



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved PUBLIC SAFETY REVIEW BOARD

Tuesday, January 13, 2009

5:00 PM

210 Martin Luther King Jr. Blvd.
Room 525 (City-County Building)

CALL TO ORDER / ROLL CALL

- Present:** 6 -
Paul E. Skidmore; Eli Judge; Larry Pasha; Tyrone W. Bell; Michael S. Scott and Terry E. Moen
- Absent:** 1 -
Bret M. Gundlach
- Excused:** 1 -
Amy R. Smith

APPROVAL OF MINUTES

Professor Scott Approved the December 10th, 2008 Meeting Minutes. Larry Pasha seconded the motion. Eli Judge abstained as he was excused during this meeting. The meeting minutes should reflect a change to the wording from District Attorney Jennifer Zilavy to City Attorney Jennifer Zilavy. This was on item # 12065.

PUBLIC COMMENT

RECONSIDERATION

- [12065](#) Amending Section 25.09 of the Madison General Ordinances to change various provisions of the ordinance recommended by the Equal Opportunities Commission.

The Equal Opportunities Commission requested the PSRB Committee to reconsider the ominously rejected vote that was given at the December 10th PSRB meeting on amending section 25.09 of the Madison General Ordinances that would change various provisions of the ordinance. Bert Zipperer from the EOC - the Commission attended today's meeting to better understand what the Committee rejected on the ordinance; he indicated there are 7 changes in the ordinance and it was not clear from the minutes if it were some of the amendments that could be discussed further, or the entire ordinance. Professor Scott indicated the main concern the Committee rejected the ordinance was that they did not want to see any unnecessary delays in the City's ability to enforce the ordinance. The Committee understood the provisions would require the District Attorney's Office rather than the City Attorney's Office to file charges. The City would then be dependent on the DA's Office to file the charges before the City could move forward on the enforcement of it's own ordinance. The PSRB Committee went through each subsection on the ordinance listed below with feedback listed after each section. Change #1, Subsection 2(a)2.: now requires charges for manufacture,

distribution or delivery of a controlled substance to be filed by the District Attorney before the incident can be considered a "nuisance activity". Previously, if a Dane County Court of law determined, based upon a search warrant request, that probable cause existed that the manufacture, distribution or delivery of a controlled substance occurred on or in association with a property, that finding could be used to declare the property a Chronic Nuisance Premises. (Professor Scott indicated that as a legal matter the standard to obtain a search warrant and file criminal charges was technically the same. He further stated that the probable cause standard applies in both cases and there are some reasons why the District Attorney even if there is PC might decide to not file charges. He said that the Committee thought that securing the search warrant is obtaining the same level of proof. Terry Moen added that it would only be up to the DA to make a decision which would consist of one person and before there were more people involved). Change #2, Subsection (2)(c): changes the definition of "enforcement action" by requiring the issuance of a citation for a law violation and/or the filing of charges by the District Attorney or City Attorney for prosecution for nuisance activities. The change also deletes from the definition of "Enforcement Action" citations or referral of charges by the Department of Neighborhood Preservation and Inspection. (The Committee felt as though these were similar changes as (2)(c) and moved onto the next subsection). Change #3, Subsection 3(a)6.: removes the word "consider" from the sentence and requires owners, when appropriate, to implement alternatives to eviction when formulating an abatement plan. (The Committee discussed the language in which they felt the word "implement" was a minor change). Change #4: 3(b)2. is amended to exclude domestic abuse incidents from being considered "nuisance activities. (The Committee questioned what does "domestic abuse" mean in this ordinance? Zipperer explained that the term "domestic abuse" is what is listed under state statute). Change #5, Subsection 3(b)3.b.: removes the word "consider" from the paragraph and now requires a property owner to implement alternatives to evictions in situations where eviction is not the sole remedy to abate the nuisance activity. (The Committee thought that this subsection is similar to 3(a)6 from "consider" to implement). Change #6, Subsection (6)(a): adds members of a tenant's household as a group that can't be evicted or retaliated against for complaining or being complained about in regard to nuisance activities. (There was no discussion on this language). Change #7, Subsection 6(a): This change also deletes the sentence that states that a landlord's failure to renew a lease or periodic tenancy upon expiration shall not be deemed a violation of the subsection. (Zipperer explained the language being used on this amendment. Scott felt that the language of this amendment actually strengthens the ordinance). Eli Judge moved to deny Sections 2(a)2 and 2(2)(c). Scott seconded this motion. All were in favor to deny 2(a)2 and 2(2)(c). Judge moved to approve sections 3(a)6, 3(b)2, 3(b)3b,#6. (6)(a), and #7.6(a). Scott seconded this motion. Terry Moen, Larry Pasha, Paul Skidmore were in favor of this motion, Tyrone Bell opposed this motion.

- Present:** 6 - Paul E. Skidmore; Eli Judge; Larry Pasha; Tyrone W. Bell; Michael S. Scott and Terry E. Moen
- Absent:** 1 - Bret M. Gundlach
- Excused:** 1 - Amy R. Smith

4. [12575](#) THIRD SUBSTITUTE - Creating Sec. 34.42, amending Sec. 27.05(2)(w) and creating Secs. 32.06(2)(a)1.j. and 32.06(4) of the Madison General Ordinances to govern installation and maintenance of smoke alarms in residential buildings.
- A motion was made by Judge, seconded by Skidmore, to Return to Lead with the Recommendation for Approval to the Fire Department. The motion passed by voice vote/other.

STANDING COMMITTEE REPORTS

6. [10806](#) Standing Committee Report: 911 Center Committee
- Alder Skidmore updated the group on the 911 Center meeting that he attended. The meeting discussed the minimum criteria requirement for the next 911 Dispatch Center Director. He indicated that the selection process for the next 911 Dispatch Center Director would be a national search and that there would be 6 people on the Committee which would consist of 3 from the City and 3 Non-City. They will be in charge of screening applicants and also the interview process which will then be turned over to the County Executive to make the final decision. This is expected to happen sometime in April, 2009.
3. [13221](#) General discussion on 911 Center Issues
- Terry Moen asked if Joel Plant could give an update on negotiations taking place with the 911 Center. Plant indicated that the 2nd negotiations meeting has taken place with the County. Plant distributed the 2008 telephone call summary data from the Dane County Public Safety Communications Center. He shared that the data on the call summary report was discussed during the meeting and there was individual brainstorming done by the City Attorney's Office, the Police Chief, and the Fire Chief. During this meeting they had determined some very specific issues that they would like to see addressed. They are waiting to hear back from Phase II from the Matrix Consulting Firm in which the report is expected to provide very specific recommendations from the consulting group. Plant said that information received will serve as a "launch pad" on very specific language in the contract. One which will be enhanced protocols or policies on how Law Enforcement Officers are dispatched. The Committee then questioned if there will be any provisions on professional oversight in the 911 Center to provide quality assurance? Plant asked the Committee if they were suggesting that they would like to see Fire or Police Commissioned Personnel in the 911 Center at all times? Both Moen and Tyrone Bell indicated that this is something that they would like to see - something that they felt should be considered. Professor Scott felt that the City or County should partake in an experiment in which a current or former Officer who has professional experience answer calls that come into the 911 Dispatch Center. He said that he would like to see what becomes of the experiment to resolve matters over the phone, to provide accurate information over the phone to callers, to make good judgments in terms of prioritizing, the satisfaction of the customer, and the impact to Officers in the field. He further said if the answer turns out that citizens have a radically better experience with police experienced call screening, then that is something that should be turned over to the Community on how they can have that expertise into the Operations or that there may need to be a change in the eligibility requirements in which the dispatcher have prior police experience. Plant went onto say that

this is something that has been raised amongst there discussions.

Plant ended the discussion by giving an overview on the handout he had distributed. In terms of specific calls in Madison there were 640,000 that came into the call center in 2008. 418,000 generated in the CAD system Countywide, of the 228,000 were in the City of Madison, which constitutes 54% of incidents, and of those 228,000, 88% were dispatched to the Madison Police and 12% were dispatched to Madison Fire Department.

5. [12919](#) Standing Committee Report: Sensitive Crimes Committee

The Sensitive Crimes Committee Report is reported on every other Month. This report will take place at the February 10th PSRB Meeting.

DISCUSSION/UPDATE ITEMS

5. Discussion Item: Property Room Update - MPD

Captain Bach and Lieutenant Jugovich from the Madison Police Department gave an overview of the Madison Police Department's facility needs summary report that was distributed. The report lays out the status of all MPD's current property systems and also any improvements or changes that have been made to the property room areas. The report also talks about future needs and best practices. Bach said in the end they came up with two options: 1. Taking the facility that the MPD currently has and continue to utilize the current area but to update and enhance as they have or 2. Build a stand-alone property facility. Bach said that the best route for right now would be to continue with what they have and improve it. The goal is to have a processing system in place to keep the inventory consistent and not to expand inventory so that they need larger storage areas to keep property and evidence. Jugovich reported that over the past couple of months that there have been a number of changes to the property room. He said that various facilities were looked at and also the current property organizational structure. The IAPE (International Association of Property and Evidence) strongly encouraged a facility that is hinged to a Police Department and the big reason is security. When you have a stand-alone facility, you would need to have heightened security. Jugovich indicated that is why working with our current facility as being preferable. Pasha mentioned that a lot of improvements has been done over a short period of time. He wanted to know how long do they think they will last? Bach indicated that with the improvements that have been made he believes the improved facility will meet the needs for a foreseeable future, maybe for the next decade, but doesn't know what is in the future with policies, statutes or mandates that could change the way evidence or property is held. Professor Scott encouraged they look into property evidence software as there are great programs out there.

2. [13205](#) Update: Status of Environmental Design - PSRB Subcommittee (Crime Prevention Through Environmental Design - CPTED)

Joel Plant from the Mayor's Office updated the group on Environmental Design. He indicated that he has had conversations with the Development group called "Smart Growth of Greater Madison". Plant and Police Officer Mary Anne Thurber recently engaged with property Managers and tenants on Smart Growth in Madison, particularly on CPTED (Crime Prevention through

Environmental Design) in which Thurber presented information on Crime Prevention. Plant indicated that Smart Growth responded well and would be interested in holding a CPTED conference or training for all Managers, Individual's, Law Enforcement, Property Managers, etc. Plant suggested the PSRB take a lead from the City's perspective on moving this forward whether in terms of a resolution, or other City staff to coordinate the program. Alder Skidmore indicated that this is something that landscape architects have been dealing with for years in park design and site design and feels that CPTED is a great concept from safety to site design. The Committee felt strongly that they would like to recommend that Plant be the representative to coordinate the CPTED program.

7. FUTURE AGENDA ITEMS

Terry Moen asked the group if they have any future agenda items that they would like to see on the agenda? She indicated that she would like to see environmental design brought to closure. Professor Scott indicated that he would like to see a report from the Police Department on the alarm issue as this was a big topic in 2008.

ADJOURNMENT

The meeting concluded at 6:45p.m.