

**Village of Shorewood Hills (VoSH)
Social Justice Committee and Team Agenda**

Date / Time	Wednesday, December 9, 2020 – 7:00 PM	Place	Zoom and Dial-In
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To register to speak on an agenda item, send an email to info@shorewood-hills.org before 8:00 am on December 9, 2020 detailing which item is of interest. Your comments may be limited to 3 minutes.

You can listen to the meeting by dialing: 1 312 626 6799 US (Chicago). Enter Meeting ID: 828 0325 8393 and Access Code: # (just dial the pound key).

Written comments on the agenda can be sent to info@shorewood-hills.org before 8:00 am on December 9, 2020.

Member	P	A	E	Member	P	A	E
Ariel Hicklin Ford				Leila Saoud			
Andi Funk				Daniel Torres-Rangel			
Michele Hatchell							
Marco Izzia							
Boram Lee				Laura Valderrama (Chair)			
Lucy McCluskey				P = Present, A = Absent, E = Excused			
Others in Attendance:							

Meeting Schedule and Items

7:00 PM	Call to Order:	Note compliance with open meeting law:	Approval of last meeting's minutes :
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Land Acknowledgement: We are gathered today on the occupied territory of the [Ho-Chunk people](#), who have stewarded this land for generations. May we continue to steward and respect their land and their people.

7:05 PM **Topic 1: [Use of Force Policy](#)**

SHPD Chief Chapin will be available during this portion of the meeting to answer any questions the SJC may have.

A Village resident has provided some feedback:

SHPD has adopted a policy & procedure regarding the use of force. Such a policy is necessary as a police officer's use of force is judged retrospectively for its "reasonableness" under the Fourth Amendment to the United States Constitution. The Fourth Amendment protects from the right to be free from the excessive force in the course of an arrest.¹

Presently, no substantive standards for the use of force exist in state or federal law.² Rather, we rely on case-law to guide us in determining whether the use of force is appropriate. The U.S. Supreme Court has determined that whether an officer used excessive force "requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight." *Graham v. Connor*, 490 U.S. 386 (1989). The Court found the "reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation." *Id.*

After reviewing the document, the following are my observations. The policy is not flawed, but absent an intent to regularly train officers and to gain an understanding of the various circumstances in which a police officer may come to use deadly force, the policy is window-dressing and meaningless.

Questions and Comments:

1. The policy is not unique to SHPD. The policy is the same (verbatim) as is used by a number of departments. For example UWPD uses the exact same policy (word for word). Uniformity among departments means that VOSH saves in the drafting of the policy, but the department may not engage in much evaluation to develop their policy.
2. The policy does not address the use of the squad car as a possible lethal weapon, such as in the course of a high speed pursuit. There may be a different policy that applies. Some of the principles are overlapping (such as when to discontinue pursuit because of danger to the public), and merit discussion.

	<p>3. The policy does not inform how often SHPD officers are trained on the policy, and by whom? How do officers demonstrate proficiency in the policy? And, are factors such as implicit bias or race addressed in the training?³</p> <p>4. The policy requires the Chief or his designee to review reports regarding the use of force (see 5.1.6). Are these reports then provided to the Village Board or Public Safety Committee? That is, what’s the level of transparency when a SHPD officer uses force (i.e., draws his service weapon or taser)? What about lesser uses of force, e.g., when an officer draws a service firearm? Or, what about the use of certain restraint holds such as choke holds, <i>see</i> 5.1.4.1.D (and should choke holds be permitted at all?).</p> <p>5. The policy warns officers that “Officers should use extreme caution when taking prescription medication while armed and should not carry a firearm while under the influence of a mood-altering or intoxicating prescription drug.” <i>See</i> 5.1.3.D. The level of discretion afforded an officer may merit a closer look. Should the officer really be the one to determine whether they are impaired? Note that there is no law enforcement exemption under Wis. Stat. § 941.20(1)(b) or (bm). I also question how an officer informs command staff of any prescribed medications that could cause impairment.</p> <p>6. The policy is based on a conceptualization of a continuum of conduct: as behavior become more disruptive and violent, police may escalate the amount of force used to counter the conduct. While that may seem intuitive, the community may wish that SHPD either disengage, or deescalate, if and where possible. As with deadly force, the Fourth Amendment does not necessarily require that the least amount of force available be used, so long as the amount of force actually used is reasonable. The Court’s view about the use of force may not be consistent with the community’s perception about use of force.</p> <p>7. A good resource to evaluate the policy can be found in a publication by the Police Executive Research Forum: Critical Issues in Policing Series, Guiding Principles on Use of Force</p> <p>8. Aside from the policy, I would be interested in knowing how the Chief interprets the policy. What does he emphasize and what weaknesses does he see? The policy also begs questions about other points of training that de-escalate or require a retreat; what role does the Chief see for these notions.</p> <ol style="list-style-type: none"> 1. The Fourth Amendment is the most clear lens through which to analyze the police’s use of force. Substantive due process under the Fourteenth Amendment may also come into play. 2. This past year, both the House and the Senate have suggested changes to delineate the use of force. It does not appear that either measure passed out of committee or was approved by Congress. Though varying in the details, both the JUSTICE Act (S. 3985) and Justice in Policing Act (H.R. 7120) contain provisions seeking to (a) establish best practices for law enforcement officers with respect to use of force through development of uniform standards, training, and guidance; (b) bolster federal data collection and reporting regarding police use of force; and (c) limit or eliminate the use by law enforcement of chokeholds specifically. 3. Lynne Peoples, What the Data Say about Police Brutality and Racial Bias – And Which Reforms Might Work, <i>Nature</i> (June 19, 2020) (available at https://www.nature.com/articles/d41586-020-01846-z) (last accessed December 7, 2020)
7:35 PM	<p>Topic 2: Housing Crisis Projects</p>
	<p>Near-Term, Donation-based</p> <ul style="list-style-type: none"> - Gift cards (grocery, Target/WalMart/CVS,) and kids snow gear for students in MMSD who are experiencing homelessness or unstably housed - Monetary donations to Tenant Resource Center Housing Crisis Fund (could set up a link on the TRC website, Madhavi Krishnan is joining this meeting with more info) [Example] <p>Other Ways We Could Help Long-Term:</p> <ul style="list-style-type: none"> - Determine if any rental units in the village are at or below Fair Market Rent, and if any landlords would take Section 8 tenants (Some new vouchers are coming online for folks experiencing homelessness) - Any resolutions to decriminalize homelessness would be welcome - Advocate to get more affordable housing in the village - Learn more about the Madison urban CDBG (community development block grant) consortium. If our village joined, our residents could access CDBG-funded programs. Next deadline to join: October 2021. Goals of CDBG: provide decent housing, suitable living environments, and expanded economic opportunities, principally for low and moderate income persons <p>Folks we reached out to:</p> <ul style="list-style-type: none"> - Torrie Kopp-Mueller: Dane County CoC Director (It's her full-time job to support Dane County in preventing and ending homelessness)

	<ul style="list-style-type: none"> - Casey Slaughter-Becker: County Communications and Homeless Services Manager - Jennifer Waldner and Jani Koester: MMSD Homelessness Liaison and Transition Education Program (TEP) Resource Teacher, respectively - Robin Sereno, ED of Tenant Resource Center (thanks Madhavi!) - First Unitarian Society Housing Advocacy Team (thanks, Laura B!)
8:05 PM	Topic 3: Village Caucus 101 Presentation
	Leila Saoud will share the presentation to be used during the information session on December 16 to solicit feedback from the SJC
8:35 PM	Topic 4: SJC Book Club
	Would the last Thursday* of the month work for Village-wide book discussions? January 28 February 25 March 25 April 29 May 27 June 24 July 29 August 26 September 30 October 28 November 18* December 30
8:45 PM	Topic 5: Comprehensive Plan
	<ul style="list-style-type: none"> - Village History Including Native Americans submitted by Cara Coburn Faris - Garden Homes Neighborhood Plan and Post-Meeting Debrief - Economic Development Chapter of Comprehensive Plan feedback for Plan Commission
9:30 PM	Adjourn

PLEASE TAKE NOTICE, that any person who has a qualifying disability as defined by the Americans with Disability Act that requires the meeting or materials at the meeting to be in an accessible format, should contact the Municipal Clerk, 810 Shorewood Boulevard, or phone 267-2680, during regular business hours at least 48 hours before the meeting so that reasonable arrangements can be made to accommodate each request.

It is possible that members of, and possibly a quorum of members of other governmental bodies of the Village of Shorewood Hills who are not members of the above committee, commission or board may be in attendance at the above stated meeting to gather information. However, no formal action will be taken by any governmental body at the above stated meeting, other than the Board, committee or commission identified in the caption of this notice.

To Do List:	
Person	Task

Items for Next Meeting: