File #: 60617, **Version:** 1

Fiscal Note

The proposed resolution 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. These entities and responsibilities are adopted through separate ordinance.
The 2020 adopted operating budget under "Direct Appropriation" includes a $200,000 appropriation for a "Police Auditor". This resolution amends the adopted operating budget to transfer these funds for the following purposes:

Office of the Independent Police Monitor - a new separate agency under the Public Safety and Health Budget function is created. Initial staffing includes 1.0 FTE Independent Monitor position in CG 21, range 18, 1.0 FTE Data Analyst 2 position in CG 18, range 8, and 1.0 Program Assistant 2 (Office Administrator) in CG 20, range 12. Support costs are expected to total $66,000 in the first full year of operation. Legal counsel and investigation funding in the first full year of operation is estimated at $30,000. The amount transferred in 2020 for these purposes through this resolution is $120,400.

Police Civilian Oversight Board - a new board, staffed and supported by the Office of the Independent Monitor, is created under city ordinances. Annual funding is estimated at $29,600, including board member stipends ($14,100), child care for board members during board meetings ($1,800), annual board training ($5,000), board member information technology support ($2,000), and attendance at national conferences ($6,700). The amount transferred for these purposes in 2020 through this resolution is $29,600.

Legal Representation - city ordinances related to the Office of the Independent Monitor and the Police Civilian Oversight Board direct that the city provide funding for legal costs of individuals that bring complaints before the Police and Fire Commission, if the claims are deemed to have merit by the Independent Police Monitor. Under current city ordinance, successful complaints brought before the PFC are reimbursed by the city. The new ordinances would fund reasonable legal costs, up to a total of $15,000, for all claims deemed to have merit by the Independent Police Monitor. The fiscal impact of the new ordinances on the number and complexity of complaints brought before the PFC is indeterminate at this time. A preliminary annual funding level of $50,000 is estimated for the purpose. The amount transferred for this purpose in 2020 through this resolution is $50,000.

Summary of 2020 budget amendment:

Office of the Independent Monitor Agency:	
Office Positions, Support Costs, Legal Counsel and Investigation:	$120,400
Police Civilian Oversight Board Support Costs:	$29,600
	$150,000
Legal Representation:	$50,000
Total 2020 Allocations:	$200,000

Office of the Independent
Given the timing in the fiscal year; the complexity of the effort necessary to identify, nominate and approve

board members; and the subsequent recruitment and hiring process for an independent monitor, it is assumed that a significant portion of the $200,000 appropriated in 2020 will lapse to the general fund.

The resolution also states that it is the intent of the Common Council that at least $482,000 be appropriated in the 2021 adopted operating budget for the annual costs associated with these purposes. Actual appropriations will be established through the Mayor's 2021 executive operating budget recommendations and Common Council amendments to adopt the 2021 operating budget.

Please reference supporting documents attached to this resolution for further background.

Title

Amending the 2020 Operating Budget, creating the Office of the Independent Police Monitor and creating of the position of Independent Police Monitor as a 1.0 FTE position in CG21, Range 18, and other positions, providing funding for a Police Civilian Oversight Board, and establishing funding support for individuals bringing complaints before the Police and Fire Commission in response to the recommendations of the Madison Police Department Policy and Procedure Review Ad Hoc Committee.

Body

WHEREAS, on May 19, 2015, the Madison Common Council adopted RES-15-00477, "Declaring the City of Madison's intention to review policies, procedures, culture and training of the Madison Police Department by hiring an expert(s) in community policing, law, problem oriented policing, racial disparities and implicit bias and the creation of an ad hoc committee"; and,

WHEREAS, on November 18, 2015, the Madison Police Department Policy & Procedures Ad Hoc Committee ("Ad Hoc Committee") held its first meeting; and,

WHEREAS, on June 7, 2016, the Madison Common Council adopted RES-16-00436, "Amending the work timeline and funding amount for the City of Madison Police Department Policy & Procedure Review Ad Hoc Committee and amending the 2016 Adopted Operating Budget to appropriate $350,000 from the Contingent Reserve to the direct appropriation supporting the work of this committee"; and,

WHEREAS, on November 1, 2016, the Madison Common Council adopted RES-16-00838, "Accepting the recommendation of the Madison Police Department Policy and Procedure Review Ad Hoc Committee to select Michael J. Gennaco d/b/a OIR Group as the expert consultant to conduct the review of the Madison Police Department."; and,

WHEREAS on January 11, 2018, the OIR Group presented its final report and recommendations to the Common Council, including recommendation #146, Madison should enhance its civilian oversight by establishing an independent police auditor's office reporting to a civilian police review body; and,

WHEREAS the Ad Hoc Committee continued to evaluate the OIR recommendations, working with MPD and the City Attorney's office to develop a final report including a comprehensive set of 177 recommendations and,

WHEREAS the Ad Hoc Committee's first recommendation stated "The City should enhance its civilian oversight by establishing an independent police monitor's office staffed by an independent monitor and reporting to a civilian police review body, and,

WHEREAS the full text of this recommendation was submitted to and accepted by the Common Council on July 16, 2019, prior to the final report in order to ensure that the Committee's highest priority recommendations were submitted in time for consideration in the 2020 budget process; and,

WHEREAS the funding for a Police Auditor position was appropriated in the 2020 Adopted Operating Budget under the Direct Appropriations budget; and,

WHEREAS, on November 20, 2019, the Public Safety Review Committee recommended adoption of the final report of the Ad Hoc Committee with a further recommendation that a new committee be formed to oversee the implementation of the report's recommendations.

WHEREAS, on December 12, 2019, the Equal Opportunities Commission recommended adoption of the final report of the Ad Hoc Committee with a further recommendation that a new committee be formed to oversee the implementation of the report's recommendations and that an EOC member be appointed as a member of that committee.

WHEREAS, on January 21, 2020, the Common Council adopted the final report of the Ad Hoc Committee including the recommendation that a new committee be formed to oversee the implementation of the report's recommendations.

WHEREAS, the 177 recommendations from the Ad Hoc Committee Report represent a major investment by the City of Madison and four years of work by dozens of residents and elected officials committed to improving the accountability and performance of the Madison Police Department; and,

WHEREAS, this investment of time and money can be fully realized only if the recommendations are implemented in alignment with their original intent, and the authors of those recommendations - the Ad Hoc Committee - are best positioned to ensure the integrity of the work; and,

WHEREAS, in the aftermath of the May 25, 2020, killing of George Floyd by Minneapolis Police Officer Derek Chauvin, Madison residents have increased their calls for community control of the police; and,

WHEREAS, on June 16,2020, the Common Council directed that Independent Civilian Oversight, as recommended by Ad Hoc Committee be created by October 6, 2020, and established the Alder Workgroup on the Logistics and Operational Details for MPD Independent Civilian Oversight ("Alder Workgroup") to create an ordinance, identify budget and other support for the Civilian Oversight Board, identify community organizations to nominate some Civilian Oversight Board members, and create a timeline and process for recruitment of COB members and hiring of the Independent Monitor (RES-20-0459); and,

WHEREAS, the Alder Workgroup met 9 times, worked with former members of the Madison Police Department Policy and Procedure Review Ad Hoc Committee and other interested parties, and issued its report on August 4, 2020, including a proposed ordinance and this resolution; and,

WHEREAS the Alder Workgroup finalized the Independent Monitor position description and recommended the use of the City's Equitable Hiring Tool after the Police Civilian Oversight Board is established and confirmed, but prior to the recruitment and selection of the Independent Monitor.

NOW, THEREFORE BE IT RESOLVED, that the City shall create an Office of the Independent Police Monitor as a separate agency within the Public Safety and Health budget function, initially staffed by the following new positions: a 1.0 FTE position of Independent Police Monitor created in CG 21, Range18, a 1.0 FTE Data Analyst 2 position and a 1.0 FTE Program Assistant 2 (Office Administrator) position to carry out the responsibilities and duties described in Madison General Ordinances sections 5.16 and 5.17 related to an Office of the Independent Police Monitor and Police Civilian Oversight Board; and,

BE IT FURTHER RESOLVED, that the Police Civilian Oversight Board shall receive the following support measures to help foster diversity of board membership and participation - each board member will receive a $100 per month stipend, members of the board's executive committee shall receive an additional $25 per month in addition to the board member stipend; child care shall be provided during board meetings for board members that require that service; board members shall receive annual training; information technology

hardware, software and training shall be provided to board members needing that service; and funding for attendance by elements of the board at national conferences.

BE IT FURTHER RESOLVED, that $200,000 in Direct Appropriations in the 2020 adopted operating budget designated for the Police Auditor position is transferred to the new Office of the Independent Police Monitor for positions, office costs, legal counsel and investigation work ($120,400), and Police Civilian Oversight Board support costs in 2020 ($29,600); and to establish a separate Legal Representation appropriation ($50,000) in Direct Appropriations for the purpose of paying legal costs for complaints brought before the Police and Fire Commission as defined in ordinance; and,

BE IT FURTHER RESOLVED, that city agencies and the Common Council Office will provide technical and logistical support, including assistance in the use of the equitable hiring tool prior to the recruitment and selection of the Independent Police Monitor, during the transition to creating the Office of the Independent Police Monitor and the Police Civilian Oversight Board; and,

BE IT FINALLY RESOLVED, that it is the intent of the Common Council that the annual appropriations for the Office of the Independent Police Monitor, the Police Civilian Oversight Board and the Legal Representation program total at least $482,000 in the 2021 adopted operating budget.