx

Raf and Michelle,

If you could make sure the following questions are answered in your interview with Off. Kenny, it would be very much appreciated. These are not policy questions but are questions regarding the Use of Force Continuum in the WI DAAT manual.

If you can make sure this is covered, then I would not need to conduct a separate interview of Off. Kenny, which we would like to try to avoid.

Please call me if you have any questions at 575-5009.

Thank you very much for your help on this!

Lt. Cory Nelson

Madison Police Dept.

Professional Standards/Internal Affairs

211 S. Carroll St.

Madison, WI 53703

Office-608-266-6502

Fax- 608-266-4855

Internal Investigation, Summarized

- **Zero questions** asked of Officer Kenny as part of MPD internal investigation
- **Less than 12 hours after the shooting**, MPD's lead investigator sent email saying that he wanted to **avoid interviewing Kenny**
- Kipp Hartman, MPD use of force instructor, assigned to review Kenny's conduct; BUT, **in initial call** when assigned the task, he was **told to write memo justifying shooting**

Hartman Depo at 27-33, discussing his first conversation with Lt. Nelson about assignment...

Q And so part of his goal was for you to write something that would help the public understand **why the officer's conduct was appropriate in this case?**

A Yes.

MPD Had Numerous Reasons to Scrutinize Kenny's Story...

- Objective and Scientific Evidence vs Kenny's Word
- Shifting Stories
- Access to Evidence

Shifting Stories

→ Kenny changes his story in the first 72 hours...

- “Snapshot” shortly after the shooting on March 6th:
 - Kenny doesn’t draw weapon until after he is punched
 - Hears two sets of voices upstairs
 - Robinson yelling during attack
- Evidence shows each of these statements is **UNTRUE**
 - Kenny doesn’t draw weapon until after shots fired: **WRONG**, video shows drawing gun as enters
 - Hears two sets of voices upstairs: **WRONG**, no one else
 - Robinson yelling while punching: **WRONG**, nothing heard on Gary audio before shots fired

Shifting Stories

→ Kenny changes his story in the first 72 hours...
(cont'd)

- What do all of these errors have in common?
 - Exaggerate threat
 - Downplay Kenny's conduct
- That his snapshot was untrue is not subject to debate: Kenny's own words...

Q And as you sit here today, **there's information in this snapshot that you don't believe is true; correct?**

A Correct.

Why Is Kenny's Story Shifting?

- Kenny knew he was in trouble...just shot unarmed teenager...
- But evidence contradicts snapshot, so after reviewing all of the key evidence available at the time, tells new story
 - March 9 walkthrough of scene with his attorney
 - Private room with his attorney to discuss walkthrough evidence
 - Review of Kenny dashcam video and Sgt. Gary audio (unsynced) for one hour, in private with his attorneys
 - THEN, DCI interview...

DCI Interview: Now, Story is That First Shots Fired At Top of Stairs In Response to Punch...

- DCI interview on March 9th, after reviewing all of the evidence
→ disavows all of these claims
- Story now is, he is punched just below the top of the stairs, on the left side of his head, causing the right side of his head to hit the wall and cause dent.
 - Because at walkthrough, sees the dent in the wall near top of stairs
 - So, put himself at the location of that dent when he is punched, so now the dent corroborates his claim of being punched

(NOTE: the synchronized video-audio has not yet been created...)

The Dent As Corroboration, Debunked...

- All of the evidence above: Kenny at base of stairs, Robinson at distance
 - Dent is from 30-39" above step (knee to waist level)
 - No drywall debris on Kenny's head or clothing
- MPD internal investigation failed to acknowledge or address Kenny's shifting stories and obvious problems with new story relying on dent in wall

MPD Confronted With Other Obvious Problems With Kenny's Story...

Kenny's decision to enter without backup...

- Kenny's Claim: he heard sounds of disturbance, thought someone upstairs in imminent danger
 - Claim: near top of stairs, announced MPD, Tony responded "PO-lice aggressively," then immediate punching and swinging at top of stairs
 - Claim: Kenny feared there was victim upstairs in such imminent danger that he didn't have time to wait for backup (at end of driveway)

MPD Confronted With Other Obvious Problems With Kenny's Story...

Kenny's decision to enter without backup...

- Evidence to the contrary:
 - In minutes before shots fired, downstairs neighbor doesn't hear disturbance, or Kenny announce, or Tony respond
 - Never radios to other officers about imminent danger
 - Spent 20 seconds in stairwell he could've climbed in few seconds
 - Police practices expert Denny Waller (40+ yrs, police chief in WI):
"Officer Kenny's stated necessity for entering the apartment without backup was contradicted by his actions."

MPD Confronted With Other Obvious Problems With Kenny's Story...

Kenny's prior shooting - Ronald Brandon...

- Similar scenario: Kenny called to scene, 19 seconds later shoots and kills
 - At least two other officers already there for period of time, stay behind cover and talk to suspect/suicide risk
 - Kenny arrives, and within seconds he leaves cover for no reason with his rifle aimed and ready
 - Purported reason for charging ahead? Because he **mistakenly** thought he was further from suspect than he was
- Even taking him at his word: that's two cases where he has made a mistake that caused him to charge in → and moments later, a citizen is shot dead

MPD Needs to Revisit This Shooting and Its Investigation Into It

- Despite all of the obvious question marks in Kenny's story, he is asked zero questions by MPD
 - Record settlement = assessment of high likelihood that jury would agree that the evidence supports our theory, not Kenny's
 - Yet, City's response reflexively defensive, unwilling to concede any errors...
- MPD needs to wrestle with this evidence...
- Unless MPD knows something we don't and so it can prove evidence means something different from what forensic experts have found, the shooting is not justified

MPD Needs to Revisit This Shooting and Its Investigation Into It (cont'd)

MPD Use of Force Trainer, Kipp Hartman

Q Let's say [Tony] he's coming down the stairs fast, and let's say he doesn't say anything, okay?

A Uh-huh.

Q But he's just coming down the stairs fast, and there Officer Kenny is at the bottom of the stairs still.

A Uh-huh.

Q Is that a sufficient basis to justify the use of deadly force?

A No.

Closing Thoughts

- Truth → Transparency → Informed Action
- Internal investigation process?
 - DCI investigation is not substitute for internal investigation
 - Reflexively defensive of officer
- Presentation and evidence will all be available at www.tonyrobinsonshooting.com

REPORT OF: CCOC Subcommittee on Police and Community Relations

TITLE: Recommendations on police policies and procedures

DATE: February 16, 2017

Introduction

The Common Council Organizational Committee Subcommittee on Police and Community Relations (the Subcommittee) held its first meeting on September 14, 2016 and confirmed the following objectives:

- a) Provide a forum for residents and members of the Council to discuss police and community goals, priorities and interactions. Build a deeper understanding of policing for elected officials and members of the public; and,
- b) Explore models and options from other communities related to policing and other police policies; and,
- c) Provide a forum for information sharing regarding police training, policies, data and trends including detailed presentations from the MPD related to policing; and,
- d) Make recommendations to the Council on short-term policy, procedure and training while waiting for the results of the Ad Hoc Review of Police Policies and Procedures.

Ald. Marsha Rummel chairs the Subcommittee and Ald. Shiva Bidar-Sielaff serves as vice chair. Ald. Rebecca Kemble, Ald. Sheri Carter and Ald. Denise DeMarb are members of the Subcommittee.

Overview of Activities

The PCR Subcommittee has received several presentations from experts on policing including the following:

- o A presentation from Capt. James Wheeler and Sgt. Erik Fuhreman on the City of Madison Police Department (MPD) investigation and discipline process, and
- o A presentation from City Attorney Michael May and Assistant City Attorney Marci Paulson on the division of legal authority between the Police Chief, the Mayor and the Council in the operation of the police department, and
- o A presentation from Capt. James Wheeler and Capt. Kristen Roman on the 2016 Special Community/Police Task Force Recommendations Regarding Police 'Use of Force'. The Report was issued jointly by the United Way of Dane County, the Dane County Chiefs of Police Association and the Dane County Branch of the NAACP. The City of Madison and MPD had also contributed to the development of the Report and recommendations, and
- o A presentation from State Representative Chris Taylor regarding statewide use of force proposals as well as best practices from other communities, and

- A presentation from Freedom Inc, regarding community control of the police, and
- A presentation from the ACLU regarding surveillance technologies.

The PCR Subcommittee has also neighborhood associations directly with a short survey. The goal of the survey is to understand the types of cooperative activities neighborhood associations have with MPD and to learn more about existing neighborhood watch programs as well as perceptions of public safety.

Recommendations

The following is the list of identified issues, findings and recommendations:

Authority of the Council to Influence Madison Police Policies, Procedures and Operations

Issue: The Madison Police and Fire Commission, The Mayor and the Common Council all have a role to play in authority over the Madison Police Department and the Chief of Police, though the differentiation between the responsibilities sometimes causes confusion.

Recommendation: Council will fulfill its responsibilities to provide guidance related to policies and procedures of the police department for the benefit the public welfare, but will refrain from engaging in day-to-day management and operations.

Use of Force Policies

Issue: The Madison Police Department Use of Force Policies do not include the following precautions which are contained in similar policies from other police departments: a duty to preserve life, use of deadly force only as a last resort, the principle of proportionality, nor the duty to de-escalate a situation.

Recommendation: The Council will direct the Chief of Police to incorporate these precautionary principles into the MPD Use of Force policy.

Early Warning System

Issue: Identifying officers who may be susceptible to conducting police misconduct as early as possible may help to prevent a serious incident. The City of Madison Police Department recently obtained an early warning system which may not meet best-practice standards.

Recommendation: The Council will request a report from the Chief of Police to provide an update on the implementation of the Early Warning System, initial results and recommendations for next steps.

Conclusion

The Subcommittee achieved the objectives established in September 2016 and has created a suite of recommendations for the Common Council. A resolution and full report will be introduced to the Council along with this Executive Summary.



City of Madison

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

Master

File Number: 46407

File ID: 46407

File Type: Resolution

Status: Items Referred

Version: 1

Reference:

Controlling Body: COMMON
COUNCIL
ORGANIZATIONAL
COMMITTEE

File Created Date : 03/02/2017

File Name: By Title Only - Accepting the Report and
Recommendations from the CCOC Subcommittee on
Police & Community Relations.

Final Action:

Title: BY TITLE ONLY - Accepting the Report and Recommendations from the CCOC
Subcommittee on Police & Community Relations.

Notes:

Sponsors: Marsha A. Rummel, Shiva Bidar-Sielaff, Sheri Carter,
Denise DeMarb and Rebecca Kemble

Effective Date:

Attachments:

Enactment Number:

Author: Lisa Veldran, Legislative Administrative Assistant

Hearing Date:

Entered by: lveldran@cityofmadison.com

Published Date:

Approval History

Version	Date	Approver	Action

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Council Office	03/02/2017	Referred for Introduction				
	Action Text: This Resolution was Referred for Introduction						
	Notes: Common Council Organizational Committee, Equal Opportunities Commission, Public Safety Review Committee, Common Council Meeting 3/21/2017						
1	COMMON COUNCIL	03/07/2017	Refer	COMMON COUNCIL ORGANIZATIONAL COMMITTEE			Pass
	Action Text: A motion was made by Verveer, seconded by Rummel, to Refer to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE. The motion passed by voice vote/other.						
	Notes: Additional referrals to Equal Opportunities Commission, Public Safety Review Committee						

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|---|---|------------|-------|--------------------------------------|
| 1 | COMMON COUNCIL
ORGANIZATIONAL
COMMITTEE | 03/07/2017 | Refer | EQUAL
OPPORTUNITIES
COMMISSION |
| | Action Text: This Resolution was Refer to the EQUAL OPPORTUNITIES COMMISSION | | | |
| | Notes: | | | |
| 1 | COMMON COUNCIL
ORGANIZATIONAL
COMMITTEE | 03/07/2017 | Refer | PUBLIC SAFETY
REVIEW
COMMITTEE |
| | Action Text: This Resolution was Refer to the PUBLIC SAFETY REVIEW COMMITTEE | | | |
| | Notes: | | | |
| 1 | COMMON COUNCIL
ORGANIZATIONAL
COMMITTEE | 03/21/2017 | | |
-

Text of Legislative File 46407

Fiscal Note

[Enter Fiscal Note Here]

Title

BY TITLE ONLY - Accepting the Report and Recommendations from the CCOC Subcommittee on Police & Community Relations.

Body

Introduced by title only.