

COMMITTEE OF THE WHOLE MEETING

The Common Council of the City of Ashland will meet as the Committee of the Whole on August 25, 2020 immediately following the City Council meeting which begins at 5:30 PM in the Ashland City Hall Council Chambers.

The following items will be considered:

1. Roll Call
2. Council President's Report
3. Administrator's Report
4. Approval of Agenda
5. Committee Updates
6. Discussion Items
 - A. Discussion Regarding Policing
7. Adjournment

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SUBJECT: Committee Updates

RECOMMENDATION: Discussion only

DEPARTMENT OF ORIGIN:

CLEARANCES:

EXHIBITS:

SUMMARY STATEMENT:

Harbor Commission: Pufall
Plan Commission: MacKenzie
Police & Fire: Lewis
Library Board: Jackson
Housing Authority: Franek
Housing Committee: Tochterman
Parks and Rec Committee: Haas
Public Works Committee: Moore
Sustainability Committee: Ullman
Historic Preservation Committee: Franek
Disabled Parking Committee: Whitebird
Source Water Protection Committee: Ortman

SUBJECT: Discussion Regarding Policing

RECOMMENDATION: Discussion Only

DEPARTMENT OF ORIGIN: Council President

CLEARANCES: Council President

EXHIBITS: 1. COW Policing questions

SUMMARY STATEMENT:

This agenda item is a continuation of the brief discussion held at the Committee of the Whole on July 14, 2020. July 14, 2020, Council members submitted questions that they would like answered in regard to understanding the existing policing model used in the City of Ashland.

Counselors were asked by Councilor Ullman to consider and respond to the following questions:

What is the purpose of policing in our community? What role should the police play?

What values do you think are foundational to policing in our community?

Do you have personal experiences that shape your perspective on these issues?

Are there roles and responsibilities that are currently in the hands of our police department which could be better served in a different way?

(Councilor George is the only Councilor who submitted answers to the above questions)

In addition, the following questions were submitted by Councilors to staff. Responses to these questions by staff are stated underneath:

Q: What ratio is the Police Dept. Budget as a share of the City General Fund Budget? How does this compare to other communities?

A: City Administrator:

1. In the 2020 Budget the total operating expense for the General Fund is budgeted for \$10,063,095 and the Police share of it (including animal control) is \$2,172,480. Proportionally this would be 21.6% of total operating costs.

2. According to the latest Municipal Facts book (2018) published by the Wisconsin Policy Forum the median per capita spending for Police in municipalities from 7,500 – 10,000 in population is \$241. There are 30 municipalities with this population that have police forces. Per capita costs for municipalities this size ranged from \$111 - \$434. The City of Ashland's per capita cost is exactly in the middle or \$241.

What is Qualified Immunity in Regard to Police Actions?

A: Mayor Lewis:

Qualified immunity is a legal defense established in common law and case law and designed to protect all but the plainly incompetent or those who knowingly violate the law. Law enforcement officers are entitled to qualified immunity when their actions do not violate a clearly established statutory or constitutional right.

Current Chief of Police Bill Hagstrom has prepared answers to other questions of Councilors. Please see attachment.



Ashland
WISCONSIN

**ASHLAND POLICE
DEPARTMENT**

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What is the current Use of Force Policy for the City of Ashland Police Department?

Use of force in Wisconsin is all set by the Wisconsin Department of Justice, Training and Standards Bureau. All Officers have to go through the same curriculum and the training is standardized. Our policy is written to adopt the standards they have set. Many have heard of the "8 Can't Wait" policies in the media about Police reform. Many of those policies were already in place in Wisconsin prior to this movement. Chokeholds already weren't allowed in Wisconsin prior to this reform movement. Our policy is attached.

What is the Disciplinary Process for the Police Department and how is it administered?

This all depends on the alleged offense. Disciplinary matters are investigated internally by the Department if it is a violation of policy, procedure, or internal in nature. If the alleged conduct reaches the threshold of criminality, it's investigated by an outside agency. The same incident can have both a criminal investigation and an internal investigation.

If the complaint is sustained, progressive discipline is used where disciplinary measures are used that increase in severity designed to give the employee the chance to correct the unacceptable behavior. Past disciplinary actions may be incorporated into the current disciplinary proceedings. Progressive discipline does not have to be followed if the incident rises to a standard where even a first offense may warrant harsh discipline or termination.

In order to suspend without pay, reduce rank, or terminate a non-probationary officer, a charge must be brought against the officer with the Police and Fire Commission who must hold a due process hearing before disciplining an officer and find just cause to do so.

What Bias Training and Sensitivity Training is Available and what has been done to date?

Training is a complex issue due to tight budgets and scheduling concerns. Every Officer has to receive at least 24 hours per year of training to maintain certification. There are also some trainings that are required annually or semiannually for each officer and we have to maintain instructors within the Department for those. So a lot of Officers have specialized training that is time consuming and strains the training budget limiting what others can attend so choices have to be made from year to year on what to send people to.

In the past few years, we have been concentrating on putting Officers through crisis intervention training to help them in their responses to mental health calls. This training is five days long so it's challenging to get people scheduled for it. We got six Officers through it in the past two years and would've had all of our 14 patrol Officers through it by the end of this fall but the trainings were all cancelled because of Covid.

I haven't seen law enforcement trainings in Wisconsin specifically devoted to this bias or sensitivity training in the recent past. The last sensitivity training I can remember was when it was brought to Ashland in the early 2000's and we all went but most Officers on our Department haven't been working that long. With the recent

nationwide discussions on this topic, I would assume we will see trainings like this being offered more frequently in the future. The same day that these questions were sent to me, I got an email with training being offered later this summer for de-escalation and implicit bias. I'm looking to see if these trainings can fit into our schedules.

Use of body cameras: Do we have them now? Why or why not?

We do not currently have body cameras but we do have squad car cameras which have been our compromise until now. We've had squad car cameras for decades and upgraded the system in 2016 when I became Captain. The upgrade we made featured long range microphones and wireless automatic uploads when the squads pull up to the Police Department. Whenever the camera in the squad is active, the microphone worn on the Officer picks up the audio even though the video is only what's in front of the squad car. These have alleviated a lot of potential complaints against Officers and have been priceless in prosecutions because most self-initiated Police contacts happen close to the squad car.

The biggest hurdle to adding body cameras is price. Even just adding body cameras to our current squad video system is around \$15,000. The other factors to consider are storage prices and video redaction for open records. A lot of our incidents end up in the hospital setting where patients have privacy concerns.

Use of body cameras also raises privacy concerns in people's homes, especially for victims of crimes. Victims have a constitutional right to privacy under Wisconsin's Constitution. This also creates public records concerns as the videos are public records.

I'm waiting for two more quotes from other vendors. The City Administrator had asked about body cameras and wanted to know about implementation of them in the past so I will report the quotes once they're obtained.

Can we do community policing in Ashland?

We do currently do community policing in Ashland. The fact that the answer isn't known, shows me that I need to move forward with marketing and getting the information out on our website which isn't current.

Community policing is basically partnering with the community and solving ongoing problems rather than just responding to past reports. Many would argue that it's impossible not to do community policing in a City this size. In large cities, community policing involved dividing the City into smaller areas and assigning Officers to those areas so they're familiar with the people and geography of that area. Huge cities are divided into community policing districts which are probably about the size of our whole city. Our Officers know the community, raise their families here, and are invested in this community. I would bet the owner or manager of most businesses in the City probably has at least one or more of the Officer's cell phone numbers and reports incidents through an Officer they know rather than calling dispatch. Officers routinely get calls from community members about ongoing issues even if they aren't working. We have Officers volunteering in organizations, coaching sports, and being involved in groups.

That has been the way things were here when I started in 1996. Then in the late 90's when community policing became popular, the Police Department assigned 11 officers to the 11 city council wards. The officer was tasked with handling ongoing problems in that ward that didn't require an immediate police response. If a citizen called in a neighborhood problem, it was assigned to that Officer and he would help solve that issue. It was worthwhile because you had one Officer with prior knowledge to that issue and those citizens rather than different random Officers showing up and the citizens having to explain it all over again. They also would

proactively solve problems they saw in their own district. When people wanted to start a neighborhood watch, their district Officer would help them get the information for it.

That system worked well but the one flaw was that there was no continuity. Nobody knew who their district Officer was at any given time because someone would retire or get promoted to a different position.

When I was promoted to Captain, I made one change to the program. Instead of having 11 districts, I divided up the city into four districts. The districts are divided by Ellis Avenue and 6th Street. We have four shifts on the Police Department and now we have four districts. In my opinion it's an advantage because it provides continuity of a shift being responsible for a whole area and not just one person. It also allows for the whole shift to team up and solve problems in their district rather than one person handling each district alone. Currently when we get complaints of ongoing issues in a neighborhood, we forward them to that shift.

What are thoughts about using an on-call social worker to diffuse certain situations?

Currently social workers don't respond to calls in progress unless it involves a juvenile that's in custody and needs placement. They also often request law enforcement to accompany social workers in the field for protection when they're investigating past action reports.

In mental health situations, social workers don't currently have authority to take people under emergency detentions. They also wouldn't stay on scene with someone who is volatile without protection so even if they are available, it wouldn't eliminate the need for Police presence.

I reached out to DHHS and was told that in theory it could be a good idea but they also don't know it would be accomplished logistically. They currently couldn't provide that service because of the number of unfunded mandates they are already required to provide and would have to hire more staff. The position would also require someone with specific de-escalation skills and training.

Do we have any form of training/recruitment program to encourage local youth to consider being an Ashland police officer. This could be a great way to support young people with a desire to improve our community.

We currently do not have this but it is planned on being discussed soon in our meetings with the School District where we are choosing the School Resource Officer. Once the Officer is selected, we are looking into implementing a drug prevention program for students and also get thoughts on a recruiting platform. Currently we are waiting to find out how the school reopening is going to play out.