

**DRAFT SPREADSHEET COMPARING CONTRASTING AUDITOR AND MONITOR ORDINANCES**

This is a draft spreadsheet to gauge whether the Workgroup believes such a spreadsheet listing comparable provisions in auditor and monitor ordinances from other cities would assist the Workgroup in creating ordinances for the City of Madison.

**INDEPENDENT POLICE AUDITOR**

	<b>City of Madison Ad hoc Report Recommendation/ <u>Draft Ordinance</u></b>	<b>Boulder</b>	<b>Denver</b>	<b>Portland</b>	<b>Syracuse</b>	<b>Newark</b>
Status	<u>Full-time managerial level employee</u>		Full-time		Full-time	
Hiring Process	<u>Selected by Board</u> <u>Supervised by Board</u> <u>Removed by Board</u> <u>Employment contract subject to confirmation by the Council</u>  <u>Founding principles of selection process to be noted in ordinance but do not need to spell out exact process</u>	City manager hires	Screening Committee of 5 (chair of Board, CC member, Judge, HR Director, Individual w/knowledge of PD investigations) Refer up to 3 names to Mayor who appoints & CC affirms	Selected by City Auditor & HR	Selected by Board  Annual review by subcommittee of Board	Appointed by Mayor
Firing Process	<u>See above</u>	City manager	Serve at pleasure of Mayor.	Accountable to City Auditor	Discretion of Board	
Location	<u>Not co-located with MPD</u>	Not in same bldg as PD		Not w/in PD Located w/in City Auditor		

Staff	Access to independent atty Hire staff as needed		Authority to hire all necessary staff	Hire staff as necessary Hire staff to review officer involved shootings & in custody deaths Hire independent atty		
Experience (monitor & all staff)	Never been employed by MPD <u>and not a law enforcement officer in Wisconsin in last 10 years</u>		No employment by police, sheriff or fire dept.		Not current employed by any LE or elected official or pending litigation against City	Can be PD employee
General Duties	Examine SOPs, patterns & practices	Receives complaints, monitors investigations, rcmdtns to police services & SOPs	Monitor/participate in investigations, recommend discipline, policy changes, address concerns of individuals & Board, ensure staff are adequately trained	Entire section on receiving & processing complaints (3.21.120)		Administrative head to Board
Specific Duties	1. Conduct investigations 2. Community outreach 3. Monitor MPD compliance w/SOPs, laws, CC Orders, Ad Hoc Recmdtns, OIR Rcmdtns	1. Establish program priorities 2. Implement & eval work programs 3. Establish complaint &	1. Actively monitor & participate in any criminal investigation, shooting, in-custody death, serious injury 2. Monitor any investigation of	1. Recieve complaints & primary contact for complainant, explain appeal process 2. Track & report on complaint disposition,	1. Maintain Board records 2. Gathering data, track complaints 3. Interview complainants 4. Making referrals	1. Supervise Board employees 2. Recieve complaints 3. Investigate complaints 4. Review completed investigations

	<p>4. Monitor MPD audits of MPD programs, use-of-force incidents                      5. Review personnel investigations &amp; make recmdnts to Chief                      6. Refer cases to PFC                      7. Review complaints against Chief or high ranking command staff for determination of outside investigator                      8. Hire outside investigator when necessary                      9. Make policy issue recmdtns                      10. Address areas of concerns by all individuals/entities/Bd                      11. Provide insight to Bd on annual review of Chief                      12. Monitor investigations of misconduct                      12. Investigate misconduct complaints when requested by Bd, Mayor, CC                      13. Recieve individual's complaints                      14. Community Outreach</p>	<p>monitoring SOPs                      4. Recieve &amp; process complaints (2-11-5)                      5. Monitor complaint process                      6. Recommend PSIA on investigation process                      7. Quality insurance to id systemic change                      8. Analyze complaint trends                      9. SOP changes                      10. PD training                      11. Anaylze discipline imposed                      12. Discipline rcmdtns                      13. Develop alternative means to receive complaints                      14. Review any claims for</p>	<p>misconduct when requested by Board                      3. Recommendations on sufficiency of investigation                      4. Whether SOPs violated                      5. Whether appropriate discipline imposed                      6. Monitor any investigation of individual's complaint or in best interest of City (when doing this must immediately notify Board)</p>	<p>complaint trends, discipline imposed.                      3. Initiate, monitor &amp; conduct investigations                      4. Request Board review of investigations &amp; discipline imposed                      5. Recommend SOP changes                      6. Community outreach &amp; access                      7. Review all use of force complaints                      8. Review misconduct complaints                      9. Review SOPs                      10. Process when ongoing litigation or CBA issues                      11. Review investigation process &amp; imposed discipline                      12. Review any findings when complainant requests review                      13. Track all complaints</p>	<p>5. Assist complainant with preparing complaint &amp; presenting case to Board                      6. Investigate complaints                      7. Assist Board in community engagement                      8. Track Board expenses                      9. Schedule Board meetings                      10. Determine if reasonable cause to proceed with Board hearing                      11. Find training or Board</p>	<p>5. SOP recommendations                      6. Audit PD on investigations</p>
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	15. Staff Bd 16. Review imposed discipline to see if PFC process has impact	damages & may process as complaint 15. Develop training for Bd 16. Develop SOP for Bd w/Bd 17. Review Bd rcmdnts 18. Community outreach		14. Notify CC if Chief fails to respond to Auditor report 15. Specific Intake process 3.21.110 16. Establish complaint process w/Board 3.21.120 17. Refer appeals to Board 18. Develop data system to track complaints		
Records	Access to all reports		Access to all Must remain confidential	Access to all Must remain confidential		
Reporting Requirements	1. Annual Report – specifics 1.A.8. 2. Maintain status report specifics 1.A.9 3. Regular reports to Bd	1. Status reports 2. Rcmdtns to SOP changes 3. Activities, findings, rcmdtns of Auditor 4. Any reports deemed necessary 5. On-going status report on work & investigations	1. Annual report – statistical summary 2. Status report 3. Any other reports deemed necessary 4. Regular reports to Board	1. Annual report 2. Any other reports on misconduct trends & disciplinary practices 3. Monthly reports to PD on workload & performance	1. Annual & quarterly w/specifics 7(2)(d) 2. Monthly complaint summary	
Review reports from PD	All access	All access – returned when case closed	1. Any new internal investigation	1. Any reports necessary		

			2. Closing of any case w/o discipline 3. Any Board requested closed case before Monitor created			
Subpoena	Can issue			Can issue		
PD Duties	<u>TBD</u>	<p>1. Timely notification of critical incidents 2. Develop protocol to summon auditor to incident 3. Review all closed cases to Monitor for review 4. Develop SOP w/monitor for access to info</p> <p>If PD delays internal review &amp; auditor doesn't agree – City manager decides</p> <p>City can hire independent</p>	<p>1. Notify Monitor as soon as practicable of serious incident or criminal investigation. 2. Notify Monitor of interviews 3. Notify Monitor w/in 3 days of opening investigation &amp; closing case w/o discipline 4. Give Monitor opportunity to make recommendations on investigations 5. Allow Monitor input on discipline process 6. Allow Monitor input on SOP revisions 7. Respond w/in 30 days to any of the above</p>	<p>1. Notify Auditor in timely fashion of criminal or admin investigation 2. Notify Monitor of investigation of misconduct 3. Provide completed supervisory investigations (minor SOP violations) 4. Review recommendations from Auditor &amp; document why don't agree w/it 5. Refer cases to PFC if disagreements on findings/discipline 6. Public notification if investigation takes more than 129 days</p>	<p>Give complaints to Board w/in 1 day</p> <p>No action on complaints for 60 days or Board review (may take necessary discipline actions)</p>	

		investigator for complaint when needed				
Mediation	<u>TBD</u>			May refer case to mediation	Offered by Board	Offered by Board
Budget	<u>TBD</u>	Sufficient to carry out duties				

**CIVILIAN OVERSIGHT BOARD**

	<b>Ad hoc Recommendation</b>	<b>Boulder</b>	<b>Denver</b>	<b>Portland</b>	<b>Syracuse</b>	<b>Newark</b>
Make-up	<u>11 voting members</u> <u>2 alternates</u>	11 Members  Nonvoting members: 1.Auditor 2.PD employee	9 members: 4 appt by Mayor 4 appt by CC 1 appt by both	11 Members Recommended by City Auditor to CC	11 Members: 3 appt by Mayor 8 by CC (1 by each CC member, 3 by CC at large)	11 Members: 1 appt by Mayor (Inspector General) 3 members of CC or designee 7 from 7 organizations
Selection Process	Majority nominated from designated group of community-based organizations. Appts from Mayor & CC	Cmttee to implement Bd (2-11-9)  By selection committee	Appts from Committee of 3: Mayor, CC & joint Provide list of at least 3 for selection	Nomination from mayor or CC City Auditor Sets a Committee: - 3 Board Members - 2 Community - PD Auditor		

Member Req	Diverse membership – specifics II.A	Volunteer, diverse Not related to City employee	Can't be: 1. City employee 2. Related to PD or FD employee 3. Reflect diversity of City 4. Paid up to \$1200 5. Required training	Record of community involvement Pass criminal background No conflict of interest	Can't be: 1.Related to elected official 2. Related to PD employee 3.Related to Atty that sued PD  Reflect diversity Gender balance 1 from each district	Never employed by PD
Term	<u>4 yr staggered terms</u> <u>Initial terms</u> <u>4 – 3yrs</u> <u>4- 4 yrs</u> <u>5 – 2 yrs (alternates start here)</u>	Set by CC	4 years	3 years	3 years	3 years
Removal	<u>As provided in Ch. 33</u>		1. Miss 4 meetings 2. By mayor/CC for gross misconduct		Bd may vote member out for good cause w/CC approval CC & mayor may remove for good cause	
Meetings	<u>Minimum quarterly and more as body determines necessary to fulfill its duties</u>		1.At least 3 yearly 2.Bi-monthly w/monitor 3.Quarterly w/PD Chief , Fire & Sheriff	1.At least 4 yearly 2.Participate in community meetings	1.Monthly 2.Yearly in each district	Monthly  Every other month provide summary of cases
Duties	1.Assess effectiveness of Monitor 2.Annual review of Chief	1.Participate in training 2.Establish criteria to	1.Assess effectiveness of Monitor by	1.Gather community concerns	1. Investigate, review complaints w/in 60 days	1.Investigate complaints (by entire Bd or subgroup)

	<p>3.Policy-level rcmdtns on discipline, use of force, SOPs, hiring, training, community relations, complaint process</p> <p>4.Address any concerns of others</p>	<p>review a complaint</p> <p>3.Notify complainant of review &amp; outcome</p> <p>4.Review complaint trends &amp; stats</p> <p>5.Rcmd changes to complaint process</p> <p>6.Evaluate Auditor (2-11-7(f))</p> <p>7.Forums for community input</p>	<p>qualitative &amp; quantitative criteria</p> <p>2. Policy-level recommendations on discipline, SOPs, hiring, training, use of force, community relations, complaint process</p> <p>3. Address issues of concern</p> <p>4. Recommendations to specific cases on old cases</p> <p>5. Review not sustained individual complaints &amp; refer back to Monitor</p>	<p>2.Recommend SOP changes</p> <p>3.Advise on compliant process</p> <p>4.Hear appeals of complainant</p> <p>5.Public outreach &amp; public access</p> <p>6.Create subcommittees</p> <p>7.Review any complainant request for review or PD or Auditor findings. Case review &amp;/or hearing. Detailed process (3.21.160)</p>	<p>2.Recommend SOP changes</p> <p>3.Promote community/youth engagement</p> <p>4.Inform on complaint process, rights</p> <p>5. Give complaints to PD w/in 1 day</p> <p>6.Hold hearings on complaints (by subcommittee)– not public, not recorded</p> <p>7.Make disciplinary or restitution recommendations</p> <p>8.Subcommittee for youth engagement</p>	<p>2.Hearing on complaints</p> <p>3.Review PD complaint investigations</p> <p>4.SOP recommendations</p> <p>5.Recommendations to PD on public engagement</p> <p>6.Community engagement</p> <p>7.Recommend discipline using PD discipline matrix</p>
Confidentiality	Access to personnel files	Access to all	All documents	All documents	All documents	
Reports	<p>1.Annual review of:</p> <ul style="list-style-type: none"> <li>- Chief</li> <li>- Monitor</li> <li>- Bd’s activities</li> <li>- Community concerns</li> <li>- Assmnt of investigation &amp; discipline process</li> </ul>	<p>1.Report on cases – handling of complaint, fairness &amp; thoroughness, adjudication</p> <p>2.Annual report:</p>	<p>Annual concurrent w/Monitor’s report &amp; covering:</p> <ul style="list-style-type: none"> <li>1.Assmnt of Monitor</li> <li>2.Board’s activities</li> <li>3.Citizen concerns</li> <li>4. Assmnt of SOPs, investigation, discipline</li> </ul>	<p>Annual &amp; quarterly report w/Auditor covering: Assmnt of SOPs, investigation, improve</p>	<p>Reports completed by Administrator</p> <p>City provided website</p>	<p>Semi-annual review of PD investigations</p> <p>Semi-annual summary of activities</p>



	<ul style="list-style-type: none"> <li>- Rcmdtns to improve community relations</li> <li>- Rcmdtns to SOPs, hiring, training, complaint process</li> </ul>	<ul style="list-style-type: none"> <li>-Summarize activities, findings, rcmdtns</li> <li>-Assess performance &amp; work of auditor</li> </ul>	<p>5.Recommendations:</p> <ul style="list-style-type: none"> <li>- Depts improve citizen relationships</li> <li>- Changes to SOPs</li> <li>- Changes to hiring</li> <li>- Changes to Training</li> <li>- Changes to complaint process</li> </ul> <p>Additional reports:</p> <ol style="list-style-type: none"> <li>1.Patterns related to complaints</li> <li>2.Rcmdtns sufficiency of investigations</li> <li>3.Whether SOP violations occurred</li> <li>4. Appropriateness of discipline</li> </ol>	individual's relationships		<p>Quarterly summary reports on website (1-21)</p> <p>Annual report containing quarterly report stats</p> <p>Report to PD on finding of violations &amp; discipline rcmdtns</p>
Staff	<p><u>Monitor is executive secretary and, in conjunction with Mayor's Office and CC, makes sure Bd has resources it needs</u></p>		<p>Hire consultants to:</p> <ol style="list-style-type: none"> <li>1.Assist in Monitor review</li> <li>2.Prepare reports</li> </ol>		<p>Administrator Hire investigator</p> <p>Corp Counsel advises Board – outside atty if conflict</p>	<p>Inspector General (Admin head of Board)</p> <p>Any civilians needed to exercise its duties</p>
PD Role	<u>TBD</u>				<p>Respond to recommendations w/in 30 days</p> <p>Create Police liaison committee</p>	<p>Accept Board discipline request unless noticed why not</p>
Budget	<p>Training as needed</p> <p>Childcare</p>				<p>Annual budget</p>	<p>Annual budget \$500,000 start up</p>

	Stipends					
Subpoenas						Can be issued

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