



City of Madison

City of Madison
Madison, WI 53703
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Master

File Number: 61667

File ID: 61667

File Type: Resolution

Status: Council New Business

Version: 1

Reference:

Controlling Body: COMMON COUNCIL EXECUTIVE COMMITTEE

File Created Date : 08/04/2020

File Name: Final Report Alder WG Independent Civilian Oversight

Final Action:

Title: Adopting the Final Report of the Alder Workgroup to Develop Logistics & Operational Details for Madison Police Department Independent Civilian Oversight.

Notes:

Sponsors: Donna V. Moreland, Shiva Bidar and Rebecca Kemble

Effective Date:

Attachments: 8/3/20 Final Report Alder Workgroup to Develop Logistical and Operational Details for MPD Independent Civilian Oversight.pdf

Enactment Number:

Author: John Strange, Assistant City Attorney

Hearing Date:

Entered by: lveldran@cityofmadison.com

Published Date:

Approval History

Version	Date	Approver	Action
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History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Council Office	08/04/2020	Referred for Introduction				
	Action Text:	This Resolution was Referred for Introduction					
	Notes:	Common Council Executive Committee, Finance Committee, Equal Opportunities Commission, Public Safety Review Committee					

Text of Legislative File 61667

Fiscal Note

FISCAL NOTE PENDING

Title

Adopting the Final Report of the Alder Workgroup to Develop Logistics & Operational Details for

Madison Police Department Independent Civilian Oversight.

Body

WHEREAS, By Resolution (20-00459, Legistar File Number 60764), adopted June 16, 2020 (“Resolution”), the City of Madison established the Alder Workgroup to Develop Logistics and Operational Details for Madison Police Department Independent Civilian Oversight (“Workgroup”) consisting Alder Shiva Bidar, Alder Rebecca Kemble, and Alder Donna Moreland; and,

WHEREAS, Alder Donna Moreland served as Chair of the Workgroup, which was supported by various city staff members, including from the Finance Department, Human Resources, Information Technology, Common Council Office, and Office of the City Attorney; and,

WHEREAS, the Resolution charged the Workgroup with 1. Creating an ordinance to establish independent civilian oversight of MPD, including provisions for the Civilian Oversight Board (“Board”) and Independent Police Monitor (“Monitor”) as recommended by the Madison Police Department Policy and Procedure Review Ad Hoc Committee (“Ad Hoc Committee”) and accepted by Common Council Resolution (RES-19-00578); 2. Identifying budget and other support needed to ensure effective functioning of the Board and Monitor, including drafting budget amendments, proposed staff support, and training needed; 3. Identifying the community organizations who will nominate some of the Board members; and 4. Creating a timeline and process for recruitment of Board members and hiring of the Monitor; and

WHEREAS, the Workgroup met ten (10) times between June 22, 2020 and August 3, 2020 and reached out to fifty-nine (59) community-based organizations to receive input on the ordinances and processes it was creating; and,

WHEREAS, the Workgroup created proposed ordinances establishing the Office of the Independent Monitor and Police Civilian Oversight Board (Legistar File Numbers 61593 and 61595), a Resolution appropriating funding in 2020 to support the Board and the Monitor, including a position description for the Monitor (Legistar File Number 60617), a list of nine (9) community-based organization that would nominate some of the Board members, and a timeline for establishing the Board and hiring a Monitor; and,

WHEREAS, the above legislative items will be introduced at the August 4, 2020 Common Council meeting and referred to the Common Council Executive Committee, the Finance Committee, the Equal Opportunities Commission, and the Public Safety Review Committee for comments and recommendation; and,

WHEREAS, in addition to creating the above legislative items, the Workgroup also created the following list of nine (9) community-based organizations that will provide the Mayor and Common Council with nominations for Board members pursuant to proposed M.G.O. § 5.20(3)(a)3: Freedom, Inc., JustDane, YWCA, Urban Triage, UNIDOS, Community Resource Team, OutReach, Sankofa, and NAACP of Dane County; and,

WHEREAS, as provided in the proposed ordinance creating the Board, this list of community-based organizations will be updated every two years by the Monitor, Board, and Common Council and, moreover, nothing prohibits other community-based organizations from providing the Mayor and Common Council with recommendations of individuals to serve on the Board; and,

WHEREAS, the timeline created by the Workgroup for establishing the Board and hiring the

Monitor is detailed in the Final Report; and,

WHEREAS, on August 3, 2020 the Workgroup voted unanimously to forward its Final Report to the Common Council for adoption,

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the City of Madison Adopts the Final Report of the Workgroup; and,

BE IT FINALLY RESOLVED, by adopting the Final Report of the Workgroup pursuant to M.G.O. § 2.27(3) the Common Council is stating that it agrees with the Final Report and that the policy recommendations are adopted as policy of the City, which the City and its agencies are expected to follow.

REPORT OF: Alder Workgroup to Develop Logistical and Operational Details for MPD
Independent Civilian Oversight

SUBMITTED BY: Alder Donna Moreland (Chair), Alder Shiva Bidar, and Alder Rebecca Kemble

DATE: August 3, 2020

BACKGROUND

The Madison Police Department (MPD) Policy and Procedure Review Ad Hoc Committee met for over four years and submitted its [final report](#) containing 177 recommendations to the Madison Common Council in October 2019. Given the utmost importance of the recommendation to create an independent monitor and a civilian oversight board, the committee submitted these recommendations in advance of the full report in order to ensure the inclusion of funding for the independent monitor in the 2020 budget. On August 6, 2019, the Madison Common Council adopted [RES-19-00587](#) (Legistar file#56679), accepting two recommendations by the Madison Police Department Policy and Procedure Review Ad Hoc Committee:

1. Civilian Oversight/Independent Monitor's Office; and
2. Comprehensive Internal Review and Root-Cause Analysis of Critical Incidents.

In order to provide structure and guidance for the implementation of the recommendation to create a civilian oversight board and an independent monitor, on June 6, 2020, the Madison Common Council adopted [RES-20-00459](#) (Legistar file # 60764) establishing the Alder Workgroup to Develop the Logistical and Operational Details for MPD Independent Civilian Oversight.

The charge of the Alder Workgroup to Develop the Logistical and Operational Details for MPD Independent Civilian Oversight was to accomplish the following by August 4, 2020:

1. Creating an ordinance to establish independent civilian oversight of MPD, including provisions for the Civilian Oversight Board and Independent Monitor
2. Identifying budget and other support needed to ensure effective functioning of the Civilian Oversight Board and Independent Monitor, including drafting budget amendments, proposed staff support, training needed
3. Identifying the community organizations who will nominate some of the Civilian Oversight Board members
4. Creating a timeline and process for recruitment of Civilian Oversight Board members and hiring of Independent Monitor

WORKGROUP ACTIVITIES

The Alder Workgroup to Develop the Logistical and Operational Details for MPD Independent Civilian Oversight met ten (10) times between June 25 and August 3, 2020. Over the course of this five week period, the Workgroup crafted an ordinance establishing the Civilian Oversight Board and Office of the Independent Monitor; a position description for the Independent Monitor; a resolution delineating the use of the \$200,000 allocated in the 2020 budget for the establishment of a Civilian Oversight Board, which will then hire the Independent Monitor; created the ordinance that establishes the Independent Monitor position classification; and identified the inaugural designated set of community organizations who will nominate nine (9) members of the Civilian Oversight Board.

In order to provide outreach on the work of the committee to the public, the Workgroup reached out to over fifty (50) [community organizations](#) and created a [webpage](#) dedicated to the work of the Workgroup. Fellow alders and members of the public, including representatives of a range of community organizations, as well as former members of the MPD Ad Hoc committee, attended the meetings. Because the Workgroup voted to suspend the rules and allow audience members to dialogue with committee members, they were able to gain substantive input from members of the public beyond the formal public comment process.

In its deliberations, the Workgroup paid particular attention to a number of issues, including:

- fidelity to the wording of the MPD Ad Hoc Committee recommendations;
- the need for the Civilian Oversight Board and Independent Police Monitor to be independent from both the Madison Police Department, and City elected officials and staff;
- legal and procedural nuances to assure the ability of the Independent Monitor and Civilian Oversight Board to have unfettered access to the documents and individuals that they will need to be successful, including subpoena power;
- the importance of diversity and lived experience in the composition of the Civilian Oversight Board;
- assuring adequate funding and staffing for the Office of the Independent Monitor;
- the need for comprehensive training for the Civilian Oversight Board; and
- the need for in-depth input from community organizations and resident stakeholders.

RECOMMENDATIONS

Alder Workgroup to Develop the Logistical and Operational Details for MPD Independent Civilian Oversight makes the following recommendations:

1. Adopt [Legistar# 61593](#), the Ordinance creating Sections 5.19 and 5.20 of the Madison General Ordinances establishing the Office of the Independent Police Monitor and the Police Civilian Oversight Board;
2. Adopt [Legistar# 60617](#), the resolution that provides funding and positions for a new Office of the Independent Police Monitor, funding for a new Police Civilian Oversight Board, and funding for legal representation costs for individuals that bring complaints before the Police and Fire Commission;

3. Adopt [Legistar# 61595](#), amending MGO 3.54(9)(b) to add the position of Independent Police Monitor as a Compensation Group 21 level employee
4. Adopt the following designated set of nominating organizations pursuant to proposed M.G.O. § 5.20(3)(a)3., which requires that a designated set of nine (9) community-based organizations submit Board member nominations to the Mayor and Common Council, with priority given to organizations with budgets of less than \$1.0 million:
 1. Freedom Inc -budget over \$1.0 million
 2. JustDane -budget over \$1.0 million
 3. YWCA -budget over \$1.0 million
 4. Urban Triage -budget under \$1.0 million
 5. UNIDOS -budget under \$1.0 million
 6. Community Response Team -budget under \$1.0 million
 7. NAACP of Dane County -budget under \$1.0 million
 8. Sankofa -2020 budget under \$1.0 million
 9. OutReach -budget under \$1.0 million
5. Direct City of Madison Human Resources to design a recruitment process and recruit the Independent Monitor using the [position description drafted by the committee](#), and provide City staff support to the Civilian Oversight Board to conduct an equity analysis of the position before recruitment for the Independent Monitor begins;
6. Establish an administrative support team of existing City staff coordinated by the Common Council Office, to support the processes of initially establishing and training the Civilian Oversight Board and supporting the COB to recruit the Independent Monitor;
7. Nominations for the Civilian Oversight Board will be considered at a special CCEC meeting of September 29, 2020. Appointments for the Civilian Oversight Board should be presented to the Common Council for adoption under suspension of the rules at the Common Council meeting of October 6, 2020;
8. Ensure sufficient financial support for the Civilian Oversight Board and Office of the Independent Monitor in the 2021 budget and going forward; and
9. The Civilian Oversight Board shall be composed of at least 50% Black members.

CONCLUDING REMARKS

As per their charge, the Alder Workgroup remained faithful to the wording of the MPD Ad Hoc Committee's recommendations. **Thus, although the Alder Workgroup did not add this language to the ordinance, we would like to strongly recommend a specification be added by the Common Council: the Civilian Oversight Board shall be composed of at least 50% Black members.** The Alder Workgroup feels strongly that this recommendation comports with the

Ad Hoc Committee's recommendations. Additionally, members of the MPD Ad Hoc Committee were present at the Alder Workgroup meetings and expressed their support for this item.

The Workgroup is deeply thankful for the following City staff for their expertise, diligence and support, especial given the time pressure under which our work needed to be completed: Common Council Legislative Analyst Karen Kapusta-Pofahl; City Attorney Michael Hass; Assistant City Attorneys John Strange and Marci Paulsen; Human Resources Director Harper Donahue; and Finance Director David Schmiedicke. Last, but certainly not least, our continued gratitude to the committed residents who served on the MPD Policy and Procedure Review Ad Hoc Committee, as well as all of the residents and community organizations who provided input both at our meetings and through email.