

Office of the Independent Monitor Complaint Process

Part 1: Complaint Intake (Draft)

City of Madison

August 29, 2024

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The following is an initial draft of the first part of the Office of the Independent Monitor (OIM) Complaint Investigation Process. This draft is being presented to the Police Civilian Oversight Board (PCOB) for review, discussion, and approval on August 29, 2024.

By finishing this intake procedure, the OIM will be able to set a timeline for receiving complaints once the database, referenced on page 10, is created and ready. It is the Monitor's goal to take the Board's input and create a second working draft of this Intake process. At the next meeting of the full Board, the Monitor will provide a progress report on the complaint intake procedure and will bring the second working draft of Part 1 to the Board for a final reviewal.

Additionally, the Monitor intends to bring a first draft of Part 2 of the Complaint Process. Part 2 of the Complaint Process will cover the prioritization rubric for the Complaint Queue, determining which complaints may jump ahead of other complaints, as well as the Complaint Selection rubric, determining what happens with a complaint once it reaches the top of the Complaint Queue.

Foreword

Please note that communication with the OIM can occur outside of this process. This procedure is intended for complaints about MPD that may lead to investigations and audits. Prioritization is given to complaints of a heightened public interest, including allegations of police misconduct, allegations of discriminatory behavior within the Department, and police procedures or policies having a disparate impact across the City of Madison's diverse and numerous communities.

Stories of good policing are beneficial both in providing examples to other officers and in monitoring the success of existing MPD initiatives, policies, and procedures. This process anticipates that some incidents may involve simultaneous examples of good and bad policing. To ensure that successes are not overlooked in analyzing failures,

such examples of good policing will be tracked separately and noted by unique indicators (see: “Complaint Tracking Number and Categorization”).

Cost-Effective Complaint Tracking Methods:

1. Digital complaint forms: Utilizing a fillable form PDF for complaint intake will reduce paper waste and minimize manual data entry errors.
2. Online portals: Allowing complainants to submit complaints directly via the OIM webpage will further the cost-effective strategy of #1.
3. OCR software: Software that recognizes and reads text will automate data entry from scanned paper forms and reports, saving time and reducing errors in transcription.
4. Database management system: Streamline data organization and tracking, enabling easy access and analysis of reported information.

Legal Requirements for Disclosure of Complaints to MPD

MGO § 5.19(10)(b): The Monitor, MPD, and Chief of Police shall provide each other with notice of complaints, investigations, appeals and findings involving MPD and MPD police officers as soon as possible, including with such information and cooperation as is appropriate and necessary for the receiving party to take meaningful action or conduct a meaningful review of the matter.

Quick Guide for Complainants:

Fill Out a Complaint Form: Submit a complaint with the OIM via email

(oim@cityofmadison.com), web portal (weblink), or in person at (new office address).

Confirm Your Complaint with OIM Staff: You will be contacted by OIM staff to request additional information, if needed, to complete your complaint.

Wait for your Complaint to be taken up: Your completed complaint will be placed in a queue in the order in which the completed complaint is received. It is possible that complaints filed after yours may need to be taken out of order, but your complaint will not be passed over more than three times. You will be contacted biweekly with updates on your complaint's placement in the queue and a rough estimate of when to expect your complaint to be taken up by the Monitor.

Initial Meeting with the Monitor: When your complaint reaches the top of the queue, you will be contacted by OIM staff to schedule an initial meeting with the Monitor. The purpose of this meeting is to discuss your complaint, the options available to you, and what the OIM can do for you.

Investigation and Updates: The Monitor will investigate your complaint and keep you informed about the progress. You'll have regular updates through meetings that have been scheduled at the Initial Meeting.

Police and Fire Commission (optional): If you wish to file a complaint with the Police and Fire Commission (PFC), the Monitor may appoint an attorney to assist you in your PFC hearings.

Resolution of Investigation: The Monitor will review their findings with you and prepare a written report of their investigation. You will also be invited to meet with the

Police Civilian Oversight Board in closed session to discuss your satisfaction with the resolution.

Intake Procedure and Policies

In the Board's discussion over the OIM's Complaint Process, two subjects arose consistently: the accessibility of the process to the public and the possibility of an anonymous complaint. This intake process aims to address both concerns to the best extent possible.

Submitting a Complaint

The public may submit a complaint in one of three ways:

In-person Intake

The Office of the Independent Monitor is located on the fifth floor of the City Council Building, next to the Common Council and Department of Public Health. Members of the public may come to the Office during business hours to submit a complaint. To ensure the complaint is understood and to establish a reliable foundation for any potential investigations or audits that may arise, every complaint **MUST** be written. Oral complaints cannot be processed or tracked. Office staff will be available to assist complainants in writing their complaints. Translations of the Complaint Form and in-person translation services can be arranged in collaboration with the Department of Civil Rights.

Complainants may be concerned about being seen entering or leaving the Office, especially if they want to maintain their anonymity. To accommodate these

complainants, a meeting outside of the Office can be arranged over the phone. It is the Office's position that there is an extreme public interest in members of the public being able to access the services of the OIM without fear of public identification. This position will bear weight in the balancing test detailed within the Wisconsin Public Records laws, in the event of a records request that would identify such callers.

Delivering a completed form to the Office

During business hours, completed complaint forms will be accepted at the front desk. The form may also be mailed to the Office at [New office mailing address]. Finally, an electronic version of a completed form may be emailed as an attachment to oim@cityofmadison.com. Please note that you do not have to include a return address if you are seeking to mail your complaint anonymously.

If you wish to email your complaint anonymously, please note that the email address you send from will be present in a public record. It is the Office's position that there is an extreme public interest in members of the public being able to access the services of the OIM without fear of public identification. This position will bear weight in the balancing test detailed within the Wisconsin Public Records laws, in the event of a records request that would identify such email addresses. However, anonymity will not be assumed! If you are emailing your complaint and wish for your identifying information to be kept anonymous, you **MUST** state this in your email.

Completing the form online

Finally, a fillable form will be available online on the OIM's homepage. This fillable form will be a duplicate of the hardcopy form available at the OIM front desk. Please note that this third web portal option for submitting a complaint is not yet ready for

rollout and there are several other stages with higher priority at this time. We are expecting to have this web portal available before the end of 2024. Numerous translated versions are expected and the OIM will reach out to DCR will be able to assist us in that regard. Collaborating with City IT, the OIM will confirm that Text to Speech functionality is supported and ascertain the anonymity options available, if any, for the web portal.

Need for a Complete Complaint

While all input from the public is beneficial to the Office and its goals, there is a minimum level of information necessary to follow up on a complaint. At the very least, for a complaint to be added to the queue, it needs to have the following: (1) Some relation to the Madison Police Department's policies or staff, (2) a clear description of the issue or incident, (3) relevant details of issue or incident such as dates, times, locations, (4) what the desired resolution is, and (5) information of at least one witness (sworn or otherwise).

Complaints or other input from the public that does not meet these requirements will still be recorded in the Office's system. All information useful for monitoring the public's interactions with law enforcement is welcome. However, without a starting point for an investigation and without a goal, there is little more the Office can do with an incomplete complaint beyond recording it for statistical purposes.

Initial Screening

An Initial Screening of each complaint will be conducted by an Office staff member within 2 business days of receiving a complaint through mail. Complaints

received in person will be screened immediately if possible. The purpose of the Initial Screening is to ensure that the complainant has provided enough information for the complaint to be considered “complete.”

If a complaint is found to be incomplete in this Initial Screening, then Office staff will make two attempts to contact the complainant (if possible) to clarify if the complainant wishes to provide additional information. Office staff will explain that an incomplete complaint will not be investigated, what additional information is needed to deem the complaint complete, jurisdictional questions if they arise, and that the complainant’s input will still be recorded and is appreciated by the Office.

Trauma-informed Service

All OIM staff will provide trauma-informed service in carrying out their duties. Being cognizant of trauma is of the highest priority to the OIM and is necessary for creating a compassionate and supportive environment for complainants to share their stories. Complainants may have experienced significant trauma, either directly from the incident in question or from other past experiences. By showing empathy and understanding, the Office can make individuals feel heard and respected.

The Office prioritizes, to its best possible ability, ensuring that this process does not exacerbate the distress of the complainant. Procedures, tracking numbers, and databases are necessary for the Office’s duties but the Office’s purpose is to facilitate communal healing through transparency and reform. Unique and case-by-case

accommodations and assistance for complainants is to be expected to ensure that the risk of re-traumatization is minimized.

Accommodations and other notes concerning a complainant's potential exposure to trauma will be maintained within the Office's tracking system. There will be several cases being actively investigated at a time. To ensure that the Office can provide trauma-informed service, OIM staff will need to be able to refer to this information before speaking to a potentially traumatized individual. These accommodation and trauma notes are public records but the Office will consider the strong public interest in not retraumatizing victims and in encouraging complainants' trust and candor with the OIM in the event that such records are requested.

Complaint Tracking Number and Categorization

All complaint forms will be assigned a tracking number which will be shared with the complainant. Tracking numbers will contain three separate pieces of information. First, the year the complaint was received. Second, a categorization code. Third, the sequential order the complaint is received. The categories will appear as a three-digit number, assigned with a specific category. Those categories are: 010 – Use of Force, 020 – Racial Profiling, 030 - Discrimination, 040 – Ethical/Procedural Misconduct, 050 – Discourtesy, 060 – Policy Failure, 070 - Policy Success, 080 – MPD Staff Praise, and 090 – General Public Input.

Naturally, complaints can include details which would fall under multiple categories. This redundancy is expected, and the category assigned in the Initial Screening will be the lowest numbered category that would apply. For example, if an

MPD staff member was observed inebriated in uniform and verbally accosted a member of the public, this complaint would be assigned category 040. The same scenario but the MPD staff member is off-duty would be assigned category 050. As more categories are created, they will follow this severity scale.

The third part of the tracking number will be a five-digit sequential number for the complaint. This number can be duplicated in the event that more than one category needs to be assigned to a complaint. Revisiting the earlier example of the inebriated off-duty MPD staff member, if the complainant reports that another MPD staff member was present and effectively de-escalated the situation, then two tracking numbers should be created reflecting both categories but retaining the same sequential number (e.g. 24-050-12345 and 24-080-12345).

Database Entry

Data Points tracked per complaint, to the best practical extent:

- Complainant Housing status
- Incident location (Alder district, MPD District, zip code) and time
- Complainant's domicile location (Alder district, MPD District, zip code)
- Complainant's age, race, gender identity, disability status, sexual orientation, annual household income (recorded as either above or below \$50,000)
- MPD Staff Name, rank or position, badge or employee number, age, race, gender identity, length of service with MPD
- Tracking Number Categorization
- Fillable section for recording other tags/keywords for future analytical or filing needs.

Limitations of storage/access method

<TBD>

Expectations of database functionality

Track and present trends in complaints received by the OIM. Quickly accessible and searchable program. Customizable workflow and reminder system. Dedicated staff and memorialized list for investigations in event of Monitor absence.

Complaint Intake Form

City of Madison
Office of the Independent Police Monitor
Intake Form

Date: _____

First Name		Middle		Last Name		
		<input type="checkbox"/>	<i>I wish to remain Anonymous</i>			

Contact Information								
Preferred mode of communication								
Mailing Address								
City, State			Zip					
Phone Number				Voicemail OK?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Secondary Phone				Voicemail OK?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Email Address				WhatsApp				
What are the best days/times to contact you?								

Incident Information (Please include as much information as possible)			
Did the incident involve a member of the Madison Police Department?	<input type="checkbox"/>	Yes	<p><small>Note: The Office of the Independent Monitor and the Police Civilian Oversight Board's jurisdiction is limited to the Madison Police Department. Complaints involving other law enforcement agencies will be forwarded to the appropriate agency, if known.</small></p>
	<input type="checkbox"/>	No	
	<input type="checkbox"/>	Unknown	
How were you involved in the incident? <input type="checkbox"/> It happened to me <input type="checkbox"/> I witnessed it			
<input type="checkbox"/> I heard about it AND <input type="checkbox"/> I do not wish to disclose where I heard about it			
<input type="checkbox"/> I wish to disclose where I heard about it:			
Incident Date(s)			Incident Time(s)
Incident Location			
Names of Officers			
Badge Numbers			
<p>If name or badge number is not known, please provide a physical description of the officer(s), include any distinguishing marks/tattoos as well as approximate age, weight, height, race, and gender:</p>			
<p>To the best of your knowledge, please list all the agencies/departments that were present at the incident (e.g. Madison Police, Dane County Sheriff's Office, Madison Fire Department, etc.)</p>			

Please describe the incident to the extent you feel comfortable. You may use additional paper or the back of the page if you would like to.	
Please identify the specific actions by the officer(s) you wish to highlight:	
What actions would you like to see taken in response?	
Have you already or do you plan to report this incident to any other agencies? Which ones and when?	

Demographic Information					
Home Address (if different from above)					
City, State		Zip			
Date of Birth	/ /	Gender		Sexual Orientation	
Race/Ethnicity (mark all that apply)	<input type="checkbox"/> Black/African American <input type="checkbox"/> Asian <input type="checkbox"/> Hispanic/Latinx <input type="checkbox"/> Indigenous <input type="checkbox"/> Arabic <input type="checkbox"/> Semitic <input type="checkbox"/> Pacific Islander <input type="checkbox"/> White <input type="checkbox"/> Other:				
Do you have a Disability? <input type="checkbox"/> Yes <input type="checkbox"/> No		Is your Disability related to the incident? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If applicable, please list your disability here:					

To better serve the Madison community, please share with us how you heard about the Office of the Independent Monitor and/or the Police Civilian Oversight Board: