

REVIEW OF THE MADISON POLICE DEPARTMENT: A PREVIEW OF HIGH LEVEL FINDINGS AND RECOMMENDATIONS

A presentation to the Madison Police Department Policy and Procedure Review Ad Hoc Committee, November 15, 2017



Tonight's Presentation:

- Precursor to final written report (December)
- Discussion of high level themes, results and recommendations from our review
- Findings/Recommendations in report will be significantly more detailed, numerous, and granular
- Opportunity for questions/feedback from your Committee



The Assignment

- Comprehensive assessment, as framed by the Committee in 2016 RFP
- Final written report for Committee's consideration and further outreach to Common Council

EDITOR'S PICK

Madison police review committee recommends California-based OIR Group

ABIGAIL BECKER | [The Capital Times](#) | abecker@madison.com | [@abecker_4](#) Oct 14, 2016

The Process

- Outreach and Listening Sessions
- Internal and external fact-finding re MPD
 - Interviews, meetings, etc.
- Seven week-long site visits to Madison
- Document review & other research
- Updates to Committee

The Process, cont'd

- The City
 - Insights from Madison communities, public officials, private citizens
- The Department
 - Consistently cooperative, and responsive at all levels and ranks
 - Full access to requested materials

The Product

- A report to document our findings, the basis for them, and our responses to them
- Recommendations across a variety of subject areas
 - Policy and procedure
 - Department programs and operations
 - Community dynamics

MPD: Baseline Impressions

- An impressive and effective agency in many ways
 - Talented and dedicated personnel
 - Commitment to the City and its residents
 - History of innovative and progressive approaches

MPD: Baseline Impressions

- As with any agency:
 - Room for constructive reforms and evolutions
 - Expectations higher for MPD due to high level of engagement and interest of the Madison community
- Facets of MPD culture
 - Justified pride vs. defensiveness and disinclination toward formal self-scrutiny
 - Community engagement vs. resistance to criticism and outside perspectives

MPD: Baseline Impressions

We offer our recommendations in a spirit of respect for the many effective features of the Department, and the changes we propose are both attainable and consistent with MPD's own articulated goals and values.

City of Madison

- A unique context
- High levels of civic involvement and interest
- A progressive culture amid underlying tensions
 - “Race to Equity” (2013)
 - Ongoing statistical disparities in the justice system



City of Madison

- The role of the police – what MPD controls, what it doesn't:
 - Calls for service vs. initiated activity
 - Exercise of discretion and its limitations (truancy, domestic violence)
- High standards and expectations for MPD
 - Sometimes conflicting (EROs, patrol presence)
 - Range of reactions from a diverse Madison public



Categories for Discussion

- MPD and community engagement
- MPD policy and procedure
- MPD internal review mechanisms
- MPD programs and operations
- MPD personnel and culture
- Technology and Oversight

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MPD and Community Engagement

- The challenge of defining “the community”
- Positive interactions (“coffee with a cop”) as valuable but not sufficient
- “Community Control of the Police” vs. meaningful community input
- MPD: Strong in taking constructive initiative, less effective in responding to conflicting view and critiques
- Dealing with OIS and other high-profile incidents

MPD and Community Engagement

- Communication:
 - Importance of active listening
 - The “power” in acknowledging negative community reactions and concerns about officer performance or outcomes
 - Overcoming the past inability to criticize sub-optimal Department and officer performance
 - Recognizing that the “police are the public and the public are the police”
 - The value in seeking, accommodating, and benefitting from community input and preferences

MPD and Community Engagement

- The Legacy of “Problem-Oriented Policing” in 2017
 - Neighborhood Officer Program
 - Community Policing Teams
 - Educational Resource Officers
 - Mental Health Officers
- The “Rapid Response Team” Model
- Treating Crime as a Public Health Problem

MPD and Community Engagement

- More MPD Programs and Initiatives
 - C.O.R.E.
 - Amigos en Azul
 - Black and Latino Youth Academies
 - Racial Disparity Impact Committee
 - Ticket Amnesty Program
 - “Community Advisory” Groups (South District)
 - Toward a collaborative model of policing

MPD and Community Engagement

- *We recommend:*
 - A re-emphasis on original principles of “problem-oriented policing”
 - Further commitment to the effective and progressive “Restorative Justice” programs
 - Re-integration of MPD with UW as resource and partner
 - Mechanisms to seek community and stakeholder input regarding performance of specialized and patrol officers
 - Formalized community input on selection of special assignment officers, promotion process, policy development, creation of strategic plan

MPD and Community Engagement

- *We recommend:*
 - Enhancement and expansion of the “Community Advisory” Groups
 - A Madison Police Department always open for business
 - Clear sense of mission and consistency across the ERO program
 - Convening of town halls and listening sessions following a controversial incident
 - Greater transparency and outreach through social media, other feedback mechanisms

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Policy and Procedure

- Use of Force
 - Going beyond *Graham vs. Connor*
 - Recent updates and the value of collaborative input
 - De-escalation techniques
- Tactical Repositioning
- Taser
- Foot Pursuit
- Shooting at Moving Vehicles

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Internal Review Mechanisms

- Critical Incident Review
- Force Review
- Civil Litigation and the Corrective Action Plan
- Internal Affairs Investigations

Critical Incident Review

- Current protocols for shootings and other major events
 - Criminal vs. Administrative
 - Limitations in the current process
 - No standard vehicle for holistic evaluation, reform, and feedback to personnel
 - Accountability *and* policy, training, tactics, etc.

Critical Incident Reviews (Beyond Graham v. Connor)

- *We recommend:*
- A multi-staged process that includes initial assessment, administrative interviews of involved and witness officers, thorough and automatic administrative review post-D.C.I., and subsequent action items as warranted
- Litigation *can* be accommodated and embraced (and can be a source of useful feedback); Development of public corrective action plan

Use of Force Review

- Current Process (Statistics, issues)
- New Developments

Use of Force Review

- *We recommend:*
 - Establish investigative protocols
 - A robust and standard “Supervisor Review” process
 - Sergeant level
 - Policy, tactics, training
 - Roundtable review of selected use of force incidents

Internal Affairs Investigations

- Internal referrals
- Citizen complaints
 - Few in number/availability/feedback loops
 - Complaint/commendation forms not physically accessible at station counters
 - Recourse outside of MPD/PFC process
- Quality of investigations, legitimacy of process
- *Amount* of discipline a question when violations are sustained
 - Impact of post-disciplinary process?

Internal Affairs Investigations

- *We recommend:*
- Making complaint and commendation forms more readily accessible
- Exploring mediation programs for complaint resolution
- Creating alternatives to traditional discipline
- Ensuring that discipline is meaningful, and progressive for repeat offenders
- Evaluating influence of appellate process on accountability
- Creating outside investigative model for some MPD complaints

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Programs and Operations

- Personnel Resources
 - Assignments/Seniority/Deployment
 - How best to use available personnel
- Supervision: The role of sergeants
- Training
 - Academy
 - In-service

Programs and Operations

- Data management and utilization
 - Web site
 - Early-intervention
 - Use of Force Recording and Tracking
- MPD and high-risk individuals
 - Mentally ill
 - Homeless
 - Drug use and intervention (rehab option)

Programs and Operations

- *We recommend:*
- Collection and synthesis of data regarding police officer and special assignment officer activity
- Meaningful personnel evaluation process that incentivizes problem-solving policing
- Continued evaluation of MOU-driven seniority rules
- Continued development of early intervention system
- Reexamine the role of sergeants and the value of supervisory training

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Personnel and Culture

“Are we who we say we are?”

- Patrol and “Special Assignment”
- Strengths in hiring, diversity, and messaging vs. “realities on the ground”

Personnel and Culture

“Are we who we say we are?”

- “Judgment Under the Radar”
- Influence of academy experience
- Maximizing the advantages of disparate backgrounds
 - Minority officers
 - Female officers

Personnel and Culture

- *We recommend:*
- Recognize officers who represent and enact Department's highest values
- Regularly seek input and views of officers in confidential and meaningful ways

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- *Technology and Oversight*

Technology: Body Cameras

- Rialto to Washington D.C.: evolving data
- Advantages and limitations
 - Useful tool, but not a panacea
 - Costs
 - Cameras and community trust/engagement



Body Cameras

- MPD “Pilot Program”
- Advisability depends on policy consensus
 - Clear expectations
 - Community input
 - Standards for recording and releasing
 - Protocols for review (officers, public)
 - Pending legislation



“Some form of civilian oversight of law enforcement is important in order to strengthen trust with the community. Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community.”

Recommendation 2.8

**President’s Task Force on 21st Century
Policing – 2015**

Oversight & Madison

- Role of the Police & Fire Commission
- Madison's needs/priorities
 - History
 - Civic Engagement
 - Community engagement/Issues with MPD

Oversight & Madison

- Gaps in the current model
 - Public awareness/access/confidence
- Limitations of historical role and input
 - Policy?
 - Audits?
 - Outside perspective on internal review processes?

Oversight & Madison

- *We recommend:*
 - Hybrid model
 - “Professional” auditor with access, as accountable to community board
 - Complaint intake
 - Regular meetings, public reporting
 - Assigning the auditor to report on implementation of any OIR Group recommendations

Committee Questions

