

## **Courageous Conversation Questions for Law Enforcement Full List**

### **1. What training or guidance has your staff received concerning racial and religious profiling? Is this ongoing?**

#### **Beloit Police Dept:**

The City of Beloit police department conducted Implicit Bias training in 2017 with Dr. Bryant T. Marks of Morehouse College. Dr. Marks is a researcher, trainer, and award-winning educator. Dr. Marks has provided implicit bias training to over 2,000 Police Chiefs and executives via a series of briefings at the White House in 2016, and several thousand-patrol officers in local police departments including the entire Los Angeles Police Department. The City of Beloit Police Department has scheduled training again with Dr. Marks in January of 2021. The Beloit Police Department has a policy 401-Biased Based Policing. 401.3 advise biased based policing is strictly prohibited.

#### **Janesville Police Dept:**

All Officers with the exception of some recently hired officers have received implicit bias training. We have on-staff implicit bias trainers. All employees also attend city-wide diversity training every other year.

We have a policy that prohibits profiling. This policy is reviewed and trained with frequency.

#### **Milton Police Dept:**

The Janesville Police Department has trainers for a program called "Fair and Impartial Policing." They have presented to us during a training session, although that was a couple of years ago. The training has not been ongoing and I hope to revisit it at some point. We have not received any training specific to profiling and religion.

#### **Rock County Sheriff's Office:**

Our policy #500 – "Traffic Function and Responsibility" covers profiling under the "Enforcement" section – "Factors such as the violator's socio-economic status, political office or affiliation, race, sex, age, or any racial/bias-based profiling element are generally inappropriate factors to consider when making enforcement decisions." With regards to ongoing training, we have been attending yearly diversity training through the County for years now.

## **2. Are chokeholds allowed in your jurisdiction?**

### **Beloit:**

The State Wisconsin Law Enforcement Standards Bureau (who sets the standards for the Police Academies across the state) does not teach any type of strangulation or chokehold as a compliance alternative in the use of force intervention options. The Beloit Police Department's policy on use of force incorporates the State of Wisconsin's DAAT Training Manual, which means that our department does not authorize, in any fashion, the use of a choke or stranglehold as a compliance alternative.

### **Janesville:**

Generally no, Here is the policy:

Unless deadly force can be justified, officers shall not apply holds or strikes to the neck area to include; choke holds, carotid holds, jugular holds trachea strikes or throat strikes.

### **Milton:**

They are prohibited, except in cases in which the use of deadly force would be authorized.

### **Rock County Sheriff:**

Chokeholds are not a part of our use of force system. They are not taught or trained.

### **3. Are no-knock warrants allowed in your jurisdiction?**

#### **Beloit:**

On very rare occasions have I heard of no-knock warrants in Rock County. During my time as a Beloit Police officer, our agency has not conducted a no-knock warrant. Beloit Police Department has a warrant policy 607, which follows Wisconsin State Statute 968.12, regarding the planning and preparing warrants and appropriate execution.

#### **Janesville:**

Only if authorized by a judge. I do not remember the last time we executed a no-knock warrant.

#### **Milton:**

They are allowed both by law and by policy. However, the bar is set very high to prove that there is no other way to serve the warrant before I will authorize it.

#### **Rock County Sheriff:**

I believe that it is still possible to get a “no-knock” warrant in Rock County, however, our Detective Captain said that he could only remember about two of these warrants being written in the past ten years and neither of them got served as “no-knocks” but were announced prior to entry.

**4. What is the policy on the use of military equipment in your jurisdiction?**

**Beloit:**

The City of Beloit Police Department does not utilize military equipment, there for we have no policies regarding the use of military equipment.

**Janesville:**

We do not have a policy as we have very limited military equipment. We have a few ceremonial rifles for our honor guard. We also have a few outdated, unused night vision binoculars. We also share with the Rock County Sheriff and Beloit Police a rescue vehicle.

**Milton:**

We don't have a policy and don't use surplus military equipment.

**Rock County Sheriff:**

We (JPD, BPD and us) have a "Bearcat", which is a completely defensive personnel transport vehicle with ballistic protection for vehicle occupants. We also have some semi-automatic rifles that have saved tax-payers from having to buy.

## **5. What is the process for investigating police misconduct?**

### **a. How is data on police misconduct, use of force and excessive use of force collected?**

#### **Beloit:**

Personnel complaints include any allegation of misconduct or improper job performance that may constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public. Based on the severity of the alleged complaint, these complaints are issued out to supervisors within the department. Beloit Police Department Supervisors follow Policy 1010.1.

#### **a. How is data on police misconduct, use of force and excessive use of force collected?**

In order to assist with data tracking and promote community transparency, members accepting or filing a personnel complaint shall ensure it is on the proper form based on the above parameters. Internally generated complaint forms are available in the Department's forms folder.

#### **b. Personnel complaints shall be classified in one of the following categories:**

**c. Informal** - A matter in which the Shift Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member has An Informal Complaint would normally include minor, non-repetitive violations resulting in training or policy review of the involved member as opposed to official Department discipline.

**d. Formal** - A matter in which a supervisor or officer of higher rank determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to an outside law enforcement agency, depending on the seriousness and complexity of the investigation. Formal complaints, if sustained, may result in official Department discipline up to and including termination from the Department.

**e. Procedural** - A matter in which the Shift Commander is satisfied that the allegation does not violate Department policy or federal, state or local law, policy or rule. These matters generally include clarification regarding policy, procedures, law or the response to specific incidents by the Department. A supervisor for appropriateness reviews each use of force. Should a use of force be deemed inappropriate the previously mentioned protocols would be utilized to investigate accordingly. Policy 300- Use of Force subsection 300.10 advises the Patrol Captain will annually generate an analysis of use of force incidents.

#### **Janesville:**

All citizen complaints are investigated and submitted to the police chief. All internal investigations are submitted to the police chief. All use of force incidents require an immediate response by a supervisor and an investigation initiated. Use of force investigations are submitted to a deputy police chief.

#### **Milton:**

We have internal checks and balances, such as random review of body camera footage, to pick up on troublesome behavior before it becomes a problem. We have citizen complaint process that is published to our website. Formal complaints are investigated by the Deputy Chief and forwarded to the Chief for determination of discipline. Informal complaints are still investigated to determine if there are problems

or a need for improvements.

- a. How is data on police misconduct, use of force and excessive use of force collected?

All citizen complaints and internal reviews are documented and tallied each year for inclusion in our Annual Report. Any use of force that goes beyond presence, dialog and cooperative handcuffing is required to be reported through a written form. The Deputy Chief reviews all uses of force and determines whether or not the force was necessary and within policy. All uses of force are tallied and included in our Annual Report. Excessive uses of force would also be collected and disseminated using the same method.

**Rock County Sheriff:**

Use of force incidents are reported at the level of “escort hold” (straightening an arm) or higher. They are quickly reviewed at the levels of first-line supervisor, lead use-of-force instructor and administration. At the end of the year, a comprehensive report is compiled. This year I posted that report on our Facebook site for transparency. Police complaints are investigated and filed. A review of these reports since 2002 revealed that we receive less than one complaint related to use of force between patrol and the jail combined per year.

## **6. What is your position on eliminating qualified immunity?**

### **Beloit:**

Eliminating Qualified Immunity may cause officers to hesitate in the most critical moments when hesitation is not an option. By eliminating qualified immunity, we are forcing good officers who serve every day as guardians to their community to have to think a split second more about stopping a threat; the community is put in harm's way. Maintaining qualified immunity allows officers to have a level of protection ,which allows them to continue to protect our community and be guardians, There is no denying there are bad apples in every bunch, not just in law enforcement , but in all categorizations of human beings, painting all officers with the same broad brush does not accurately depict law enforcement as a whole, much like how painting all protesters as rioters is not accurate.

### **Janesville:**

This is a needed protection in law enforcement. Qualified immunity requires that officers act in good faith. It is not an automatic protection.

### **Milton:**

I don't think outright elimination is the correct approach. The intent of qualified immunity is to provide police officers making instantaneous discretionary decisions from facing civil liability in unpredictable and unanticipated situations. However, the pendulum has swung quite far toward granting qualified immunity in cases that can be truly concerning. I am at times shocked by law enforcement behavior that on its face feels just wrong, but a judge has determined that qualified immunity should attach as there was not a clearly established right that had been violated. Qualified immunity should be examined and an honest assessment should take place to better determine the cases where it should apply and where it should not.

### **Rock County Sheriff:**

If law enforcement acts with bad intent, outside the scope of their jobs, they are already liable. If we get rid of qualified immunity for routine incidents that occur within the job, all law enforcement would likely have to invest in insurance to cover such complaints that would probably be similar to a doctor's insurance. Considering the impact of that on health care costs, I am not sure if that is the direction that we wish to go. If we decide to not cover the cost of that type of insurance, I think that the likelihood of filling vacancies would become much smaller.

**7. In what way can community members have consistent input in how, we as citizens, participate in public safety?**

**Beloit:**

Our agency is very open to communicating without community. Historically we have had several “conversations with the community” so we can be transparent and open with how we operate. We encourage our community to join us at these events so your voice can be heard.

**Janesville:**

Call or email me or anyone at the police department. Join our African American Liaison Advisory Committee or our Latino Liaison Advisory Committee.

Invite the police department to your community group. Tell us what you want to discuss.

**Milton:**

Keep lines of communication open with your law enforcement leaders. Ask questions, read the material on their websites, seek to understand matters from a law enforcement point of view. Honest communication, even the hard conversations, is important to have for both the community and the police.

**Rock County Sheriff:**

Community members routinely reach out through calls, emails, texts and in-person visits. We are very receptive to their input and appreciate the interaction.

**8. Do you believe the culture of law enforcement needs to change at a local, state and national level? Why or why not?**

**Beloit:**

As the country changes, I believe all matters of government need to be looked at, this is to just specific to law enforcement as we are a small piece of government as a whole. In looking holistically, it allows for new and fresh ideas make our society better. Culture of departments is based on the leaders at hand. With having a strong Command Staff, that trickles down to the newest officer.

**Janesville:**

Certainly on a national level, I see police activity that would not be acceptable at JPD. Almost all recommendations that are suggested by either black lives matter (#8cantwait) or Governor Evers we have already implemented.

Managing the culture of an organization is an ongoing task that takes intentional leadership. Simply developing policy is not effective.

**Milton:**

We do. We are continuing to lose our credibility and our trust with our communities. Sir Robert Peel in early 1800's London talked about policing being successful through the consent of the community that employs them. If there is zero trust between the two, there can be no effective policing strategy that is understood and supported by the community. When such trust is lost, crime will not get reported, victimization increases, and policing is a shell of what it is capable of accomplishing. At this moment, we must be contrite in trying to understand the lived experiences of those who have never or no longer trust us. Starting that conversation from a position of curiosity rather than defensiveness begins a relationship which then begins to re-establish trust. Brene Brown says it's difficult to hate up close. We need to close the gaps between us, show empathy in trying to understand one another, and try to build back relationships between the community and the police that are currently fractured.

**Rock County Sheriff:**

I appreciate the people that I work with and believe that they try to serve selflessly, with incredible patience, compassion and professionalism. We all may have a bad day here and there and can probably all stand to improve in some way so that challenge always exists but we keep striving. With regard to other agencies, I see the videos and read the reports that cause me concern just as I am sure it concerns others. I try to reserve judgment until I am in their shoes or until I have all of the facts, that one may not get based on one view. All that being said, just like us, I am sure that improvements could be made there also.

**9. What is your department's position on making lynching a federal crime?**

**Beloit:**

The City of Beloit Police Department supports any laws that are made to be federal and would refer any investigation to the appropriate agencies.

**Janesville:**

This is not an issue that we have discussed as an organization. We certainly could support such a position although it already addressed on a state level (intentional homicide) and on the federal and state level (hate crime).

**Milton:**

I've spent no time looking into any proposals, but my immediate reaction is to completely support it and surprise that it is not already in the federal code.

**Rock County Sheriff:**

I have been doing this job for thirty years here in Rock County and I don't believe that we have ever had a case of lynching. That being said, it seems a pretty heinous crime but the classification of these laws is with the legislature.

- 10. Does your department have body cameras?**
- a. If yes, what are the requirements for the use of these devices?**
  - b. If no, is there a plan to acquire and use body cameras?**

**Beloit:**

All patrol level officers and sergeants, SRO and Detectives are equipped with body cameras. These cameras are utilized when officers are on calls for service in an official capacity.

**Janesville:**

Yes, we were one of the first departments in the state to embrace the technology. We have had them for over a decade. Currently, all patrol officers, school officers and supervisors wear the equipment. We expect our officers to turn on the camera for any police action. We have a five-year contract for 400k plus 50K per year in ongoing costs. Clearly very expensive however, one lawsuit could be more expensive.

**Milton:**

Yes, we have a policy based on best practices from around the country that is compliant with recent state laws governing their use. The requirements are too length to list here, so I'll refer you to our webpage where the policy is posted for public access – [www.milton-wi.gov/537/Policies](http://www.milton-wi.gov/537/Policies)

**Rock County Sheriff:**

The Sheriff's Office has squad cams and they turn are to be used during citizen contacts and will turn on automatically when the lights are on or we hit certain speeds. In April or May, we applied for a grant to help us acquire body cams. We will find out in October whether we get the grant or not. If we do not, we will likely try to find another funding source to bring this equipment to our agency.

## **11. What role does funding play in regards to these questions?**

### **Beloit:**

Budgets are consistently evaluated and strained across the board in government positions, not just law enforcement. Removing funding from law enforcement causes concerns in having to reduce funding for training. As an agency we have been consistently ahead of the curve in training, losing funding could cause us to no longer be at the tip of the spear when it comes to training.

### **Janesville:**

Funding is imperative. 92% of my budget is personnel. Any meaningful reductions in my budget would be a reduction in officers.

I have a very lean police department. Our officer staffing was higher in 2000. If I were to staff to our Wisconsin peer cities, I would have to hire 18 police officers.

Currently I am unable to deliver the service level that is asked of us by our citizens.

### **Milton:**

Funding will always play a role. Any changes made within a department must be delivered to employees through training. Any meaningful training takes time, which takes officers off of the street. The community wants officers on the street to respond to their calls. So training is then done on overtime, which is already a limited resource. Funding also plays a role in the ability to offer competitive wages, which directly impacts police officer recruitment and retention.

### **Rock County Sheriff:**

There are many things that we can do with very little funding such as instilling a professional service-oriented mindset but other initiatives do cost money and sometimes that investment is significant (let's talk jail).