

# Civilian Oversight of Police

Lessons from other communities and the  
Wisconsin Police and Fire Commission framework

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The Police and Fire Commission (PFC)  
provides the scaffolding for civilian oversight

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What is civilian oversight?

What is the Police and Fire Commission System?

How can Madison build on the PFC System to enhance  
transparency and accountability?



# Civilian Oversight

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Over 150 Cities have a civilian oversight board for law enforcement

## Goals:

- ✓ Prevent costly lawsuits
- ✓ Promote trust between police and community members
- ✓ Increase comfort for reporting crime



# Four main types of civilian oversight

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**Investigative**

**Review**

**Appeal**

**Audit**



# Police Oversight in Wisconsin

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- ▶ In 1899, The State of Wisconsin established police and fire commissions for first and second class cities (§62.50 §62.13)
- ▶ Police and fire commissions established to manage personnel issues (hiring, commendations, discipline and firing) and to insulate those decisions from political influence
- ▶ Police and fire commissions are comprised of 5 commissioners for 5 years and are appointed by the Mayor



# What is the difference between civilian oversight and a WI pfc?

	<b>Portland Independent Police Review</b>	<b>Madison Police and Fire Commission (PFC)</b>	<b>Milwaukee Fire and Police Commission (FPC)</b>
Does it conduct an investigation?	Yes	No	No
Does it hold a hearing to determine a result?	Yes	Yes	Yes
Does it have subpoena power?	Yes	Yes	Yes
Does it have the authority to review the internal affairs investigation?	Yes	No	No



# What is the difference between civilian oversight and a WI pfc?

	Portland Independent Police Review	Madison Police and Fire Commission (PFC)	Milwaukee Fire and Police Commission (FPC)
Does it have the authority to implement discipline?	No	Yes	Yes
Does it conduct policy review and develop recommendations for the Chief and elected officials?	Yes	No	Yes
Does it issue annual reports or publish the results of hearings for the public?	Yes	No	Yes



# Leveraging the Powers of the PFC

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- ▶ The PFC has the authority to
  - ❑ Subpoena
  - ❑ Hold hearings
  - ❑ Implement discipline including termination

While Madison has fewer PFC powers than Milwaukee's FPC – it could leverage the existing PFC powers for oversight.





# Audit of MPD complaint investigations

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- MPD complaints are generally investigated by internal investigators (Professional Standards/Internal Affairs Unit)
- Deaths while in custody must be investigated by at least one investigator from outside the department, in practice usually the State Department of Criminal Investigation.
- MPD provides quarterly reports of sustained complaints.
- Other details of the complaint process are less accessible to the public.
- Many cities (Portland, LA and Tucson) employ auditors to provide reviews and reports of the investigation process and to provide recommendations on a regular basis.



# External Investigations for Complaints of Misconduct

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- ▶ External investigations may enhance public trust in the complaint investigation process
- ▶ 2 year rotation through PSIA may raise concerns about conflict of interest
- ▶ Exoneration by external investigators may be more credible for public and therefore more valuable to the officer



# Regular reports for transparency

## Police and Fire Commission (PFC)

To file a complaint with PFC: [PFC Complaint Form PDF](#) 

















Rules of the Board of Police and Fire Commissioners of the City of Madison: [PFC Rules PDF](#) 

Information on PFC: [Roster](#) and [Staff Contact](#)

### Police and Fire Commission (PFC) Decisions

Note: This list and the attached decisions are a sample only and are not a comprehensive collection of all decisions by the Board.

In Alphabetical Order:

- [Amesqua vs. Barlow PDF](#) 
- [Amesqua vs. Behrend PDF](#) 
- [Amesqua vs. Elvord PDF](#) 
- [Amesqua vs. Gentilli PDF](#) 
- [Amesqua vs. Greer PDF](#) 
- [Amesqua vs. Madden PDF](#) 
- [Amesqua vs. Patterson PDF](#) 
- [Amesqua vs. Reznikoff PDF](#) 
- [Amesqua vs. Wagner PDF](#) 
- [Durkin vs. Gilbert PDF](#) 
- [Lueders vs. Riley PDF](#) 
- [Tayler vs. Tieu, Sweeney, Coutts, Needelman PDF](#) 
- [Williams vs. Williams PDF](#) 
- [Wray vs. Grogan, 2006 PDF](#)  Posted 11/27/06
- [Wray vs. Grogan, 2008 PDF](#) 
- [Wray vs. Henderson PDF](#)  Re-Posted 03/29/07

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### Police & Fire Commission Decisions

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[Annual Reports](#)



# Regular reports for transparency

## Fire and Police Commission Annual Reports

Provide an overview of Commission activity for the year, including policy review, citizen complaints, disciplinary appeals, appointments and promotions, and demographic profiles of the Fire and Police Departments.

## Discipline Decisions

Provide a written summary of individual citizen Board trials that have been held regarding a disciplinary decision made by the Fire and Police Chief in which the department employee appealed the decision of the Chief by requesting a hearing before the citizen Board.

## Informational Memorandums

Matters of current community concern regarding public safety issues researched and reported by the staff of the Fire and Police Commission.

## Milwaukee Police Department Citizen Complaint Process Report

Provides a review of the Citizen Complaint Process in order to assess the quality and effectiveness of the citizen complaint procedures, the fairness and objectivity of complaint investigation results, and the degree of complainant satisfaction with the overall complaint process and associated outcomes.

## City of Milwaukee Public Safety Reports (2000 - 2007)

Provide an annual summary and analysis of Fire and Police Department services to protect lives and property in our City.

## Reports on MPD Practices and Policies

Fire and Police Commission reports regarding Milwaukee Police Department practices and policies, including use of force and pursuits.

## Citizen Complaint Reports

Provides a summary and analysis of complaints submitted to both the FPC and the Milwaukee Police Department.

## Public Statements

Official statements from the Executive Director of the Fire and Police Commission regarding specific issues.

## PARC Report

This 2006 report evaluated the structure, procedures, and practices of the Milwaukee Fire and Police Commission and made recommendations for improvement.



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**Hours:**  
Monday - Friday  
8:00 a.m. to 4:45 p.m.  
(except holidays and  
furlough days)



# Additional Staff Support or Training for PFC

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- ▶ PFC staffed by outside counsel Herrick and Karsdorf on a contract basis
- ▶ Annual costs range from \$10,000 to \$29,000 per year
- ▶ Any increases in staff activities (reports, analysis, training) would require a larger budget
- ▶ Commissioners could be trained through the National Association of Civilian Oversight of Law Enforcement (NACOLE), the City could even sponsor Commissioner's participation in the Certified Practitioner of Oversight credential.



# Early Warning Systems for Officers

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- ▶ Police work is stressful and dangerous
- ▶ Law enforcement departments are instituting early warning systems to flag officers at risk for misconduct or other issues
- ▶ MPD is implementing the IA Pro Software (since early 2016) which has capability to do early warning systems
- ▶ The early warning system must be thoughtfully developed to ensure that it works effectively to identify potential problems



# City Attorney Memo January 2013:

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The independence of investigations could be enhanced by:

1. “Establishing some sort of body or person to conduct an independent investigation or review of the specific incident;
2. Establishing such a body on a permanent basis, looking at the range of other options used in other cities; or
3. Asking the Police Chief to institute a policy listing the circumstances under which the Police Chief is instructed to use an outside investigator or review.”



# Civilian Oversight Boards by City

Source: NACOLE

<a href="#">Akron, OH</a>	<a href="#">Dallas, TX</a>	<a href="#">Houston, TX</a>	<a href="#">Loveland, CO</a>	<a href="#">Pittsburgh, PA</a>	<a href="#">San Antonio, TX</a>
<a href="#">Albany, NY</a>	<a href="#">Davis, CA</a>	<a href="#">Indianapolis, IN</a>	<a href="#">Memphis, TN</a>	<a href="#">Citizen Police Review Board</a>	<a href="#">San Diego, CA</a>
<a href="#">Albuquerque, NM</a>	<a href="#">Independent Police Auditor</a>	<a href="#">Inglewood, CA</a>	<a href="#">Miami, FL</a>	<a href="#">Office of Municipal Investigations</a>	<a href="#">San Diego County, CA</a>
<a href="#">Anaheim, CA</a>	<a href="#">Davis Police Accountability Board</a>	<a href="#">Iowa City, IA</a>	<a href="#">Miami-Dade County, FL</a>	<a href="#">Portland, ME</a>	<a href="#">San Francisco, CA</a>
<a href="#">Asheville, NC</a>	<a href="#">Dayton, OH</a>	<a href="#">Ithaca, NY</a>	<a href="#">Milwaukee, WI</a>	<a href="#">Portland, OR</a>	<a href="#">San Francisco Bay Area Rapid Transit (BART), CA</a>
<a href="#">Atlanta, GA</a>	<a href="#">Denver, CO</a>	<a href="#">Kalamazoo, MI</a>	<a href="#">Minneapolis, MN</a>	<a href="#">Prince George's County, MD</a>	<a href="#">San Jose, CA</a>
<a href="#">Austin, TX</a>	<a href="#">Detroit, MI</a>	<a href="#">Kansas City, MO</a>	<a href="#">Missouri, MO</a>	<a href="#">Citizen Complaint Oversight Panel</a>	<a href="#">Sausalito, CA</a>
<a href="#">Baltimore, MD</a>	<a href="#">Board of Police Commissioners</a>	<a href="#">Board of Police Commissioners</a>	<a href="#">Muskegon, MI</a>	<a href="#">Office of the Inspector General</a>	<a href="#">Seattle, WA</a>
<a href="#">Berkeley, CA</a>	<a href="#">Board of Police Commissioners</a>	<a href="#">Office of Community Complaints</a>	<a href="#">Naples, FL</a>	<a href="#">Providence, RI</a>	<a href="#">Community Police Commission</a>
<a href="#">Police Review Commission</a>	<a href="#">Office of the Chief Investigator</a>	<a href="#">Kauai, HI</a>	<a href="#">National City, CA</a>	<a href="#">Richland County, SC</a>	<a href="#">Office of Professional Accountability (OPA)</a>
<a href="#">UC Berkeley Campus Police Review Board</a>	<a href="#">Durham, NC</a>	<a href="#">Key West, FL</a>	<a href="#">Newburgh, NY</a>	<a href="#">Richmond, CA</a>	<a href="#">OPA Review Board</a>
<a href="#">Boise, ID</a>	<a href="#">Eugene, OR</a>	<a href="#">King County, WA</a>	<a href="#">New Haven, CT</a>	<a href="#">Police Commission</a>	<a href="#">OPA Auditor</a>
<a href="#">Boston, MA</a>	<a href="#">Police Commission</a>	<a href="#">Knoxville, TN</a>	<a href="#">New Orleans, LA</a>	<a href="#">Office of Professional Accountability</a>	<a href="#">Schenectady, NY</a>
<a href="#">Bottleboro, VT</a>	<a href="#">Police Auditor</a>	<a href="#">Las Vegas, NV</a>	<a href="#">New York, NY</a>	<a href="#">Riverside, CA</a>	<a href="#">Springfield, MA</a>
<a href="#">Buffalo, NY</a>	<a href="#">Evanston, IL</a>	<a href="#">Lincoln, NE</a>	<a href="#">Civilian Complaint Review Board (CCRB)</a>	<a href="#">Rochester, NY</a>	<a href="#">Springfield, MO</a>
<a href="#">Cambridge, MA</a>	<a href="#">Fort Collins, CO</a>	<a href="#">Long Beach, CA</a>	<a href="#">Office of the Inspector General for the NYPD</a>	<a href="#">Sacramento, CA</a>	<a href="#">Spokane, WA</a>
<a href="#">Chandler, AZ</a>	<a href="#">Fort Myers, FL</a>	<a href="#">Los Angeles, CA</a>	<a href="#">Novato, CA</a>	<a href="#">Santa Cruz, CA</a>	<a href="#">Syracuse, NY</a>
<a href="#">Charlotte-Mecklenburg, NC</a>	<a href="#">Fresno, CA</a>	<a href="#">Board of Police Commissioners</a>	<a href="#">Oakland, CA</a>	<a href="#">Sarasota, FL</a>	<a href="#">Tucson, AZ</a>
<a href="#">Chicago, IL</a>	<a href="#">Ft. Lauderdale, FL</a>	<a href="#">Office of the Inspector General</a>	<a href="#">Oklahoma City, OK</a>	<a href="#">St. Cloud, MN</a>	<a href="#">Tulare, CA</a>
<a href="#">Independent Police Review Authority</a>	<a href="#">Gainesville, FL</a>	<a href="#">Los Angeles County, CA</a>	<a href="#">Olathe, KS</a>	<a href="#">St. Louis, MO</a>	<a href="#">Urbana, IL</a>
<a href="#">Chicago Police Board</a>	<a href="#">Galveston, TX</a>	<a href="#">Office of the Inspector General</a>	<a href="#">Orange County, CA</a>	<a href="#">St. Paul, MN</a>	<a href="#">Village of Ossining, NY</a>
<a href="#">Cincinnati, OH</a>	<a href="#">Gary, IN</a>	<a href="#">Office of the Inspector General</a>	<a href="#">Orange County, FL</a>	<a href="#">St. Petersburg, FL</a>	<a href="#">Virginia Beach, VA</a>
<a href="#">Claremont, CA</a>	<a href="#">Grand Rapids, MI</a>	<a href="#">Office of the Independent Monitor (Probation Dept.)</a>	<a href="#">Orlando, FL</a>	<a href="#">Salt Lake City, UT</a>	<a href="#">Washington, DC</a>
<a href="#">Clarkstown, NY</a>	<a href="#">Greensboro, NC</a>		<a href="#">Palo Alto, CA</a>	<a href="#">Salt Lake County, UT</a>	<a href="#">West Valley City, UT</a>
<a href="#">Cleveland, OH</a>	<a href="#">Hartford, CT</a>		<a href="#">Philadelphia, PA</a>		<a href="#">Winston-Salem, NC</a>
<a href="#">Columbia, MO</a>	<a href="#">Hawaii County, HI</a>		<a href="#">Philadelphia, PA</a>		
<a href="#">Corvallis, OR</a>	<a href="#">Honolulu, HI</a>				

