

## **THE CIVILIAN OVERSIGHT BOARD Issues and Concerns**

**Hello, my name is Luis Yudice; I'm a former member AND CO-CHAIR of the Police Ad Hoc Committee. I'm also a retired Assistant Chief with the Madison Police Department and had the honor of working with Chief Noble Wray.**

**Thank you for giving me this opportunity to speak and to share some thoughts with you. And thank you for the important work that you are about to undertake.**

It's a given that Madison will establish a civilian oversight board soon after the creation of The Independent Monitor's office. It's an important first step, but it must be done well in order to be successful. When this issue was first considered, I consulted with Professor Herman Goldstein of the UW Law School, who expressed concerns about creating another layer of accountability and advocated that a better route was to improve the PFC process. He had misgivings about diluting the police chief's authority and responsibility to investigate officer misconduct and he felt strongly that a system with a judicial process was needed.

It's clear that the community wants greater accountability of its police, but both the Monitor's Office and the Oversight Board should be governed by the rule of law, they must respect due process and apply procedural justice principles to their work.

My personal comments pertain to the selection of the board, it includes the following points:

- The City has not yet identified board member qualifications and desired experiences. Will selection be based on an individual's relevant experiences in law, civil rights, and criminal justice, or based on more subjective criteria?
- **UDI OFER, Director of the ACLU'S Justice Department's National Political and Advocacy Department and former Executive Director of the ACLU in New Jersey wrote an article titled Getting it Right: Building Civilian Oversight Boards To Oversee Police, in which he advocated that "Board members**

**should have an interest in the safety of the city and in the civil rights of community members. Nominees should have an expertise in a relevant field such as legal, civil rights or law enforcement background. Nominees should have a demonstrated commitment to the well-being of the city where they live and a strong understanding of the importance of upholding civil rights and civil liberties in policing”.**

- I believe the selection criteria are critical and that you should be seeking the most qualified persons for these positions.
- What is the length of their term?
- How will you ensure that they truly represent all segments of our community?
- What’s the vetting process? In order to evaluate objectivity and ability to adhere to the rule of law and respect due process will it include a review of the potential board member’s past experiences with police such as criminal histories and social media posts?
- What’s the process for removal of board members due to lack of attendance, or misconduct and who has this authority?
- To be successful and to establish legitimacy the board will require extensive training. What are the estimated costs and budget implications?
- Have you been or will you be in contact with other communities that have oversight boards to learn what has worked and to ensure we don’t repeat their mistakes?
- And last, what issues have resulted in litigation and what lessons can we learn? For example, in Newark a Superior Court judge removed subpoena and investigative power from the board.

The work you are leading represents a critical step forward, but it must be guided by solid research and facts rather than on emotional arguments. I urge you to create meaningful and lasting change by proceeding carefully and thoughtfully and by employing good methodologies.

I recommend you work with The National Association for Civilian Oversight of Law Enforcement (NACOLE) [infonacole.org](http://infonacole.org), which has

extensive expertise and should be consulted before selection of board members.

And please recognize that the police need to be part of the change process. Give them a role. The vast majority of Madison officers are good and decent people who are dedicated to serving their community. Partner with them to help define the future of policing in Madison.