

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

| | City of Madison Ad hoc Report Recommendation | Denver | Portland | Syracuse | Newark | Other Cities? |
|----------------|---|--|---|---|--------------------|--------------------------|
| Status | | Full-time | | Full-time | | |
| Hiring Process | | 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 | | Serve at pleasure of Mayor. | Accountable to City Auditor | Discretion of Board | | |
| Location | | | 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 | | | |

DRAFT CONCEPTUAL SPREADSHEET – 7-2-20

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| | | | involved shootings & in custody deaths Hire independent atty | | | |
| Experience (monitor & all staff) | Never been employed by MPD | 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 | 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 | <ol style="list-style-type: none"> 1. Conduct investigations 2. Community outreach 3. Monitor MPD compliance w/SOPs, laws, CC Orders, Ad Hoc Recmdtns, OIR Rcmdtns 4. Monitor MPD audits of MPD programs, use-of-force incidents | <ol style="list-style-type: none"> 1. Actively monitor & participate in any criminal investigation, shooting, in-custody death, serious injury 2. Monitor any investigation of misconduct when requested by Board 3. Recommendations on sufficiency of investigation | <ol style="list-style-type: none"> 1. Receive complaints & primary contact for complainant, explain appeal process 2. Track & report on complaint disposition, complaint trends, discipline imposed. | <ol style="list-style-type: none"> 1. Maintain Board records 2. Gathering data, track complaints 3. Interview complainants 4. Making referrals 5. Assist complainant with preparing complaint & | <ol style="list-style-type: none"> 1. Supervise Board employees 2. Receive complaints 3. Investigate complaints 4. Review completed investigations 5. SOP recommendations 6. Audit PD on investigations | |

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| | <p>5. Review personnel investigations & 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 15. Staff Bd</p> | <p>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>3. Initiate, monitor & conduct investigations 4. Request Board review of investigations & discipline imposed 5. Recommend SOP changes 6. Community outreach & 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 & imposed discipline 12. Review any findings when complainant requests review 13. Track all complaints 14. Notify CC if Chief fails to respond to Auditor report</p> | <p>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> | | |
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DRAFT CONCEPTUAL SPREADSHEET – 7-2-20

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| | 16.Review imposed discipline to see if PFC process has impact | | 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.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 | 1. Any new internal investigation 2. Closing of any case w/o discipline 3. Any Board requested closed case before Monitor created | 1. Any reports necessary | | | |
| Subpoena | Can issue | | Can issue | | | |
| PD Duties | | 1. Notify Monitor as soon as practicable of serious incident | 1.Notify Auditor in timely fashion of | Give complaints to | | |

DRAFT CONCEPTUAL SPREADSHEET – 7-2-20

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| | | <p>or criminal investigation.</p> <p>2. Notify Monitor of interviews</p> <p>3. Notify Monitor w/in 3 days of opening investigation & closing case w/o discipline</p> <p>4. Give Monitor opportunity to make recommendations on investigations</p> <p>5. Allow Monitor input on discipline process</p> <p>6. Allow Monitor input on SOP revisions</p> <p>7. Respond w/in 30 days to any of the above</p> | <p>criminal or admin investigation</p> <p>2. Notify Monitor of investigation of misconduct</p> <p>3. Provide completed supervisory investigations (minor SOP violations)</p> <p>4. Review recommendations from Auditory & document why don't agree w/it</p> <p>5. Refer cases to PFC if disagreements on findings/discipline</p> <p>6. Public notification if investigation takes more than 129 days</p> | <p>Board w/in 1 day</p> <p>No action on complaints for 60 days or Board review (may take necessary discipline actions)</p> | | |
| Mediation | | | May refer case to mediation | Offered by Board | Offered by Board | |

CIVILIAN OVERSIGHT BOARD

| | Ad hoc Recommendation | Denver | Portland | Syracuse | Newark | Other cities? |
|-------------------|--|--|---|--|---|----------------------|
| Make-up | | 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 | 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 | 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 | Never employed by PD | |

DRAFT CONCEPTUAL SPREADSHEET – 7-2-20

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| | | | | 1 from each district | | |
| Term | | 4 years | 3 years | 3 years | 3 years | |
| Removal | | 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 | | 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 3.Policy-level rcmdtns on discipline, use of force, SOPs, hiring, training, community relations, complaint process 4.Address any concerns of others | 1.Assess effectiveness of Monitor by qualitative & quantitative criteria 2. Policy-level recommendations on discipline, SOPs, hiring, training, use of force, community relations, complaint process 3. Address issues of concern 4. Recommendations to specific cases on old cases | 1.Gather community concerns 2.Recommend SOP changes 3.Advise on compliant process 4.Hear appeals of complainant 5.Public outreach & public access 6.Create subcommittees 7.Review any complainant request for review or PD or | 1. Investigate, review complaints w/in 60 days 2.Recommend SOP changes 3.Promote community/youth engagement 4.Inform on complaint process, rights 5. Give complaints to PD w/in 1 day 6.Hold hearings on complaints (by subcommittee)– not public, not recorded | 1.Investigate complaints (by entire Bd or subgroup) 2.Hearing on complaints 3.Review PD complaint investigations 4.SOP recommendations 5.Recommendations to PD on public engagement 6.Community engagement 7.Recommend discipline using PD discipline matrix | |

DRAFT CONCEPTUAL SPREADSHEET – 7-2-20

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| | | | Auditor findings. Case review &/or hearing. Detailed process (3.21.160) | 7.Make disciplinary or restitution recommendations 8.Subcommittee for youth engagement | | |
| Complaint Review | | Review not sustained individual complaints & refer back to Monitor | | | | |
| Confidentiality | Access to personnel files | All documents | All documents | All documents | | |
| Reports | 1. Annual review of: - Chief - Monitor - Bd's activities - Community concerns - Assmnt of investigation & discipline process - Rcmdtns to improve community relations - Rcmdtns to SOPs, hiring, training, complaint process | Annual concurrent w/Monitor's report & covering: 1. Assmnt of Monitor 2. Board's activities 3. Citizen concerns 4. Assmnt of SOPs, investigation, discipline 5. Recommendations: - Depts improve citizen relationships - Changes to SOPs - Changes to hiring - Changes to Training - Changes to complaint process Additional reports: 1. Patterns related to complaints | Annual & quarterly report w/Auditor covering: Assmnt of SOPs, investigation, improve individual's relationships | Reports completed by Administrator City provided website | Semi-annual review of PD investigations Semi-annual summary of activities Quarterly summary reports on website (1-21) Annual report containing quarterly report stats Report to PD on finding of violations & discipline rcmdtns | |

DRAFT CONCEPTUAL SPREADSHEET – 7-2-20

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| | | <p>2.Rcmdtns sufficiency of investigations</p> <p>3.Whether SOP violations occurred</p> <p>4. Appropriateness of discipline</p> | | | | |
| Staff | | <p>Hire consultants to:</p> <p>1.Assist in Monitor review</p> <p>2.Prepare reports</p> | | <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 | | | | <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>Stipends</p> | | | <p>Annual budget</p> | <p>Annual budget \$500,000 start up</p> | |
| Subpoenas | | | | | <p>Can be issued</p> | |