

**REPORT OF AD HOC COMMITTEE
ON ALCOHOL LICENSING AND TRAFFIC STOPS OF AFRICAN AMERICANS
TO THE EQUAL OPPORTUNITIES COMMISSION**

The Madison Equal Opportunities Commission (MEOC) on June 12, 1996, created the Ad Hoc Committee on Alcohol Licensing and Traffic Stops of African Americans. The creation of this committee was prompted by both community members' and MEOC commissioners' questions regarding seemingly differential treatment and disparate impact on members of our community in two areas:

1. Alcohol license enforcement of bars which cater to a significant African American clientele, and
2. Traffic law enforcement of motorists who are African American

The mission statement of our subcommittee reflects these concerns.

Mission

The Ad Hoc Committee will:

- ▶ Address and respond affirmatively to concerns raised by community members that Madison Police actions have a discriminatory impact on alcohol licensed establishments that have a significant number of non-White clientele.
- ▶ Address and respond affirmatively to concerns raised by community members that Madison Police actions have a discriminatory impact on traffic enforcement procedures affecting non-White persons.
- ▶ The committee will gather and review data from Alcohol License Review Committee (ALRC), Madison Police Department's records, City Attorney records, patrons and community groups and relevant sources.
- ▶ Provide a forum for community input.
- ▶ Assess the impact of current process and standards.
- ▶ Provide written report and recommendations to MEOC.

The MEOC established this subcommittee under the powers and duties of the Equal Opportunities Commission, as expressed in Madison General Ordinances, Section 3.23(9)(b):

“The Equal Opportunities Commission shall have the following powers and duties:

- “1. To study the existence, character, causes and extent of the denial of equal opportunity because of sex, race, religion, color, national origin or ancestry, age, handicap, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs or the fact that a person is a student as defined herein, in the City of Madison.

2. To informally recommend solutions to individual problems that may arise which involve the denial of equal opportunities because of sex, race, religion, color, national origin or ancestry, age, handicap, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, or the fact that such person is a student as defined herein.
3. To disseminate information and provide technical assistance, consultation, training programs and other techniques to educate the people of the City of Madison and to aid both private and public agencies to use their resources to promote equal opportunities for all persons.”

We, as MEOC Commissioners, recognize that some individuals have questioned the MEOC’s powers and duties. This is not the first time such an issue has been raised. Then-Chief of Police David Couper raised similar questions of the MEOC’s role in 1975. On July 28, 1975, then-City Attorney Henry Gempler and then-Assistant City Attorney Helen E. Gibson responded in a memo which states, in part:

“As you know, the Equal Opportunities Commission has other responsibilities besides the processing of complaints. Subsection (10)(b)(1) (current 3.23 (9)(b)) gives the Commission power to study the existence, character, causes and extent of the denial of equal opportunity because of sex, race, etc. If the commission has reason to believe that “Police misconduct” may apply differentially to minorities, or other groups protected by the Ordinance, they have the power and duty to make a study of the problem and to recommend solutions to the appropriate authorities.”

The MEOC Commissioners who make up the Ad Hoc Committee on Alcohol Licensing and Traffic Stops of African Americans are:

- ▶ Vance Gathing
- ▶ Eric Hands
- ▶ Ald. Barbara Vedder
- ▶ Vicki Washington
- ▶ Bert Zipperer

The following is our report.

I. The Process Used by the Committee

The Committee held a series of public meetings to gather information about the issues from representatives of the Madison Police Department (MPD), the City Attorney’s Office, the Alcohol License Review Committee (ALRC) and The Capital Times. Public hearings were held in the neighborhoods most directly impacted by these issues in order to collect information from citizens concerning perceptions and experiences with police traffic stops and alcohol enforcement. In addition, the Committee reviewed substantial relevant documentation and data from the Madison Police Department, ALRC, The Capital Times, City of Madison Ordinances, police policies and selected articles and research relating to police policies and procedures from other jurisdictions. While this data may not meet academic standards of statistical validity, the information nonetheless is probative and relevant.

II. Alcohol License and Enforcement Process: Findings and Recommendations

In considering this issue, the Committee held a series of meetings during which it received statements from various representatives of the Madison Police Department, City Attorney's Office and the ALRC. The speakers described the process they follow in determining enforcement of the Alcohol Beverage Ordinance. In addition, the Committee reviewed various documents including police reports and other relevant materials. As a result of evaluating all information collected and made available to it, the Committee made the following findings and identified the following areas in need of improvement.

A. Findings

1. The current point system for alcohol beverage violations provides an objective standard for determining which license holders should be subject to suspension or revocation procedures. The use of this point system is restricted to violations of Chapter 3 (Discrimination), Chapter 9 (Non-Alcohol Nights) and Chapter 38 (Alcohol Beverage Violations) of Madison General Ordinances.
2. There is a lack of explicit standards and criteria to be used in the exercise of discretion at critical stages in the decision-making process as related to disorderly house violations; that is, the Police Department when making referrals to the City Attorney's Office, and the City Attorney when making a determination to institute formal action.
3. The lack of such standards creates a situation where the process invites disparate impact in the exercise of judgment;
4. Proprietors of licensed establishments lack information about the expected standards of behaviors, the impact of violations and the progressive disciplinary process (i.e., security plan, formal expression of concern, suspension, revocation and non-renewal); and
5. In some cases, the security plans mandated by the ALRC failed to consider the economic impact of the requirements stipulated by the Plan without consideration of the relative egregiousness of the offenses.
6. In some cases subjective criteria and standards that are not neutral and reflect cultural bias, adversely impact certain groups.
7. The majority of enforcement actions are reactive precipitated by police calls and citizen complaints.

B. *Recommendations for Alcohol Licensing*

The ALRC point system appears to be an objective system that defines standards to be equitably applied to all establishments. Therefore, it is recommended that:

1. The Madison General Ordinances be amended to extend the application of the point system to include offenses which constitute a disorderly house violation (drug offenses, weapons violations, fights and other disorderly conduct, sexual assaults, batteries, etc.).
2. Steps be taken to assure that the point system and other relevant information is clearly and systematically communicated in writing to all licensed establishments.
3. Recommend that Madison Police Department establish and implement a process of systematic unannounced inspections of all licensed establishments.
4. While the Committee recommendations have focused on matters related to the point system, a license holder orientation or informational packet outlining all relevant requirements and mandates would be a proactive step to enhance compliance on an ongoing basis.

III. *Traffic Stops Findings and Recommendations*

The Capital Times article cited compelling information showing that Black people who make up four (4) percent of the City of Madison population received more than 13 percent of the traffic citations between January 1994 and October 1995. The Madison Police Department indicated that certain neighborhoods are targeted for increased drug and gang law enforcement activities specified in federal grants. They offered this as an explanation for the disproportionate number of African Americans being stopped and cited for traffic violations in certain areas of the City.

Citizens making statements during the public hearings expressed with great passion and conviction their beliefs that they were being stopped without justification, and said they were not provided reasons for being detained when no citations were issued. They believed that disparate treatment occurred because of their race, i.e., African American/Hispanic. Many speakers, with passive resignation, expressed great hopelessness toward ever improving the situation. In general, many expressed fear, humiliation, distrust and anger regarding treatment of racial minority group members by the Madison Police Department and other area law enforcement agencies. Some speakers described how they teach their children to be very cautious of the Police and to avoid driving through certain neighborhoods. They explained that they viewed these behaviors as survival skills for their children.

A. *Findings*

1. Data presented by both the Madison Police Department and The Capital Times confirm that African Americans are being stopped in much higher proportion than their numbers in Madison.

2. Citizens explained that they were not provided reasons why they were stopped and detained by the police when no citations were issued.
3. Citizens expressed a lack of knowledge about police jurisdiction, i.e., which police department the officer who stopped them represented.
4. Citizens described a lack of knowledge about the complaint processes regarding police behavior, and how to learn the outcome of complaints made.
5. The Madison Police Department does not maintain written data on traffic stops where no citations are issued. This lack of data prevents effective assessment of police performance in these situations.

B. *Recommendations*

As a result of these findings, the Committee recommends that:

1. The Madison Police Department provide user-friendly informational brochures to explain both the internal Madison Police Department and the Madison Police and Fire Commission procedures to redress complaints about police behaviors. The brochures should include an explanation of how the person will be notified of the results of the complaint. Brochures should be widely disseminated (grocery stores, libraries, convenience stores, squad cars, etc).
2. Establish a City of Madison “Hot Line” where people can express concerns about police behavior, as well as learn about the complaint processes.
3. The Madison Police Department establish a policy requiring officers to provide business cards with their badge number for stops where no citation is issued.
4. The Madison Police Department keep permanent records of traffic stops where no citation is issued. The records kept should not reveal the identity of the person(s) stopped, but contain demographic information including, but not limited to, date, time, location, race and ethnicity, identity of officer, reason for stop, etc. Sufficient data would be retained to allow an assessment of traffic stops to be made in the future.
5. At least annually, the City of Madison Public Safety Review Board review traffic stop data and publish a detailed annual report regarding traffic stops.

IV. Diversity Education - A Proactive Strategy

A. *General Considerations*

After assessment and review of various statements and perceptions during the series of meetings and interaction with representatives of the Police Department, City Attorney’s Office, ALRC and citizen participants, the Ad Hoc Committee believes there is a need

for ongoing effective diversity education. The Ad Hoc Committee urges implementation of this recommendation.

Multicultural education designed for the Madison Police Department and ALRC should provide a positive opportunity to explore the impact of culture, race, gender and other social conditions on law enforcement officers, commission members, their work environments and communities served. Multicultural education will help them break through the barriers of thinking in stereotypical ways, i.e., from a monocultural perspective.

B. *Recommendations*

Given the increasing diversity of the population living in the City of Madison, the Ad Hoc Committee recommends ongoing diversity education for both the Madison Police Department and the ALRC. These educational experiences will greatly improve operations, and police interactions with both internal and external constituencies, and stakeholders.

Attached is a description of a comprehensive diversity training program.

Diversity Training

Effective diversity education that results in long-term systemic change is multicultural in perspective. The major theoretical underpinning of effective multicultural education is the belief that changing negative thoughts, behaviors and feelings about people who are culturally different requires not only new information about those groups, but also affective and behavioral change.

In this context multiculturalism is defined as “a process of change by which we learn to recognize, understand and appreciate our own cultural identities, as well as the similarities and differences of people from other cultural groups.” Those characteristics can include: race, ethnicity, gender, sexual orientation, socio-economic status/class, job status, religion, physical abilities and veterans status, among others.

This approach enables participants to examine the impact of their beliefs and values (i.e., culture) on their lives and how they respond to others who are different. This learning occurs through utilization of various theories, using both didactic and experiential modes. Educational activities combine cognitive (thinking), affective (feeling) and behavioral (doing) learning techniques.

It is critically important that the multicultural educational experiences provide a safe, nonjudgmental learning environment. Participants should be free to take ideas that are helpful, discard those that may not be, and acknowledge that there are many other perspectives that participants will bring with them. In addition, a confidentiality contract from group members is critical to success of any multicultural educational effort. This contract states that people will not discuss, outside the training, anything that they learn of a personal nature about any other group member. Such agreements help participants feel safe to reveal personal attitudes and experience should they chose to do so.

Other safeguards include an assumption that the feelings, attitudes, values and beliefs that people hold about those of other races and cultural groups are learned. Given that assumption, blame and guilt are not useful, and in fact are counterproductive to change. Thus, the learning experience should not allow for blame or accuse whites for racism, men for sexism, etc., nor blame the victims of these “isms” for the presence of racism, classism, sexism, etc.

Educational Components

Multicultural Education emphasizes the impact of difference - race, gender, class, age, sexual/affectational orientation, religion, military experience and physical ability. It is highly recommended that “Race” as a target variable be the focus of at least one of the multicultural educational experiences. The workshop should be structured to allow for both theoretical and experiential education that will provide participants with concrete strategies for:

- ▶ Identifying personal prejudice and misinformation;
- ▶ Identifying institutional racism and other forms of systemic oppression and discrimination;
- ▶ Changing dysfunctional intra-racial and inter-racial behaviors;
- ▶ Understanding the personal effects of systemic oppression - e.g. racism in both Whites and people of color; sexism, in both men and women; ageism, in the young, middle-aged and elders, etc.

- ▶ Incorporating information regarding current issues, problems and methods important to exploring multicultural issues.

Workshop Objectives

1. Assess participants' current awareness regarding the role of culture in their work.
2. To have participants become aware of their own racial and cultural script histories.
3. To help participants learn to identify and change dysfunctional inter-racial and cultural attitudes and behaviors.
4. To promote a cooperative and pluralistic work and community environment.

Training Phases

- I. Assessment
 - Identify Current Traditions Used by Participants
- II. Uncovering Current Assumptions About People of Other Races & Cultures
 - Racial and Cultural History Exercises
 - Theory and Presentation
 - Application Level
- III. Uncovering and Changing Personal Level Racism and Internalized Oppression and Other "Isms"
 - Racial Script Work
 - Caucusing and Alliance Building
 - Practicing How to Take a Stand for Multiculturalism
- IV. Applying New Information
 - Increasing the Value for Multiculturalism Among Predominantly White and/or Male Staff Members
 - Planning for Multicultural Organization
 - New Directions