

REPORT OF: THE ALDER WORKGROUP TO DEVELOP THE LOGISTICAL AND OPERATIONAL DETAILS FOR MPD INDEPENDENT OVERSIGHT

TITLE: RECOMMENDATIONS FOR IMPLEMENTATION OF CIVILIAN OVERSIGHT BOARD AND OFFICE OF THE INDEPENDENT POLICE MONITOR

DATE: 7/29/2020

WORKGROUP MEMBERS: Alder Donna Moreland (Chair), Alder Shiva Bidar, and Alder Rebecca Kemble.

BACKGROUND

In August of 2019, the Madison Common Council adopted RES-19-00578, which consisted of two recommendations by the Madison Police Department Policy and Procedure Review Ad Hoc Committee: 1) Civilian Oversight/Independent Monitor's Office, and 2) Comprehensive Internal Review and Root-Cause Analysis of Critical Incidents. In order to provide structure and guidance for the implementation of the recommendation to create a Civilian Oversight/Independent Monitor's Office, on June 6th, 2020, the Madison Common Council passed RES-20-00459 (file # 60764) establishing the Alder Workgroup to Develop the Logistical and Operational Details for MPD Independent Civilian Oversight.

The impetus for the creation of the Madison Police Department Policy and Procedure Review Ad Hoc Committee was the fatal shooting of unarmed teenage Madison resident Tony Robinson in 2015 by MPD Officer Matt Kenney. In conducting a comprehensive review of Madison Police Department policies and procedures of the course of four years between 2015 and 2019, the Madison Police Department Policy and Procedure Review Ad Hoc Committee presented 177 recommendations. Of these 177 recommendations, the committee determined that the recommendation to create a Civilian Oversight Board and an Office of the Independent Monitor was of utmost importance and key to the successful implementation of the other recommendations. Therefore, the committee submitted this recommendation in time for budget decisions to be made regarding an initial investment in the Independent Monitor position in the 2020 budget, as a result of which, the Common Council approved \$200,000 in the 2020 budget for the Independent Monitor.

The charge of the Alder Workgroup to Develop the Logistical and Operational Details for MPD Independent Civilian Oversight was to accomplish the following by August 4th, 2020:

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- 1) Creating an ordinance to establish independent civilian oversight of MPD, including provisions for the Civilian Oversight Board and Independent Monitor
- 2) Identifying budget and other support needed to ensure effective functioning of the Civilian Oversight Board and Independent Monitor, including drafting budget amendments, proposed staff support, training needed
- 3) Identifying the community organizations who will nominate some of the Civilian Oversight Board members
- 4) Creating a timeline and process for recruitment of Civilian Oversight Board members and hiring of Independent Monitor

WORKGROUP ACTIVITIES

The Alder Workgroup to Develop the Logistical and Operational Details for MPD Independent Civilian Oversight met ten (10) times between June 25th and August 3rd, 2020. Over the course of this one-month period, the Workgroup crafted an ordinance establishing the Civilian Oversight Board and Office of the Independent Monitor; a position description for the Independent Police Monitor; a resolution delineating the use of the \$200,000 allocated in the 2020 budget for the establishment of a Civilian Oversight Board, which will then hire the Independent Monitor; identified a designated set of community organizations who will nominate members of the Civilian Oversight Board; and a training and support plan for the establishment of the Civilian Oversight Board.

In order to provide outreach on the work of the committee to the public, the Workgroup reached out to over fifty (50) community organizations (see attached list) and created a webpage dedicated to the work of the Workgroup (<https://www.cityofmadison.com/Council/meetings/alder-workgroup-civilian-oversight.cfm>). Many members of the public, including representatives of a range of community organizations, as well as former members of the MPD Ad Hoc committee, attended the meetings. Because the Workgroup voted to suspend the rules and allow audience members to dialogue with committee members, they were able to gain substantive input from members of the public beyond the formal public comment process.

In its deliberations, the Workgroup paid particular attention to a number of issues, including:

- the need for the Civilian Oversight Board and Independent Police Monitor to be independent from both the Madison Police Department, and City elected officials and staff;
- fidelity to the wording of the MPD Ad Hoc Committee recommendations;
- the need for comprehensive training for the Civilian Oversight Board;
- the need for in-depth input from community organizations and resident stakeholders;

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- the importance of diversity and lived experience in the composition of the Civilian Oversight Board;
- assuring adequate funding and staffing for the Office of the Independent Monitor; and
- legal and procedural nuances to assure the ability of the Independent Monitor and Civilian Oversight Board to have unfettered access to the documents and individuals that they will need to be successful, including subpoena power

RECOMMENDATIONS

The Alder Workgroup to Develop the Logistical and Operational Details for MPD Oversight makes the following recommendations:

1. Adopt the ordinance creating the Civilian Oversight Board and Office of the Independent Monitor and the ordinance amending the MGO accordingly;
2. Pass the resolution delineating the use of the \$200,000 designated in the 2020 budget for the Independent Monitor to support the establishment of the Civilian Oversight Board, so that it can hire the Independent Monitor;
3. Direct City of Madison Human Resources to design a recruitment process and recruit the Independent Monitor using the position description drafted by the committee, and provide City staff support to the Civilian Oversight Board to conduct an equity analysis of the position before recruitment for the Independent Monitor begins;
4. Establish an administrative support team of existing City staff, including the Common Council Office and the Mayor's Office, to support the process of recruiting and initially establishing the Civilian Oversight Board;
5. [(?) Ensure the remaining recommendations of the MPD Ad Hoc Committee are implemented in a timely fashion]; and
6. [(?)Ensure sufficient financial support for the Civilian Oversight Board and Office of the Independent Monitor in the 2021 budget and going forward].

CONCLUDING REMARKS

The charge of the Alder Workgroup included direction to hew very closely to the wording of the MPD Ad Hoc Committee's recommendations. In a small number of instances, the recommendations provided broader direction. In one instance in particular, the Alder Workgroup would like to strongly recommend a specification be added: that the Civilian Oversight Board be composed of at least 50% of Black members. The Alder Workgroup feels strongly that this recommendation comports with the Ad Hoc Committee's recommendations. Additionally, members of the MPD Ad Hoc Committee were present at the Alder Workgroup meetings and expressed their support for this item. [mention letter if we get one]

ATTACHMENTS

Ordinance Creating Civilian Oversight Board and Office of the Independent Monitor

Ordinance Amending MGO 3.54 to Include Independent Monitor as CG 21 Employee

Independent Police Monitor Position Description

Resolution Amending 2020 Budget

Outreach List of Community Organizations

Designated Set of Nominating Organizations

[Letter from MPD Ad Hoc regarding composition of Board?]