

# SASY

## Schenk-Atwood-Starkweather-Yahara Neighborhood Association

Sunday, January 27, 2013

The Schenk-Atwood-Starkweather-Yahara (SASY) Neighborhood Association council wishes to express our deep concern regarding the November 9th police killing of unarmed Madison resident, Paul Heenan. To regain community trust in the Police Department regarding 911 calls, we believe strongly that two key actions need to take place. (1) An objective, external investigation should be undertaken any time a police officer kills a civilian. We believe this should be done immediately with respect to Paul Heenan's killing, particularly as it occurred within 15 seconds of the officer's arrival. (2) Police Department training, supervision, policies and procedures should be evaluated carefully to see if and how they contributed to this specific incident. Business should not go on as usual when something as brutal as this occurs in our community.

There are several troubling aspects to Paul Heenan's shooting in the picture emerging from the investigation and re-enactment video about the Police Department's policies and procedures. The following points mention neighbor O'Malley. He is the person who was trying to steer Paul back to his new home two houses away when the police officer arrived.

- The officer arrived and immediately escalated the situation. Believing there was a burglary and struggle taking place, he drew his gun and began making commands to get down and get back. Within 15 seconds of his last radio transmission upon arrival he had killed Paul by shooting him three times in the torso because the officer feared he was in imminent danger himself. This death was not about protecting neighbor O'Malley.
- The police officer did not correctly assess the situation and wrongly assumed he knew what was going on. He did not ask O'Malley or Paul a single question. He did not identify himself as police.
- O'Malley later in an investigation video recording explains he never felt in danger from Paul. He simply wanted the officer to diffuse the situation.
- The officer reported he did not hear O'Malley loudly saying repeatedly that Paul Heenan was a neighbor. Another neighbor reported she heard O'Malley from inside her house.
- Heavily intoxicated, Paul Heenan came toward the office and grappled with him. The police officer interpreted this as Paul Heenan was after his gun and kept his gun drawn while pushing Paul away with lethal intent. This lethal intent is consistent with police policy 6-100 if an officer believes his/her life is in imminent danger.
- The re-enactment by O'Malley shows that after being pushed 5-6 feet away, Paul had his hands at his chest and perhaps was starting to crouch and turn slightly away from the officer. It was clear that Paul was not in an aggressive stance; nor was he saying anything aggressive.

- Nevertheless, the officer quickly shot Paul Heenan three times in the torso with lethal intent.
- In justification of his action, the first thing the officer said to his partner after killing Paul was that he was after his gun.

Far from protecting the community and diffusing the situation, the officer escalated the situation apparently consistent with his police training, policy, and procedures. This should give one cause for concern about the policies and procedures themselves. Chief Wray has already indicated this police officer will be returned to patrol since the internal review exonerated him. This return to patrol occurs, even though the officer has had two prior incidents involving excessive force. Because he was exonerated, the earlier incidents do not come into the decision.

**Request 1:** With respect to our first request for an external review, we believe that models from other cities should be studied to identify better approaches than the Police Department conducting its own internal investigations of deaths at the hands of its police officers. Portland Oregon District Attorney Mike Schruck recently retired after 30 years as DA. Widely respected, his office automatically sent shootings involving officers to a grand jury for scrutiny into possible wrongdoing. *[Milwaukee DA Mike McCann also did a public inquest into any shootings by police.]* Schruck supported requiring secret grand jury hearings to be recorded in cases where people died at the hands of police. His office released written transcripts of such hearings. As he said, “The criminal justice system is too damned important to be left to just the professionals. It needs fresh eyes. It needs fresh ears. It needs oversight.”

**Request 2:** Second, we believe Chief Wray is genuinely concerned about re-establishing community trust. To do that he needs to examine whether best practices are being used by our city of Madison Police Department. We believe that this case must be examined in the broader context of our department’s recruitment, training, supervision, ongoing support and psychological evaluation, policies and procedures. By exonerating the officer, the Police Department has simply said he complied with the Department’s policies and procedures, not that they believe they are following best practices. A Quality Improvement approach is needed to evaluate all of the above policies and procedures to reduce the chance of this same incident in someone else’s neighborhood. This evaluation should include best practice with respect to helping our officers diffuse situations, assess ambiguous situations with words, anticipate and regulate themselves effectively when they are most likely to be over-activated with narrowed perceptual abilities at times of perceived danger. We appreciate the special burdens on our officers, who put themselves in harm’s way, but there is a need to train, support, and constantly evaluate how accurately and well regulated they are in dealing with these situations. Are ongoing evaluations ratcheted up when an officer shows evidence of excess force?

In summary, we depend on our police chief to set a tone. For instance, how often are officers criticized for taking a second or minute to assess a situation before responding? The short timeframe has been used often to justify the officer’s action. However, the 15 second timeframe was in the officer’s hands. He made his judgements fast, too fast. It behooves the agency to perform a root cause analysis of the event to identify strategies to avoid such events in the future and to identify officers at risk of using excessive force. Norms, policies, procedures, and training about the use of non-lethal as well as lethal force must be re-examined. And when a shooting death occurs, an independent investigation must be conducted so the community can trust that a fair and unbiased investigation has been conducted. If the Chief cannot undertake a full Quality Improvement process to evaluate whether best practices are in place, then the mayor should appoint an external body to oversee this process. Paul Heenan was a young musician recently

returned from New York with his life ahead of him. He suffered a brutal, painful death. We owe him and his family this at least.

We wish this tragedy had never happened. We send our deepest sympathies to Paul Heenan's parents, close friends and family as well as to the immediate neighbors on Baldwin Street who were so dramatically affected by the death of a neighbor/housemate/friend. We also acknowledge the pain and suffering to the officers involved in Paul's death. The healing will be complete and the trust returned to our Police Department only when policies, training, and procedures are improved and a policy is adopted requiring an independent investigation when a police officer takes the life of one of our neighbors.

Respectfully,

A handwritten signature in black ink that reads "Lou Host-Jablonski". The signature is written in a cursive, slightly slanted style.

Lou Host-Jablonski  
Chair, SASY (Schenk-Atwood-Starkweather-Yahara Neighborhood Association)

cc:  
Police Chief Noble Wray  
Mayor Paul Soglin  
Alder Marsha Rummel  
Representative Chris Taylor  
County Executive Joe Parisi  
County Supervisor John Hendricks  
Sheriff David Mahoney  
District Attorney Ismael Ozanne  
Senator Mark Miller  
Madison neighborhood associations  
Police and Fire Commission members  
Wisconsin State Journal  
John Nichols