

Madison's Police Civilian Oversight Board

Historical Background

February 19, 2025 PCOB Regular Board Meeting



U.S. CIVILIAN POLICE OVERSIGHT EVOLUTION



➤ **First wave created by Progressive Era reformers in 1880s-1920s.**

- e.g. Wisconsin municipal Police & Fire Commissions.
Created in response to concerns about corruption.

➤ **First more modern oversight entity: Citizens Review Board in the District of Columbia, created in 1948. Others soon followed.**

Created in response to racial tensions and riots.

Generally under-resourced review boards, focusing on individual police misconduct complaints.

➤ **Another wave with roots in Civil Rights Movement. 1960s-1980s.**

Frequently structured as investigative agencies. Focus on individual cases.

➤ **Auditor/monitor model arose in the 1990s.**

- Motivated by a desire to promote systemic change through analysis of policies and trends.

➤ **National Association for Civilian Oversight of Law Enforcement (NACOLE) founded in 1995.**

➤ **Increasingly, cities are adopting multifaceted hybrid models, combining functional and structural elements of different models.**

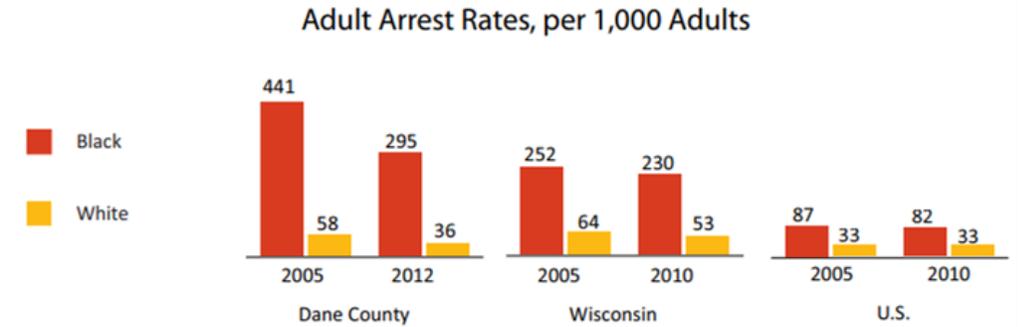
➤ **Most large U.S. cities have now implemented some form of civilian police oversight.**



UNDERSTANDING MADISON'S OVERSIGHT CONTEXT

➤ 2013 Race to Equity Report

- Created awareness of stark racial disparities in policing and criminal justice, which data showed were among the most extreme disparities in the nation.



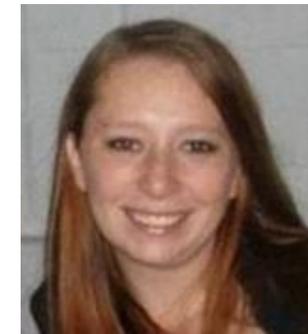
Source: <https://kidsforward.org/race-to-equity/>

➤ Series of Fatal Madison Police Department officer-involved shootings

- Multimillion-dollar settlements sparked widespread calls for reform



Paulie Heenan



Ashley DiPiazza



Tony Robinson Jr.

Photos of a few Madisonians who have lost their lives due to police officer involved shootings

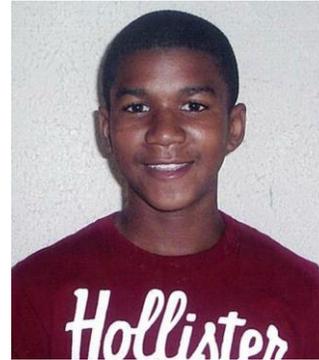
MADISON'S OVERSIGHT CONTEXT - CONTINUED 2

➤ National Context and the Movement for Black Lives

- 2013 BlackLivesMatter Movement begins in response to the acquittal of George Zimmerman in the killing of Trayvon Martin.
- 2014 the Movement grew exponentially after the deaths of Michael Brown and Eric Garner.

➤ Turning Point: The Start of Madison's Political Process

- 2015 the death of Tony Robinson Jr. led to massive protests calling for police accountability, reform, and “community control over police”.
- Late 2015 the Madison Police Department Policy & Procedure Review Ad Hoc Committee was created. The Ad Hoc Committee was tasked with conducting a comprehensive review of MPD.



Trayvon Martin



Michael Brown



Eric Garner



MADISON'S OVERSIGHT CONTEXT - CONTINUED 3

➤ Police Department Policy & Procedure Review

- OIR Group hired to conduct a comprehensive review of MPD policies, procedures, culture, and technology.
- OIR delivered its review in December 2017, with 143 recommendations for reform.
- “Cornerstone” was recommendation to create an independent police monitor’s office reporting to a community police review board. Emphasized that this would help ensure their other recommendations got implemented.



Mike Gennaco



Steve Connolly



Julie Ruhlin

MADISON POLICE DEPARTMENT POLICY AND PROCEDURE REVIEW

Report to the City of Madison and the
Madison Police Department Policy and
Procedure Review Ad Hoc Committee



Source: <https://www.oirgroup.com/>

MADISON'S OVERSIGHT CONTEXT - CONTINUED 4

➤ Madison Police Department Policy & Procedure Review Ad Hoc Committee

- 2019 the Committee issued their report, after close to four years of work, including 177 recommendations for MPD reform.
 - The report included both OIR Group recommendations and community-generated recommendations.
 - Centerpiece was detailed plan for an Office of the Independent Monitor and Police Civilian Oversight Board.
- Carefully designed the oversight mechanism, to avoid flaws that led to ineffective oversight agencies elsewhere. Consulted with top police oversight experts nationally, and read and discussed many reports/studies.



Ad Hoc Committee members



MADISON'S OVERSIGHT CONTEXT - CONTINUED 5

➤ Council President's Work Group on Police and Community Relations

- Committee of alders set up to quickly initiate actions while waiting for OIR and Ad Hoc Committee reports.
- Common Council rediscovered that it had the power to give orders to the Chief of Police – for example, on police SOPs.
- Committee generated a set of action items, including orders to Chief Koval, which were then passed by the Common Council.
 - Examples of Orders:
 - Adding duty to preserve life, including the lives of those being taken into custody, to MPD use of force policy.
 - Requiring that MPD develop an SOP for tactics in dealing with people in an altered mental state, and that this should incorporate Fyfe's Principles.



Shiva Bidar



Rebecca Kemble



Marsha Rummel



Sheri Carter



Denise DeMarb



James Fyfe



UNACCOUNTABLE

When communities try to hold police accountable, law enforcement fights back

Civilian oversight is undermined by politicians and police, who contend citizens are ill-equipped to judge officers

A painting of Valente Acosta-Bustillos is flanked by names and portraits of others who were fatally shot by law enforcement officers in New Mexico. It's outside the Albuquerque offices of the Southwest Organizing Project. (Adria Malcolm for The Washington Post)

Alex Vitale:

Even more radical strategies like calling for community control of the police have serious drawbacks. There are two main problems. The first is that communities are not well suited for this task. Most people have very little interest or expertise in undertaking the role of managing a complex city service. In addition, no matter what it might say on paper, community power is typically no match for the entrenched bureaucratic power of the police. Numerous studies show that even when the community is supposed to be given a role in directing police services, the police quickly come to control the community process. Second, even if communities were to develop the power to direct the police, we might not like the results. Given the highly segregated nature of American cities, enclaves of racialized policing could be expected to emerge, as white communities attempt to wall themselves off from the perceived threats of outsiders. Even in communities of color, local community leaders are not always operating with the best interests of the entire community in mind. Those that tend to populate community institutions tend to be older, more conservative and closely tied to local landlords and businesses. These players are unlikely to be the source of dramatic changes in police policy.

Civilian Oversight

POLICY ASSESSMENT APRIL 2021

Civilian oversight panels are intended to give voice to community members and enhance transparency and accountability through an independent review and investigation of excessive-force cases and public complaints of police misconduct. These entities vary significantly in terms of their role, responsibilities, investigative authority, structure, and composition.

SUMMARY ASSESSMENT

- Studies documenting civilian oversight functions illustrate a wide array of models and structures and tremendous variation in degree of authority. Yet regardless of the oversight model, significant structural barriers often preclude such entities from fulfilling their mandates, and high public expectations of them are rarely realized.

How Mayors, Police Unions and Cops Rig Civilian Review Boards

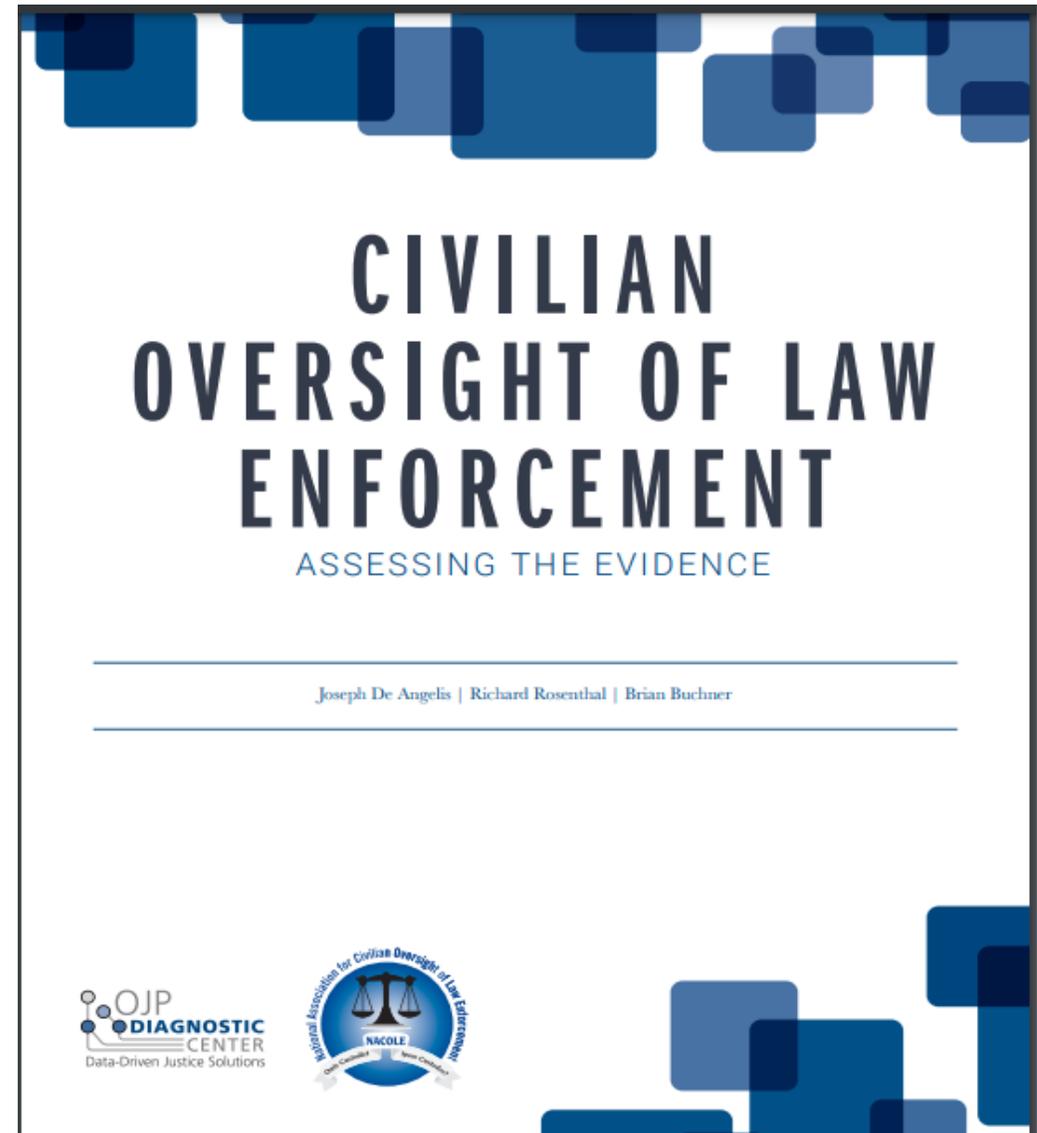
Until there is a serious commitment to maintaining professional and ethical standards in policing, the misconduct problem will fester.

OCTOBER 24, 2016 • COMMENTARY

**Getting It Right:
Building Effective Civilian Review Boards to Oversee
Police**

*Udi Ofer**

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Two Key Sources the Ad Hoc Committee used to Design Madison’s Police Oversight Mechanism



- Independence
- Clearly Defined and Adequate Jurisdiction and Authority
- Unfettered Access to Records and Facilities
- Access to Law Enforcement Executives and Internal Affairs Staff
- Full Cooperation
- Sustained Stakeholder Support
- Adequate Funding and Operational Resources
- Public Reporting and Transparency
- Policy and Patterns in Practice Analysis
- Community Outreach
- Community Involvement
- Confidentiality, Anonymity, and Protection from Retaliation
- Procedural Justice and Legitimacy

Thirteen Principles for Effective Oversight

What makes for effective civilian oversight?

This question has been asked by many oversight practitioners, local officials, and community and law enforcement stakeholders. In terms of oversight models, there is generally no singular "best practice" approach that will guarantee success in every instance. Instead, civilian oversight should be structured according to what is considered to be a "best-fit" for the particular community interested in establishing civilian oversight. Visit [this page](#) to learn more about different models of civilian oversight.

Regardless of the civilian oversight model chosen, there are thirteen general principles that are considered key components of successful civilian oversight. The principles detailed below should be thought of as a matter of *degree*, and as such, oversight stakeholders should try to maximize the extent to which a civilian oversight agency adheres to these principles.

For more detailed information on the Thirteen Principles for Effective Civilian Oversight, see NACOLE's "Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Practices".

Independence

One of the most important and defining concepts of civilian oversight of law enforcement is independence. In its broadest sense, it refers to an absence of real or perceived influence from law enforcement, political actors, and other special interests looking to affect the operations of the civilian oversight agency. In order to maintain legitimacy, an agency must be able to demonstrate the extent and impact of its independence from the overseen law enforcement agency — especially in the face of high-profile issues or incidents.



SUCCESSFUL CIVILIAN OVERSIGHT OVERVIEW

➤ Key Features for Effective Civilian Police Oversight - (Source: NACOLE)

- **Full Independence:** Ensure functional and structural separation from elected officials and the police department.
- **Empowerment:** Grant sufficient authority and jurisdiction to effectively carry out oversight responsibilities.
- **Adequate Funding:** Provide the necessary resources and funding for sustained success.
- **Inclusive Representation:** Ensure broad community representation, with a focus on those most impacted, including diverse socioeconomic backgrounds.



SUCCESSFUL CIVILIAN OVERSIGHT OVERVIEW - 2

➤ Excerpts as to the Importance of Independence

From the National Association for Civilian Oversight of Law Enforcement - "Thirteen Principles for Effective Oversight":

"One of the most important and defining concepts of civilian oversight of law enforcement is independence. In its broadest sense, it refers to an absence of real or perceived influence from law enforcement, political actors, and other special interests looking to affect the operations of the civilian oversight agency. "

From Fair and Just Prosecution - "Key Guiding Principles and Recommendations for Civilian Oversight":

"the membership of civilian review boards (CRBs) should include civilians, a majority of whom are not selected by – or beholden to – any local or state politician. These safeguards can help insulate the oversight entity from undue political influence."

From the Council on Criminal Justice Task Force on Policing – "Civilian Oversight Policy Assessment":

"Boards whose members are appointed by local elected officials may be biased and susceptible to local politics – or perceived that way, eroding public trust in their independence. Such boards are also considered "police friendly" given that their members are appointed by politicians who may depend on law enforcement support for reelection."



SUCCESSFUL CIVILIAN OVERSIGHT OVERVIEW - 3

By The Editorial Board | Chicago Tribune

“The fatal flaw in Chicago’s police oversight system has been its lack of independence. That was starkly obvious as City Hall struggled to contain the damage over the police shooting of 17-year-old Laquan McDonald. Emails obtained by reporters showed former IPRA chief Scott Ando triangulated constantly with Emanuel’s Law Department and communications staff. Ando knew who was boss. If you doubt that he was right, remember that he’s gone.

So no, you don’t fix IPRA by calling it COPA and giving it more responsibilities. You wall it off from City Hall. You give it a fixed minimum budget. You let it hire its own attorneys — not just because the Law Department has a track record for meddling, but because city attorneys could be called upon to defend cops who are being investigated by COPA when they’re sued in civil court. That’s a serious conflict of interest.”

Protesters Block Chicago Streets Over Video of Laquan McDonald's Killing

Authorities released a “disturbing” dashcam video of the moment a cop shot Chicago teen Laquan McDonald 16 times last year.



Laquan McDonald: How a Chicago teenager was shot dead by police

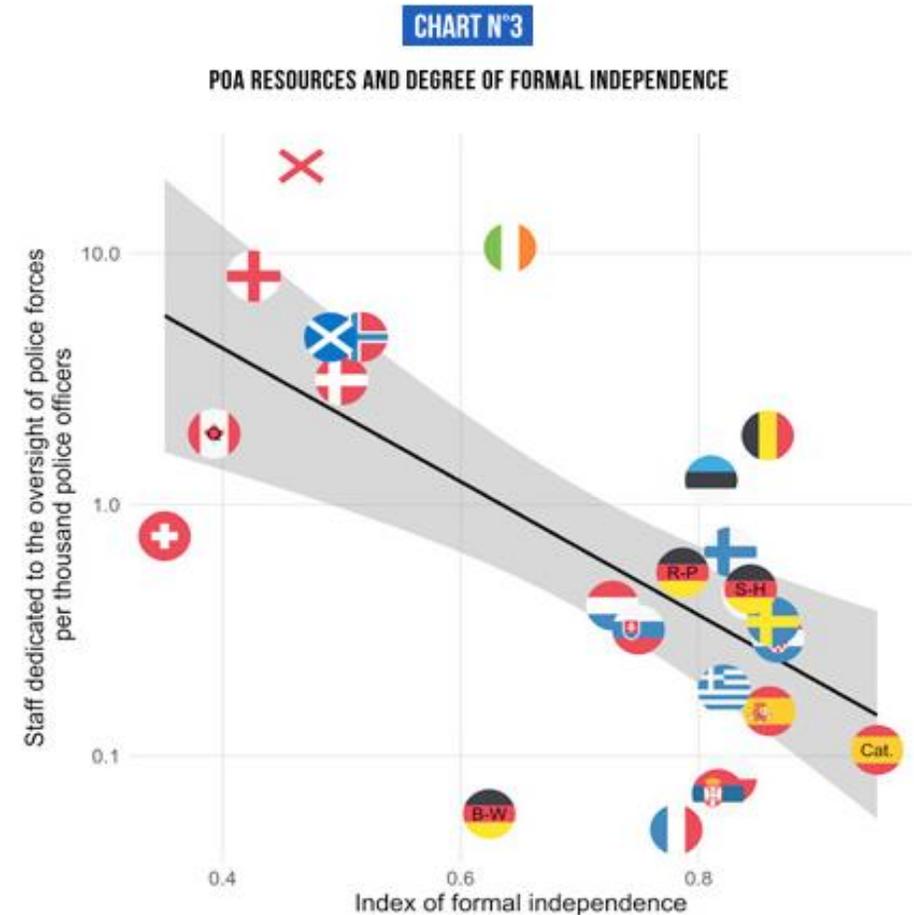
© 24 November 2015



SUCCESSFUL CIVILIAN OVERSIGHT OVERVIEW - 4

External police oversight agencies: emergence and consolidation A comparative study of 25 agencies in 20 countries synthesis

“The results indicate that formal independence is negatively correlated with relative agency resources. The more independence an agency is granted, the fewer resources it obtains. These results reveal that governments would adopt two strategies: they would either create agencies that meet all the independence standards but have limited resources to accomplish their mission (independent-poor in resources), or agencies that have significant resources but over which they retain significant influence (weakly independent-rich in resources).”



CREATING AN EFFECTIVE OVERSIGHT MECHANISM

Excerpt from Ad Hoc Committee Report:

"Though civilian oversight boards can provide accountability, relatively few existing boards are considered effective. As the Chicago Police Accountability Task Force report noted, "real and lasting change is possible only when the people most affected by policing have a voice." Reviews have found that in judging misconduct, civilian oversight boards are often even more deferential to officers than police internal affairs departments, and this appears to be a function of board composition. Civilians who volunteer to serve on oversight boards often have an affiliation with police. Moreover, research shows that education, income, and age are negatively related to reported experience with police mistreatment and positively predict favorability toward police, such that conventional criteria for appointment to city committees inherently create unrepresentative oversight boards. Meanwhile, civilian oversight boards with greater socioeconomic diversity, such as the Syracuse Citizen Review Board, appear to provide greater police accountability. **The ACLU has recommended that a majority of board members should be nominated by a designated set of community-based organizations with appropriate characteristics, as implemented for example in Newark, NJ, and we strongly endorse this recommendation."**



CREATING AN EFFECTIVE OVERSIGHT MECHANISM - 2

Excerpt from Ad Hoc Committee Report:

“A variety of models exist for civilian oversight mechanisms. OIR Group recommended a monitor-type oversight mechanism and we concur. A monitor has the capacity to examine policies, patterns, and practices, and can be effective at promoting long-term systemic changes.”

Monitor-type Model:

Crucial functions of an Independent Monitor in any city include monitoring a police department, performing analyses, providing constructive criticism, issuing recommendations, and using the bully pulpit of reports and press conferences to bring about systemic departmental reform, with better policing outcomes.

Much of an Independent Monitor’s role is analogous to problem-oriented policing, the approach to policing developed by UW Law School luminary Herman Goldstein.



CREATING AN EFFECTIVE OVERSIGHT MECHANISM - 3

With the Monitor-type model, OIR and the Ad Hoc Committee envisioned a problem-oriented policing approach to police oversight

An individual case disciplinary focus has its limits.

“Hold everyone accountable? Ridiculous!” ~ Dr. Edward Deming
Deming notes that that 94 percent of the causes of low quality belong to the system and thus lie beyond the power of the workforce.

From: **Civilian Oversight of Law Enforcement**

Assessing the Evidence: **Problem-oriented Approaches to Civilian Oversight**

A second trending issue has to do with an increasing focus on shifting some of the emphasis within oversight away from reactive forms of case review and investigation and toward more proactive reform efforts (Porter 2013; Harris 2012). Part of this trend has been visible since the 1990s with the development of auditor/monitor models of oversight (Bobb 2003). However, there has been a developing focus on adapting problem-oriented policing strategies for use in civilian oversight.

Problem-oriented policing has been an important approach to law enforcement for more than 30 years. In this approach, patterns of crime and disorder are analyzed carefully to develop new programs that can reduce the incidence of the identified crime (Goldstein 2003; Braga 2008; Porter 2016). This approach to law enforcement is notable because it is designed to be both *preventive* and *collaborative*. That is, it is designed to reduce future crime problems and bring all of the stakeholders together to develop a solution (Goldstein 2003). Even though this strategy has been popular with law enforcement, it has not been widely adopted for use in civilian oversight of law enforcement.

Recent research by Porter (2016) indicates that it is possible to adapt problem-oriented approaches to increase the effectiveness of civilian oversight.²⁸ Often referred to as the SARA problem-solving model, this strategy has four stages:



Beyond 'oversight': a problem-oriented approach to police reform

Author

Porter, LE



CREATING AN EFFECTIVE OVERSIGHT MECHANISM - 4

Ad Hoc Committee recommended that the Independent Monitor be empowered to conduct both independent investigations and pattern and practice analyses (via data analysis, etc.).

These can inform and feed into each other.



THE FORMAL CREATION OF THE PCOB

➤ Initial 2020 Ordinance Proposal from the Mayor

- The Mayor's proposal introduced a police auditor role that lacked real independence, reporting directly to their office and serving at their discretion.

- **Key Divergence from Ad Hoc Committee Recommendations:** The proposal significantly differed from the Ad Hoc Committee's suggestions, limiting the auditor's ability to function effectively.

- **Restricted Investigative Power:** The auditor could only conduct independent investigations under very narrow circumstances.

- **No Subpoena Authority:** Lacked the essential power to compel testimony or documents for a thorough investigation.

- **Limited Scope of Review:** The auditor could only review and make recommendations on those actions the MPD chose to adopt, restricting meaningful oversight.



THE FORMAL CREATION OF THE PCOB - 2

Weeks of the introduction of this proposal, due to the death of George Floyd, protests broke out in Madison and the Mayor withdraw the initial proposal.



THE FORMAL CREATION OF THE PCOB - 3

➤ Alder Workgroup to Develop Logistics and Operational Details for MPD Independent Civilian Oversight

- Council set up a three alder workgroup to write ordinances for police oversight entities.
- Crafted ordinances implementing what the Ad Hoc Committee had recommended.



Donna Moreland



Rebecca Kemble



Shiva Bidar

Former Alder Rebecca Kemble:

“When we wrote the ordinances that created one of the strongest police accountability mechanisms in the country, we anticipated that there would be attempts to undermine and jeopardize the independence of the IM and the PCOB from without (lawsuits, negative press, social media attacks, etc.), as well as from within city government. That’s why we included this provision:

- 5.19(6)(b) Independent from City Staff and Officials. No City employee or official shall attempt to use their political or administrative position to unduly influence or undermine the independence of the Monitor or any employee of the OIM in the performance of their duties and responsibilities as set forth in this Ordinance.”
- 5.19(7)(l) Retain Independent Legal Counsel. The Monitor may retain independent legal counsel if necessary to fulfill the duties of the OIM.



THE INAUGURAL CIVILIAN OVERSIGHT BOARD - 2020

Madison Council approves ordinances 9/20 & PCOB Appointed/Confirmed 10/20

SHADAYRA KILFOY-FLORES (6th A.D.) - appoint to a four-year term to the position of Community-based Organization Representative. Shadayra Kilfoy-Flores was nominated by the Community Response Team.
TERM EXPIRES: 9-30-2024

ANANDA DEACON (4th A.D.) - appoint to a two-year term to the position of Community-based Organization Representative. Ananda Deacon was nominated by Freedom, Inc.
TERM EXPIRES: 9-30-2022

JOSHUA HARGROVE (9th A.D.) - appoint to a four-year term to the position of Community-based Organization Representative. Joshua Hargrove was nominated by JustDane.
TERM EXPIRES: 9-30-2024

ISADORE KNOX, JR. (14th A.D.) - appoint to a three-year term to the position of Community-based Organization Representative. Isadore Knox, Jr. was nominated by the NAACP.
TERM EXPIRES: 9-30-2023

RACHEL KINCADE (12th A.D.) - appoint to a four-year term to the position of Community-based Organization Representative. Rachel Kincade was nominated by the National Alliance on Mental Illness (NAMI).
TERM EXPIRES: 9-30-2024

ANKITA BHARADWAJ (4th A.D.) - appoint to a two-year term to the position of Community-based Organization Representative. Ankita Bharadwaj was nominated by OutReach LGBTQ+ Community Center.
TERM EXPIRES: 9-30-2022

YESENIA VILLALPANDO-TORRES (1st A.D.) - appoint to a four-year term to the position of Community-based Organization Representative. Yesenia Villalpando-Torres was nominated by UNIDOS.
TERM EXPIRES: 9-30-2024

MAIA PEARSON (14th A.D.) - appoint to a three-year term to the position of Community-based Organization Representative. Maia Pearson was nominated by Urban Triage.
TERM EXPIRES: 9-30-2023

JACQUELYN HUNT (7th A.D.) - appoint to a three-year term to the position of Community-based Organization Representative. Jacquelyn Hunt was nominated by the YWCA.
TERM EXPIRES: 9-30-2023

KEETRA BURNETTE (17th A.D.) - appoint to a four-year term to the position of Mayoral Appointee. Keetra Burnette is director of stakeholder engagement for the United Way of Dane County.
TERM EXPIRES: 9-30-2024

ANTHONY B. COOPER, SR (16th A.D.) - appoint to a two-year term to the position of Common Council Appointee. Anthony Cooper, Sr. is the vice-president of Strategic Partnerships & Reentry Services at Nehemiah Center for Urban Leadership Development and the CEO of the Focused Interruption Coalition.
TERM EXPIRES: 9-30-2022

KEITH FINDLEY (9th A.D.) - appoint to a two-year term to the position of First Alternate - Mayoral Appointee. Keith Findley is the founder of the Wisconsin Innocence Project.
TERM EXPIRES: 9-30-2022

SHERAY L. WALLACE (20th A.D.) - appoint to a two-year term to the position of Second Alternate - Common Council Appointee. Sheray Wallace is a community resource educator with the Center for Patient Partnerships at UW-Madison.
TERM EXPIRES: 9-30-2022

Meet the Chair and Vice Chair of Madison's first Police Civilian Oversight Board

by Jamie Perez | Tue, December 8th 2020 at 9:00 PM
Updated Tue, December 8th 2020 at 11:00 PM



PCOB first meeting November, 2020



Independent Monitor hired December 2022



MADISON CIVILIAN OVERSIGHT FACED CHALLENGES IN 2024

- **Madison's Executive Operating Budget Challenges - Tax Referendum & Future of PCOB and OIM Operating Budget**
 - *If failed* - Initial budget proposal would eliminate PCOB and OIM office
 - *If passed* - Initial budget office cut of \$195,000 (over 40% cut from OIM and PCOB budget)
 - ***Tax referendum passed***, and funding was partially restored via a Council budget amendment.
 - OIM is currently fully staffed.
- Police Civilian Oversight receives highly politicized treatment across the nation and is one of the department areas subjected to the greatest political interference.



QUESTIONS?

PROPOSED CHANGES TO 5.20 ORDINANCE - Introduction

