

From: [Erika Bach](#)
To: [Police Civilian Oversight Board](#); [All Alders](#)
Subject: Request to Reject OIPM & PCOB Ordinance Amendments
Date: Wednesday, April 1, 2026 5:52:41 PM

Some people who received this message don't often get email from erikambach@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello members of the PCOB Executive Committee and Madison Alderpeople,

I write in advance of the PCOB Executive Committee meeting on Wednesday, April 1, 2026 and as a follow up from the last meeting of 3/25/26. I request that Madison city alders withdraw their sponsored proposed amendments that have the result of infantilizing the OIPM/PCOB and to acknowledge the dedicated and consistent work the office and board have well underway. As many of you know, the PCOB now has many accomplishments to share and is a body of largely community volunteers, thus making it critical for the City to rise to the national standard and fund an equitable percentage of the annual operating budget to secure records access, technology, claimant's legal counsel or fees and to provide full staffing salaries and stipends for the OIMP/PCOB at livable wage rates.

Please reject all current amendments to the OIPM/PCOB ordinance(s), and any future amendments that erode the independence of said entities, as defined by the current ordinance. To postpone report writing requirements until the office is appropriately funded according to the national standard is a reasonable request for accommodation and will enhance the work product both quantitatively and qualitatively.

Reminiscent of the 9/1/2020 attempts to remove independence from the original ordinance, the most recent rush of amendments would negate the independence of the OIPM/PCOB. Madison has done the difficult work of forging opportunities to be a leader in police civilian oversight, just as each member of the PCOB has proven yourselves/themselves to be. Rather than becoming a cautionary tale of NACOL's cases of resistance to independent oversight, we rally behind their staff and board to continue this charge with confidence and fidelity.

In keeping with the impassioned sentiments from recent meetings and out of respect for the concomitant effort that the OIPM/PCOB have put forth thus far, I respectfully ask the executive committee and all common council members to reject all amendments to the ordinance.

It is with deep gratitude for your service and the ways you endeavor for elected officials to be fully accountable, to make governance and policing transparent, and to keep local communities as safe as possible with the independence necessary to thrive. Rejecting these ordinance amendments will serve to do exactly that.

Thank you for considering this request and for all you do!

--

Best,
Erika

Erika Bach
erikambach@gmail.com
612.735.3404

From: [Lizzie](#)
To: [All Alders](#)
Subject: Oppose 5.19 and 5.20
Date: Friday, April 17, 2026 6:54:51 AM

Some people who received this message don't often get email from elizabet.bruno@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Members of the Madison Common Council,
Thank you for your service and the time you take to listen to your constituents!
I am writing to oppose Ordinances 5.19 and 5.20 which are set for the agenda of next tuesdays meeting.

Madison took a bold and critical step by forming the Office of the independent police monitor and the civilian oversight board. These institutions provide a critical role in protecting the civil liberties and safety of our population and their ability to function independently is essential to the role.

Accountability for the police department is absolutely critical. Police are human beings who have emotions and past experiences that effect the current moment - they real people who have good and bad days, can be loving and hateful or careless and they are people who live in a society filled with prejudice. Mistakes are inevitable, acting from prejudice is real, and there are times civilians need protection from the very institution said to protect them.

These independent monitoring systems, OIPM and PCOB, are in place to protect human life. Their work is critical in revealing hard truths that must be faced. The work of the OIPM and PCOB is powerful in its independence from the city. Access to information from police records is critical for uncovering truths. Independence from the City Attorney is also important because the mission of the city attorney greatly differs from these boards.

Taking away independence and access of these boards is a form of avoiding the real issues.

Avoidance is a very smart response of the body, but our responsibility as civil adults is to face truths.

We need to find answers to complex problems that hold multiple truths, not limit freedoms.

Please vote no on Ordinance 5.19 and 5.20

thank you for your time,
Elizabeth Bruno

4209 Maher Ave
Madison WI
53716

--

"The totally awakened warrior can freely utilize all elements contained in heaven and earth. The true warrior learns how to correctly perceive the activity of the universe and how to transform martial techniques into vehicles of purity, goodness, and beauty. A warrior's mind and body must be permeated with enlightened wisdom and deep calm."

Morihei Ueshiba (Translated by John Stevens)

From: [Nicholas Davies](#)
To: [All Alders](#)
Cc: [Martinez-Rutherford, Dina Nina](#)
Subject: OIM needs resources, not just addl responsibilities (92386)
Date: Sunday, April 19, 2026 9:14:18 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear alders,

Recently Bill Lueders [uncovered via records](#) request that MPD closed over a hundred internal investigations in just Q1 of 2026, and only two of them led to disciplinary action.

[The list](#) included:

- 25 investigations regarding police vehicles
- 14 regarding use of force
- 11 regarding legal authority
- 3 about weaponry
- 1 domestic abuse
- 1 sexual assault

Over a hundred cases, and all but 2 were dismissed? This is what non-independent accountability looks like.

Compared to the OIM, how many FTE staff did it take MPD to conduct and close over a hundred "investigations" per quarter?

How many other ancillary/admin roles contributed to their ability to do that, while at the same time being part of a compliant, fully-functioning city department?

While the goal of the changes to the Office of the Independent Monitor and Police Civilian Oversight Board may be well-intentioned, they will only further strain the scant resources provided to the OIM by...you all yourselves. You all put the OIM in an untenable situation, and now you're trying to blame them for it.

The OIM is a 2.6 FTE city department, and yet one of the "inconsistencies" identified was that the Data Analyst doesn't always clock out after working 0.6 FTE. This is just one example of how enforcing consistency between this tiny department vs. other departments with much greater resources would leave the OIM further under-resourced.

On their own, the proposed changes would have the OIM's 2.6 FTEs spending more of their time publishing reports more frequently, maintaining their website, and navigating MPD's arbitrary hurdles to get access to data, and less time doing their important work.

Therefore, if you're going to do this, then offset this burden. Finally bring the Data Analyst position up to 1 FTE, to account for all the additional work it's going to take, to connect to MPD systems the right way: securely yet independently. Make sure they have the administrative and IT support they need. Otherwise you're making the situation only more untenable.

Regarding the other proposed changes:

* I actually support having the city attorney handle administrative litigation so that the IM doesn't have to. It's not clear to me whether that'll actually be new, vs. what is already happening today.

* I do not support adding an alder to the PCOB. That will add a politicized seat to it, weakening its autonomy, and the attempt to do so seems like opportunism.

Thank you,

Nick Davies
3717 Richard St

From: [Lucy Gibson](#)
To: [All Alders](#)
Subject: Asking you to oppose amendments to Ordinance 5.19 and Ordinance 5.20
Date: Saturday, April 18, 2026 4:23:47 PM

Some people who received this message don't often get email from lucyoflakeedge@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

My name is Lucy Gibson and I live on the east side of Madison on Angel Crest Way. Sean O'Brien is my alder, but I'm making this appeal to all alders in Madison. The Police Civilian Oversight Board and the Office of the Independent Police Monitor are important Madison agencies that can and should protect the rights of all citizens and help to ensure that Madison police are upstanding and accountable to all citizens. Madison ordinances 5.19 and 5.20 are meant to provide increased independence, transparency and accountability to investigations into officer conduct and community safety.

The PCOB and the OICM are meant to be independent of the influence of City politics and politicians. Placing an Alder on the PCOB, as provided in the proposed amendments, would directly damage that independence.

Further, requiring the OIPM to use the City attorney rather than an independent attorney, as proposed in the amendments, would create a conflict of interest, since the OIPM's purpose is to examine and critique the actions of City personnel.

The proposed change to the ordinances gives the Mayor the right to create policies with regard to the OIPM and PCOB which would be equal in weight to city ordinances. That would allow the Mayor to interfere with the independence of the OIPM and PCOB without any input from our elected Council, violating the idea of the original ordinances.

Because the PCOB and OIPM are supposed to investigate complaints against MPD, restricting their access to police records would hamstring their ability to do what they're supposed to do. But the proposed amendments include doing that. Where there's a concern about confidentiality, it would make sense to have an amendment state that release of information to the OIPM and PCOB will be handled in accordance with all State and Federally mandated confidentiality laws. But allowing arbitrary restriction of release of police records to the two agencies allows for the possibility of corruption and secrecy about police actions, obstructing the ability of the agencies to do the investigation they are supposed to do.

I was relieved, some years ago, that the PCOB and OIPM were established, because I thought they would improve our police force. I hope they will not be restricted in ways that damage their ability to do that. I ask that you not allow these amendments, so that the PCOB and OIPM can operate independently and thoroughly, protecting our citizenry and the integrity of our police department.

Thank you,

Lucy Gibson

1610 Angel Crest Way

Madison
608-332-3466

From: jhirsch@chorus.net
To: [All Alders](#)
Subject: 92386 - Support Amendments
Date: Sunday, April 19, 2026 2:22:46 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Alders:

Item #55, Legistar 92386 - Amendments for OIM & PCOB

I ask you to **SUPPORT** the amendments.

For too long, these groups have disregarded the common practices and procedures that we all expect of our City staff, boards, committees and commissions. The reporting expectations are clearly outlined. They will provide the OIM and PCOB with significant opportunities to update everyone about their activities, performance and progress.

I applaud the work of Alders Vidaver and Govindarajan in their decision to make the OIM and PCOB more accountable to the residents of Madison. And, to Alder Mayer for proposing an additional avenue for communication with the Common Council.

Thank you for your work on this issue. Please vote "Yes".

Janet Hirsch
District 9

From: [Eric Howland](#)
To: [All Alders](#)
Subject: Regarding April 21, 2026 amendments to Madison General Ordinances 5.19 and 5.20
Date: Monday, April 20, 2026 11:24:28 AM

Some people who received this message don't often get email from eric.howland@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To Madison Common Council

I am writing to support the Office of the Independent Police Monitor (OIPM) and the Police Community Oversight Board (PCOB). Specifically, I am asking you to vote against all amendments to Madison General Ordinances 5.19 and 5.20.

Police are given extensive life changing power in our society. It is critical that our legal system is operating in the way that, as a society, we intend it to operate. This requires oversight. The OIPM and PCOB are essential in providing a window into Madison's policing using an independent community lens. A lens which includes full participation by impacted community members. This is a perspective that is not often heard in policy discussions. This missing perspective makes it more difficult to address tough legal issues, including the extreme racial disparities in our legal system.

The OIPM and PCOB alone will not ensure our legal system operates the way we want, but these entities provide key information that will ground the kind of multi-dimensional solutions needed to address complex and interconnected social issues.

The current amendments are part of a long series of attempts to defund and/or weaken the OIPM and PCOB. However, the recent annual report demonstrates the utility of the OIPM and PCOB. It contains important information that Madison and the Common Council needs. Do not weaken the independence of the PCOB and OIPM.

Let these important organizations continue to find their feet and continue to develop as the asset they were designed to be. I ask that you do not let a set of last minute amendment weaken this voice.

For these reasons, I ask that you vote down the proposed amendments to Office of the Independent Monitor and Police Community Oversight Board.

Eric Howland
Resident of District 13
Madison WI 53711

From: [Maryanne Huttleston](#)
To: [All Alders](#)
Subject: Amendments to legislation 9286 item 55
Date: Sunday, April 19, 2026 5:06:42 PM

[Some people who received this message don't often get email from maryannehuttleston@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To All Alders

Re: item 55

Please support the amendment to add increased accountability and oversight of OIC and PCOB.

Maryanne Huttleston
7 Honeylocust trail

Sent from my iPhone

From: [Sunshine Jones](#)
To: [All Alders](#)
Subject: Vote No on all amendments to the OIPM ordinance 5.19 and PCOB ordinance 5.20
Date: Tuesday, April 14, 2026 3:59:34 PM

Some people who received this message don't often get email from sunshinedjones@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Sunshine Jones
4333 Crawford Drive
Madison, Wisconsin
53711

To : Yannette Figueroa Cole

I am writing to ask you to protect the independence of civilian oversight of MPD.

I request that you vote against all amendments to proposed amendments to the Office of the Independent Police Monitor (OIPM) ordinance 5.19 and Police Civilian Oversight Board (PCOB) ordinance 5.20. Rather than threatening the independence of the office, I ask that you seek to meet national recommendations for funding independent oversight and fully fund and staff the office and board next year.

I feel concerned that the main goal of the City Attorney is to prevent successful lawsuits and, if need be, they will do so at the expense of civil rights, and the health and safety of city residents. Given their mission, they have to deny that civil rights violations ever occur.

The main goal of the OIPM/PCOB is to ensure the civil rights, health, and safety of city residents and police officers through community engagement, independent investigation and review, transparency, and recommendations. By default, this reduces the need for lawsuits.

The City Attorney does not offer the same level of respect and client/collaboration privileges to the OIPM/PCOB as they do other city entities. Some in key leadership positions have repeatedly demonstrated this by violating their ordinance and Roberts Rules, talking down to the OIPM/PCOB, and surprising them with debilitating amendments that were in the works for weeks, sometimes months, without ever once reaching out to express concerns or collaborate. They do not do this to MPD.

The City Attorney's mission is in direct conflict with that of the OIPM/PCOB and they act like it and therefore, the City Attorney must not serve as their source of legal oversight, advice, and representation.

Thank you for your consideration.

Sunshine Jones

From: [Joseph Keyes](#)
To: [All Alders](#)
Subject: Please Vote in Favor of Common Council Agenda Item #55 - Reporting Requirements for the OIM and PCOB
Date: Sunday, April 19, 2026 8:09:46 PM

Some people who received this message don't often get email from jkeyes1a1@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders,

I am asking you to vote in favor of Common Council agenda item #55, file 92386 to amend Madison ordinances and add public reporting requirements for the Office of Independent Monitor and Police Civilian Oversight Board. As noted in the April 18, 2026 WI State Journal article (linked here: [Madison watchdog stored police data on personal device](#)) there needs to be checks and balances in place to ensure state laws are not broken and that there is integrity in the Madison IT systems and data. These are simple, common-sense ordinance changes which are overdue. Again, please vote in favor of ordinance changes.

Respectfully submitted,

Joseph Keyes
District 11

From: [Aaron Konkol](#)
To: [All Alders](#)
Cc: [Police Civilian Oversight Board](#)
Subject: Request to reject all amendments to the OIPM/PCOB ordinance
Date: Wednesday, March 25, 2026 8:40:28 PM

Some people who received this message don't often get email from ajkonkol@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear alders & PCOB,

Please reject all current amendments to the OIPM/PCOB ordinance, and any future amendments that take away their independence, as defined by the current ordinance, and to postpone the report writing requirements until the office is appropriately funded according to the national standard.

These attacks waste life and tax dollars.

Again, please reject all amendments to the ordinance.
Thank you,

Aaron J. Konkol
2303 Hollister Ave
Madison, WI 53726

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Please notify the sender immediately if you have received this email by mistake and delete this email from your system. If you are not the intended recipient, you are notified that disclosing, copying, distributing, or taking any action on the contents of this information is strictly prohibited.

From: [Aaron Konkol](#)
To: [All Alders](#)
Subject: PROTECT THE INDEPENDENCE OF THE OIPM & THE PCOB
Date: Monday, April 13, 2026 7:53:25 PM

Some people who received this message don't often get email from ajkonkol@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alder Mayer,

Before reading the proposed amendments to the Office of the Independent Police Monitor (OIPM) ordinance 5.19 and Police Civilian Oversight Board (PCOB) ordinance 5.20, and reasons why we urge you to oppose them all, it is important to acknowledge 4 facts that frame the relationship between the OIPM/PCOB and the driving force behind these amendments: the City Attorney's Office.

The main goal of the City Attorney is to prevent successful lawsuits and, if need be, they will do so at the expense of civil rights, and the health and safety of city residents. Given their mission, they have to deny that civil rights violations ever occur.

The main goal of the OIPM/PCOB is to ensure the civil rights, health, and safety of city residents and police officers through community engagement, independent investigation and review, transparency, and recommendations. By default, this reduces the need for lawsuits.

The City Attorney does not offer the same level of respect and client/collaboration privileges to the OIPM/PCOB as they do other city entities. Some in key leadership positions have repeatedly demonstrated this by violating their ordinance and Roberts Rules, talking down to the OIPM/PCOB, and surprising them with debilitating amendments that were in the works for weeks, sometimes months, without ever once reaching out to express concerns or collaborate. They do not do this to MPD.

The City Attorney's mission is in direct conflict with that of the OIPM/PCOB and they act like it and therefore, the City Attorney must not serve as their source of legal oversight, advice, and representation.

OIPM ordinance 5.19

https://library.municode.com/.../codes/code_of_ordinances...

PCOB ordinance 5.20 https://library.municode.com/.../codes/code_of_ordinances...

THE AMENDMENTS:

The most recent amendments to OIPM/PCOB ordinance are summarized below along with why we believe they are harmful. The amendments discussed in A-C are sponsored by Alders MGR and Sabrina Madison. The amendment discussed in D is sponsored by Alder Davy Mayers.

1.) Restricting data and records access:

- No access to computer databases

This is obstructive and incongruent with the national standard for police oversight.

- Play with confidentiality to restrict access.

- Arbitrary definition of key records as confidential could, in combination with this ordinance

amendment, end up greatly restricting the ability of OIPM to carry out its functions.

2.) Reducing access to MPD Records:

- In contrast with current ordinance language, which requires that MPD provide absolutely "unfettered access" to its records (to the extent permitted by law), the amendment would require negotiation "to define the degree of access to specific MPD records". And it mandates insertion of the City Attorney's Office, which has a structural conflict of interest with OIPM, into the execution of any negotiated agreement.

3.) Requiring that OIPM must follow all city rules and procedures, without exception.

- Adding this language to ordinance is unnecessary, because the city rules and procedures (on hiring, budgeting and purchasing, information technology systems, etc.) are already being followed by the OIPM/PCOB.

- This addition might seem harmless, but the added language undercuts the Independence provision within the OIPM ordinance.

- Under the existing ordinance language, a new Mayoral policy that targets the OIPM/PCOB would be without effect, because ordinances (laws) supersede policies (that can be written by a single person). Because the amendment would effectively give all policies the weight of law, mandating compliance without exception, it would allow a Mayor to write policies that infringe on OIPM/PCOB function and independence, or an administration, via the City Attorney, to interpret and enforce policies in a manner that infringes on OIPM/PCOB function and independence.

- This is a particular problem because of an underlying structural conflict of interest. Elected officials, such as mayors, often depend on the support of police officials, police unions, etc. in elections, and want to avoid embarrassing revelations, and thus tend to compromise the function and independence of civilian police oversight agencies. This has occurred repeatedly with civilian police oversight agencies across the country, crippling those agencies.

4.) Requiring that OIPM/PCOB use the City Attorney for most legal work, rather than an independent attorney:

- As stated at the start, this creates a severe problem, given the inherent conflict of interest.

- It allows use of an independent attorney only for a very restricted set of functions, mandating that the City Attorney be used for all else. This includes use of the City Attorney for four specific areas where city attorney offices and civilian police oversight offices are most often in conflict.

- For example, it mandates use of the City Attorney for all public records work. But the primary clients of city attorneys are elected officials (especially mayors) and police departments (with whom they necessarily have a close working relationship). City attorneys strive to prevent records that would embarrass elected officials or police departments from becoming public, undercutting transparency.

- Placing the amendment in the ordinance would greatly expand the City Attorney's power over OIPM/PCOB, and make it much more difficult for OIPM/PCOB to challenge the City Attorney's opinion, undermining OIPM/PCOB INDEPENDENCE.

- Because of the same inherent conflict of interest, the Police & Fire Commission uses an

independent attorney for all its functions, rather than the City Attorney. It makes no sense to, in contrast, require OIPM/PCOB to use the City Attorney.

5.) Adding an alder to the PCOB:

- Putting an elected official on a police oversight board directly curtails independence and contradicts universally recognized best principles for police oversight.
- As the National Association for Civilian Oversight of Law Enforcement (NACOLE) states: "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."
- As noted above, there is a fundamental structural conflict of interest between elected officials and civilian police oversight.
- For the very same reason, elected officials are not given seats on the Police & Fire Commission.

These proposed changes in ordinance language violate the letter and legislative intent of the original ordinance. Contrary to claims the City Attorney has made, they are the opposite of what Alders Kemble, Moreland and Bidar wrote and intended when the council passed the original ordinance.

The proposed amendments are being promoted based on past issues that are long since resolved or alleged issues that never actually occurred. They represent a failure to acknowledge that a new IPM, who started only four months ago, managed to already process multiple cases and put out an annual report with novel, important data analyses. They also represent a failure to acknowledge improvements, and how the volunteer board and understaffed/underfunded office are exceeding past goals and functioning effectively with excellent attendance. Such actions by alders cause frustration, exhaustion and burnout.

Misinformation and accusations of rule violations without evidence are driving repeated attempts to amend the ordinance in ways harmful to the OIPM/PCOB's ability to conduct independent police oversight. This pattern demonstrates a high level of unwarranted scrutiny that is disproportionately applied to this body when other groups that are violating rules experience no such attention. This behavior is the antithesis of collaboration. It demonstrates harmful biases and disrespect, and it harms the relationship between the OIPM/PCOB, staff, and Council.

Please leave the ordinances 5.19 and 5.20s as they are and instead focus your attention on meeting the funding and staffing needs of the OIPM and PCOB.

Sincerely,

Aaron J. Konkol
1334 Jenifer St, Apt 2
Madison, WI 53703

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Please notify the sender immediately if you have received this email by mistake and delete this email from your system. If you are not the intended recipient, you are notified that disclosing, copying, distributing, or taking any action on the contents of this information is strictly prohibited.

From: [Carol Eunmi Lee](#)
To: [All Alders](#); ellenfordistrict8@gmail.com; noah@noahforcouncil.com
Cc: [Glass, Aelramique](#)
Subject: Madison Police Oversight
Date: Monday, April 20, 2026 1:59:06 AM

Some people who received this message don't often get email from carollee@wisc.edu. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Madison Alders,

I would first like to thank you for your productive and effective service. Your concerted efforts make this city a wonderful place to live. I have lived in Madison for 26 years and have really enjoyed the collegial community at my workplace and neighborhood. I have interacted with thousands of colleagues in many different communities within Madison and am truly impressed with the vibrant and rich experiences that this city offers.

One of the great contributions to our community is the safety and accountability offered by the efforts of some exemplary members of our community. Unfortunately, shortly after my arrival here, many of my close colleagues departed from the University of Wisconsin, in part because of their encounters with Madison police. One distinguished faculty member that left for Harvard University complained about being repeatedly stopped by Madison police. He and several of my other colleagues have complained about “driving while Black,” and their unfortunate encounters with Madison police.

More alarmingly, prior to the creation of our police oversight agency (PCOB/OIM), police shootings of unarmed civilians were once a common occurrence in Madison. Each year, there were needless shootings of multiple civilians, including Paulie Heenan (2012), Charles Carll (2013), Brent Brozek (2013), Ashley DiPiazza (2014), Tony Robinson (2015), and Michael Schumacher (2016). These and many additional shootings have been a traumatic and unfortunate part of Madison history. Paulie was a beloved member of the near East side community who was shot by police when he took a step forward while unarmed.

***Note that these shootings have now stopped, with the efforts of many members of our community and with the creation of the PCOB/OIM. In general, interactions between Madison police and the community have greatly improved. We should not take the current calm and lack of shootings for granted, given the recent history of Madison and the once frequent shootings. In this context, current proposals that would dilute the power and independence of the PCOB/OIM provide serious cause for concern.

I have noticed that my colleague Dr. Gregory Gelembiuk has been receiving negative press and his work has been critiqued. As a scientific colleague of Dr. Gelembiuk, I can state with utmost confidence that he is a first rate scientist who has generated research results of the highest quality. Dr. Gelembiuk has published excellent studies in the fields of ecology, evolution, virology, and cancer biology in top scientific journals, such as *Nature Communications*, *Journal of Virology*, *Nucleic Acids Research*, and *Molecular Ecology*. Dr. Gelembiuk has studied statistics from the top statisticians at the University of Wisconsin, and his statistical and computational analyses are impeccable. His approach is highly rigorous, applying the best principles when analyzing a data set. Greg is known to say what people do

not want to hear, but he has proven to be correct most of the time.

We should avoid going backwards, to the recent past when police shootings of multiple unarmed civilian shootings per year was the normal occurrence.

Feel free to reach out to me if you have any questions.

Professor Carol Lee

Carol Eunmi LEE, Ph.D.
Professor

Department of Biology
430 Lincoln Drive, Birge Hall
University of Wisconsin
Madison, WI 53706
carollee@wisc.edu

<http://carollee.labs.wisc.edu>

From: [Erin Lemley](#)
To: [All Alders](#)
Subject: Please OPPOSE Amendments to the Police Civilian Oversight Board
Date: Saturday, April 18, 2026 2:43:26 PM

Some people who received this message don't often get email from afuzzybird@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alder Matthews,

I want to thank you for your past support of the Police Civilian Oversight Board, and I want to encourage other Alders to extend their support to that board as well by OPPOSING amendments to the OIPM and PCOB. The city of Madison has worked hard to start an independent board, and there is more work to be done to make sure that it is funded to the national standard for such boards. Improving our PCOB certainly will not happen if its work is hamstrung by the proposed amendments.

I am frankly infuriated that after all the work that was done to make sure that the board could be independent of city politics, we are considering requiring use of the City Attorney, who has a real incentive to protect the city (including Police Officers). The Police and Fire Commission uses an independent attorney and so should the OIPM. Placing an alder on the PCOB also moves this board into city politics territory, which is inappropriate for a board meant to review police activity. The same can be said for requiring that the board follow not just city ordinances but also policies, which are not laws that are voted on but written by a single person and as such can be used to undermine the power of the board without the input of citizens--citizens who have already come out in force to establish and protect the board multiple times.

And how on earth do we expect this board to do its job if we restrict access to MPD data and records? It cannot perform independent investigations if it doesn't have access to all records.

I have been heartened with how the board has improved since the hiring of the new Internal Monitor, and I support the amazing and thorough work of of the Data Analyst. Making sure that my taxes are funding the board to the national standard so that it can perform its work effectively is important to me.

Please vote no to amendments to 5.19 and 5.20 and consider how you can support the OIPM and PCOB instead.

Sincerely,
Erin Lemley
1703 Rowland Ave #1
Madison, WI 53718

From: [Beverly Lewis](#)
To: [All Alders](#)
Subject: Vote No on 55, Amendments to PCOB & OIM
Date: Sunday, April 19, 2026 8:21:19 PM

Some people who received this message don't often get email from blewis7787@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear City Alders,

I am writing to ask you to **vote no** on Alder Mayer Amendment and Govindarajan Amendments 1 & 2. I am opposed to them for the following reasons:

1. I am in favor of independent community monitoring and review of city policing to "ensure that MPD is accountable and responsive to the needs and concerns of all segments of the Madison Community."
2. I believe these amendments will hamper the PCOB and the OIM from effectively doing their job.

Specifically I am opposed to the following:

1.
Restricting the unfettered access the PCOB and OIM have to MPD databases. (Giving people with interests of protecting individual officers and the city from liability control over what information the PCOB may access will prevent them from fairly investigating complaints or doing the statistical analysis of police practices that may reveal very real problems such as those outlined in the 2025-2026 report from the OIM.)
2.
Adding an alder appointed by the City council to the PCOB. (Having a member of the PCOB that is subject to political pressures will compromise their independence.)
3.
Restricting OIM/PCOB's right to use an independent attorney and requiring the use of the City Attorney. (The City Attorney has duties to protect the city from liability which is a conflict with revealing areas where the city can improve policing practices.)
4.
Requiring OIM/PCOB to comply with all city administration policies. (Some of these policies would undermine its function and independence.)
5.
Adding additional administrative burdens to the OIM without a compensatory increase in budget. (I'm sure that you are aware that the PCOB is a volunteer committee and the budget for its staff and activities is already severely lacking.)

Thank you for your time and attention to this and other city matters,

Beverly Lewis

Madison Resident

From: [Phrannie Lyons](#)
To: [All Alders](#)
Subject: Thoughts on Ordinances 5.19 and 5.20
Date: Monday, April 13, 2026 7:35:40 PM

Some people who received this message don't often get email from phranne@yahoo.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alderpersons of my Community,

Before reading the **proposed amendments to the Office of the Independent Police Monitor (OIPM) ordinance 5.19 and Police Civilian Oversight Board (PCOB) ordinance 5.20, and reasons why we urge you to oppose them all**, it is important to acknowledge 4 facts that frame the relationship between the OIPM/PCOB and the driving force behind these amendments: the City Attorney's Office.

The main goal of the City Attorney is to prevent successful lawsuits and, if need be, they will do so at the expense of civil rights, and the health and safety of city residents. Given their mission, they have to deny that civil rights violations ever occur.

The main goal of the OIPM/PCOB is to ensure the civil rights, health, and safety of city residents and police officers through community engagement, independent investigation and review, transparency, and recommendations. By default, this reduces the need for lawsuits.

The City Attorney does not offer the same level of respect and client/collaboration privileges to the OIPM/PCOB as they do other city entities. Some in key leadership positions have repeatedly demonstrated this by violating their ordinance and Roberts Rules, talking down to the OIPM/PCOB, and surprising them with debilitating amendments that were in the works for weeks, sometimes months, without ever once reaching out to express concerns or collaborate. They do not do this to MPD.

The City Attorney's mission is in direct conflict with that of the OIPM/PCOB and they act like it and therefore, the City Attorney must not serve as their source of legal oversight, advice, and representation.

THE AMENDMENTS:

The most recent amendments to OIPM/PCOB ordinance are summarized below along with why we believe they are harmful. The amendments discussed in A-C are sponsored by Alders MGR and Sabrina Madison. The amendment discussed in D is sponsored by Alder Davy Mayers.

1.) Restricting data and records access:

- No access to computer databases

This is obstructive and incongruent with the national standard for police oversight.

- Play with confidentiality to restrict access.

- Arbitrary definition of key records as confidential could, in combination with this ordinance amendment, end up greatly restricting the ability of OIPM to carry out its functions.

2.) Reducing access to MPD Records:

- In contrast with current ordinance language, which requires that MPD provide absolutely "unfettered access" to its records (to the extent permitted by law), the amendment would require negotiation "to define the degree of access to specific MPD records". And it mandates insertion of the City Attorney's Office, which has a structural conflict of interest with OIPM, into the execution of any negotiated agreement.

3.) Requiring that OIPM must follow all city rules and procedures, without exception.

- Adding this language to ordinance is unnecessary, because the city rules and procedures (on hiring, budgeting and purchasing, information technology systems, etc.) are already being followed by the OIPM/PCOB.

- This addition might seem harmless, but the added language undercuts the Independence provision within the OIPM ordinance.

- Under the existing ordinance language, a new Mayoral policy that targets the OIPM/PCOB would be without effect, because ordinances (laws) supersede policies (that can be written by a single person). Because the amendment would effectively give all policies the weight of law, mandating compliance without exception, it would allow a Mayor to write policies that infringe on OIPM/PCOB function and independence, or an administration, via the City Attorney, to interpret and enforce policies in a manner that infringes on OIPM/PCOB function and independence.

- This is a particular problem because of an underlying structural conflict of interest. Elected officials, such as mayors, often depend on the support of police officials, police unions, etc. in elections, and want to avoid embarrassing revelations, and thus tend to compromise the function and independence of civilian police oversight agencies. This has occurred repeatedly with civilian police oversight agencies across the country, crippling those agencies.

4.) Requiring that OIPM/PCOB use the City Attorney for most legal work, rather than an independent attorney:

- As stated at the start, this creates a severe problem, given the inherent conflict of interest.

- It allows use of an independent attorney only for a very restricted set of functions, mandating that the City Attorney be used for all else. This includes use of the City Attorney for four specific areas where city attorney offices and civilian police oversight offices are most often in conflict.

- For example, it mandates use of the City Attorney for all public records work. But the primary clients of city attorneys are elected officials (especially mayors) and police departments (with whom they necessarily have a close working relationship). City attorneys strive to prevent records that would embarrass elected officials or police departments from becoming public, undercutting transparency.

- Placing the amendment in the ordinance would greatly expand the City Attorney's power over OIPM/PCOB, and make it much more difficult for OIPM/PCOB to challenge the City Attorney's opinion, undermining OIPM/PCOB INDEPENDENCE.

- Because of the same inherent conflict of interest, the Police & Fire Commission uses an independent attorney for all its functions, rather than the City Attorney. It makes no sense to, in contrast, require OIPM/PCOB to use the City Attorney.

5.) Adding an alder to the PCOB:

- Putting an elected official on a police oversight board directly curtails independence and contradicts universally recognized best principles for police oversight.

- As the National Association for Civilian Oversight of Law Enforcement (NACOLE) states: "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."

- As noted above, there is a fundamental structural conflict of interest between elected officials and civilian police oversight.

- For the very same reason, elected officials are not given seats on the Police & Fire Commission.

These proposed changes in ordinance language violate the letter and legislative intent of the original ordinance. Contrary to claims the City Attorney has made, they are the opposite of what Alders Kemble, Moreland and Bidar wrote and intended when the council passed the original ordinance.

The proposed amendments are being promoted based on past issues that are long since resolved or alleged issues that never actually occurred. They represent a failure to acknowledge that a new IPM, who started only four months ago, managed to already process multiple cases and put out an annual report with novel, important data analyses. They also represent a failure to acknowledge improvements, and how the volunteer board and understaffed/underfunded office are exceeding past goals and functioning effectively with excellent attendance. Such actions by alders cause frustration, exhaustion and burnout.

Misinformation and accusations of rule violations without evidence are driving repeated attempts to amend the ordinance in ways harmful to the OIPM/PCOB's ability to conduct independent police oversight. This pattern demonstrates a high level of unwarranted scrutiny that is disproportionately applied to this body when other groups that are violating rules experience no such attention. This behavior is the antithesis of collaboration. It demonstrates harmful biases and disrespect, and it harms the relationship between the OIPM/PCOB, staff, and Council.

Please leave the ordinances 5.19 and 5.20s as they are and instead focus your attention on meeting the funding and staffing needs of the OIPM and PCOB.

Sincerely,
Frannie Lyons
5818 Chester Circle
Fitchburg, WI 53719

From: [KRISTIN MATHEWS](#)
To: [All Alders](#)
Subject: Office of the Independent Monitor and Police Civilian Oversight Board Vote on Tuesday
Date: Sunday, April 19, 2026 12:07:19 PM

Some people who received this message don't often get email from imkrzy4mm@att.net. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Good morning,

I am writing to you today to ask you to please respect the position of the Police Civilian Oversight Board and to vote down all proposed amendments to our independent police oversight ordinances. Any concerns should be brought, with concrete evidence, directly to the OIPM and PCOB.

The PCOB voted unanimously on March 25th to recommend placing the proposed changes on file with prejudice. The Board had not been consulted before the changes were drafted and they have asked the Council to work collaboratively with them on any changes.

The compliance problems noted as justification no longer exist under the new leadership in the OIM and the alder who proposed the changes will not even be at the council meeting when the vote is taken.

The four changes to the OIM's independence and access rights would move the OIM and PCOB closer to the standard boards-and-commissions model the Council deliberately rejected in 2020.

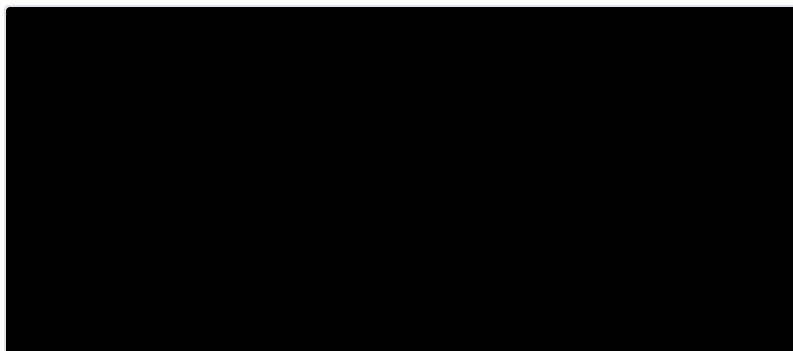
The PCOB admittedly had a rocky start but is finally making real progress.

I ask you to please read this very thorough investigative article to gain a full understanding of the history of this body.

Madison should be proud to have the Police Civilian Oversight Board and Office of the Independent Monitor. I'm asking you again, vote down the proposed amendments on Tuesday to keep this body intact and independent as intended.

Thank you for your time,
Kristin Mathews
District 18

[Madison's Independent Police Oversight Is Three Days From Being Guttled](#)



Madison's Independent Police Oversight Is Three

Days From Being Guttled

Key Points • On April 21, the Common Council will vote on proposed changes to Madison's police oversight ordinan...

From: [Morgan Mayer-Jochimsen](#)
To: [All Alders](#)
Subject: Independent oversight of police
Date: Friday, April 17, 2026 1:44:06 PM

[Some people who received this message don't often get email from mmayerjochimsen@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Please vote against all amendments to Madison General Ordinances 5.19 and 5.20 and instead of threatening the independence of the police oversight office, begin planning out how to meet the national standard for funding independent oversight and fully fund and staff the office and board next year.

Thank you,
Morgan Mayer-Jochimsen
215 Jackson St 53704

From: [Michelle Miller](#)
To: [All Alders](#)
Cc: [Office of the Independent Police Monitor](#)
Subject: Proposed amendments for OIM/PCOB
Date: Sunday, April 5, 2026 6:15:45 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello Alders, OIM, and Chair of PCOB,

I am writing this email as a community member, though I want it to be known that I am also the Common Council appointed alternate member of the PCOB. I am writing you to encourage you to withdraw all proposed amendments to the ordinance that governs the OIM and PCOB. Overall, an ordinance change is an extreme solution to problems that have already been resolved or for problems that can be solved through procedure and policy changes.

A large reason for the sponsored amendment changes appears to be a desire to get more information to the Common Council about the work of the PCOB and OIM formally and more consistently. There are currently four PCOB members appointed by the Mayor's office and the Common Council. I went through an application process and was voted in by Common Council. Instead of adding an Alder to the board or requiring updates through an ordinance, I propose that the Alders and Mayor develop a policy or procedure, in which their appointees from the Board provide communication in whatever way the Alders and Mayor decide within the policy. The proposed amendment changes make me feel like the Alders do not trust their own four appointed board members.

Thanks,

Michelle Miller
District 15

From: [Amy Owen](#)
To: [Police Civilian Oversight Board](#); [All Alders](#)
Subject: Changes to the PCOB/OIPM
Date: Wednesday, March 25, 2026 5:10:24 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders,

Please reject all current amendments to the OIPM/PCOB ordinance, and any future amendments that take away their independence, as defined by the current ordinance, and postpone the report writing requirements until the office is appropriately funded according to the national standard.

Thank you,
Amy Owen
Madison resident

From: [Amy Owen](#)
To: [All Alders](#)
Subject: please oppose amendments to M.19 and M.20
Date: Thursday, April 16, 2026 12:10:58 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders,

I am writing to request that you vote against all amendments to the Madison General Ordinances 5.19 and 5.20. Additionally, please initiate planning processes to fulfill the national standards of funding for independent police oversight groups. The staff and committees doing this work deserve full time funding and support.

Thank you,

Amy Owen

3129 Buena Vista St.

Madison, WI 53704

From: [Amy Owen](#)
To: [Police Civilian Oversight Board; All Alders](#)
Subject: Changes to the PCOB/OIPM
Date: Friday, April 17, 2026 9:57:31 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Madison Alders,

Please reject all current amendments to the OIPM/PCOB ordinance, and any future amendments that take away their independence, as defined by the current ordinance, and to postpone the report writing requirements until the office is appropriately funded according to the national standard.

Thank you,
Amy Owen
Madison resident

From: [Jean Papalia](#)
To: [All Alders](#)
Subject: Police Citizen Oversight Board
Date: Saturday, April 18, 2026 4:52:31 PM

Some people who received this message don't often get email from jeanpapalia@yahoo.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alder,

I am writing to you as a former employee of the City of Madison, serving 26 years in the police department. I am also one of the founding members of the Community Response Team, which formed in 2013, just when I had retired but my thoughts and concerns were still deeply intertwined with the near Eastside and I remain passionate about growing the relationship between the community and police.

If you think it's odd retired police would be part of CRT, you are missing one of the goals of CRT from day one--to provide a place for citizens to voice their concerns outside the confines of the police department and most importantly, to provide oversight that can provide accountability for police that directly benefits the safety and welfare of the officers most closely working in the community. The OIM and the diverse board that heads this agency provides all that, and while there are growing pains, work moves forward. And sitting near me at meetings for CRT since 2013 has been Dr. Greg Gelembiuk, the current Data Analyst for OIM. After knowing Dr. Gelembiuk for more than a dozen years, I am distressed to hear comments about him being out of control, not trustworthy or that his work is of diminished quality. His passion for this work and steady ability to work respectfully with the variety of ideas for the early years of CRT is what kept this grassroots organization moving.

Police oversight is an enormous task, and I believe the OIM is up to this task and I believe in the strong and community-centered leadership at Madison Police. I urge you to consider that community-shifting ideas like the PCOB take time to develop and grow, and respect for the independence and work of this board should be front and center.

Please don't burn it all down as the city moves towards making this oversight a working reality; let's continue to work to provide a transparent way for community and police to handle policy, investigations and oversight. Please consider a cool down or a restorative justice model for bringing all parties together to work towards the continuation of the PCOB and OIM.

Jean Papalia
6308 Hidden Farm Road

Mc Farland, WI 53558

Jean Papalia

From: [Becky Peterson](#)
To: [All Alders](#)
Subject: Opposition to Proposed Amendments to 5.19 & 5.20
Date: Wednesday, April 15, 2026 4:22:34 PM

Some people who received this message don't often get email from becky.r.peterson@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders,

My name is Becky Peterson. I am a queer, disabled, autistic Dane County resident, and though I technically live in Sun Prairie (Bristol actually), I will always be a Madisonian at heart. I am one of the many who moved to this beautiful city from small-town Wisconsin for school, and never left.

In recent years, I have become enmeshed in a battle with Madison law enforcement, due to events that arose in Districts 3 and 4 of Madison. This has resulted in me becoming engaged in an Open Records Request battle with the city that started in August 2024 and continues to this day.

If you check my CCAP (Rebecca Renee Peterson, DOB 7.23.1985), it will show that I don't have so much as a traffic violation to my name, but I have gone to court for Writs of Mandamus to produce records twice, representing myself.

When the city records custodian, Jamie Doyle, cites who she goes to for advice on what to release to me, she cites the City Attorney. When I file these civil actions against Madison Police Department to compel records, the City Attorney represents MPD.

So I do not understand how it makes any sense whatsoever to require the OIPM to use the City Attorney for their work with records. The City Attorney would literally be fighting themselves, writing briefs from adjoining offices, and it would not make any sense to expect that they would work as hard for OIPM as they would for MPD.

For the same reason, I urge you to vote against OIPM having anything short of "unfettered access" to MPD records. I have run into requests over two separate incidents that they state they don't have records for. I do not believe this to be true, but at this point, my only recourse to have these records produced is to go back to court or go to the OIPM. Disabling the OIPM from accessing records freely just allows MPD to hide more material that they know would be damning.

I would also take issue with *ever* putting an elected official in the OIPM. I live outside of Sun Prairie, in Bristol. Until last week, I was represented by the one last conservative holdout on the Dane County Board of Supervisors, Jeff Wiegand, so I know that even on a local level, I

cannot count on the politician representing me to have my best interests at heart.

Jeff Wiegand was Luther Olsen's campaign manager during the recall elections, whom I actively canvassed against in Baraboo in 2010, but for the past 10 years that I have lived in this home, he has been my representative on the Dane County Board.

This entire issue arose out of hysteria. The reaction by this city to a hallucinated AI picture has been absurd. This is an office that is truly trying to give us police oversight in this city, and it has been disabled from doing its job by distractions from the true value it has produced. Dr. Greg Gelembiuk has a PhD in data analysis, and for people to equate the use of an AI photo to his entire body of work in that report being fabricated is a joke. It sounds more like this city is still in denial about the racial disparities in policing that happen here, or doesn't like a woman of color saying it like it is: that this city is way behind in police oversight.

There are going to be kinks to work out anytime you create a new agency or the head of an agency changes. Most of the incidents cited in Alder Govindarajan's final draft didn't even occur under Monitor Glass. Why not give her a chance to run with this agency instead of stunting every effort she makes and distracting from the work she's done by vilifying her for a simple mistake?

I urge you strongly to vote against *all* of these amendments, and keep the OIPM operating exactly as 5.19 and 5.20 are written now, the way those who created the office intended them.

Thank you,

Becky Peterson (she/they)

*This letter written entirely by a human being

From: [Bonnie Roe](#)
To: [All Alders](#)
Subject: #92386 - A Wakeup Call
Date: Saturday, April 18, 2026 7:53:14 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders,

Before you vote on Legistar #92386, the proposed amendments to the OIM/PCOB ordinances 5.19 and 5.20, please take the time to read this detailed article by the Wisconsin State Journal.

https://madison.com/news/local/government-politics/article_17017694-6772-49de-afb4-5943e8a59420.html#tracking-source=home-top-story

It documents some real legal and ethical concerns and shows why, if this OIM and PCOB are allowed to continue, more protections must be put in place.

You can choose to either address the issues now or later in this budget cycle. If the amendments fail, I'd guess it's only a short time until the PCOB or OIM gets us involved in another lawsuit.

If you fail to pass these amendments, I think it also signals to the OIM and PCOB that the council is willing to take the risk and allow them to operate outside the protections of our city's laws, ordinances, and APMs. **The power to conduct independent investigations is not synonymous with being outside the law or beyond the parameters of a city agency.** The ordinances passed in 2020 were rushed and left some important decisions left undecided. It's past time to correct that.

I hope every one of you will read every single item in the legistar file, including the letters from the City Attorney, Police Chief, and the original sponsor, and the memo detailing what has already been spent on legal matters under this Board. One ongoing case is still racking up significant charges. We taxpayers are getting tired of bailing the city out and we want more accountability. There are more important ways to spend our money.

This is a wakeup call.

Please vote yes on #92386.

Thank you,

Bonnie Roe
District 11

From: [David Rogers](#)
To: [All Alders](#)
Subject: ordinance amendments for OIM and PCOB
Date: Thursday, April 16, 2026 7:58:51 AM

You don't often get email from davewrogers1965@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders,

As policing scholar Tim Lynch wrote regarding police oversight boards and agencies:

"In practice, however, civilian review boards have proven to be an ineffectual check against police misconduct. The boards are commonly created in the aftermath of a police scandal, but after the photo-op announcement regarding the establishment of the new board, where politicians take credit for tackling a difficult problem, the news cycle shifts and public attention is directed to other subjects. That's when the local power brokers in city government rig the boards to fail."

Is this what Madison is about to do? Are we going to follow that path? The PCOB and OIM were created in the aftermath of the killing of Tony Robinson in 2015, and then George Floyd in 2020.

Will our local elected officials stand by what they say their principles are? Or, now that there isn't a bright spotlight, will they vote to subvert and weaken our PCOB and OIM (because, if you're being honest with yourselves, everyone understands that's what the ordinance amendments would do - undercutting independence, eliminating access to databases, etc.)? I sincerely hope most alders will choose to stand by their stated principles.

In the future, prospective voters will remember alder votes on this - and particularly when tragedies occur.

Sincerely,

Dave Rogers

From: [Andrew Rohn](#)
To: [All Alders](#)
Subject: Keep Police oversight strong!
Date: Friday, April 17, 2026 7:46:11 AM

Some people who received this message don't often get email from andrewrohn@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello,
Im writing to encourage all alders to protect the independence of the police oversight office by voting **against** all amendments to Madison General Ordinances 5.19 and 5.20. We do not need weaker oversight on the police!

Thank you,
Andrew Rohn

Sent from my iPhone

From: [Nathan Royko Maurer](#)
To: [Police Civilian Oversight Board; All Alders](#)
Subject: Reject Proposed Amendments to OIPM/PCOB Ordinance
Date: Wednesday, March 25, 2026 5:28:12 PM

Some people who received this message don't often get email from nathanmaurer@me.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

•

•

•

•

•

608.217.7453

From: [Nathan Royko Maurer](#)
To: [All Alders](#)
Subject: Regarding Legistar File 92386
Date: Thursday, April 16, 2026 2:55:29 PM

Some people who received this message don't often get email from nathanmaurer@me.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders

Help make this make sense. As an oversight body, the Madison Police and Fire Commission uses an independent attorney, Jenna Rousseau, for open meeting law, public records law, general administrative functions, etc. And it does so because of the clear conflict of interest of having the City Attorney's Office both serving it and the Police Department (and Fire Department). Yet the City Attorney is asserting that the OIM and PCOB must use the City Attorney for all such functions, despite the exact same conflict of interest.

Given its law enforcement role, the City Attorney's Office of necessity has a close working relationship with the Police Department. And of course, a close relationship with the Mayor's Office and elected officials. In cities across the nation, this inherently generates a conflict of interest with police oversight boards and agencies. In general, city attorney offices seek to control and disempower their police oversight boards and agencies.

Even in Madison, history shows that the City Attorney's Office treats the Police Department as its primary client and is not a neutral arbiter of law. Can anyone forget the memo from the Madison City Attorney's Office incorrectly telling alders that the Council could not issue specific policy directives to the Chief of Police? <https://madison.legistar.com/View.ashx?M=F&ID=5134415&GUID=BEC71473-6452-44E1-A61A-EE698D2A6CD0>

That claim from the Madison City Attorney's Office was in conflict with both state statute and case law, and was even in conflict with a City Attorney memo written years before. But the Police Department didn't want alders giving orders, so the City Attorney's Office dutifully misinformed the Council; then had to acknowledge that its memo was incorrect, in the face of a tsunami of legal evidence to the contrary (including a legal opinion from State of Wisconsin Legislative Council, obtained by then-Representative Chris Taylor).

It is also worth pondering why city staff and elected officials have repeatedly violated M.G.O. 5.19(6)(b) in multiple different ways.

"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."

Proposing and lobbying for these ordinance amendments is arguably yet another violation - they clearly undermine the independence of the Monitor and OIM in the performance of their duties. Moreover, it is claimed that the ordinance amendments merely clarify the original legislative intent of the ordinance, but that is patently false. For example, there was an explicit decision by the Council in 2020 to include an OIM right of access to MPD computer databases, and these ordinance amendments would eliminate that right (contrary to national police oversight best practices).

The arguments for these ordinance amendments are just an avalanche of FUD (Fear, Uncertainty, and Doubt) - a manipulation tactic used to influence perception by disseminating negative, misleading, or exaggerated information. For example, Alder Govindarajan claims "The removal of 'computer databases' reflects legal and technical constraints, as direct system access is not always permissible under state and federal law." This is a red herring. The existing ordinance already limits computer database access to that permissible under state and federal law. Moreover, by police oversight agencies gaining Criminal Justice Information Services (CJIS) Security Policy compliance (which is a common arrangement for police oversight agencies across the nation), everything becomes accessible under federal and state law. Moreover, database access can always be set up to provide read-only access (that can't modify the underlying data). Virtually all the accusations against OIM and arguments for the amendments are vapor - dissolving upon close scrutiny.

The City Attorney has also incorrectly asserted that a civilian oversight agency could never enter into litigation against the city or another city department. That is exactly what other police oversight agencies do, when necessary for their oversight mission. For example:

[https://iapps.courts.state.ny.us/nyscef/ViewDocument?](https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=gnRJzas8pVr7UUmt09F_PLUS_KQ==)

[docIndex=gnRJzas8pVr7UUmt09F_PLUS_KQ==](https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=gnRJzas8pVr7UUmt09F_PLUS_KQ==)

<https://law.justia.com/cases/new-york/appellate-division-fourth-department/2017/66-ca-16-01200.html>

The litigation, which was successful, was to force the Syracuse Police Department to comply with Syracuse ordinance (with the city attorney's office defending the police department in the litigation). Joe Lipari, the administrator of the Syracuse Citizen Review Board, who filed the suit, was a key police oversight professional that the MPD Policy & Procedure Review Ad Hoc Committee consulted in developing its recommendation that the Independent Monitor have authority and funding to use independent legal counsel. The potential need for such litigation was something that the Ad Hoc Committee had

in mind when making their recommendation. In this and many other of his claims, Madison's City Attorney appears quite ignorant of how police oversight agencies actually function.

Please don't succumb to all the FUD.

Best Regards,

Nate Royko Maurel
608-217-7453

From: [Amelia Royko Maurer](#)
To: [Amelia Royko Maurer](#)
Subject: TAKE ACTION! Excellent Analysis of Madison City Attorney's Memo
Date: Saturday, April 18, 2026 3:54:47 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Folks, this is a product of excellent investigative reporting, an in depth, fact-based examination of Madison City Attorney, Michael Haas's memo in which he lobbies hard for the harmful amendment proposals to the civilian police oversight ordinances, M.19 and M.20. Please take action friends. Ask your alder at allalders@cityofmadison.com to please respect the position of the Police Civilian Oversight Board, to vote down all proposed amendments to our independent police oversight ordinances and bring their concerns, with concrete evidence, directly to the OIPM and PCOB instead of letting a misinformation campaign poison the well and defamatory statements create a hostile work environment.

"Taken together, the proposed changes would make the Independent Monitor subservient to the Mayor and the Police Department, the very agency the OIM is charged with overseeing. That is the opposite of what the Council intended in 2020. [...] Either placing the OIM outside the Mayor's supervisory chain was a deliberate and unusual departure from standard City practice, as [City Attorney] Haas said in 2020, or requiring the OIM to comply with all mayoral APMs is a clarification of existing practice, as he argues in 2026. The legislative record... answers that question clearly."

<https://www.77squaremiles.com/post/madison-s-independent-police-oversight-is-five-days-from-being-gutted>

From: [Alex Saloutos](#)
To: [Govindarajan, MGR](#)
Cc: [All Alders](#); [Police Civilian Oversight Board](#); [Hope Vang](#); [Vanessa Statam](#); [Brandice Hatcher](#); [Katey Nelson](#); [Helyn Luisi](#); [Devon Snyder](#); [Michelle Miller](#); [Stephanie Rearick](#); [Rodney Saunders Jr.](#); [Carlotta Calmese](#); [Maia Pearson](#); [Glass, Aeiramique](#)
Subject: Legistar 92386 —Comments on the Referral Process
Date: Tuesday, March 24, 2026 5:35:13 PM
Attachments: [260324 LEGISTAR92386 MEMORANDUM COMMONCOUNCIL.pdf](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Alder Govindarajan,

I am submitting the attached memo to the Common Council on Legistar 92386. It addresses only the referral process: specifically, which bodies the legislation should be referred to and how much time they should have before it returns to the Council. It does not address the merits of the proposed changes.

Cheers,

A handwritten signature in black ink, appearing to be the letter 'A' with a stylized flourish extending to the right.

Alex Saloutos
Phone: (608) 345-9009
Email: asaloutos@tds.net

M E M O R A N D U M

Date: March 24, 2026

To: Common Council

CC: Police Civilian Oversight Board, Office of the Independent Police Monitor

From: Alex Saloutos

RE: **Public Comments on Legistar File No. 92386 — Amending Subsections 5.19(6) and (8) and Creating Subsection 5.20(11) of the Madison General Ordinances to Add Public Reporting Requirements for the Office of the Independent Monitor and Police Civilian Oversight Board**

The following are my public comments on the referral of Legistar File No. 92386, scheduled as agenda item 66 for introduction at the Common Council meeting on March 24, 2026. They do not address the merits of the proposed changes.

SUMMARY

The Council should refer Legistar 92386 to the PCOB External Policy and Procedure Subcommittee and the full PCOB, and allow 120 days from the publication of both annual reports, and no later than September 1, 2026, for review and recommendations. That review should address the proposed changes and any other improvements identified by the PCOB, OIM, and interested alders.

The OIM 2025-2026 Annual Report has been published and includes recommendations for improvements. The PCOB Annual Report, which may also include recommendations on improvements, has not yet been published. A review of police oversight ordinances in other municipalities identifies several provisions that have been adopted elsewhere but are not currently in MGO 5.19 or 5.20. Those provisions and the recommendations in both annual reports deserve consideration before the Council acts.

Some of the proposed changes appear to be driven by the administration and to adversely impact the monitor's independence. They were introduced without consultation with the PCOB. The PCOB and the public should have ample time to consider them before the Council acts.

BACKGROUND INFORMATION

Chronology

In 2017, the OIR Group's Policy and Procedure Review report recommended establishing an independent police auditor's office reporting to a civilian review body.

In September 2020, the Common Council enacted MGO 5.19 and 5.20, creating the Office of the Independent Monitor and the Police Civilian Oversight Board.

Beginning in mid-2025, Alder Govindarajan began developing proposed revisions to MGO 5.19 and 5.20.

On January 8, 2026, Govindarajan met with Interim Monitor Glass to discuss reporting requirements in MGO 5.19(8). Glass asked him to wait until the OIM Annual Report was published before moving forward. He agreed.

In March 2026, the OIM 2025-2026 Annual Report was published.

On March 19, 2026, the Common Council agenda was published. The PCOB was notified of Legistar 92386 at the same time as all other alders, city staff, and the general public. Council staff contacted PCOB Chair Maia Pearson directly to ensure she was aware the item would be referred to the Board's March 25 meeting.

On March 24, 2026, Legistar 92386 is introduced at the Common Council meeting.

On March 25, 2026, the PCOB meets. This legislation and a draft of the PCOB Annual Report are on the agenda.

On April 21, 2026, the Council is scheduled to act on this legislation.

The Proposed Legislation

Legistar 92386 amends MGO 5.19(6) and (8) and creates MGO 5.20(11). The four proposed changes are: (1) new quarterly public reporting requirements for the OIM; (2) a new provision requiring the OIM to operate within the city's administrative structure for hiring, contracting, budgeting, technology, and procurement, and to comply with all Administrative Procedure Memoranda; (3) a provision limiting the OIM's use of independent legal counsel to oversight-related matters and assigning all other legal matters to the City Attorney; and (4) an expanded annual reporting requirement for the PCOB with a March 15 filing deadline.

Provisions in Other Municipal Ordinances Not Currently in MGO 5.19 or 5.20

A review of police oversight ordinances in other municipalities identifies the following provisions that have been adopted elsewhere and are not currently included in MGO 5.19 or 5.20:

1. A mandatory written response by the police chief to oversight recommendations within a defined deadline.
2. Enforceable deadlines for the police department to fulfill oversight records requests.
3. Monthly oversight board meetings are required.
4. The police department must maintain an officer risk identification system and notify the OIM and PCOB of flagged officers.
5. Whistleblower protection for officers who cooperate with the oversight body.
6. A supermajority requirement to amend the enabling ordinances, or charter protection requiring a referendum to modify or eliminate the oversight structure.
7. A minimum appropriation for the oversight office expressed as a percentage of the police department's budget.

A Gap in Madison's Ordinances: Monitor Conflict of Interest

MGO 5.19 and 5.20 do not address what happens when the monitor faces a structural conflict of interest in conducting an investigation. The ordinance provides for alternate board members to serve in the board member's place when a board member has a conflict of interest, but no parallel mechanism exists for the monitor. In 2025, PCOB Chair Pearson became the subject of an OIM investigation while serving as chair of the board that supervises the monitor.

ANALYSIS AND CONCLUSIONS

A More Inclusive Process Would Produce Better Legislation

Alder Govindarajan has been developing these revisions since mid-2025. He met with Interim Independent Monitor Glass in January and agreed to wait until the OIM Annual Report was published before moving forward. That step reflected good faith engagement with the OIM.

The PCOB, however, was not engaged before the introduction. The PCOB is the governing body for the OIM and the body whose enabling ordinance this legislation directly amends. Its members were notified on March 19, four days before the introduction, at the same time as the general public. The PCOB meets the day after the introduction, with less than a week to review legislation that has been in development for nine months.

Alder Govindarajan could have circulated draft language to PCOB members before introduction, with instructions not to reply all, to invite individual feedback while staying within the Open Meetings Law. This is standard practice with Council legislation. He could also have asked Chair Pearson to add the topic to a PCOB agenda and attended that meeting to discuss his proposals. Either approach would have given the board a genuine opportunity to contribute before the introduction rather than after.

Engaging the PCOB and OIM as active participants in the development of this legislation, rather than as bodies to be consulted after introduction, would produce stronger ordinance language and broader institutional support for whatever the Council ultimately adopts.

Both Annual Reports Should Be Part of the Record

The OIM 2025-2026 Annual Report has been published and includes recommendations for improvements. The PCOB Annual Report will be published shortly and is expected to include its own recommendations. Alder Govindarajan agreed in January to wait until the OIM Annual Report was available before moving forward. The same logic applies to the PCOB Annual Report. Acting before both reports are available means the Council will be voting without the full institutional record from the two bodies the ordinances are designed to govern.

The Scope of Review Should Be Broader

This legislation addresses four provisions. It does not address the full range of improvements that a review of other municipal ordinances and the professional literature supports. A number of provisions found in other cities' ordinances are not currently in MGO 5.19 or 5.20. Both annual reports are expected to include additional recommendations. The conflict of interest gap identified in the Background section is an example of an issue the enabling ordinances do not address and that a broader review should consider. Considering all of these together in a single coordinated review process would produce more comprehensive and internally consistent legislation than acting on four provisions in isolation.

Referral to the External Policy and Procedure Subcommittee

The PCOB External Policy and Procedure Subcommittee is the appropriate body to do detailed work on proposed ordinance changes affecting the OIM and PCOB. Referring the legislation to that subcommittee before the full board takes it up would give both bodies a more thorough basis for their deliberations and a genuine opportunity to work with the sponsors on mutually agreeable language.

RECOMMENDATION

The Council should refer Legistar 92386 to the PCOB External Policy and Procedure Subcommittee and the full PCOB, with a 120-day review period running from the publication of both the OIM and PCOB annual reports, and no later than September 1, 2026. The scope of that review should include the proposed changes and any other improvements to MGO 5.19, 5.20, and Chapter 5 that the board, the OIM, and interested alders identify. The sponsors should meet with the subcommittee and the full board, answer questions, and participate in developing mutually agreeable language.

There is no urgency that justifies a four-week timeline for legislation of this significance. A proper review process will take longer. The result will be stronger legislation that the PCOB, the OIM, and the community have had a genuine opportunity to shape.

From: asaloutos@tds.net
To: [All Alders](#)
Cc: [Police Civilian Oversight Board; Office of the Independent Police Monitor; Glass, Aeiramique](#)
Subject: Response to City Attorney's Memorandum on Proposed Amendments to MGO §§ 5.19 and 5.20, Legistar ID No. 92386
Date: Monday, April 13, 2026 9:33:33 PM
Attachments: [260413 LETTER COMMONCOUNCIL.pdf](#)
[260413 LEGISTAR92386 MEMORANDUM COMMONCOUNCIL.pdf](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Members of the Common Council:

Attached are a cover letter and a memorandum responding to City Attorney Haas's March 25, 2026, memorandum on the proposed amendments to MGO §§ 5.19 and 5.20, submitted for your consideration before the April 21 vote.

Respectfully,

--

A handwritten signature in dark ink, appearing to be the letter 'A' with a stylized horizontal stroke extending to the right.

Alex Saloutos
Cell: (608) 345-9009
Email: asaloutos@tds.net

Alex Saloutos

3318 Hammersley Avenue
Madison, WI 53705
Phone: 608/345-9009
E-mail: asaloutos@tds.net

April 13, 2026

Via email: allalders@cityofmadison.com

Common Council
City of Madison
210 Martin Luther King Jr. Blvd.
Madison, WI 53703

Re: Proposed Amendments to MGO §§ 5.19 and 5.20, Legistar File No. 92386

Dear Alders,

I submit the attached memorandum in response to City Attorney Haas's March 25 memorandum defending the proposed amendments to MGO §§ 5.19 and 5.20 for your April 21 agenda. While Haas's memo is professionally written and raises legitimate administrative concerns, it contains significant analytical gaps, mischaracterizes the original legislative intent in ways the 2020 record directly contradicts, and reaches legal conclusions that do not withstand scrutiny. The Council should view it as advocacy for a specific outcome rather than neutral legal analysis.

The 2020 record clearly shows the Council chose an independent civilian board over mayoral oversight by a 19-0 vote. Haas's own 2020 memoranda described that choice as a deliberate departure from the City's normal administrative structure. His current claim that the amendments simply clarify the Council's intent is not supported by the record.

I urge you to place the proposed amendments on file with prejudice and direct that any future changes be developed in consultation with the PCOB, consistent with the Board's unanimous vote on March 25.

Respectfully,

A handwritten signature in black ink, appearing to be 'A' followed by a stylized flourish.

Alex Saloutos

cc: Police Civilian Oversight Board
Aeiramique Glass

M E M O R A N D U M

Date: April 13, 2026

To: Common Council

CC: Police Civilian Oversight Board
Office of the Independent Police Monitor

From: Alex Saloutos

RE: **Response to City Attorney's Memorandum on Proposed Amendments to MGO §§ 5.19 and 5.20, Legistar ID No. 92386**

This memorandum supports the Common Council's decision on the proposed amendments to MGO §§ 5.19 and 5.20 in Legistar File No. 92386 at the April 21, 2026, meeting. It also informs the Police Civilian Oversight Board's ongoing review of future amendments. Submitted before the Council vote, this memorandum responds specifically to the March 25, 2026, memorandum from City Attorney Michael Haas. It addresses the arguments raised in that memo. This memorandum does not cover every legal or policy issue regarding the proposed amendments. The absence of comment on any point should not be taken as agreement.

On the day Haas's 2026 memo was published, the PCOB unanimously recommended that the Council place the proposed amendments on file with prejudice, which would prevent reintroduction for at least 60 days. The Board also directed that any alders interested in making changes should consult collaboratively with the PCOB before drafting amendments.

SUMMARY OF ARGUMENT

Haas's 2026 memo is professionally written and raises legitimate administrative concerns from the Office of the City Attorney's (OCA) perspective. However, it contains major analytical gaps and mischaracterizes the original legislative intent, which the 2020 record directly contradicts. The memo also reaches legal conclusions that do not hold up under scrutiny. The Council should treat the memo as advocacy for a specific outcome rather than as neutral legal analysis. Calling the proposed changes "clarifications" hides the fact that they would weaken the independence and access that the Council unanimously adopted for MGO §§ 5.19 and 5.20 in 2020.

The 2020 legislative record is clear on original intent. The Council was given two options: one with supervision in the Mayor's Office, the other under an independent civilian board. It chose the second. Haas's own 2020 memoranda to the Mayor and Workgroup recognized this as a real structural choice. He described the PCOB/OIM model as a deliberate departure from the normal administration. His current claim that mayoral Administrative Procedure Memoranda (APMs) reflect the Council's intent is not supported by the record. It is also difficult to reconcile with his earlier descriptions, or with the legal analysis and national standards the Council had in 2020.

The proposed amendments would make four major changes. First, they would require the OIM to comply with all APMs. They would also let the Council enforce City policies and procedures on OIM operations and the Monitor. The Mayor and Council could use these rules to direct the OIM's core oversight work, far beyond neutral requirements. Second, the amendments would remove "computer databases" from MGO § 5.19(7)(i). Access would require a memorandum of understanding with MPD and OCA, narrowing OIM's access below the current "to the extent permitted by law" standard and below national models like Denver and Portland.

Third, the amendments would give the OCA exclusive authority over OIM's legal advice in areas such as public records, open meetings, employment, administrative compliance, and disputes over access to MPD records. This would limit the Independent Monitor's existing power to hire independent legal counsel when needed under MGO § 5.19(7)(l). The Council has clear authority under Wis. Stat. § 62.09(12)(g) and has previously provided such counsel to the Police and Fire Commission (see Legistar File No. 82492). Finally, the amendments would give the Council broad enforcement over OIM operations and add a voting alder to the PCOB. These measures would increase political and administrative control over bodies intentionally insulated in 2020, against national standards. Together, these changes would make the OIM subservient to MPD, the agency it oversees. That was not the Council's intent in 2020. Only three of the current members served during the 19-0 vote for MGO §§ 5.19 and 5.20. The full legislative record is in Legistar and should be read before April 21.

Given these concerns, the Council should:

1. Place the proposed amendments in Legistar File No. 92386 on file with prejudice and direct that any future changes to MGO §§ 5.19 and 5.20 be developed in consultation with the PCOB, with the assistance of independent legal counsel and with meaningful community input; and, at a minimum,
2. reject any amendment that (a) subjects the OIM's investigative work and access privileges to mayoral APMs; (b) limits the OIM's ability to retain independent counsel under MGO § 5.19(7)(l); (c) narrows the OIM's records and database access beyond what state and federal law require rather than addressing confidentiality and security through CJIS compliance and clear safeguards on OIM's handling of records; (d) grants the Council broad enforcement authority over OIM "operations" and the Monitor's "actions" absent clear limitations; or (e) adds an alder to the PCOB in a manner that weakens the Board's independence in fact or in appearance.

BACKGROUND AND CHRONOLOGY

This section summarizes key events and legislative initiatives relevant to the creation and operation of the OIM and PCOB, which are important for understanding the context of the proposed amendments and for evaluating City Attorney Haas's 2026 memo in support of them.

- October 2019: The MPD Policy and Procedure Review Ad Hoc Committee submits its Final Report to the Common Council, containing 177 recommendations. Among the Committee's highest priorities was creating an independent monitor and civilian oversight board reporting to a civilian review body, not the Mayor.
- June 1, 2020: Mayor Rhodes-Conway and seven alders propose an Independent Police Auditor position located in and reporting to the Mayor's Office rather than an independent civilian board (Legistar File No. 60778).
- June 16, 2020: The Common Council adopts Legistar File No. 60764, creating the Alder Workgroup to Develop Logistical and Operational Details for MPD Independent Civilian Oversight and charging it with drafting an ordinance establishing independent civilian oversight of MPD, with a deadline of August 4, 2020.

- June 29–August 3, 2020: The Workgroup meets ten times over five weeks. The OCA produces five successive ordinance drafts and three comparative spreadsheets that analyze how peer cities resolved the specific design questions at issue, including supervisory structure, record access, and independent legal counsel. The Workgroup considers and rejects a split supervisory structure that would have given the Mayor or City administration a day-to-day HR role over the Monitor.
- July 8, 2020: The OCA issues a memorandum to the Workgroup titled “Independent Police Monitor/Civilian Oversight Body Discussion Topics,” identifying seven discussion topics related to the structure and authority of the OIM and PCOB, including Monitor independence, investigation budget, outside investigators, and police records access.
- July 13, 2020: The OCA issues a memorandum to the Workgroup titled “Subpoena Authority of Independent Monitor and Civilian Oversight Board,” analyzing the Monitor’s authority to issue subpoenas under Wis. Stat. §§ 805.07 and 885.01.
- August 21, 2020: City Attorney Michael Haas issues a memorandum to the Mayor and all alders titled “Independent Police Monitor/Civilian Oversight Body Discussion Topics” (Haas’s 2020 memo).
- September 1, 2020: The Common Council adopts the Final Report of the Alder Workgroup to Develop Logistical and Operational Details for MPD Independent Civilian Oversight (the “Workgroup”), which recommends creating MGO §§ 5.19 and 5.20, on an 18–1 vote with 769 registrants in support and 27 in opposition (Legistar File No. 61667). The Workgroup’s report identified as a core priority “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.”
- September 1, 2020: The Council approves MGO §§ 5.19 and 5.20, creating the OIM and PCOB, with the OIM placed under PCOB supervision rather than under the Mayor (Legistar File No. 61593). The ordinances are adopted on a 19–0 vote, with 746 registrants supporting and 34 opposing.
- October 2022: The PCOB appoints Robin Copley as the Independent Monitor, the first person to hold the role.
- January 2–4, 2024: The City Attorney, MPD Chief Barnes, and Independent Monitor Robin Copley execute a Memorandum of Understanding (MOU) governing OIM access to MPD records and information.
- October 2024: Mayor Rhodes-Conway proposes eliminating the OIM data analyst position in the 2025 budget (Legistar File No. 85264). The Council rejects the proposal.
- October 6, 2025: Robin Copley resigns as Independent Monitor.¹
- November 11, 2025: Three Council members introduce a floor amendment to eliminate the OIM (Legistar File No. 90249). The amendment fails 17–3.

¹ City of Madison, Office of the Independent Monitor, [Announcement from the Office of the Independent Monitor](#), October 6, 2025.

- November 7, 2025: MPD, citing IT security concerns, suspends OIM's direct access to certain records and databases, contrary to MGO § 5.19(7)(i)'s "unfettered access" language.
- November 21, 2025: The PCOB announces appointment of Aeiramique Glass as interim Independent Monitor.²
- December 8, 2025: Interim Independent Monitor Aeiramique Glass's first day on the job. MPD restored the OIM's access to MPD records that day.
- March 19, 2026: Alder Govindarajan submits a draft amendment regarding operating requirements for the OIM, compliance with Administrative Procedure Memoranda (APMs), and limiting the appointment of independent legal counsel.³
- March 24, 2026: Alder Mayer submits an amendment adding a sitting alder position to the PCOB, and later that day, Alder Govindarajan's amendment is introduced to the Common Council.
- March 25, 2026: Alder Govindarajan submits additional first and second amendments to MGO §§ 5.19 and 5.20 in Legistar File No. 92386.
- March 25, 2026: City Attorney Michael Haas issues a memorandum to PCOB and Council members summarizing and defending the proposed amendments to MGO §§ 5.19 and 5.20 (Haas's 2026 memo).
- March 25, 2026: The PCOB votes unanimously to recommend that the Council place the proposed amendments on file with prejudice, and PCOB members tell several alders that the amendments came as a surprise, that the Board had not been consulted or involved in drafting them, that the PCOB is a working committee with a significant workload in the next 60 days, and that the Board would like to be involved in productive conversations with any alders interested in amending MGO §§ 5.19 and 5.20 before any changes are drafted.
- April 7, 2026: Common Council elections are held; Alder Govindarajan, who introduced the proposed amendments to MGO §§ 5.19 and 5.20, is not a candidate for reelection and will not serve on the Council when it considers his proposals on April 21, 2026.

THE APM PROVISION AND MAYORAL CONTROL

The "Original Intent" Claim Contradicts Haas's 2020 Memo

Govindarajan Amendment 2 would add the following new subsection (c) to MGO § 5.19(6):

"Administrative Structural and Legal Compliance. While the OIM shall maintain independence in carrying out its duties, including investigations, findings, and recommendations, the OIM shall operate within the administrative structure of the City of Madison for purposes including, but not limited to, hiring and management of staff other than the Independent Monitor, contracting, budgeting, use of technology, and procurement. Nothing in this subsection shall be construed to alter the

² City of Madison, Police Civilian Oversight Board, [Police Civilian Oversight Board Selects Interim Independent Monitor](#), November 21, 2025.

³ See Legistar File No. 92386, available at <https://madison.legistar.com/LegislationDetail.aspx?ID=7956235&GUID=71B84AF6-A5D3-4414-97AF-5E5338B41253&G=D66739FE-4C3C-468C-A9F0-0198EFAA8EF&Options=&Search=>.

recruitment, appointment or confirmation process for the Independent Monitor as set forth in this section. The OIM shall comply with all applicable federal and state laws, city ordinances, and Administrative Procedure Memoranda (APMs). The Common Council retains the authority to enforce City policies and procedures regarding operations of the OIM and the actions of the Independent Monitor consistent with City ordinances, rules and procedures.”

The prefatory assurance that the OIM “shall maintain independence in carrying out its duties” does not limit or override the operative clauses that follow; it is a recital, not an enforceable standard, and it is directly undercut by the grant of authority to apply all APMs to the OIM and to have the Council “enforce City policies and procedures” governing the OIM’s operations and the Monitor’s actions.

Haas argues that requiring the OIM to operate within the City’s administrative structure and comply with all APMs “reflects the original intent of the Common Council” and “only reinforces and does not change” the OIM’s relationship to the City. This claim is difficult to reconcile with Haas’s own August 21, 2020 memorandum to the Mayor and all alders, in which he wrote that placing the Monitor under PCOB supervision rather than the Mayor was “relatively unique” and “to a large degree, different from oversight models nationwide,” and that “the majority of managerial employees are hired and supervised by the Mayor.”⁴

In 2020, the City Attorney thus acknowledged that placing the OIM under PCOB supervision, rather than under the Mayor, was a deliberate and unusual departure from the City’s normal administrative structure. By contrast, Haas’s 2026 memo now describes the proposed requirement that OIM operate fully within the Mayor’s administrative structure and comply with all APMs as merely reflecting “the original intent of the Common Council” and “only reinforc[ing] and not chang[ing]” OIM’s relationship to the City.

In his August 21, 2020, memorandum to the Mayor and all alders, Haas emphasized that this provision was intended to “ensure this independence,” expressly barring City employees and officials from using their political or administrative positions to influence or undermine the Monitor’s work.⁵

The Council made a deliberate, informed choice in 2020 to depart from standard City practice by placing the OIM under the PCOB rather than under the Mayor’s supervisory chain. Only three of the twenty current Council members served on the Council when MGO §§ 5.19 and 5.20 were adopted in 2020, increasing the risk that current decisions will rely more heavily on Haas’s 2026 memo’s framing than on the original legislative record and intent. Haas’s 2020 memo acknowledged and stressed that departure.

The current characterization of the proposed APM language as merely reinforcing original intent is difficult to reconcile with those earlier representations and suggests a material change in how the OCA now understands and describes the OIM’s independence. Drafting history confirms that the Council and Workgroup deliberately strengthened, rather than diluted, this independence: earlier drafts of MGO § 5.19 contained only an “Independent from MPD” provision, and the separate “Independent from City Staff and Officials” protection in § 5.19(6)(b) was added later in the July 23,

⁴ Michael Haas, City Attorney, Memorandum to Mayor Satya Rhodes-Conway and All Alders re: Independent Police Monitor/Civilian Oversight Body Discussion Topics, August 21, 2020 (Haas’s 2020 memo), available at <https://madison.legistar.com/View.ashx?M=F&ID=8757519&GUID=5D80DE96-4370-4D5E-916E-5B9D02865F67>.

⁵ See supra note 4, at 2–3.

2020 draft, specifically to bar City officials—including the Mayor and alders—from using their positions to influence or undermine the Monitor’s work.⁶

The Workgroup that produced the ordinance met ten times over five weeks; over those meetings, the OCA produced five successive drafts of the ordinance and three comparative spreadsheets analyzing how peer cities resolved the precise structural questions now at issue, including supervisory structure, records access, and independent legal counsel, and no requirement that the OIM comply with mayoral APMs appeared in any of those five drafts.⁷

The Council Chose Independence Over Mayoral Control

The legislative record makes the original intent question considerably cleaner than Haas’s 2026 memo suggests. On June 1, 2020, Mayor Rhodes-Conway and seven alders introduced Legistar File Nos. 60777 and 60778, which would have placed the oversight function directly in the Mayor’s Office. Under those proposals, the position was titled “Independent Police Auditor,” and the companion ordinance stated plainly that the auditor would report to the Mayor. The Common Council did not adopt those proposals. It adopted Legistar File No. 61593, the ordinance that created MGO §§ 5.19 and 5.20, which placed the OIM under PCOB supervision rather than the Mayor.⁸

The draft history also shows that the Workgroup considered—but rejected—placing the Monitor under a split supervisory structure that would have given another City actor a day-to-day HR role. The July 13, 2020 draft of § 5.16(5) provided that the Monitor would “report to and take direction from the Board regarding all substantive work flow issues and shall report to _____ for day-to-day human resource issues, such as time off, payroll, and other similar issues,” leaving the second supervisory line blank. By the July 23, 2020 draft, that bifurcation had been eliminated. The final language, carried through to enacted MGO § 5.19(5), provides that the Monitor “shall report directly to the Board and the Board’s Executive Subcommittee.” The Workgroup did not mistakenly omit a mayoral or administrative HR role; it deliberately removed it.⁹

⁶ Draft Ordinance, MGO §§ 5.16--5.17, July 8, 2020, § 5.16(6) (containing only “Independence from MPD” language), and Draft Ordinance, MGO §§ 5.16--5.17, July 23, 2020, § 5.16(6)(a)--(b) (adding separate “Independent from MPD” and “Independent from City Staff and Officials” provisions), available at <https://madison.legistar.com/View.ashx?M=F&ID=8653733&GUID=B14DF031-9161-4730-BF8E-762416D7F7BB> and <https://madison.legistar.com/View.ashx?M=F&ID=8680547&GUID=52B5F4D7-3DC9-4807-A68F-1384D5B56858>.

⁷ Alder Workgroup to Develop Logistical and Operational Details for MPD Independent Civilian Oversight, meeting records, available at <https://madison.legistar.com/DepartmentDetail.aspx?ID=43859&GUID=4CAD704F-4A86-4FD1-B1B9-DD4B1E646CA4>. The five successive ordinance drafts are dated July 3, July 8, July 13, July 23, and July 29, 2020. The three comparative spreadsheets are cited infra note 21.

⁸ City of Madison, Legistar File No. 60778 (Resolution, “Amending the 2020 Mayor’s Office and Direct Appropriations Operating Budgets and creating of the position of Independent Police Auditor, in the Mayor’s Office”) and Legistar File No. 60777 (Ordinance, “Creating Section 3.03(4) of the Madison General Ordinances entitled Police Auditor,” providing that “[r]eporting to the Mayor, the Police Auditor provides independent civilian oversight to Police Department operations”), introduced June 1, 2020; not adopted. The Council instead adopted Legistar File No. 61593, the Ordinance creating MGO §§ 5.19 and 5.20, establishing the Office of the Independent Police Monitor under PCOB supervision, on a 19-0 vote with 746 registrants in support and 34 in opposition, available at <https://madison.legistar.com/LegislationDetail.aspx?ID=4628948&GUID=2AE7E769-4795-4BF3-9D07-1826D08BCEFC&Options=ID|Text|&Search=61593>. Legistar File No. 60778 available at <https://madison.legistar.com/LegislationDetail.aspx?ID=4553158&GUID=AC03B9DD-AC59-4279-AA17-29F5421508F0&Options=ID|Text|&Search=60778>; Legistar File No. 60777 available at <https://madison.legistar.com/LegislationDetail.aspx?ID=4551114&GUID=B509A363-76D2-4A45-A8CB-455848DBE275&Options=ID|Text|&Search=60777>.

⁹ Draft Ordinance, MGO §§ 5.16--5.17, July 13, 2020 (track changes), § 5.16(5) (Monitor ‘shall report to and take direction from the Board regarding all substantive work flow issues and shall report to _____ for day-to-day human resource issues’), and Draft Ordinance, MGO §§ 5.16--5.17, July 23, 2020, § 5.16(5) (revised to state that the Monitor ‘shall report directly to the Board and the Board’s Executive Subcommittee’), available at

This was not a drafting choice or an inadvertent omission. The Council was presented with two structural models. One placed supervision in the Mayor's Office. The other placed it under an independent civilian board. The Council chose the second model and rejected the first. When a legislature is presented with two structural options and votes for one over the other, that vote is the clearest possible statement of original intent. Haas's claim that the proposed APM provision "reflects the original intent of the Common Council" is directly contradicted by the Council's own vote in 2020.

Haas's 2020 Memoranda Acknowledge the Choice

Haas's own July 8, 2020, memorandum to the Workgroup confirms he understood this as a real structural choice, noting that "most equivalent positions are supervised by the Mayor" but that "the concept of empowering civilian oversight might favor supervision by the Oversight Body."¹⁰ He was not describing a foregone conclusion. He was presenting two meaningful alternatives. The Workgroup and Council chose the oversight body model. Haas was present for that choice. He cannot now credibly characterize the result as showing a different intent than the one his own memo acknowledged the Council was making.

The body that drafted the ordinance the Council enacted was equally clear. In its August 3, 2020, final report, the Workgroup listed as a core deliberative priority "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."¹¹ That is the Workgroup's own statement of drafting intent, in its own final report. Minutes from the Workgroup's June 29, 2020, meeting reflect that the OCA was directed to draft the overall ordinance for the Monitor and Oversight Board based on the Ad Hoc Committee's recommendations, to identify "decision points" for the Workgroup as they drafted, and to present comparative ordinance language from several other municipalities along with NACOLE's detailed comparison materials.¹² Haas is named in the Workgroup's final report as one of the City staff who supported the Workgroup throughout its work, and his office—specifically Assistant City Attorney John Strange, a co-author of Haas's July 8 memo—authored the draft ordinances the Workgroup used. Haas's current characterization of the ordinance's independence framework is difficult to reconcile with the Workgroup's own description of what it designed.

Nonpartisan Legal Analysis Agrees

The nonpartisan Wisconsin Legislative Council reached a consistent conclusion in a June 25, 2020, memorandum to Representative Chris Taylor analyzing whether the proposed oversight structure would conflict with the PFC's statutory authority. Staff Attorney Peggy Hurley concluded that "a Board, an independent monitor, or another body or entity may be given authority by a city to review, investigate, report, and take actions on any aspect of the operations of the police department... so

<https://madison.legistar.com/View.ashx?M=F&ID=8662996&GUID=CCBCB2D2-6E54-475A-ACCE-6CAE89CD1A44> and <https://madison.legistar.com/View.ashx?M=F&ID=8692100&GUID=13DF579D-EDF9-4DD2-B11E-5FD36295D69B>.

¹⁰ Michael Haas, City Attorney, Marci Paulsen, Assistant City Attorney, and John Strange, Assistant City Attorney, Memorandum to Workgroup to Develop Logistics of MPD Oversight re: Independent Police Monitor/Civilian Oversight Body Discussion Topics, July 8, 2020, at 1–2 (Item 1), available at <https://madison.legistar.com/View.ashx?M=F&ID=8656623&GUID=2799E874-2324-4E37-B224-B33B87B104B7>.

¹¹ Workgroup to Develop Logistical and Operational Details for MPD Independent Civilian Oversight, Final Report, August 3, 2020, at 2 (Workgroup Activities) (Alder Moreland, chair; Alders Bidar and Kemble). City Attorney Michael Haas and Assistant City Attorney John Strange are named in the report's acknowledgments as among the City staff who provided "expertise, diligence and support" to the Workgroup. The July 23 and July 29, 2020 draft ordinances produced during the Workgroup process identify John Strange as the author in their document properties. The Workgroup Final Report is available at <https://madison.legistar.com/View.ashx?M=F&ID=8704750&GUID=5398DE66-378A-421E-9026-675D31FCFC32>.

¹² Alder Workgroup to Develop Logistical and Operational Details for MPD Independent Civilian Oversight, Minutes of June 29, 2020 Meeting, available at <https://madison.legistar.com/View.ashx?M=M&ID=795777&GUID=FAB35FB7-D781-44EC-83FC-8A3DA57F9744>.

long as the actions do not encroach on the PFC's statutory duties."¹³ The Legislative Council found the independent oversight structure legally valid without any suggestion that independence from the Mayor was problematic or that mayoral APMs were required. The Council had this analysis before it when it voted 19-0 to adopt MGO §§ 5.19 and 5.20.

The APM Mechanism Is a Structural Change, Not a Clarification

Administrative Procedure Memoranda (APMs) are Mayoral directives issued and approved by the Mayor; the current ordinance does not require the OIM to comply with all APMs. Requiring the OIM to comply with all APMs gives the Mayor a rulemaking instrument over OIM operations, bypassing the Common Council entirely. The proposed language goes beyond neutral, citywide policies by requiring that the OIM "shall comply with all applicable... Administrative Procedure Memoranda (APMs)," without distinguishing between APMs that address general administrative functions and any APM that might purport to limit records access, investigations, or public reporting. The PCOB should ask whether the Mayor could write an APM that restricts how the OIM conducts investigations or limits the OIM's access to MPD records. If the answer is yes, the proposed language does not clarify OIM's independence. It eliminates it. One could argue that the language of independence would remain in the ordinance, but its practical force would depend entirely on who interprets it. Under the proposed structure, that interpretive authority would rest with the OCA, the same office that drafted the amendment and is now supporting it. That is itself a structural conflict.

The national best-practice standards the Council was studying when it designed the OIM are consistent with this concern. NACOLE's Recommendations for Effective Practices, circulated to the Council as part of the 2020 legislative file, includes under Section III(B)(2), Essential Functions and Daily Operations: "Agency staff should be able to make key decisions regarding the oversight agency's daily operations without consulting or requiring prior approval from outside entities."¹⁴ A requirement that the OIM comply with all APMs issued by the Mayor is precisely the kind of prior approval from an outside entity that NACOLE identifies as a threat to operational independence. The Council had this guidance before it when it voted.

Haas's IT security examples are legitimate as a general administrative matter. But he does not address the fact that the IT compliance mechanism was the specific instrument Chief Patterson used in November 2025 to suspend the OIM's legally mandated records access, in direct violation of the governing ordinance.¹⁵ Nothing in the relevant APMs authorizes the Police Chief to suspend the OIM's unfettered access to MPD records guaranteed by MGO § 5.19(7)(i).¹⁶

In light of MGO § 5.19(7)(h), which already requires the Monitor to collaborate with Human Resources in recruiting and hiring staff and to follow all City contracting requirements when engaging independent contractors, the new requirement that the OIM "operate within the

¹³ Peggy Hurley, Staff Attorney, Wisconsin Legislative Council, Memorandum to Representative Chris Taylor re: Citizen Oversight and the Duties of the Police and Fire Commission, June 25, 2020, available at <https://madison.legistar.com/View.ashx?M=F&ID=8634865&GUID=8617DC51-0B17-49B1-ADC7-A202EC1416EE>.

¹⁴ National Association for Civilian Oversight of Law Enforcement, Recommendations for Effective Practices, Section III(B)(2), Essential Functions and Daily Operations (June 1, 2020), included in the 2020 legislative file for MGO §§ 5.19 and 5.20, available at <https://madison.legistar.com/View.ashx?M=F&ID=8637311&GUID=7435CBAD-56E2-47BA-BA0B-515C8F37F90C>.

¹⁵ MGO § 5.19(7)(i) requires that the OIM "have unfettered access to all MPD records, policies, Standard Operating Procedures, data, computer databases, and other information necessary to fulfill the duties of the OIM."

¹⁶ City of Madison Administrative Procedure Memoranda Nos. 3-6, 3-9, 3-20, and 3-21, cited by Chief Patterson as the basis for the November 7, 2025 records suspension. A review of those APMs confirms that none of them authorize the Police Chief to suspend or terminate an office's access to MPD records as a remedy for an information technology compliance issue. The APMs address IT security requirements and compliance obligations; they do not confer authority to override a separate ordinance-level access right established by MGO § 5.19(7)(i), available at <https://www.cityofmadison.com/mayor/apm>.

administrative structure of the City of Madison” with respect to “hiring and management of staff... contracting, budgeting, use of technology, and procurement” is not a neutral clarification; it is an additional layer of administrative control on top of existing, ordinance-level safeguards. The July 29, 2020, draft ordinance produced during the Workgroup process, authored by Assistant City Attorney John Strange, already required the Monitor to “follow all City of Madison contracting requirements” when engaging independent contractors.¹⁷ That requirement was carried through to the enacted ordinance as MGO § 5.19(7)(h). The contracting compliance obligation Haas now describes as a necessary clarification was already included in the ordinance his office helped draft. The proposed APM language does not clarify that requirement. It expands it to cover all mayoral directives across all OIM operations.

Codifying that mechanism in the ordinance gives it a permanent legal foundation. This is not an abstract concern. In November 2025, Chief Patterson cited Administrative Procedure Memoranda as his authority to suspend the OIM’s direct access to all MPD records and databases—an access right guaranteed by MGO § 5.19(7)(i).¹⁸

The factual predicate for the APM compliance requirement is further undermined by the department heads whose concerns Govindarajan cited as justification for the amendments. On April 1, 2026, email responses to PCOB Chair Pearson, both HR Director Hillson and IT Director Edgerton confirmed that the compliance concerns Govindarajan raised in his March 24, 2026, email pertained to the prior OIM under Robin Copley and are not current issues under the current administration. Hillson wrote that the hiring process example she cited was one the City ran into with a previous hire in the OIM, not a current problem. Edgerton was unambiguous: the examples she provided to Govindarajan were issues the City had to address with the previous OIM, not existing issues. The compliance problems used to justify a permanent ordinance change, according to the department heads themselves, have already been resolved.¹⁹

Edgerton’s email provides direct confirmation that the proposed APM amendment is substantive rather than a clarification. Independent Monitor Glass told Edgerton she was uncertain whether the APMs were legal requirements the OIM was obligated to follow, and Edgerton agreed, writing that the current ordinance language is not clear on that question.²⁰ The IT Director thus confirms that the current ordinance does not require OIM compliance with all mayoral APMs. An amendment adding that requirement changes the ordinance. It does not clarify it.

To the extent the Council wishes to clarify the applicability of neutral, citywide administrative policies (e.g., IT security, procurement, and general HR rules) to the OIM, it should do so directly in the

¹⁷ Draft Ordinance, MGO §§ 5.18–5.19, July 29, 2020, § 5.18(7)(h) (Workgroup to Develop Logistical and Operational Details for MPD Independent Civilian Oversight; authored by Assistant City Attorney John Strange, City Attorney’s Office), available at <https://madison.legistar.com/View.ashx?M=F&ID=8695223&GUID=26D56A1B-A2BD-4A24-B98A-C12AD9EA4BA5>.

¹⁸ John Patterson, Chief of Police, City of Madison Police Department, Inter-Departmental Correspondence to Erin Hillson, Human Resources Director, November 7, 2025, Subject: Immediate Pause on all MPD Records Sharing with the OIM (directing MPD staff to “immediately pause any data or records requests, including those in process and outstanding with the OIM, until this is rectified and our current MOU with the office is updated”), available at <https://tinyurl.com/PATTERSONMEMO251107>.

¹⁹ Alder MGR Govindarajan, Email to Maia Pearson, Police Civilian Oversight Board Chair, March 24, 2026, available at <https://tinyurl.com/GOVINDARAJANEMAIL260324>; Erin Hillson, Human Resources Director, Email to Maia Pearson, April 1, 2026, available at <https://tinyurl.com/HILLSONEMAIL260401>; Sarah Edgerton, IT Director, Email to Maia Pearson, April 1, 2026, available at <https://tinyurl.com/EDGERTONEMAIL260401> (all produced in response to public records request).

²⁰ Sarah Edgerton, IT Director, Email to Maia Pearson, April 1, 2026, available at <https://tinyurl.com/EDGERTONEMAIL260401>.

ordinance and state clear limits on their applicability. For example, if the Council chooses to amend the ordinance, it should adopt language along the lines of:

“The Office of the Independent Police Monitor shall comply with generally applicable City Administrative Procedure Memoranda. Nothing in this subsection shall be construed to authorize the Council or any City official to direct, limit, or interfere with the powers and duties of the Monitor and the Office of the Independent Police Monitor as set forth in MGO § 5.19(7).”

This approach upholds necessary administrative integration while protecting the core independence and access privileges intended by the Council when establishing the OIM.

The PFC Precedent: Haas’s Argument Proves Too Much

Haas argues that requiring the OIM to comply with all APMs approved by the Mayor reflects how City agencies operate, and that no City agency is exempt from standard administrative policies and procedures. This claim overlooks a significant counterexample embedded in the same statutory framework under which Haas operates—the Police and Fire Commission (PFC).

Under Wis. Stat. § 62.13, the PFC has exclusive authority to appoint the chief of police, all commissioned police officers, the fire chief, and all commissioned firefighters. It exercises independent disciplinary authority over those personnel, removable only for just cause as defined in Wis. Stat. § 62.13(5)(em). The PFC does not exercise these statutory powers subject to mayoral APMs or administrative direction. While PFC staff and operations may be subject to certain neutral citywide administrative policies, the Mayor does not direct or control the PFC’s core statutory functions—appointments, promotions, and discipline of sworn personnel—through APMs. Once commissioners are seated, the Mayor cannot direct their decisions.

The PFC is constituted entirely by Mayoral appointment, subject to Council confirmation. The PCOB, by contrast, was deliberately structured with greater insulation from Mayoral influence. Nine of its eleven voting members are nominated by designated community-based organizations. The Monitor is recruited and appointed by the PCOB itself, with no role for the Mayor in that process. If the PFC, whose entire membership is appointed by the Mayor subject to Council confirmation, exercises these core statutory powers independently of Mayoral administrative directives, it cannot be justified to subject the OIM and PCOB—bodies that were deliberately structured with greater insulation from Mayoral influence—to wider Mayoral administrative control over their core oversight functions.

Haas’s 2026 memo does not address the PFC precedent. Its omission is notable. The assertion that all City agencies must follow mayoral APMs in the exercise of their statutory authority is inconsistent with the PFC’s operation for more than a century under the same Wisconsin statutes. The Council drew on that tradition deliberately when it created the OIM and PCOB outside the Mayor’s supervisory chain, as Haas himself acknowledged in 2020. His current position is difficult to reconcile with that acknowledgment and with the PFC’s well-established operating model.

RESTRICTING INDEPENDENT LEGAL COUNSEL

The Conflict Is Structural, Not Personal

Haas addresses the conflict-of-interest concern in depth and concludes that ethical rules and internal “walling off” procedures are sufficient. This response misses the point. The question is not whether the attorneys in that office are ethical. The question is whether the City Attorney, as the City’s and MPD’s legal representative, is structurally appropriate as the source of legal advice for an office whose mission is to investigate and oversee MPD. The conflict is structural, not personal. Those

institutional roles are different: the OCA is charged with defending the City as an organizational client, while the OIM's charge is to investigate and report on MPD conduct in the public interest. Those separate roles create structural tension that cannot be resolved by assurances about individual ethics or internal "walling off" procedures.

The OCA's own practice confirms the point. On April 8, 2026, the Board of Public Works held a hearing on a Privilege in Streets Application Denial (Legistar File No. 92558).²¹ Because the OCA had previously advised City staff on the same matter, it arranged for outside counsel to advise the Board at the hearing. In Haas's own words, this was done to "ensure that both the Board and applicant had confidence that the legal advice provided to the Board was not influenced by the advice that our office had given to City staff."²² The OIM's structural situation is indistinguishable. The OCA advises MPD and the City administration—the same parties whose conduct the OIM is charged with overseeing. By that standard, that conflict requires independent counsel for the OIM, not exclusive reliance on his office.

Although MGO § 5.19(2) and (5) require the Monitor to fulfill the OIM's duties "in consultation and collaboration with the Board" and to "act as directed by the Board and the Board's Executive Committee," there is no evidence in the Board's records that the PCOB reviewed or approved this MOU before it was executed, and Haas did not apprise the Board of the agreement before signing as City Attorney.²³ That oversight failure allowed a document with significant adverse consequences for OIM's independence to take effect without the Board's knowledge or scrutiny.

Haas's argument that Amendment 1 codifies current practice is therefore an argument that a deficient agreement, negotiated by an inexperienced Monitor without PCOB involvement and without full consideration of the ordinance's access guarantees, should be permanently embedded in the ordinance. The Council should reject that framing. The MOU reflects what Copley agreed to, not what the ordinance requires or what a properly advised and experienced Monitor would have accepted. The appropriate response is not to codify the MOU's limitations but to recognize them as a baseline that needs correction, not entrenchment.

The Council's treatment of the Police and Fire Commission underscores this point. The PFC has retained independent outside legal counsel continuously since 1980,²⁴ a practice the OCA has supported, including its recommendation to renew the current contract in 2024. In April 2024, the Council adopted RES-24-00275 (Legistar File No. 82492), sponsored by Mayor Rhodes-Conway, to authorize the extension of that arrangement. The resolution states that the Commission "requires regular legal counsel separate from the Office of the City Attorney... especially since the OCA is

²¹ City of Madison Board of Public Works Meeting, April 8, 2026, Legistar File No. 92558 (Privilege in Streets Application Denial, 1202 Williamson St.), video available at <https://media.cityofmadison.com/mediasite/Showcase/madison-city-channel/Presentation/8e13ed91d5c44943bfc0bf742d76bffb1d/Channel/116f3360e12344b797d6309a40ca443c5f> (hearing begins at 1:03:33).

²² Email correspondence between Alex Saloutos and City Attorney Michael Haas, April 12, 2026, available at <https://tinyurl.com/HAASEMAILS260412>.

²³ No agenda item for a memorandum of understanding with MPD appears in the records of the Police Civilian Oversight Board or its Executive Subcommittee for the period prior to the MOU's execution in January 2024. PCOB meeting records are available in the City of Madison's Legistar system at <https://madison.legistar.com/Calendar.aspx>. Executive Subcommittee meeting records are available at <https://www.cityofmadison.com/city-hall/committees/police-civilian-oversight-board-executive-subcommittee?meeting=past>.

²⁴ Former PFC Attorney Scott Herrick stated that he served in that role from 1980 to May 2019. See "Diverse group of civic-minded residents to pick next Madison police chief," Wisconsin State Journal, October 4, 2019, available at https://madison.com/wsj/news/local/govt-and-politics/diverse-group-of-civic-minded-residents-to-pick-next-madison-police-chief/article_72b95b66-c79f-593c-9cd3-32b34d46ae7b.html.

responsible for representing the Police or Fire Chief in such disciplinary hearings.”²⁵ The Council and the Mayor have therefore already recognized that when the City Attorney represents one set of actors in police disciplinary matters, the oversight body requires its own independent general legal counsel. The same conflict exists in more pervasive form in the OIM’s relationship to the OCA, and the proposed amendment would permanently eliminate the Monitor’s ability to address it.

There is no principled reason to deny the OIM and PCOB access to independent counsel when similar, and in some respects more pervasive, structural conflicts exist. If anything, the Council’s decision in Legistar File No. 82492 confirms that independent legal representation is an appropriate, and already accepted, tool when police-related oversight bodies must operate at arm’s length from the City Attorney’s other clients.

The proposed amendment assigns to the City Attorney precisely the categories of legal matter where institutional conflict is most likely: public records law, open meetings law, and employment matters. If OIM receives a public records request for documents the City wants to withhold, the City Attorney’s obligation runs to the City’s interest in protection, not OIM’s interest in transparency. If a dispute arises about what must be disclosed at a PCOB meeting, the City Attorney resolves it. These are not hypothetical scenarios. They describe the actual conflict environment in which OIM has operated.

NACOLE’s Thirteen Principles for Effective Civilian Oversight identify independence as the most important defining concept of civilian oversight, describing it as “an absence of real or perceived influence from law enforcement, political actors, and other special interests.”²⁶ Requiring OIM to use the City Attorney for public records requests, open meetings, disputes over MPD records access, and Memorandum of Understanding (MOU) negotiations with MPD creates exactly the kind of real and perceived influence that NACOLE identifies as a threat to legitimacy. It is difficult for the OCA to credibly claim that it is a neutral advisor to the OIM and PCOB while simultaneously occupying a structural position in which its obligations to other City clients—including MPD, the Mayor, and City administration—regularly diverge from the independence, transparency, and accountability objectives the OIM and PCOB are charged with pursuing.

The Budget Argument Does Not Override Ordinance Text

Haas argues that a 2020 Finance Department estimate of \$30,000 for 120 hours of outside legal work shows that independent counsel was intended only for investigative matters. Budget estimates at the time of enactment do not define the outer boundaries of an ordinance provision. The language of MGO § 5.19(7)(I) is broad by design: “The Monitor may retain independent legal counsel if necessary to fulfill the duties of the OIM.” In substance, that position asks a preliminary budget estimate to narrow the plain text of an ordinance, which is not consistent with ordinary principles of statutory construction. Under MGO § 1.01(1), the City’s own rules of ordinance construction require that words and phrases be construed according to their common and approved usage; under that standard, “if necessary to fulfill the duties of the OIM” confers broad discretion on the Monitor to determine necessity, and does not limit independent counsel to any particular category of legal work.

²⁵ City of Madison Common Council, Resolution Authorizing the City to Retain Outside Counsel on a Non-Competitive Basis to Provide General Legal Representation of the Police and Fire Commission, Legistar File No. 82492, RES-24-00275, adopted April 16, 2024, available at <https://madison.legistar.com/LegislationDetail.aspx?ID=6572304&GUID=4EF1D246-5FF5-4D44-92FD-0ACDB305A7B6&Options=Advanced&Search=&FullText=1>.

²⁶ National Association for Civilian Oversight of Law Enforcement (NACOLE), Thirteen Principles for Effective Civilian Oversight, Principle 1: Independence, available at <https://www.nacole.org/principles>.

The Ordinance Text Is Broad and Unqualified

The July 22, 2020 memorandum from Finance Director David Schmiedicke expressly described the \$30,000 allocation for investigators and outside legal counsel as a “preliminary” estimate “based on the powers and duties of both entities as described in current versions of city ordinance drafts,” and stated that “[t]he ordinance authorizes the OIM to appoint legal counsel and engage investigators under certain circumstances. Based on information from other communities that engage outside legal counsel to support similar boards, a preliminary budget of \$30,000 is established for this purpose.” The memo cautioned that “the Mayor and Council should expect any budget developed for this new city function to be reviewed each year and possibly amended during the year to reflect actual workload and associated costs.”²⁷ In other words, Finance treated the budget as following the ordinance’s powers and duties, not as limiting them. Nothing in the Finance memorandum suggests that the Council intended the \$30,000 estimate to define when independent counsel may be retained under MGO § 5.19(7)(l); it is presented as an initial funding assumption, not a constraint on the ordinance’s meaning.

Reading MGO § 5.19(7)(l)’s broad, textually unqualified grant of authority through the lens of a preliminary budget estimate inverts that relationship and asks a budget line to narrow an ordinance adopted under the Council’s legislative power. The better reading is that the Finance estimate was meant to support the contemplated use of independent counsel in the ordinance, not to confine it. The July 23, 2020, draft ordinance is consistent with that reading. A drafting note on the independent counsel provision in that draft states: “Editor’s Note: Note that this is different than the authority to appoint counsel for individuals found in Sec. (7)(b)(iv) above. Confirm that this would be independent counsel to assist the Monitor, not to represent individuals.”²⁸ The note distinguishes independent counsel for the Monitor from the separate provision appointing counsel for complainants—confirming that the drafters understood independent counsel as a general resource for the Monitor across its duties, not a narrow tool limited to investigations. That distinction was confirmed and carried through to the enacted ordinance, which provides both the Monitor’s authority to retain independent counsel under MGO § 5.19(7)(l) and the separate authority to appoint counsel for aggrieved individuals under MGO § 5.19(7)(b)(iv).

Council Considered—but Rejected—Budget Caps

There is a further reason to reject treating the 2020 budget estimate as a cap on the Monitor’s authority to retain independent counsel. In the same July 8, 2020 memorandum, Haas’s Item 4 explicitly asks the Workgroup to consider whether the Monitor’s investigation budget “is an unlimited sum-sufficient budget or restricted on an annual basis” and whether “investigations exceeding a specified cost require approval to continue by the Oversight Body, Mayor or Common Council.”²⁹ The Council imposed none of those restrictions. The City Attorney raised the question of budget caps and approval requirements as a policy choice for the Council to make. The Council declined to make them. The City Attorney now argues that the \$30,000 planning estimate functions as the cap that the Council chose not to impose. That argument is not available.

Portland and Denver Model Ordinances Confirm Broad Counsel Authority

The model ordinances the Council reviewed as part of the 2020 legislative file are consistent with broad authority for independent counsel. Portland’s Office of Independent Police Review ordinance

²⁷ David Schmiedicke, Finance Director, Memorandum to Alders Moreland, Bidar, and Kemble re: Discussion of Budget for the Office of the Independent Monitor and the Police Independent Civilian Oversight Board, July 22, 2020, available at <https://madison.legistar.com/View.ashx?M=F&ID=8694931&GUID=D7A8AC81-6A02-47C9-8A44-B0A2FB2873A0>.

²⁸ Draft Ordinance, MGO §§ 5.16–5.17, July 23, 2020, § 5.16(7)(m), drafting note. The July 23 draft was produced during the Workgroup process in which the City Attorney’s office, including Assistant City Attorney John Strange, participated in drafting, available at <https://madison.legistar.com/View.ashx?M=F&ID=8680547&GUID=52B5F4D7-3DC9-4807-A68F-1384D5B56858>.

²⁹ Haas July 8, 2020 Memorandum, *supra* note 10, at 2 (Item 4).

states at Section 3.21.070(P) that “[t]he Director may retain or employ independent legal counsel,” with no qualification and no limitation to investigations. Denver’s city charter goes further: it explicitly authorizes the monitor to retain independent general counsel “to provide legal advice... to assist the monitor in the performance of its duties,” distinguishing that general advisory function from the use of special counsel in specific disputes.³⁰ Neither model limits independent counsel to investigative matters. The Council had both before it when it enacted MGO § 5.19(7)(l). The inference that it intended a narrower scope than either model provided is difficult to sustain. Comparative spreadsheets prepared by the OCA for the Workgroup in July 2020 summarized these Denver and Portland provisions and served as reference points for Madison’s ordinance design.³¹

Haas’s Own Citations Support Independent Counsel

Haas’s legal argument on this point is self-defeating. Haas cites Wis. Stat. § 62.09(12)(a) for the general rule that the City Attorney “shall conduct all the law business in which the City is interested,” and MGO § 3.07(1) for the proposition that the City Attorney “shall be responsible for the duties contained therein and for the conduct of all legal services of the City and shall serve as legal advisor to the Council, the Mayor and all departments and offices of the City.” These are offered as the baseline authority against which independent counsel is an exception. But in the same memorandum, Haas cites the exception: Wis. Stat. § 62.09(12)(g), which provides that the Common Council “may employ and compensate special counsel to assist in or take charge of any matter in which the City is interested.” To the extent MGO § 3.07(1) could be read to conflict with that authority, Wis. Stat. § 62.09(12)(g) controls. The Council has done exactly that. MGO § 5.19(7)(l) is the Council’s exercise of that statutory authority.

As a matter of legal hierarchy, Wis. Stat. § 62.09(12)(a) establishes the general rule that the city attorney “shall conduct all the law business in which the City is interested.” Section 62.09(12)(g) then creates an express exception, authorizing the Council to “employ and compensate special counsel to assist in or take charge of any matter in which the City is interested.” The Council implemented that statutory exception through MGO § 5.19(7)(l), which provides that “[t]he Monitor may retain independent legal counsel if necessary to fulfill the duties of the OIM.” Reading that broad, textually unqualified grant of authority as limited by a 2020 budget estimate would conflict with ordinary principles of statutory construction, including the plain-meaning rule and the canon against treating ordinance language as surplusage.

The Council’s Reliance on Haas’s Pre-Enactment Representations

The OCA drafted the original ordinance. Before enactment, he issued an official legal memorandum to the Mayor and all alders, opining on the ordinance’s meaning, scope, and intent. The Council relied on those representations and enacted the ordinance as written, including MGO § 5.19(7)(l). Haas now argues that the broad independent counsel language was never intended to mean what it plainly says. Having shaped the document and officially opined on its content to the enacting body,

³⁰ Portland City Code § 3.21.070(P) (“The Director may retain or employ independent legal counsel”); available at https://www.portland.gov/code/3/21#cid_679164. Denver City Charter § 12.1.1(A)(v) (authorizing the monitor to retain independent general counsel “to provide legal advice... to assist the monitor in the performance of its duties”), available at <https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Office-of-the-Independent-Monitor/Operating-Documents>. Both model ordinances were included in the 2020 legislative file reviewed by the Council before adopting MGO §§ 5.19 and 5.20, available at <https://madison.legistar.com/LegislationDetail.aspx?ID=4580421&GUID=BEA6563A-E523-4341-87F4-AB11A66A96FD>.

³¹ Draft Spreadsheet Comparing and Contrasting Auditor and Monitor Ordinances (July 2, 2020), available at <https://madison.legistar.com/View.ashx?M=F&ID=8647161&GUID=59986CFC-91AE-43DE-98A1-8B9C34BBF9A5>; Draft Spreadsheet Comparing and Contrasting Auditor and Monitor Ordinances (July 6, 2020), available at <https://madison.legistar.com/View.ashx?M=F&ID=8652835&GUID=FA11C637-28C3-4E6F-AB66-941BCA7771F2>; and Draft Conceptual Spreadsheet Comparing and Contrasting Auditor and Monitor Ordinances (July 11, 2020), available at <https://madison.legistar.com/View.ashx?M=F&ID=8662994&GUID=3B4DB801-6038-4693-93C7-DBB8C7FEBDCC>.

he is in a difficult position to argue before the same Council that the language means something different than what he represented.

This history implicates principles underlying equitable estoppel and, more specifically, the role of legislative history in interpreting ordinances. Wisconsin courts apply estoppel against governmental entities sparingly and only in limited circumstances. See *Hocking v. City of Dodgeville*, 2010 WI 59, ¶¶ 20–23, 326 Wis. 2d 155, 785 N.W.2d 398. This memorandum does not contend that estoppel would legally bar the Council from amending MGO §§ 5.19 or 5.20. It does contend that where the OCA drafted the original ordinance and provided contemporaneous representations to the Council about its meaning and intent, those representations should carry substantial interpretive weight when the Council evaluates subsequent characterizations that materially differ from them.

NARROWING RECORDS ACCESS

Under the current ordinance, MGO § 5.19(7)(i) provides that “The OIM shall, to the extent permitted by law, have unfettered access to all MPD records, policies, Standard Operating Procedures, data, computer databases, and other information necessary to fulfill the duties of the OIM.” Govindarajan Amendment 1 would remove the term “computer databases” from this list and would instead condition OIM’s access to certain records and data on the terms of a memorandum of understanding (MOU) negotiated with MPD and the OCA.

State and federal law already limit which criminal justice databases—such as computer-aided dispatch (CAD) systems, records management systems (RMS), and CJIS-connected databases—can be accessed by non-law-enforcement personnel and under what conditions. The existing “to the extent permitted by law” clause makes certain that OIM’s access rights stay bounded by those legal limits. Removing “computer databases” from the ordinance adds an additional, local limitation on top of those existing legal requirements.

A Solution in Search of a Problem

The current ordinance already limits access “to the extent permitted by law.” Haas argues that “MPD cannot provide the OIM with the ability to search within the databases and risk information being altered or compromised.” That concern does not require an ordinance change. Database systems routinely support read-only access that prevents modification of records while permitting queries and retrieval, and MPD’s own Standard Operating Procedure on TIME and CJIS Systems Use already requires that authorized users be granted “the minimum level of permissions to meet respective job duties,” a role-centered access control that prevents modification of records.³² Portland and Denver have granted oversight bodies direct database access without this concern arising as a legal barrier.³³ The effect of this amendment is not to address a security problem that cannot be solved otherwise. It is to permanently restrict OIM’s access beyond what the law requires.

The drafting history makes this point with unusual clarity. The July 23, 2020, draft ordinance did not include “computer databases” in the records access provision. A drafting note on that section flagged the question of whether to add “to the extent permitted by law” and how to handle records whose disclosure might be legally restricted. The July 29, 2020 draft—authored by Assistant City Attorney John Strange, who co-authored Haas’s July 8 memo and is named in the Workgroup’s

³² Madison Police Department, Standard Operating Procedure, TIME and CJIS Systems Use and Dissemination of Records, eff. date 03/16/2026, available at https://www.cityofmadison.com/police/documents/sop/TIMEsystemUse_0.pdf.

³³ Portland City Code § 3.21.070(C) (“IPR will also have direct access to original database sources as permitted by state and federal law”); Denver Revised Municipal Code § 2-390(a) (requiring departments to provide “complete access to department... databases... and all other items”). Both model ordinances were included in the 2020 legislative file.

acknowledgments—resolved both questions: it added “to the extent permitted by law” and simultaneously added “computer databases” to the list of materials to which the OIM would have unfettered access.³⁴

That language was carried through to the enacted ordinance without change. Whatever prompted the addition—whether a Workgroup request, review of the Portland and Denver model ordinances the Workgroup was examining, or another consideration—the change was made deliberately during a process in which the OCA was actively involved in drafting, and the final language was reviewed and cleared by the OCA under MGO § 3.07 before the Council voted. Removing “computer databases” now does not clarify existing practice. It reverses a deliberate choice made during a drafting process in which the OCA participated and that it cleared.

Workgroup minutes from July 27, 2020, reflect that Haas specifically raised the legal issue of whether the Independent Monitor and PCOB could be given “unfettered access” to MPD documents outside the public records process, and the Workgroup nonetheless chose to adopt ordinance language guaranteeing such access “to the extent permitted by law” and explicitly including “computer databases.”³⁵

The MOU Transforms Cooperation Into a Ceiling

Under MGO § 5.19(2), “[t]he Monitor is responsible for ensuring that the duties of the OIM are fulfilled in consultation and collaboration with the Board.” MGO § 5.19(5) further provides that “[t]he Monitor shall report directly to the Board and the Board’s Executive Subcommittee” and that “the Monitor shall act as directed by the Board and the Board’s Executive Committee.” These provisions make clear that the Monitor’s authority is exercised in relation to, and subject to direction from, the PCOB.

Haas correctly notes that an MOU was negotiated with the previous Monitor and frames the proposed amendment as a codification of current practice. But codifying the MOU requirement as a mandatory process negotiated with Haas transforms what was once a cooperative working arrangement into a legally required access ceiling. Haas’s 2020 memo resolved the access question by adding “to the extent permitted by law” and leaving the rest to the exercise of discretion and cooperation. Haas does not identify the specific access problems that have arisen or explain why existing language cannot address them. Before acting on April 21, the Council should ask what those problems are and whether a different solution that preserves unfettered access rather than further restricts it better serves the public interest.

The January 2024 MOU, signed by former Independent Monitor Robin Copley and Chief Barnes, was the product of a cooperative working relationship with a Monitor who had no prior experience in

³⁴ Compare Draft Ordinance, MGO §§ 5.16–5.17, July 23, 2020, § 5.16(7)(j) (“The OIM shall have unfettered access to all MPD records, policies, Standard Operating Procedures, data, and other information necessary to fulfill the duties of the OIM”) with Draft Ordinance, MGO §§ 5.18–5.19, July 29, 2020, § 5.18(7)(i) (“The OIM shall, to the extent permitted by law, have unfettered access to all MPD records, policies, Standard Operating Procedures, data, computer databases, and other information necessary to fulfill the duties of the OIM”) (emphasis added). Both drafts identify Assistant City Attorney John Strange as author in their document properties. The enacted ordinance, MGO § 5.19(7)(i), follows the July 29 language without change.

³⁵ Haas raised this issue during the Workgroup’s discussion of Agenda Item 3 (Legistar File No. 61172) at its July 27, 2020 meeting. See Alder Workgroup to Develop Logistics & Operational Details for MPD Independent Civilian Oversight, Minutes of July 27, 2020 Meeting, at 2, Legistar Event ID 796975, available at <https://madison.legistar.com/View.ashx?M=M&ID=796975&GUID=BE542EB0-723A-41CC-AEE0-151798AA001F>; see also Legistar File No. 61172, Staff update on progress of ordinance draft, available at <https://madison.legistar.com/LegislationDetail.aspx?ID=4582095&GUID=CEDE0060-1A9F-4468-A30A-C3C41CED5994>.

police civilian oversight.³⁶ Several of its provisions ceded authority expressly granted to the OIM by the Council in the enabling ordinance, apparently without recognition of the significance of those concessions. For example, Section E of the MOU routes OIM's requests for MPD data through MPD's public records process rather than accepting the direct "unfettered access" contemplated by MGO § 5.19(7)(i). Section G requires OIM to consult with MPD before publicly releasing information relating to active investigations or personnel matters, a condition not found in MGO § 5.19(7) and arguably inconsistent with the OIM's independent reporting role under MGO § 5.19(7)(k). Section I provides that the MOU may be amended only with the consent of both the Chief and the Independent Monitor, witnessed by the City Attorney, effectively giving MPD and the OCA veto power over any future changes affecting OIM's access rights.³⁷

The national standards before the Council at the time of enactment run counter to Amendment 1. NACOLE's Recommendations for Effective Practices, part of the 2020 legislative file, states at Section V(B) that "[l]egislation establishing civilian oversight must explicitly address an oversight agency's unfettered access to relevant records and documentation, as well as the law enforcement agency's obligation to cooperate with the oversight agency's request in a reasonable and timely manner." Section V(E) states that "[d]irect access to law enforcement databases reduces delays in information requests, permits the civilian oversight agency to run advanced queries of the database content, and ensures the accuracy and integrity of the overseen law enforcement agency's data."³⁸

Both Portland's and Denver's model ordinances, also in the legislative file, explicitly protect direct database access using language parallel to MGO § 5.19(7)(i). Portland's ordinance states that the office "will also have direct access to original database sources as permitted by state and federal law." Denver's ordinance requires departments to provide "complete access to department... databases... and all other items, whether in paper, electronic, or other form."³⁹ The Council enacted MGO § 5.19(7)(i)'s unfettered access language with these models before it. Amendment 1 would move Madison below the floor set by those models, not merely clarify the existing standard.

CJIS Compliance: A Collaborative Way Forward

Rather than treating CJIS security requirements as a justification for narrowing the OIM's ordinance-level access rights, the Council should direct MPD and the OIM to work collaboratively to achieve CJIS compliance and reduce the regulatory and administrative obstacles to direct access. That is the approach recommended by national best practices, and it serves the public interest. The question

³⁶ See "Police Civilian Oversight Board Names Another Independent Police Monitor," Fox47, October 28, 2022 (noting Copley's prior experience as Milwaukee Police Department open records legal advisor and paralegal for the Milwaukee Fire and Police Commission), available at <https://fox47.com/news/local/police-civilian-oversight-board-names-another-independent-police-monitor>; "Madison Names Its 2nd First Independent Police Monitor," WMTV15, October 28, 2022 (same; PCOB Chair Burnette emphasized experience "developing processes to ensure transparency and expedite public records requests"). Copley's prior experience was in records management and administrative legal work inside law enforcement agencies, not in conducting civilian oversight investigations. WMTV15 article available at <https://www.wmtv15news.com/2022/10/28/madison-names-its-2nd-first-independent-police-monitor/>.

³⁷ Memorandum of Understanding between the Madison Police Department and the Office of the Independent Police Monitor regarding Access to MPD Records and Information, signed January 2, 2024 (Haas) and January 4, 2024 (Barnes and Copley), available at <https://tinyurl.com/MPDOIIMMOU>.

³⁸ NACOLE, Recommendations for Effective Practices, Section V(B), Enabling Legislation Language Relating to Accessing Department Records, and Section V(E), Direct Access to Law Enforcement Databases (June 1, 2020), included in the 2020 legislative file, available at <https://madison.legistar.com/View.ashx?M=F&ID=8637311&GUID=7435CBAD-56E2-47BA-BA0B-515C8F37F90C>.

³⁹ Portland City Code § 3.21.070(C) ("IPR will also have direct access to original database sources as permitted by state and federal law"), available at https://www.portland.gov/code/3/21/cid_679164; Denver Revised Municipal Code § 2-390(a) (requiring departments to provide "complete access to department... databases... and all other items, whether in paper, electronic, or other form"), available at <https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Office-of-the-Independent-Monitor/Operating-Documents>. Both model ordinances were included in the 2020 legislative file.

before the Council is not whether CJIS security requirements are real; they are, but whether the right response is to restrict the OIM's access rights in the ordinance or to pursue a compliance pathway that addresses the security concern without eliminating those rights. Haas's memo chooses restriction. This memorandum recommends compliance.

Haas cites the FBI's Criminal Justice Information Services (CJIS) security requirements to justify removing "computer databases" from the OIM's ordinance-level access rights. His memo implies that CJIS security is an obstacle to OIM access. It is not. The CJIS Security Policy establishes a compliance structure for government entities outside law enforcement to obtain secure access to criminal justice information.⁴⁰

The framework is designed specifically for situations in which government entities outside law enforcement need access to criminal justice records. Haas's 2026 memo does not acknowledge this pathway. Notably, a current MPD employee has stated publicly that MPD already allows other government employees to access MPD records on MPD computers, suggesting that the security barrier Haas describes is not as absolute in practice as his memo implies.⁴¹

The OIM should become CJIS-compliant for systems and staff who need direct access to MPD records and databases. For designated OIM staff, this would mean fingerprint-based background checks, CJIS Security Awareness training, adherence to the FBI's 13 CJIS security policy areas, and use of CJIS-compliant technology systems. Once OIM's systems and designated staff meet CJIS compliance requirements, OIM personnel could access MPD records and databases directly, subject to applicable CJIS security requirements, without submitting individual records requests. This would substantially reduce the administrative burden on MPD staff, who currently must process each individual request, and, over time, could eliminate routine records requests for many categories of information, saving both agencies time and resources.

MPD's own Standard Operating Procedure on Third Party Database Use, most recently reviewed in January 2026, already requires that database access comply with "applicable MOUs, agreements, and contracts." That framework is precisely the structure this memorandum recommends for OIM access. The compliance architecture MPD needs to extend direct access to a CJIS-compliant OIM already exists within MPD's own policy structure.⁴²

A Positive Path Forward

These concerns can be addressed directly, without weakening the OIM's ordinance-level access rights, by clarifying the OIM's obligations to safeguard confidential and legally protected information. The Council could, for example, amend MGO § 5.19 to add language along the following lines:

"The Monitor, OIM staff, and any contractors or agents working on behalf of the OIM, including outside attorneys and investigators, shall safeguard confidential, legally privileged, and otherwise protected information and records obtained in the course of their duties, and shall not disclose such information or records except as required or authorized by law. For purposes of state and federal confidentiality and public records laws, the Monitor, OIM staff, and such contractors or agents shall be subject

⁴⁰ FBI Criminal Justice Information Services Division, CJIS Security Policy, Version 6.0 (December 27, 2024), Sections 3.2.4 (Criminal Justice Agency) and 3.2.5 (Noncriminal Justice Agency), available at https://le.fbi.gov/file-repository/cjis_security_policy_v6-0_20241227.pdf.

⁴¹ Diane Horstman, Facebook post, March 25, 2026, available at <https://tinyurl.com/49jwzx6m> (stating that MPD allows other government employees to access MPD records on MPD computers).

⁴² Madison Police Department, Standard Operating Procedure, Third Party Database Use and Dissemination, eff. date 11/30/2017, reviewed 01/31/2026, available at <https://www.cityofmadison.com/police/documents/sop/ThirdPartyDatabase.pdf>.

to the same duties and penalties as the legal custodian of the records for any unlawful or unauthorized disclosure.”

This approach tackles confidentiality and security concerns by holding the OIM and its agents to the same statutory standards and penalties as the records custodian, without reducing the access intended by the Council in MGO § 5.19(7)(i).

Implementing CJIS compliance for OIM systems and staff would require coordination with state CJIS authorities and MPD, as well as formal approval in accordance with applicable CJIS policies. Nonetheless, the framework is specifically designed to accommodate non-law-enforcement government entities that need secure access to criminal justice information, and it presents a constructive route forward that addresses genuine security concerns without narrowing OIM's ordinance-level access rights.

The PCOB should require OIM to pursue CJIS compliance as an immediate priority, and the Council should consider codifying that requirement in MGO § 5.19. Specifically, the ordinance could be amended to require designated OIM staff to complete the CJIS Security Awareness training, fingerprint-based background checks, and any state-mandated TIME/CJIS user certifications necessary to maintain CJIS compliance, as a condition of the office's direct access to MPD records and databases. This resolves the legitimate security concern Haas raises, preserves the Monitor's unfettered access rights under the ordinance, substantially reduces or eliminates the records request process for both agencies, and does so without any amendment that restricts OIM's ordinance-level access rights. If Haas's concern is sincerely about security rather than limiting access, he should be fully receptive to this approach.

To the extent the Council wishes to address CJIS compliance and records access in the ordinance, it could amend MGO § 5.19(7)(i) and add a new subsection (i)(1) as follows:

“The OIM shall, to the extent permitted by law, have unfettered access to all MPD records, policies, Standard Operating Procedures, data, computer databases, and other information necessary to fulfill the duties of the OIM. Such access shall not require MPD's prior approval and shall not be conditioned on or delayed by any MPD determination regarding the status, sensitivity, or security classification of the requested records.”⁴³

“(1) OIM staff who access records or databases subject to applicable state or federal security requirements, including the FBI Criminal Justice Information Services (CJIS) Security Policy,⁴⁴ shall obtain and maintain the certifications, credentials, and training required by those frameworks as a condition of such access. OIM staff are subject to the same legal penalties as MPD personnel for any unlawful or unauthorized disclosure of records accessed under this section.”⁴⁵

⁴³ Current MGO § 5.19(7)(i) (“The OIM shall, to the extent permitted by law, have unfettered access to all MPD records, policies, Standard Operating Procedures, data, computer databases, and other information necessary to fulfill the duties of the OIM”), available at

https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH5PODEPORE_5.19OFINPOMO.

⁴⁴ See supra note 40.

⁴⁵ Portland City Code § 3.21.070(J) (making the IPR Director subject to the same penalties as the legal custodian of records for any unlawful or unauthorized disclosure), available at <https://www.portland.gov/code/3/21>.

EXPANDING COUNCIL ENFORCEMENT AUTHORITY

Haas argues this provision addresses the “unique nature” of having a volunteer board supervise a City employee and allows the Council to take corrective action if OIM does not comply with City policies. The proposed language would give the Common Council authority to “enforce City policies and procedures regarding operations of the OIM and the actions of the Independent Monitor consistent with City ordinances, rules and procedures.”

The proposed language raises two additional concerns that Haas’s memo does not address. First, it provides no enforcement mechanism. Ordinary enforcement of City policies against a City employee runs through Human Resources and the Mayor’s supervisory chain. The OIM was deliberately placed outside that chain in 2020. The proposed language gives the Council enforcement authority without defining what that means—no notice requirement, no opportunity for the OIM to respond, no standard of review, and no limit on remedies. The Monitor would have no procedural protections against its exercise.

Second, “City policies and procedures” is not limited to written APMs or formal ordinances. It could encompass informal directives, IT department guidance, HR practices, legal opinions from the OCA, or any administrative expectation any City department chooses to assert. The OIM would have no way to know in advance what it must comply with, and no basis to challenge whether a given policy is legitimate. That is not a compliance structure. It is a mechanism that gives any City department broad latitude to impede the OIM’s work after the fact, without advance notice and without legislative authorization for the specific requirement being enforced.

Haas asserts that this provision does not affect MGO § 5.19(6)(b)’s prohibition on City officials interfering with OIM’s investigative work. But the proposed language is not limited to administrative compliance. It covers “operations of the OIM and the actions of the Independent Monitor.” That is a broad grant with no limiting principle. The line between administrative operations and investigative independence does not draw itself; under this provision, the Council, not the PCOB, would draw that line. This directly conflicts with the structure established by the original ordinance.

The Council retains general appropriations authority over the OIM’s budget as it does for all City agencies, and the ordinance already requires the Monitor to collaborate with the Human Resources Department in recruiting and hiring staff and to follow City contracting requirements when engaging independent contractors, but the new language in MGO § 5.19(6)(c) granting the Council authority to “enforce City policies and procedures regarding operations of the OIM and the actions of the Independent Monitor” is not so limited. To the extent the Council seeks to clarify that authority, it should do so in language expressly limited to those domains. For example, if the Council chooses to amend the ordinance, it could provide that:

“The Common Council may enforce generally applicable City Administrative Procedure Memoranda with respect to the Office of the Independent Police Monitor. Nothing in this subsection shall be construed to authorize the Council or any City official to direct, limit, or interfere with the powers and duties of the Monitor and the Office of the Independent Police Monitor as set forth in MGO § 5.19(7).”

ALDER MAYER’S AMENDMENT

Under the current ordinance, there is no explicit prohibition on a sitting alder serving on the PCOB. The Council could, as a matter of appointment practice, choose to place an alder on the Board, but it is not required to do so, and in practice, the PCOB has operated without a mandatory alder seat.

Alder Mayer's amendment would change that default by requiring that a sitting alder serve as a voting member of the PCOB, appointed by the Council President for a one-year term.

Under the current ordinance, the Council already exercises appointment authority over one voting member and one alternate member, with no role for the Mayor in their appointments.⁴⁶ MGO § 5.20(3)(b) creates three distinct appointment categories: nine members jointly appointed by the Mayor and Council from community-based organization nominees; one member and one alternate appointed by the Mayor and confirmed by the Council; and one member and one alternate appointed and confirmed by the Council alone. Mayer's amendment does not rely on that existing Council-only category. Instead, it creates a new, mandatory category: a sitting alder who serves as a voting member of the PCOB while also voting on the OIM's budget, ordinance amendments, and personnel from the Council dais. That is a qualitatively different form of political representation than any of the three existing categories and represents a structural change.

This shift from a permissive possibility to a mandatory alder seat is significant for the Board's independence. The original ordinance was deliberately designed to limit direct political influence over PCOB membership. Nine of the eleven voting members are nominated by designated community-based organizations under MGO § 5.20(3)(a)3, a departure from the normal appointment process, though they are then appointed by the Mayor and Council and confirmed by the Council. The Independent Monitor is recruited and appointed by the PCOB itself, with no role for the Mayor in that process. As City Attorney Haas noted in his 2020 memorandum, this nomination structure is "different from the normal appointment process for Boards, Commissions and Committees,"⁴⁷ and was a conscious design choice to strengthen independence.

Requiring that a sitting alder occupy a voting seat on the PCOB moves the Board closer to the standard boards-and-commissions model the Council intentionally departed from in 2020. NACOLE identifies political insulation as a basic requirement for effective civilian oversight, noting that board composition free from direct political control is essential to public confidence in the oversight process.⁴⁸ Adding a mandatory alder seat moves the PCOB in the opposite direction.

Given these standards and Madison's recent experience, making an alder seat mandatory on the PCOB risks weakening both the perception and reality of the Board's independence. While the Council may, under current law, appoint an alder under certain circumstances, it ought to be careful about making this a permanent ordinance-level requirement for a body intended to remain structurally independent from daily political influence.

Each of the four amendments raises serious concerns on its own. Together, they form a package that reduces the independence of both the OIM and the PCOB. The APM provision and legal counsel restriction subject the OIM to mayoral administrative control and remove the Monitor's ability to seek independent legal advice. The records access amendment narrows the OIM's access rights below what the Council authorized. Mayer's amendment mandates political representation on the PCOB. Collectively, these changes move the oversight structure closer to the standard boards-and-

⁴⁶ See MGO § 5.20(3)(b)(1)–(3) (providing that nine members are appointed jointly by the Mayor and Common Council from community-based organization nominees, one member and one alternate are appointed by the Mayor and confirmed by the Common Council, and one member and one alternate are appointed and confirmed by the Common Council), available at https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH5PODEPORE_5.20POCIOVBO.

⁴⁷ See supra note 4, at 8.

⁴⁸ See supra note 23.

commissions model the Council intentionally rejected in 2020. The Council should evaluate these amendments as a whole rather than in isolation.

THE CONFLICT IS NOT HYPOTHETICAL: IT IS OPERATING NOW

Haas's 2026 memo itself provides the clearest evidence of the structural conflict it contends does not exist. Haas simultaneously claims to represent the OIM and PCOB without conflict, advocates amendments that would expand his office's authority over both bodies, and argues to eliminate the Monitor's ability to seek independent legal advice when the Monitor concludes a conflict exists. The proposed amendments would also directly benefit his other City clients: requiring the OIM to route legal matters through his office and to follow APMs issued by the Mayor places the Mayor, MPD, HR, and IT in a stronger administrative position relative to the OIM. When the City's legal advisor advocates for ordinance changes that expand his own authority and strengthen his other clients' positions, the conflict is apparent on the face of the memorandum. The PCOB does not need to investigate to find it.

MGO § 5.19(6)(b) provides that 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. When the City Attorney, acting as legal advisor to the OIM and PCOB, simultaneously advocates amendments that would materially curtail the Monitor's independence, it raises serious questions about how that advocacy is consistent with this prohibition.

The January 2024 MOU between MPD and the OIM illustrates how this conflict operates in practice. Haas was a signatory to that agreement, signing as witness alongside Police Chief Shon Barnes and Independent Monitor Robin Copley.⁴⁹ As discussed in the Narrowing Records Access section, the MOU ceded authority expressly granted to the OIM by the enabling ordinance was executed without PCOB review or approval, and under Section I reserved amendment authority jointly to the Chief and the Independent Monitor, witnessed by the City Attorney, effectively giving his office a veto over any future changes to the agreement. He is now citing that same MOU as justification for permanently codifying its restrictions in the ordinance. When the office that provides legal advice to the OIM negotiates an agreement that benefits its other City clients at the OIM's expense, excludes the PCOB from the process, and then uses the result as precedent for a permanent ordinance restriction, it is not acting as a neutral advisor. That record is difficult to reconcile with the City Attorney's claim of 5.5 years of successful representation of the OIM and PCOB. This is precisely why the Monitor's authority to retain independent legal counsel under MGO § 5.19(7)(l) must be preserved rather than narrowed.⁵⁰

Haas acknowledges in closing that "this information is a lot to digest, particularly when it is offered on the same day as the PCOB meeting that the ordinance proposals will be considered." He delivered an eight-page legal memorandum on the day of the PCOB meeting, arguing for amendments that undermine the independence of the very bodies he claims to represent.

SUMMARY AND RECOMMENDATIONS

Haas's March 25, 2026, memorandum describes the proposed amendments as clarifications that reflect the Common Council's original intent. The legislative record does not support that characterization. In 2020, Haas's own memos acknowledged that placing the OIM under PCOB supervision rather than the Mayor was a deliberate and unusual divergence from standard City

⁴⁹ See supra note 34.

⁵⁰ See supra note 23.

practice. The proposed APM provision does not reinforce that choice; it reverses it. The legal counsel provision would eliminate the Monitor's ability to seek independent legal advice from outside the OCA, the same office now advocating amendments that would expand its own authority over the OIM and PCOB. Notably, the Wisconsin Statutes Haas cites as requiring OIM to use his office also expressly authorize the Council to employ independent counsel for any matter in which the City is interested, which is precisely what MGO § 5.19(7)(I) does. The records access amendment removes "computer databases" from the OIM's ordinance-level access rights, reversing a deliberate decision made during a drafting process in which the OCA participated and cleared. CJIS compliance offers a technically sound alternative that addresses Haas's stated security concerns but without narrowing the OIM's access rights. Only three of the twenty current Council members were serving when MGO §§ 5.19 and 5.20 were adopted on a 19-0 vote in 2020. The Council should evaluate these amendments against that record, not against Haas's current characterization of it.

The analytical concerns identified in this memorandum are considerable and go to the core structure of the OIM and PCOB. On March 25, 2026, the PCOB voted unanimously to recommend that the Council place the proposed amendments on file with prejudice and direct alders to consult meaningfully with the PCOB before drafting any future changes. The following recommendations address the Council's immediate decision on April 21, the process for any future amendments to MGO §§ 5.19 and 5.20, and steps the PCOB should take regardless of the Council's action.

1. **The Council should review the full 2020 legislative history, including the City Attorney's 2020 memoranda, to independently assess original legislative intent.**
2. **The Council should reject any language that subjects the powers and duties of the OIM as set forth in MGO § 5.19(7) to mayoral Administrative Procedure Memoranda (APMs).** To the extent the Council seeks to clarify its authority, it should do so in language expressly limited to neutral, citywide budgetary, procurement, and administrative policies. For example, if the Council chooses to amend the ordinance, it should adopt language along the lines of:

"The Common Council may enforce generally applicable City Administrative Procedure Memoranda with respect to the Office of the Independent Police Monitor. Nothing in this subsection shall be construed to authorize the Council or any City official to direct, limit, or interfere with the powers and duties of the Monitor and the Office of the Independent Police Monitor as set forth in MGO § 5.19(7)."
3. **The Council should preserve the Monitor's authority to retain independent legal counsel if necessary to fulfill the duties of the OIM.** The Council should reject any amendment that makes the City Attorney the exclusive legal advisor for public records, open meetings, employment, MPD records access disputes, or MOU negotiations with MPD, or that conditions the use of independent counsel on the City Attorney's consent.
4. **The Council should reject any amendment that narrows the OIM's access rights below the current "to the extent permitted by law" standard in MGO § 5.19(7)(i), including removal of "computer databases" or mandatory reliance on an MOU negotiated with MPD and the OCA.** Instead, the PCOB should require the OIM to pursue CJIS compliance for its systems and designated staff as an immediate priority, and the Council should consider codifying a requirement that designated OIM staff complete CJIS Security Awareness training, fingerprint-based background checks, and any state-mandated TIME/CJIS user certifications necessary to maintain CJIS compliance as a condition of direct access to MPD records and databases. To the extent the Council wishes to address CJIS

compliance and records access in the ordinance, it should amend MGO § 5.19(7)(i) and add a new subsection (i)(1) as set forth in the body of this memorandum.

5. **The Council should reject language granting the Council broad authority to “enforce City policies and procedures regarding operations of the OIM and the actions of the Independent Monitor” absent clear limitations.** If the Council chooses to clarify its role, any amendment should be expressly limited to enforcing generally applicable City Administrative Procedure Memoranda and should state that nothing in the provision authorizes the Council or any City official to direct, limit, or interfere with the powers and duties of the Monitor and the OIM as set forth in MGO § 5.19(7).
6. **The Council should carefully assess whether adding a sitting alder to the PCOB is in accordance with the original ordinance’s independence requirements and national best practices.** In light of those standards and Madison’s recent experience—including prior efforts to significantly curtail or eliminate the OIM—the Council should not add an alder to the PCOB unless it can ensure that such a change will not undermine either the perception or reality of the Board’s independence.
7. **The PCOB should obtain independent legal counsel to advise on any proposed amendments to MGO §§ 5.19 and 5.20 before deliberating on them.** This is a prerequisite for any further ordinance changes affecting the structure, independence, powers, or duties of the OIM and PCOB.
8. **The PCOB should adopt a policy requiring that any memorandum of understanding or other agreement affecting the rights or operations of the OIM or PCOB be reviewed and approved by the PCOB before it takes effect.** The January 2024 MOU between MPD and the OIM was executed without PCOB review or approval; regardless of how the current amendments are resolved, that process should not be repeated.
9. **The PCOB should identify additional improvements to MGO §§ 5.19 and 5.20 that it wishes to recommend, drawing on other municipal oversight ordinances, NACOLE’s principles, and the OIM and PCOB annual reports.** Any future amendments should be developed in collaboration with independent counsel and with meaningful community input, and should strengthen rather than weaken the independence, access, and effectiveness of the OIM and PCOB.

By establishing the OIM and PCOB, the Council aligned Madison with jurisdictions that support robust, independent civilian oversight of law enforcement, consistent with NACOLE’s principles and national best practices. The proposed amendments, as written, would materially weaken this model by increasing political and administrative control over the OIM and limiting its ability to fulfill its mandate. Any future changes to MGO §§ 5.19 and 5.20 should be developed in close consultation with the PCOB and independent counsel, with the goal of maintaining strong independence, secure and efficient records access, and public confidence in the oversight system.

From: [Matthew Sanborn](#)
To: [Martinez-Rutherford, Dina Nina](#)
Cc: [All Alders](#)
Subject: NO to Ordinances 5.19 and 5.20
Date: Monday, April 20, 2026 8:07:14 AM

Some people who received this message don't often get email from matt23san@yahoo.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alder Martinez-Rutherford,

You may receive many emails with the same content that I have included in this email, but I agree with every word. It was the unnecessary and criminal police shooting of my friend Paulie Heenan in 2012 that drove this PCOB into existence. Please do not let these amendments pass. Do not take away real and effective citizen involvement in such a deeply important part of the City of Madison. Do what you can to convince your fellow alders of this.

Thank you.

Before reading the proposed amendments to the Office of the Independent Police Monitor (OIPM) ordinance 5.19 and Police Civilian Oversight Board (PCOB) ordinance 5.20, and reasons why we urge you to oppose them all, it is important to acknowledge 4 facts that frame the relationship between the OIPM/PCOB and **the driving force behind these amendments**: the City Attorney's Office.

The main goal of the City Attorney is to prevent successful lawsuits and, if need be, they will do so **at the expense of civil rights, and the health and safety of city residents**. Given their mission, they have to deny that civil rights violations ever occur.

The main goal of the OIPM/PCOB is to ensure the civil rights, health, and safety of city residents and police officers through community engagement, independent investigation and review, transparency, and recommendations. By default, this reduces the need for lawsuits.

The City Attorney **does not offer** the same level of respect and client/collaboration privileges to the OIPM/PCOB as they do other city entities. Some in key leadership positions have repeatedly demonstrated this by violating their ordinance and Roberts Rules, talking down to the OIPM/PCOB, and surprising them with debilitating amendments that were in the works for weeks, sometimes months, without ever once reaching out to express concerns or collaborate. They do not do this to MPD.

The City Attorney's mission is in direct conflict with that of the OIPM/PCOB and they act like it and therefore, **the City Attorney must not serve as their source of legal oversight, advice, and representation**.

OIPM ordinance 5.19

[https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH5PODEPORE_5.19OFINPOMO]
(https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH5PODEPORE_5.19OFINPOMO)

PCOB ordinance 5.20

[https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH5PODEPORE_5.20POCIOVBO]
(https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH5PODEPORE_5.20POCIOVBO)

THE AMENDMENTS:

The most recent amendments to OIPM/PCOB ordinance are summarized below along with why we believe they are harmful. The amendments discussed in A-C are sponsored by Alders MGR and Sabrina Madison. The amendment discussed in D is sponsored by Alder Davy Mayers.

1.) Restricting data and records access:

- No access to computer databases

This is obstructive and incongruent with the national standard for police oversight.

- Play with confidentiality to restrict access.

- Arbitrary definition of key records as confidential could, in combination with this ordinance amendment, end up greatly restricting the ability of OIPM to carry out its functions.

2.) Reducing access to MPD Records:

- In contrast with current ordinance language, which requires that MPD provide absolutely "unfettered access" to its records (to the extent permitted by law), the amendment would require negotiation "to define the degree of access to specific MPD records". And it mandates insertion of the City Attorney's Office, which has a structural conflict of interest with OIPM, into the execution of any negotiated agreement.

3.) Requiring that OIPM must follow all city rules and procedures, without exception.

- Adding this language to ordinance is unnecessary, because the city rules and procedures (on hiring, budgeting and purchasing, information technology systems, etc.) are already being followed by the OIPM/PCOB.

- This addition might seem harmless, but the added language undercuts the Independence provision within the OIPM ordinance.

- Under the existing ordinance language, a new Mayoral policy that targets the OIPM/PCOB would be without effect, because ordinances (laws) supersede policies

(that can be written by a single person). Because the amendment would effectively give all policies the weight of law, mandating compliance without exception, it would allow a Mayor to write policies that infringe on OIPM/PCOB function and independence, or an administration, via the City Attorney, to interpret and enforce policies in a manner that infringes on OIPM/PCOB function and independence.

- This is a particular problem because of an underlying structural conflict of interest. Elected officials, such as mayors, often depend on the support of police officials, police unions, etc. in elections, and want to avoid embarrassing revelations, and thus tend to compromise the function and independence of civilian police oversight agencies. This has occurred repeatedly with civilian police oversight agencies across the country, crippling those agencies.

4.) Requiring that OIPM/PCOB use the City Attorney for most legal work, rather than an independent attorney:

- As stated at the start, this creates a severe problem, given the inherent conflict of interest.

- It allows use of an independent attorney only for a very restricted set of functions, mandating that the City Attorney be used for all else. This includes use of the City Attorney for four specific areas where city attorney offices and civilian police oversight offices are most often in conflict.

- For example, it mandates use of the City Attorney for all public records work. But the primary clients of city attorneys are elected officials (especially mayors) and police departments (with whom they necessarily have a close working relationship). City attorneys strive to prevent records that would embarrass elected officials or police departments from becoming public, undercutting transparency.

- Placing the amendment in the ordinance would greatly expand the City Attorney's power over OIPM/PCOB, and make it much more difficult for OIPM/PCOB to challenge the City Attorney's opinion, undermining OIPM/PCOB INDEPENDENCE.

- Because of the same inherent conflict of interest, the Police & Fire Commission uses an independent attorney for all its functions, rather than the City Attorney. It makes no sense to, in contrast, require OIPM/PCOB to use the City Attorney.

5.) Adding an alder to the PCOB:

- Putting an elected official on a police oversight board directly curtails independence and contradicts universally recognized best principles for police oversight.

- As the National Association for Civilian Oversight of Law Enforcement (NACOLE) states: "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."

- As noted above, there is a fundamental structural conflict of interest between elected officials and civilian police oversight.
- For the very same reason, elected officials are not given seats on the Police & Fire Commission.

These proposed changes in ordinance language violate the letter and legislative intent of the original ordinance. Contrary to claims the City Attorney has made, they are the opposite of what Alders Kemble, Moreland and Bidar wrote and intended when the council passed the original ordinance.

The proposed amendments are being promoted based on past issues that are long since resolved or alleged issues that never actually occurred. They represent a failure to acknowledge that a new IPM, who started only four months ago, managed to already process multiple cases and put out an annual report with novel, important data analyses. They also represent a failure to acknowledge improvements, and how the volunteer board and understaffed/underfunded office are exceeding past goals and functioning effectively with excellent attendance. Such actions by alders cause frustration, exhaustion and burnout.

Misinformation and accusations of rule violations without evidence are driving repeated attempts to amend the ordinance in ways harmful to the OIPM/PCOB's ability to conduct independent police oversight. This pattern demonstrates a high level of unwarranted scrutiny that is disproportionately applied to this body when other groups **that are violating rules experience no such attention**. This behavior is the antithesis of collaboration. It demonstrates harmful biases and disrespect, and it harms the relationship between the OIPM/PCOB, staff, and Council.

Please leave the ordinances 5.19 and 5.20s as they are and instead focus your attention on meeting the funding and staffing needs of the OIPM and PCOB.

Sincerely,
Matthew Sanborn
3637 Sargent Street

From: [Kristen Schoepke](#)
To: [All Alders](#)
Subject: proposed amendments to the Office of the Independent Police Monitor (OIPM) ordinance 5.19 and Police Civilian Oversight Board (PCOB) ordinance 5.20
Date: Saturday, April 18, 2026 10:59:04 AM

Some people who received this message don't often get email from kschoepke@yahoo.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alder Figueroa Cole (and all alders),

I urge you to vote against the proposed amendments below.

OIPM ordinance 5.19

[https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1-10_CH5PODEPORE_5.19OFINPOMO]

(https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1-10_CH5PODEPORE_5.19OFINPOMO)

PCOB ordinance 5.20 [https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1-10_CH5PODEPORE_5.20POCIOVBO]

(https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1-10_CH5PODEPORE_5.20POCIOVBO)

These proposed changes in ordinance language violate the letter and legislative intent of the original ordinance. Contrary to claims the City Attorney has made, they are the opposite of what Alders Kemble, Moreland and Bidar wrote and intended when the council passed the original ordinance.

The proposed amendments are being promoted based on past issues that are long since resolved or alleged issues that never actually occurred. They represent a failure to acknowledge that a new IPM, who started only four months ago, managed to already process multiple cases and put out an annual report with novel, important data analyses. They also represent a failure to acknowledge improvements, and how the volunteer board and understaffed/underfunded office are exceeding past goals and functioning effectively with excellent attendance. Such actions by alders cause frustration, exhaustion and burnout.

Misinformation and accusations of rule violations without evidence are driving repeated attempts to amend the ordinance in ways harmful to the OIPM/PCOB's ability to conduct independent police oversight. This pattern demonstrates a high level of unwarranted scrutiny that is disproportionately applied to this body when other groups that are violating rules experience no such attention. This behavior is the antithesis of collaboration. It demonstrates harmful biases and disrespect, and it harms the relationship between the OIPM/PCOB, staff, and Council.

Consider the following:

THE AMENDMENTS:

The most recent amendments to OIPM/PCOB ordinance are summarized below along with why I believe they are harmful. The amendments discussed in A-C are sponsored by Alders MGR and Sabrina Madison. The amendment discussed in D is sponsored by Alder Davy Mayers.

1.) Restricting data and records access:

- No access to computer databases

This is obstructive and incongruent with the national standard for police oversight.

- Play with confidentiality to restrict access.

- Arbitrary definition of key records as confidential could, in combination with this ordinance amendment, end up greatly restricting the ability of OIPM to carry out its functions.

2.) Reducing access to MPD Records:

- In contrast with current ordinance language, which requires that MPD provide absolutely "unfettered access" to its records (to the extent permitted by law), the amendment would require negotiation "to define the degree of access to specific MPD records". And it mandates insertion of the City Attorney's Office, which has a structural conflict of interest with OIPM, into the execution of any negotiated agreement.

3.) Requiring that OIPM must follow all city rules and procedures, without exception.

- Adding this language to ordinance is unnecessary, because the city rules and procedures (on hiring, budgeting and purchasing, information technology systems, etc.) are already being followed by the OIPM/PCOB.

- This addition might seem harmless, but the added language undercuts the Independence provision within the OIPM ordinance.

- Under the existing ordinance language, a new Mayoral policy that targets the OIPM/PCOB would be without effect, because ordinances (laws) supersede policies (that can be written by a single person). Because the amendment would effectively give all policies the weight of law, mandating compliance without exception, it would allow a Mayor to write policies that infringe on OIPM/PCOB function and independence, or an administration, via the City Attorney, to interpret and enforce policies in a manner that infringes on OIPM/PCOB function and independence.

- This is a particular problem because of an underlying structural conflict of interest. Elected officials, such as mayors, often depend on the support of police officials, police unions, etc. in elections, and want to avoid embarrassing revelations, and thus tend to compromise the function and independence of civilian police oversight agencies. This has occurred repeatedly with civilian police oversight agencies across the country, crippling those agencies.

4.) Requiring that OIPM/PCOB use the City Attorney for most legal work, rather than an independent attorney:

First, it is important to acknowledge 4 facts that frame the relationship between the OIPM/PCOB and the driving force behind these amendments: the City Attorney's Office.

The main goal of the City Attorney is to prevent successful lawsuits and, if need be, they will do so at the expense of civil rights, and the health and safety of city residents. Given their mission, they have to deny that civil rights violations ever occur.

The main goal of the OIPM/PCOB is to ensure the civil rights, health, and safety of city residents and police officers through community engagement, independent investigation and review, transparency, and recommendations. By default, this reduces the need for lawsuits.

The City Attorney does not offer the same level of respect and client/collaboration privileges to the OIPM/PCOB as they do other city entities. Some in key leadership positions have repeatedly demonstrated this by violating their ordinance and Roberts Rules, talking down to the OIPM/PCOB, and surprising them with debilitating amendments that were in the works for weeks, sometimes months, without ever once reaching out to express concerns or collaborate. They do not do this to MPD.

The City Attorney's mission is in direct conflict with that of the OIPM/PCOB and they act like it and

therefore, the City Attorney must not serve as their source of legal oversight, advice, and representation.

- It allows use of an independent attorney only for a very restricted set of functions, mandating that the City Attorney be used for all else. This includes use of the City Attorney for four specific areas where city attorney offices and civilian police oversight offices are most often in conflict.

- For example, it mandates use of the City Attorney for all public records work. But the primary clients of city attorneys are elected officials (especially mayors) and police departments (with whom they necessarily have a close working relationship). City attorneys strive to prevent records that would embarrass elected officials or police departments from becoming public, undercutting transparency.

- Placing the amendment in the ordinance would greatly expand the City Attorney's power over OIPM/PCOB, and make it much more difficult for OIPM/PCOB to challenge the City Attorney's opinion, undermining OIPM/PCOB INDEPENDENCE.

- Because of the same inherent conflict of interest, the Police & Fire Commission uses an independent attorney for all its functions, rather than the City Attorney. It makes no sense to, in contrast, require OIPM/PCOB to use the City Attorney.

5.) Adding an alder to the PCOB:

- Putting an elected official on a police oversight board directly curtails independence and contradicts universally recognized best principles for police oversight.

- As the National Association for Civilian Oversight of Law Enforcement (NACOLE) states: "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."

- As noted above, there is a fundamental structural conflict of interest between elected officials and civilian police oversight.

- For the very same reason, elected officials are not given seats on the Police & Fire Commission.

Please leave the ordinances 5.19 and 5.20s as they are and instead focus your attention on meeting the funding and staffing needs of the OIPM and PCOB.

This is a make or break issue for me.

Sincerely,
Mrs. Kristen Schoepke
5105 Denton Place
Madison, WI
53711

From: [Paul Scott](#)
To: [All Alders](#)
Date: Monday, April 20, 2026 12:38:04 PM

Some people who received this message don't often get email from pascott2001@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

This office is a total waste.

I filled a complaint against an office using their online complaint form, including the area “suggested punishment”.

Eventually got a reply. This office didn’t accept my complaint because I filled in the Suggested Punishment space.

I emailed them immediately and sent them a screenshot of the “suggested punishment” area in THEIR complaint form.

Ended with REPLY REQUESTED.

Tried calling several times. Left simply messages only asking for a return call.

THAT WAS MONTHS AGO.

Defund that office now.

They were having just too many problems with Pelleton (sp) because Pelleton was in BIG trouble for assaulting Madison police officers after she tried to assault our police officers, who are demoralized because of how some Madison residents behave.

And our DA didn’t even charge DUI to Pelleton’s drinking buddy who also assaulted our police officers.

That’s a whole lot of looking the other way.

Power has special privileges not available to ordinary taxpayers like me.

Reply requested.

From: [Paul Terranova](#)
To: [All Alders](#)
Subject: Please oppose amendments to independent police oversight ordinances
Date: Sunday, April 19, 2026 6:04:58 PM

Some people who received this message don't often get email from pterranova1@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders,

I am writing to ask you to oppose the proposed amendments to independent police oversight ordinances.

We need real independence in these bodies and positions. Otherwise they become more window dressing.

Madison tends to see ourselves as at the cutting edge on issues of justice, but when it comes to giving up control and power (which is what true independence entails), we tend to pull back. Please don't do that again in this instance.

Paul Terranova
1821 Helena St
Madison, WI 53704

From: [Kevin E. Walsh](#)
To: [All Alders](#)
Subject: Proposed Amendments to Ordinances 5.19 (OIPM) and 5.20 (PCOB)
Date: Monday, April 20, 2026 9:11:18 AM

You don't often get email from kevinewalsh@outlook.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders:

I am a city resident writing to oppose the proposed amendments to the Office of the Independent Police Monitor (OIPM) Ordinance 5.19 and Police Civilian Oversight Board (PCOB) Ordinance 5.20. These amendments would reduce the independence of police oversight by

1. Preventing access to police data and other records, which should be public,
2. Requiring the use of the City Attorney, which could be a conflict of interest, and
3. Placing an elected official on the Oversight Board, diluting the civilian membership.

For these reasons I ask you to vote against the amendments.

Sincerely,

Kevin E. Walsh
566 S Segoe Rd
Madison, WI 53711
608-609-7093

From: [Lisa Zwart](#)
To: [Police Civilian Oversight Board; All Alders](#)
Subject: Proposed amendments
Date: Wednesday, April 1, 2026 5:07:56 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello,

I am writing to voice my opposition to the proposed amendments to the ordinance that governs the OIM/PCOB.

I would like to see the funding and records access be brought up to the national standard here in Madison, WI.

The amount of time wasted should be over at this point. You've got a very capable Independent Monitor and an office that is finally functional. Give them the proper tools to do their jobs.

Sincerely,
Lisa Zwart
zwart.lisa@gmail.com

From: [Mike Barnett](#)
To: [All Alders](#)
Subject: OIM
Date: Monday, April 20, 2026 5:08:57 PM

Some people who received this message don't often get email from mike49barnett@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Alders,
Defund Office of Independent Police Monitor.
Thank you,
Michael Barnett 4714 Agate Ln, Madison, WI 53714

From: [Olivia Barrow](#)
To: [All Alders](#); ellenfordistrict8@gmail.com; Noah.L.Lieberman@gmail.com
Subject: Reject Proposed Amendments to the OIPM and PCOB
Date: Monday, April 20, 2026 4:24:34 PM

Some people who received this message don't often get email from obarrow12@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders,

I'm a Madison resident and I'm concerned about the proposed amendments to the OIPM and PCOB ordinances, as they would both reduce the independence of these important oversight mechanisms and create inherent conflicts of interest. That independence is critical to both oversight functions. As the National Association for Civilian Oversight of Law Enforcement (NACOLE) states: "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."

Please leave the ordinances 5.19 and 5.20 as they are and, for now, instead focus your attention on meeting the funding and staffing needs of the OIPM and PCOB.

Sincerely,

--

Olivia Barrow
Pronouns: She/Her/Hers
Cell: 919.599.6316
obarrow12@gmail.com
www.oliviabarrow.com
(Based in Central U.S. Time)

From: [Philippa Bergmann](#)
To: [Noah.L.Lieberman@gmail.com](#); [ellenfordistrict8@gmail.com](#); [All Alders](#)
Subject: Please oppose #55 at Common Council 4/21
Date: Monday, April 20, 2026 9:22:31 PM

Some people who received this message don't often get email from pb.supercherie@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello, Alders,

I'm asking that you reject all amendments to Madison General Ordinances 5.19 and 5.20. Instead of amendment after amendment, I'd like to see alders working with the OIPM and PCOB.

The main goal of the OIPM/PCOB is to ensure the civil rights, health, and safety of city residents and police officers through community engagement, independent investigation and review, transparency, and recommendations. By default, this reduces the need for lawsuits.

Please stop trying to insert the City Attorney into the office. This is an obvious conflict of interest and it is frustrating how many amendments I've seen on this topic. The City Attorney should not be utilized by the OIPM/PCOB. The same attorney representing police cannot and should not be working with on behalf of this office.

Please keep this oversight office independent, full stop. Alders are city employees and should not be members of the office or board. Requiring use of the City Attorney neuters the purpose of this office; independent attorneys are necessary to prioritize the safety and civil rights of our citizens.

Please do not restrict access to MPD records, restrict data, restrict access, amend confidentiality in order to restrict access, and add unnecessary language to the office. Unnecessary and potentially damaging language is something as innocuous as requiring the OIPM follow all city rules and procedures, without exception. This pointed language paves the way for any and all future policies the weight of law, mandating compliance without exception, it would allow a Mayor to write policies that infringe on OIPM/PCOB function and independence, or an administration, via the City Attorney, to interpret and enforce policies in a manner that infringes on OIPM/PCOB function and independence.

This is a particular problem because of an underlying structural conflict of interest. Elected officials, such as mayors, often depend on the support of police officials, police unions, etc. in elections, and want to avoid embarrassing revelations, and thus tend to compromise the function and independence of civilian police oversight agencies. This has occurred repeatedly with civilian police oversight agencies across the country, crippling those agencies. Alders, please do not disappoint your city by letting this happen on your watch.

Misinformation and accusations of rule violations without evidence are driving repeated attempts to amend the ordinance in ways harmful to the OIPM/PCOB's ability to conduct independent police oversight. This pattern demonstrates a high level of unwarranted scrutiny that is disproportionately applied to this body when other groups that are violating rules

experience no such attention. This behavior is the antithesis of collaboration. It demonstrates harmful biases and disrespect, and it harms the relationship between the OIPM/PCOB, staff, and Council.

Alders, please work with this office for the betterment of our city and our relationship with police. I'm sick of the adversarial nature of these amendments. I want to see alders collaborating and supporting this office. Goodness knows the residents of this city have fought a long time and we will continue to fight for this office. We look to you to stand up for all of us and support the mission.

Thank you for your time,

Philippa Bergmann
27 Anniversary Ct

From: [Fred Bergmann](#)
To: Noah.L.Lieberman@gmail.com; ellenfordistrict8@gmail.com; [All Alders](#)
Subject: Please oppose #55 at Common Council 4/21
Date: Tuesday, April 21, 2026 12:39:50 PM

You don't often get email from fwb@innoveering.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello, Alders,

I'm asking that you reject all amendments to Madison General Ordinances 5.19 and 5.20. Instead of amendment after amendment, I'd like to see alders working with the OIPM and PCOB.

The main goal of the OIPM/PCOB is to ensure the civil rights, health, and safety of city residents and police officers through community engagement, independent investigation and review, transparency, and recommendations. By default, this reduces the need for lawsuits.

Please stop trying to insert the City Attorney into the office. This is an obvious conflict of interest and it is frustrating how many amendments I've seen on this topic. The City Attorney should not be utilized by the OIPM/PCOB. The same attorney representing police cannot and should not be working with on behalf of this office.

Please keep this oversight office independent, full stop. Alders are city employees and should not be members of the office or board. Requiring use of the City Attorney neuters the purpose of this office; independent attorneys are necessary to prioritize the safety and civil rights of our citizens.

Please do not restrict access to MPD records, restrict data, restrict access, amend confidentiality in order to restrict access, and add unnecessary language to the office. Unnecessary and potentially damaging language is something as innocuous as requiring the OIPM follow all city rules and procedures, without exception. This pointed language paves the way for any and all future policies the weight of law, mandating compliance without exception, it would allow a Mayor to write policies that infringe on OIPM/PCOB function and independence, or an administration, via the City Attorney, to interpret and enforce policies in a manner that infringes on OIPM/PCOB function and independence.

This is a particular problem because of an underlying structural conflict of interest. Elected officials, such as mayors, often depend on the support of police officials, police unions, etc. in elections, and want to avoid embarrassing revelations, and thus tend to compromise the function and independence of civilian police oversight agencies. This has occurred repeatedly with civilian police oversight agencies across the country, crippling those agencies. Alders, please do not disappoint your city by letting this happen on your watch.

Misinformation and accusations of rule violations without evidence are driving repeated attempts to amend the ordinance in ways harmful to the OIPM/PCOB's ability to conduct independent police oversight. This pattern demonstrates a high level of unwarranted scrutiny that is disproportionately applied to this body when other groups that are violating rules

experience no such attention. This behavior is the antithesis of collaboration. It demonstrates harmful biases and disrespect, and it harms the relationship between the OIPM/PCOB, staff, and Council.

Alders, please work with this office for the betterment of our city and our relationship with police. I'm sick of the adversarial nature of these amendments. I want to see alders collaborating and supporting this office. Goodness knows the residents of this city have fought a long time and we will continue to fight for this office. We look to you to stand up for all of us and support the mission.

Thank you for your time,

Fred W Bergmann
27 Anniversary Ct

From: davidblaska@icloud.com
To: [All Alders](#)
Subject: Re: Agenda Item #55
Date: Monday, April 20, 2026 6:53:26 PM

Some people who received this message don't often get email from davidblaska@icloud.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Let's face it, the independent police monitor has been one giant toothache for all its 5 years.

It was founded on a lie — the lie that Madison police are institutionally racist.

It was created as political ransom to buy off the social justice warriors, their bullhorns, and their reckless charges of racism in the hysteria after George Floyd.

If Madison police were racist, where are the civil rights judgments? Where are the Department of Justice consent decrees? Correlation is not causation, people! Madison schools discipline boys 59% of the time even though they constitute 51% of the student body. What do our schools have against boys?

Its oversight board requires at least one member with a criminal history. Nominees are accepted only from a curated list of social justice agencies. Republicans need not apply.

It first offered the job to a sexual harasser and then hired a man who got a sex change operation but did little else.

Here's a quote: The Independent Police Monitor "fishes through research papers ... so that they can create some kind of sanction or punishment for the police department." Who said that? Madison Police Chief Shon Barnes right before he bailed on Madison.

The Monitor reports that 8 cases have been closed; chief among them an incident where a police sergeant on State Street declined to return a fist bump to a "young adult" and followed with a profanity or two. The Department had already disciplined the sergeant.

Talk about entitlement! Now its supporters demand the police monitor and its oversight board be immune from City personnel, I.T., procurement, and public records rules. Its data cruncher plays with sensitive crime reports on his personal computer at his home with no supervision.

Independent? Then why was Greg Gelembiuk a regular at the Justice for Tony rallies defending the convicted felon and drug abuser who attacked a cop?

Conflict of interest? It will actually pay people to sue the City! Maia Pearson is only the latest chairman of the Police Civilian Oversight Board to be arrested. Don't worry, the monitor is investigating on her behalf!

The whole apparatus is duplicative. The Police & Fire Commission can impose discipline and even terminate — THAT is real oversight!

It is more trouble than it is worth. After \$1.4 million in taxpayer money and \$273,000 paid out in racial discrimination law suits. How is that for irony! Add staff time babysitting this troublesome child and the loss of public credibility to this sorry ledger.

Madison police don't need this institutional bullyragging. They need body-worn cameras, our respect, and our thanks.

David Blaska

Madison, WI 53711

608-575-3373

davidblaska@icloud.com

Visit the **Blaska Policy Werkes** at www.davidblaska.com

From: [Esty Dinur](#)
To: [All Alders](#); ellenfordistrict8@gmail.com; Noah.L.Lieberman@gmail.com
Subject: OIPM/PCOB
Date: Monday, April 20, 2026 9:03:59 PM

Some people who received this message don't often get email from eedinur99@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders,

Before reading the proposed amendments to the Office of the Independent Police Monitor (OIPM) ordinance 5.19 and Police Civilian Oversight Board (PCOB) ordinance 5.20, and reasons why we urge you to oppose them all, it is important to acknowledge four facts that frame the relationship between the OIPM/PCOB and the driving force behind these amendments: the City Attorney's Office.

The main goal of the City Attorney is to prevent successful lawsuits and, if need be, they will do so at the expense of civil rights, and the health and safety of city residents. Given their mission, they have to deny that civil rights violations ever occur.

The main goal of the OIPM/PCOB is to ensure the civil rights, health, and safety of city residents and police officers through community engagement, independent investigation and review, transparency, and recommendations. By default, this reduces the need for lawsuits.

The City Attorney does not offer the same level of respect and client/collaboration privileges to the OIPM/PCOB as they do other city entities. Some in key leadership positions have repeatedly demonstrated this by violating their ordinance and Roberts Rules, talking down to the OIPM/PCOB, and surprising them with debilitating amendments that were in the works for weeks, sometimes months, without ever once reaching out to express concerns or collaborate. They do not do this to MPD.

The City Attorney's mission is in direct conflict with that of the OIPM/PCOB and they act like it and therefore, the City Attorney must not serve as their source of legal oversight, advice, and representation.

OIPM ordinance 5.19

[\[https://library.municode.com/.../codes/code_of_ordinances...\]](https://library.municode.com/.../codes/code_of_ordinances...)

[\(https://library.municode.com/.../codes/code_of_ordinances...\)](https://library.municode.com/.../codes/code_of_ordinances...)

PCOB ordinance 5.20 [\[https://library.municode.com/.../codes/code_of_ordinances...\]](https://library.municode.com/.../codes/code_of_ordinances...)

[\(https://library.municode.com/.../codes/code_of_ordinances...\)](https://library.municode.com/.../codes/code_of_ordinances...)

THE AMENDMENTS:

The most recent amendments to OIPM/PCOB ordinance are summarized below along with why we believe they are harmful. The amendments discussed in A-C are sponsored by Alders MGR and Sabrina Madison. The amendment discussed in D is sponsored by Alder Davy Mayers.

1.) Restricting data and records access:

- No access to computer databases

This is obstructive and incongruent with the national standard for police oversight.

- Play with confidentiality to restrict access.

- Arbitrary definition of key records as confidential could, in combination with this ordinance amendment, end up greatly restricting the ability of OIPM to carry out its functions.

2.) Reducing access to MPD Records:

- In contrast with current ordinance language, which requires that MPD provide absolutely "unfettered access" to its records (to the extent permitted by law), the amendment would require negotiation "to define the degree of access to specific MPD records". And it mandates insertion of the City Attorney's Office, which has a structural conflict of interest with OIPM, into the execution of any negotiated agreement.

3.) Requiring that OIPM must follow all city rules and procedures, without exception.

- Adding this language to ordinance is unnecessary, because the city rules and procedures (on hiring, budgeting and purchasing, information technology systems, etc.) are already being followed by the OIPM/PCOB.

- This addition might seem harmless, but the added language undercuts the Independence provision within the OIPM ordinance.

- Under the existing ordinance language, a new Mayoral policy that targets the OIPM/PCOB would be without effect, because ordinances (laws) supersede policies (that can be written by a single person). Because the amendment would effectively give all policies the weight of law, mandating compliance without exception, it would allow a Mayor to write policies that infringe on OIPM/PCOB function and independence, or an administration, via the City Attorney, to interpret and enforce policies in a manner that infringes on OIPM/PCOB function and independence.

- This is a particular problem because of an underlying structural conflict of interest. Elected officials, such as mayors, often depend on the support of police officials, police unions, etc. in elections, and want to avoid embarrassing revelations, and thus tend to compromise the function and independence of civilian police oversight agencies. This has occurred repeatedly with civilian police oversight agencies across the country, crippling those agencies.

4.) Requiring that OIPM/PCOB use the City Attorney for most legal work, rather than an independent attorney:

- As stated at the start, this creates a severe problem, given the inherent conflict of interest.

- It allows use of an independent attorney only for a very restricted set of functions, mandating that the City Attorney be used for all else. This includes use of the City Attorney for four specific areas where city attorney offices and civilian police oversight offices are most often in conflict.

- For example, it mandates use of the City Attorney for all public records work. But the primary clients of city attorneys are elected officials (especially mayors) and police departments (with whom they necessarily have a close working relationship). City attorneys strive to prevent records that would embarrass elected officials or police departments from becoming public, undercutting transparency.

- Placing the amendment in the ordinance would greatly expand the City Attorney's power over OIPM/PCOB, and make it much more difficult for OIPM/PCOB to challenge the City Attorney's opinion, undermining OIPM/PCOB INDEPENDENCE.

- Because of the same inherent conflict of interest, the Police & Fire Commission uses an independent attorney for all its functions, rather than the City Attorney. It makes no sense

to, in contrast, require OIPM/PCOB to use the City Attorney.

5.) Adding an alder to the PCOB:

- Putting an elected official on a police oversight board directly curtails independence and contradicts universally recognized best principles for police oversight.
- As the National Association for Civilian Oversight of Law Enforcement (NACOLE) states: "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."
- As noted above, there is a fundamental structural conflict of interest between elected officials and civilian police oversight.
- For the very same reason, elected officials are not given seats on the Police & Fire Commission.

These proposed changes in ordinance language violate the letter and legislative intent of the original ordinance. Contrary to claims the City Attorney has made, they are the opposite of what Alders Kemble, Moreland and Bidar wrote and intended when the council passed the original ordinance.

The proposed amendments are being promoted based on past issues that are long since resolved or alleged issues that never actually occurred. They represent a failure to acknowledge that a new IPM, who started only four months ago, managed to already process multiple cases and put out an annual report with novel, important data analyses. They also represent a failure to acknowledge improvements, and how the volunteer board and understaffed/underfunded office are exceeding past goals and functioning effectively with excellent attendance. Such actions by alders cause frustration, exhaustion and burnout.

Misinformation and accusations of rule violations without evidence are driving repeated attempts to amend the ordinance in ways harmful to the OIPM/PCOB's ability to conduct independent police oversight. This pattern demonstrates a high level of unwarranted scrutiny that is disproportionately applied to this body when other groups that are violating rules experience no such attention. This behavior is the antithesis of collaboration. It demonstrates harmful biases and disrespect, and it harms the relationship between the OIPM/PCOB, staff, and Council.

Please leave the ordinances 5.19 and 5.20 as they are and, for now, instead focus your attention on meeting the funding and staffing needs of the OIPM and PCOB.

Sincerely,

Esty Dinur

...for, truly, I am not a website and my name is not Etsy.

From: [John Fons](#)
To: [All Alders](#)
Subject: Support Agenda Item #55
Date: Tuesday, April 21, 2026 3:11:58 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

It has come to my attention that members of the Office of the Independent Monitor and/or Police Civilian Oversight Board are using unauthorized and vulnerable personal computers and software to download and store sensitive information obtained otherwise from the Madison Police Department.

You are in possession or should be in possession of a memo issued by Madison Police Chief John Patterson dated November 5, 2025 in which he expresses the greatest possible concern for the integrity of information related to the Madison Police Department and far beyond into the community and the rights and lawful expectations of both victims of crime and witnesses involved in criminal cases.

The City of Madison is playing with fire by allowing civilians without proper or due regard for procedure or the complexities of criminal prosecution to obtain and store or disseminate sensitive information subject to accident or intrusion by nefarious or outside sources.

What this situation does if allowed to continue is invite with open arms massive law suits brought for just cause against the City of Madison for allowing the integrity of criminal justice to be breached without regard for anything but the convenience of those who wish to roam through classified records at their own discretion and do with critical information what they will.

Vote in support of Agenda Item #55 if you value not only the safety and security of criminal justice in Madison, but your own integrity and liability lest you be found complicitous with shoddy and casual official conduct which destroys public trust and disregards financial consequence, to say nothing of the effect on individuals who may be further victimized by having their identities and details of their ordeals become public on line.

.

John Fons
4634 Tokay Blvd.
Madison, WI 53711
608-236-0844 Hm
661-917-0850 cell

From: [Sharon Irwin Henry](#)
To: [Madison Mayor](#); [Madison365 Newsroom](#); [All Alders](#); [Police Civilian Oversight Board](#); [Haas, Michael R](#); [Patterson, John](#); [Gelembiuk, Gregory W](#); [Office of the Independent Police Monitor](#); [Glass, Aelramique](#)
Subject: City council meeting agenda item 55
Date: Tuesday, April 21, 2026 11:44:11 AM

Some people who received this message don't often get email from sharonirwin18@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I am Sharon Irwin Henry. Some of you know who I am.

We started building the foundation for the PCOB in 2015, after Matt Kenny a MPD officer, shot and killed my grandson Tony Robinson. It was ratified on the heels of George Floyd's very public death, in 2020.

It mattered then, and it still matters now. We built this with intention.

The Office of the Independent Police Monitor was not designed to sit under the Mayor, nor be filtered by the Police Department. It was designed to stand beside them—independent—so the community could trust it.

Right now, what I'm seeing is not a clarification for amendments to ordinances 5.19 and 5.20. It is a shift in control.

You are placing unnecessary layers between the Office of the independent Monitor and the truth it is supposed to uncover. This office is meant to have unfettered access to records, have the ability to act independently, and even retain its own legal counsel.

If there are operational problems, then fix the operations. Don't weaken the structure.

I want to raise two very specific points.

First—if access to sensitive data is the concern, then treat the Office of the Independent Monitor the same way law enforcement is treated under Criminal Justice Information Services. Those are the federal standards used to vet and secure access to criminal justice data. They are the recognized national standard for handling that information securely.

Do the same for the Independent Monitor and their staff, CJIS vet them.

Give them the resources. Give them the time.

You cannot expect accountability without giving them the tools to do the job.

Right now, what I see are restrictions without real solutions—except shifting control to the City Attorney and the City itself.

Second—if there are concerns with the 2024 Memorandum of Understanding, then rewrite it. Let the new Chief of Police and new independent monitor build a better agreement together that reflects today's leadership and today's needs.

Do not codify a flawed process into law.

What we created in 2020 was deliberate. It was supported by the community. It was built to hold power accountable—not to be absorbed by it.

Please do not undo that.

Michael, this is not your role to control. You cannot ethically serve as city legal counsel and both the police and the office that oversees them. That is a conflict of interest—and you know it.

fear lives here—fear of lawsuits, fear of findings, fear of accountability. But so does another possibility. Transparency creates trust. Accountability creates change. And we can move into a future where these incidents stop

Terrell's case is not the only case waiting.

He matters. These Families coming to the OIM they matter. The PCOB matters. This office matters.

And your vote matters.

Set this proposal aside. slow this down. Table it. Do this right. Work with the Board. Vet the OIM staff. Let Meeka and Chief Patterson build an MOU that works. Protect the independence you promised this community.

Thank you For your continued support for what matters.

Sharon Irwin-Henry

From: [Barbie Jackson](#)
To: [All Alders](#)
Subject: 4/21, Item 55 - I oppose and take issue with barrage of ordinance change proposals
Date: Monday, April 20, 2026 5:29:50 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders:

Please vote no on April 21, 2025 on

Agenda Item: 55 92386

SUBSTITUTE: Amending Subsections 5.19(6), (7)(i) and (8) and amending Subsection 5.20(9)(f) of the Madison General Ordinances to add public reporting requirements for the Office of the Independent Monitor and Police Civilian Oversight Board.

I have registered in opposition for the following reasons:

1. Please reference this [lucid explanation of the reasons against this change](#), which is a very informative blog post detailing the issues by Alex Saloutos.
2. The sponsor raises concerns about certain operational issues with the OIPM. However, in the brief period since appointment of the Interim Independent Monitor, there has been a concerted effort to address past operational issues and significant progress has been made toward a fully responsive and well-functioning office. Introduction of ordinance changes to address concerns instead of supporting the efforts to rectify problems is an extreme measure. Council members who consistently harass the PCOB and the OIPM with proposed ordinance changes, demands for more information from the underfunded office, and demands for rapid commentary on the steady barrage of proposed ordinance changes appear to be set on a hostile destruction of the office and board rather than on fixing the problems.
3. It is my understanding that a substitute amendment was proposed on Thursday, April 16. The rapid-fire changes and call for a vote give insufficient time for well-informed public engagement.

I call on each of you to VOTE NO on Tuesday. I further call on the Common Council as a whole to address the process concerns I have raised about (a) continuous proposals to change the ordinances and (b) the insufficient time for public engagement by the last-minute introduction of amendments and substitutions. The public deserves and I demand transparent engagement of the public in any future proposals to the Common Council on this matter.

Thank you for addressing my concerns.
Barbie Jackson, a 59-year resident of Madison
6441 Dyllyn Drive
Madison, WI 53719
608-234-8118
barbie.g.jackson@gmail.com

From: [Brian Juchems](#)
To: [All Alders](#)
Subject: Please vote no against all amendments to 5.19 and 5.20
Date: Tuesday, April 21, 2026 9:58:53 AM

Some people who received this message don't often get email from brianjuchems@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Madison Alder,

I know you get a lot of email so I'll be brief.

Please vote against all amendments to Madison General Ordinances 5.19 and 5.20.

Building trust between the public and the police is a long-term, ongoing project. It probably feels inconvenient, messy, and something to rush. Threatening the independence and transparency of this work is not the right answer.

Now is the time to invest in meeting national recommendations for funding independent oversight of the Madison police. Please commit to building trust and safety by investing in the Office of the Independent Police Monitor and the Police Civilian Oversight Board, making sure to fully fund and staff both in the coming fiscal year.

Thank you for your work and service to all members of our Madison community.

With gratitude,

Brian Juchems
3534 Dawes St
Madison, WI 53714

From: [jo kelley](#)
To: [All Alders](#)
Subject: Against OIPM amendments
Date: Monday, April 20, 2026 1:31:47 PM

Some people who received this message don't often get email from jokelley360@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hi Yannette,

I am contacting you today to urge you to vote against all amendments to Madison General Ordinances 5.19 and 5.20. The Office of the Independent Police Monitor must be truly independent of the existing systems in order to fulfill its function to bring independent accountability to the systems under its review. If accountability and equity could be achieved by the existing systems, we would not be experiencing the disparities documented in our community.

Thanks,
Jo Kelley

From: [Sharon Kilfoy](#)
To: [All Alders](#)
Subject: Police Oversight
Date: Monday, April 20, 2026 10:19:37 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alderpersons,

PLEASE vote down any and all amendments that the PCOB and OIPM have not approved!

So much hard work has been done to get the PCOB up and running – much of it with couched “help” from the city, which is actually meant to derail the process.

The PCOB is something Madison vitally needs. You are in a position to make a huge difference by supporting the PCOB, rather than supporting those whose interest lies in creating more barriers.

Please look into the history of Madison’s PCOB and PCOB’s around the country. This might be the most important effort you make while an alderperson.

Once again, do not second guess the hard work that has already been done. See what it is that you can do to HELP the process rather than hinder it.

And, perhaps, most importantly, ask yourself, “WHY is the city of Madison actually opposed to a well-functioning PCOB???????”

What is most important here? Lives of citizens or votes?

I urge each and everyone of you to step up and do the right thing – lives, literally, depend on it.

Thank you

Sharon Kilfoy

Director

Williamson St Art Center

1020 Williamson St

Madison, WI 53703

608-658-3736

www.willyart.net

From: [Brian Lavendel](#)
To: [All Alders](#); [Mayor](#)
Subject: harmful proposals: civilian police oversight ordinances M.19 and M.20
Date: Monday, April 20, 2026 1:23:42 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Members of the Madison City Council,

Six years ago, our community ensured that anyone who experienced a harmful encounter with MPD would have access to an investigatory process independent of MPD and city politicians through the creation of the Office of the Independent Police Monitor (OIPM) and the Police Civilian Oversight Board (PCOB).

It was a huge and hard-fought accomplishment. And many paid a high price to get it.

Since then, the community has had to fight to protect these gains. In the fall of 2024, it was budget cuts. Today, I understand that amendments are being introduced to make the Independent Monitor subservient to the Mayor and the Police Department, the very agency the OIM is charged with overseeing. So I am once again reaching out in regard to threats to harm our hard-fought OIPM and PCOB and asking you to vote against all amendments to the OIPM/PCOB ordinances.

While the OIPM and PCOB had a rocky start, they corrected what wasn't working, hired a new Independent Monitor, and are rapidly making positive headway. They are investigating and resolving complaints against MPD officers, generating novel findings on problematic MPD patterns and practices, and addressing Madison's stark racial disparities in policing outcomes. They need to be allowed to do their work, independently.

In the future, I urge that any proposed changes to police oversight should include advance communication and consultation not only with the agency in question, but with local community organizations, such as Freedom Inc, Focused Interruption, Nehemiah, WISDOM, YWCA, Outreach, Urban Triage, Just Dane, NAMI, Unidos, DAIS, Rainbow Project, and Commonwealth Development, to name a few.

Again, I ask that you vote against these amendments to the OIPM/PCOB ordinances.

Thank you.

Yours in Community,
Brian

Brian Lavendel PhD • He pronouns • +1-608-301-5060 • 2302 Center Avenue • Madison, Wisconsin, USA • 53704 • *Teejop* (Four Lakes), ancestral lands of the Ho-Chunk Nation

[The richest 1% of the world's population are responsible for as much carbon pollution as the people who make up the poorest two-thirds of humanity. - OXFAM International](#)

[The top 1% of American earners now control more wealth than the nation's entire middle class. federal data show. That's more than the combined wealth of America's middle class, a group defined as the middle 60% of households by income. --USA Today 2023](#)

From: [Carol Eunmi Lee](#)
To: [All Alders](#); ellenfordistrict8@gmail.com; noah@noahforcouncil.com
Cc: [Glass, Aeiramique](#)
Subject: Re: Madison Police Oversight
Date: Monday, April 20, 2026 4:53:12 PM

Some people who received this message don't often get email from carollee@wisc.edu. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Madison Alders,

I will also provide my phone number if any of you wish to contact me and ask further questions: 608-347-6838.

I can also provide names and contact information of scientists that have worked with Gregory Gelembiuk and can attest to his rigorous scientific and data analyses practices.

Dr. Gelembiuk does tend to be blunt and rough around the edges, but he is sincere and his statements and conclusions are based on sound scientific backing.

Best wishes,
Professor Carol Lee

On Apr 20, 2026, at 1:58 AM, Carol Eunmi Lee <carollee@wisc.edu> wrote:

Dear Madison Alders,

I would first like to thank you for your productive and effective service. Your concerted efforts make this city a wonderful place to live. I have lived in Madison for 26 years and have really enjoyed the collegial community at my workplace and neighborhood. I have interacted with thousands of colleagues in many different communities within Madison and am truly impressed with the vibrant and rich experiences that this city offers.

One of the great contributions to our community is the safety and accountability offered by the efforts of some exemplary members of our community. Unfortunately, shortly after my arrival here, many of my close colleagues departed from the University of Wisconsin, in part because of their encounters with Madison police. One distinguished faculty member that left for Harvard University complained about being repeatedly stopped by Madison police. He and several of my other colleagues have complained about “driving while Black,” and their unfortunate encounters with Madison police.

More alarmingly, prior to the creation of our police oversight agency (PCOB/OIM), police shootings of unarmed civilians were once a common occurrence in Madison. Each year, there were needless shootings of multiple civilians, including Paulie Heenan (2012), Charles Carll (2013), Brent Brozek (2013), Ashley DiPiazza (2014), Tony Robinson (2015), and Michael

Schumacher (2016). These and many additional shootings have been a traumatic and unfortunate part of Madison history. Paulie was a beloved member of the near East side community who was shot by police when he took a step forward while unarmed.

***Note that these shootings have now stopped, with the efforts of many members of our community and with the creation of the PCOB/OIM. In general, interactions between Madison police and the community have greatly improved. We should not take the current calm and lack of shootings for granted, given the recent history of Madison and the once frequent shootings. In this context, current proposals that would dilute the power and independence of the PCOB/OIM provide serious cause for concern.

I have noticed that my colleague Dr. Gregory Gelembiuk has been receiving negative press and his work has been critiqued. As a scientific colleague of Dr. Gelembiuk, I can state with utmost confidence that he is a first rate scientist who has generated research results of the highest quality. Dr. Gelembiuk has published excellent studies in the fields of ecology, evolution, virology, and cancer biology in top scientific journals, such as *Nature Communications*, *Journal of Virology*, *Nucleic Acids Research*, and *Molecular Ecology*. Dr. Gelembiuk has studied statistics from the top statisticians at the University of Wisconsin, and his statistical and computational analyses are impeccable. His approach is highly rigorous, applying the best principles when analyzing a data set. Greg is known to say what people do not want to hear, but he has proven to be correct most of the time.

We should avoid going backwards, to the recent past when police shootings of multiple unarmed civilian shootings per year was the normal occurrence.

Feel free to reach out to me if you have any questions.

Professor Carol Lee

Carol Eunmi LEE, Ph.D.
Professor

Department of Biology
430 Lincoln Drive, Birge Hall
University of Wisconsin
Madison, WI 53706
carollee@wisc.edu

<http://carollee.labs.wisc.edu>

From: [Annie Menzel](#)
To: [All Alders](#); ellenfordistrict8@gmail.com; Noah.L.Lieberman@gmail.com
Subject: Please oppose amendments to Office of the Independent Police Monitor (OIPM) ordinance 5.19 and Police Civilian Oversight Board (PCOB) ordinance 5.20
Date: Tuesday, April 21, 2026 10:06:51 AM

Some people who received this message don't often get email from anniemenzel@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders,

Before reading the proposed amendments to the Office of the Independent Police Monitor (OIPM) ordinance 5.19 and Police Civilian Oversight Board (PCOB) ordinance 5.20, and reasons why we urge you to oppose them all, it is important to acknowledge 4 facts that frame the relationship between the OIPM/PCOB and the driving force behind these amendments: the City Attorney's Office.

The main goal of the City Attorney is to prevent successful lawsuits and, if need be, they will do so at the expense of civil rights, and the health and safety of city residents. Given their mission, they have to deny that civil rights violations ever occur.

The main goal of the OIPM/PCOB is to ensure the civil rights, health, and safety of city residents and police officers through community engagement, independent investigation and review, transparency, and recommendations. By default, this reduces the need for lawsuits.

The City Attorney does not offer the same level of respect and client/collaboration privileges to the OIPM/PCOB as they do other city entities. Some in key leadership positions have repeatedly demonstrated this by violating their ordinance and Roberts Rules, talking down to the OIPM/PCOB, and surprising them with debilitating amendments that were in the works for weeks, sometimes months, without ever once reaching out to express concerns or collaborate. They do not do this to MPD.

The City Attorney's mission is in direct conflict with that of the OIPM/PCOB and they act like it and therefore, the City Attorney must not serve as their source of legal oversight, advice, and representation.

OIPM ordinance 5.19

[https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH5PODEPORE_5.19OFINPOMO]
(https://library.municode.com/wi/madison/codes/code_of_ordinances?

[nodeId=COORMAWIVOICH1--10_CH5PODEPORE_5.19OFINPOMO\)](https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH5PODEPORE_5.19OFINPOMO)

PCOB ordinance 5.20

[https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH5PODEPORE_5.20POCIOVBO]
(https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH5PODEPORE_5.20POCIOVBO)

THE AMENDMENTS:

The most recent amendments to OIPM/PCOB ordinance are summarized below along with why we believe they are harmful. The amendments discussed in A-C are sponsored by Alders MGR and Sabrina Madison. The amendment discussed in D is sponsored by Alder Davy Mayers.

1.) Restricting data and records access:

- No access to computer databases

This is obstructive and incongruent with the national standard for police oversight.

- Play with confidentiality to restrict access.

- Arbitrary definition of key records as confidential could, in combination with this ordinance amendment, end up greatly restricting the ability of OIPM to carry out its functions.

2.) Reducing access to MPD Records:

- In contrast with current ordinance language, which requires that MPD provide absolutely "unfettered access" to its records (to the extent permitted by law), the amendment would require negotiation "to define the degree of access to specific MPD records". And it mandates insertion of the City Attorney's Office, which has a structural conflict of interest with OIPM, into the execution of any negotiated agreement.

3.) Requiring that OIPM must follow all city rules and procedures, without exception.

- Adding this language to ordinance is unnecessary, because the city rules and procedures (on hiring, budgeting and purchasing, information technology systems, etc.) are already being followed by the OIPM/PCOB.

- This addition might seem harmless, but the added language undercuts the Independence provision within the OIPM ordinance.

- Under the existing ordinance language, a new Mayoral policy that targets the OIPM/PCOB would be without effect, because ordinances (laws) supersede policies (that can be written by a single person). Because the amendment would effectively give all policies the weight of law, mandating compliance without exception, it would allow a Mayor to write policies that infringe on OIPM/PCOB function and independence, or an administration, via the City Attorney, to interpret and enforce policies in a manner that infringes on OIPM/PCOB function and independence.

- This is a particular problem because of an underlying structural conflict of interest. Elected officials, such as mayors, often depend on the support of police officials, police unions, etc. in elections, and want to avoid embarrassing revelations, and thus tend to compromise the function and independence of civilian police oversight agencies. This has occurred repeatedly with civilian police oversight agencies across the country, crippling those agencies.

4.) Requiring that OIPM/PCOB use the City Attorney for most legal work, rather than an independent attorney:

- As stated at the start, this creates a severe problem, given the inherent conflict of interest.

- It allows use of an independent attorney only for a very restricted set of functions, mandating that the City Attorney be used for all else. This includes use of the City Attorney for four specific areas where city attorney offices and civilian police oversight offices are most often in conflict.

- For example, it mandates use of the City Attorney for all public records work. But the primary clients of city attorneys are elected officials (especially mayors) and police departments (with whom they necessarily have a close working relationship). City attorneys strive to prevent records that would embarrass elected officials or police departments from becoming public, undercutting transparency.

- Placing the amendment in the ordinance would greatly expand the City Attorney's power over OIPM/PCOB, and make it much more difficult for OIPM/PCOB to challenge the City Attorney's opinion, undermining OIPM/PCOB INDEPENDENCE.

- Because of the same inherent conflict of interest, the Police & Fire Commission uses an independent attorney for all its functions, rather than the City Attorney. It makes no sense to, in contrast, require OIPM/PCOB to use the City Attorney.

5.) Adding an alder to the PCOB:

- Putting an elected official on a police oversight board directly curtails independence and contradicts universally recognized best principles for police oversight.
- As the National Association for Civilian Oversight of Law Enforcement (NACOLE) states: "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."
- As noted above, there is a fundamental structural conflict of interest between elected officials and civilian police oversight.
- For the very same reason, elected officials are not given seats on the Police & Fire Commission.

These proposed changes in ordinance language violate the letter and legislative intent of the original ordinance. Contrary to claims the City Attorney has made, they are the opposite of what Alders Kemble, Moreland and Bidar wrote and intended when the council passed the original ordinance.

The proposed amendments are being promoted based on past issues that are long since resolved or alleged issues that never actually occurred. They represent a failure to acknowledge that a new IPM, who started only four months ago, managed to already process multiple cases and put out an annual report with novel, important data analyses. They also represent a failure to acknowledge improvements, and how the volunteer board and understaffed/underfunded office are exceeding past goals and functioning effectively with excellent attendance. Such actions by alders cause frustration, exhaustion and burnout.

Misinformation and accusations of rule violations without evidence are driving repeated attempts to amend the ordinance in ways harmful to the OIPM/PCOB's ability to conduct independent police oversight. This pattern demonstrates a high level of unwarranted scrutiny that is disproportionately applied to this body when other groups that are violating rules experience no such attention. This behavior is the antithesis of collaboration. It demonstrates harmful biases and disrespect, and it harms the relationship between the OIPM/PCOB, staff, and Council.

Please leave the ordinances 5.19 and 5.20 as they are and, for now, instead focus your attention on meeting the funding and staffing needs of the OIPM and PCOB.

Sincerely,

Annie Menzel
2743 E Johnson St
Madison, WI 53704

From: [Bill Newman](#)
To: [Mayer, Davy](#); [All Alders](#)
Subject: Ammendments to the OIPM and PCOB ordinances
Date: Monday, April 20, 2026 7:20:28 PM

Some people who received this message don't often get email from newmanwj@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alder Mayer,

Before reading why we urge you to oppose the proposed amendments to the Office of the Independent Police Monitor (OIPM) ordinance 5.19 and Police Civilian Oversight Board (PCOB) ordinance 5.20, it is important to acknowledge 4 facts that frame the relationship between the OIPM/PCOB and the driving force behind these amendments: the City Attorney's Office.

The main goal of the City Attorney is to prevent successful lawsuits and, if need be, they will do so at the expense of civil rights, and the health and safety of city residents. Given their mission, they have to deny that civil rights violations ever occur.

The main goal of the OIPM/PCOB is to ensure the civil rights, health, and safety of city residents and police officers through community engagement, independent investigation and review, transparency, and recommendations. By default, this reduces the need for lawsuits.

The City Attorney does not offer the same level of respect and client/collaboration privileges to the OIPM/PCOB as they do other city entities. Some in key leadership positions have repeatedly demonstrated this by violating their ordinance and Roberts Rules, talking down to the OIPM/PCOB, and surprising them with debilitating amendments that were in the works for weeks, sometimes months, without ever once reaching out to express concerns or collaborate. They do not do this to MPD.

The City Attorney's mission is in direct conflict with that of the OIPM/PCOB and they act like it and therefore, the City Attorney must not serve as their source of legal oversight, advice, and representation.

THE AMENDMENTS:

The most recent amendments to OIPM/PCOB ordinance are summarized below along with why we believe they are harmful. I believe you sponsored the fourth amendment below and would like to hear your reasoning behind that decision.

1.) Restricting data and records access:

- No access to computer databases

This is obstructive and incongruent with the national standard for police oversight.

- Play with confidentiality to restrict access.

Arbitrary definition of key records as confidential could, in combination with this ordinance amendment, end up greatly restricting the ability of OIPM to carry out its functions.

- Reducing access to MPD Records:

In contrast with current ordinance language, which requires that MPD provide absolutely "unfettered access" to its records (to the extent permitted by law), the amendment would require negotiation "to define the degree of access to specific MPD records". And it mandates insertion of the City Attorney's Office, which has a structural conflict of interest with OIPM, into the execution of any negotiated agreement.

2.) Requiring that OIPM must follow all city rules and procedures, without exception.

- Adding this language to ordinance is unnecessary, because the city rules and procedures (on hiring, budgeting and purchasing, information technology systems, etc.) are already being followed by the OIPM/PCOB.

- This addition might seem harmless, but the added language undercuts the Independence provision within the OIPM ordinance.

- Under the existing ordinance language, a new Mayoral policy that targets the OIPM/PCOB would be without effect, because ordinances (laws) supersede policies (that can be written by a single person). Because the amendment would effectively give all policies the weight of law, mandating compliance without exception, it would allow a Mayor to write policies that infringe on OIPM/PCOB function and independence, or an administration, via the City Attorney, to interpret and enforce policies in a manner that infringes on OIPM/PCOB function and independence.

- This is a particular problem because of an underlying structural conflict of interest. Elected officials, such as mayors, often depend on the support of police officials, police unions, etc. in elections, and want to avoid embarrassing revelations, and thus tend to compromise the function and independence of civilian police oversight agencies. This has occurred repeatedly with civilian police oversight agencies across the country, crippling those agencies.

3.) Requiring that OIPM/PCOB use the City Attorney for most legal work, rather than an independent attorney:

- As stated at the start, this creates a severe problem, given the inherent conflict of interest.

- It allows use of an independent attorney only for a very restricted set of functions, mandating that the City Attorney be used for all else. This includes use of the City Attorney for four specific areas where city attorney offices and civilian police oversight offices are most often in conflict.

- For example, it mandates use of the City Attorney for all public records work. But the primary clients of city attorneys are elected officials (especially mayors) and police departments (with whom they necessarily have a close working relationship). City attorneys

strive to prevent records that would embarrass elected officials or police departments from becoming public, undercutting transparency.

- Placing the amendment in the ordinance would greatly expand the City Attorney's power over OIPM/PCOB, and make it much more difficult for OIPM/PCOB to challenge the City Attorney's opinion, undermining OIPM/PCOB INDEPENDENCE.

- Because of the same inherent conflict of interest, the Police & Fire Commission uses an independent attorney for all its functions, rather than the City Attorney. It makes no sense to, in contrast, require OIPM/PCOB to use the City Attorney.

4.) Adding an alder to the PCOB:

- Putting an elected official on a police oversight board directly curtails independence and contradicts universally recognized best principles for police oversight.

- As the National Association for Civilian Oversight of Law Enforcement (NACOLE) states: "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."

- As noted above, there is a fundamental structural conflict of interest between elected officials and civilian police oversight.

- For the very same reason, elected officials are not given seats on the Police & Fire Commission.

These proposed changes in ordinance language violate the letter and legislative intent of the original ordinance. Contrary to claims the City Attorney has made, they are the opposite of what Alders Kemble, Moreland and Bidar wrote and intended when the council passed the original ordinance.

The proposed amendments are being promoted based on past issues that are long since resolved or alleged issues that never actually occurred. They represent a failure to acknowledge that a new IPM, who started only four months ago, managed to already process multiple cases and put out an annual report with novel, important data analyses. They also represent a failure to acknowledge improvements, and how the volunteer board and understaffed/underfunded office are exceeding past goals and functioning effectively with excellent attendance. Such actions by alders cause frustration, exhaustion and burnout.

Misinformation and accusations of rule violations without evidence are driving repeated attempts to amend the ordinance in ways harmful to the OIPM/PCOB's ability to conduct independent police oversight. This pattern demonstrates a high level of unwarranted scrutiny that is disproportionately applied to this body when other groups that are violating rules

experience no such attention. This behavior is the antithesis of collaboration. It demonstrates harmful biases and disrespect, and it harms the relationship between the OIPM/PCOB, staff, and Council.

Please leave the ordinances 5.19 and 5.20s as they are and instead focus your attention on meeting the funding and staffing needs of the OIPM and PCOB.

Sincerely,
Bill Newman
2037 Rutledge St

From: [Office of the Independent Police Monitor](#)
To: [Banuelos, Lorissa R](#); [Duncan, John](#); [Evers, Tag](#); [Field, Derek](#); [Fields, Debbie](#); [Figueroa Cole, Yannette](#); [Glenn, Carmella](#); [Govindarajan, MGR](#); [Guequierre, John](#); [Harrington-McKinney, Barbara](#); [Kapusta-Pofahl, Karen](#); [Knox Jr., Isadore](#); [Lankella, Badri](#); [Madison, Sabrina](#); [Martinez-Rutherford, Dina Nina](#); [Matthews, Julia](#); [Matthias, Isaac L](#); [Mayer, Davy](#); [O'Brien, Sean](#); [Ochowicz, William](#); [Pritchett, Joann](#); [Tishler, Bill](#); [Verveer, Michael](#); [Vidaver, Regina](#); [Windsor, Liz](#)
Cc: [Glass, Aeiramique](#)
Subject: Formal Response to Ordinance Amendments and Notice of Ordinance Violations
Date: Tuesday, April 21, 2026 11:53:48 AM
Attachments: [OIPM Memo April-21-2026 \(with exhibits\).pdf](#)
[image001.png](#)

Good morning Alders,

Please find attached the OIPM's formal response to the misinformed allegations presented as part of the proposed ordinance amendments as well as a formal notice of ordinance violations by city staff.

This statement has also been released to the public.

Best,

Chioma Njoku

For the Office of the Independent Police Monitor.



Office of the Independent Monitor

City of Madison

Room 501, City-County Building

210 Martin Luther King, Jr. Blvd.

Madison, Wisconsin 53703

Tel 608-261-7161

Email oim@cityofmadison.com

Web <https://www.cityofmadison.com/independent-police-monitor>

In compliance with State public records law, the City of Madison retains copies of ALL email messages to and from this mailbox. Email messages may be released in response to appropriate open record requests.



**OFFICE OF THE INDEPENDENT POLICE MONITOR
City of Madison, Wisconsin**

PUBLIC MEMORANDUM AND PRESS STATEMENT

TO: Police Civilian Oversight Board; Common Council of the City of Madison; Mayor's Office; Members of the Press; Community; Public Record

FROM: Aeiramique Glass, Interim Independent Police Monitor, Office of the Independent Police Monitor

DATE: April 21, 2026

RE: Formal Response to Documented Misinformation; Continued Opposition to Proposed Ordinance Amendments to MGO 5.19 and 5.20 (Legistar File 92386); Formal Notice of Active Violations of MGO 5.19(6)(b); Notice That the Office of the Independent Police Monitor Is Considering All Available Legal Options

OPENING STATEMENT

City leadership and staff orchestrated false statements about this office and its staff. Those false statements were used to mislead the Chief of Police into giving a media interview under false pretenses. The result was a front-page headline that damaged this office based on information that was not true. The Mayor's office inserted written claims about this Monitor into the official legislative record. Those claims are factually impossible, as the Mayor's Chief of Staff had not met me when he wrote them. That email was sent after the PCOB voted to reject these amendments. And after the record made clear the issue with the OIPM was pre-My Tenure.

City Attorney Haas told this Police Monitor and PCOB Chair Pearson in a meeting, with the Chair as witness, that Alder Govindarajan had misunderstood what the department heads were trying to communicate. He then supported the uploading of those same mischaracterized concerns into Legistar anyway to support the amendments.

The Common Council and public were given a selective record, allegations without the responses that directly contradicted them. Those responses exist. They were not uploaded. They are attached to this memo.

The email correspondence between City Attorney Haas and this office documenting the conflict of interest, the records and ordinance mandate obstruction, and the coordination with the alder sponsoring these amendments is also attached.

What follows is the account of what actually happened. The documentation confirms it. The City Attorney's office requested a list of independent investigations from the office of the independent police monitor, claiming the need to protect the City Attorney's insurance.

This office does not issue public statements lightly. What follows is issued because the public record has been deliberately shaped to support a political outcome, because false statements about this office and its staff have been used to manipulate news cycles, and because the Common Council is being asked to vote on amendments whose stated justification relies on a record that is incomplete by design.

The documentation attached to this memorandum does not require interpretation. It requires reading. What was uploaded to Legistar tells one story. What was left out tells another. This document puts both stories in the same place so that the Common Council, the press, and the public can see exactly what happened and who made it happen.

FALSE STATEMENT ONE

A Staff Member Who Gave No Interview Was Reported as Having Given One, and the Chief of Police Was Asked to Respond to a Lie

On the morning of Friday, March 27, 2026, Chief Patterson contacted this Police Monitor. He had been told by City staff that OIPM Data Analyst Greg Gelembiuk had given a sit-down interview to the

Wisconsin State Journal on March 26th, claiming that MPD was denying this office access to data. The Chief was being asked by City staff to respond to that interview.

Greg Gelembiuk gave no interview. Not a sit-down, not by phone, not in any form. He confirmed this without ambiguity when reached. He does not and would not speak to the media without explicit authorization from this Monitor. That is established office protocol that has been followed without exception. This Monitor called Chief Patterson back that same afternoon and informed him directly: the interview did not happen. The Chief told this Monitor that he had already given the interview and the reporter had never corrected the record with him during the interview the Chief then gave. This Monitor told the Chief plainly: the City is attempting to create division between this office and the Chief's Office and to discredit this office using information that is not true.

On April 17, 2026, the Wisconsin State Journal published the following: Madison police watchdog mishandles sensitive data, police chief says.

That headline exists because City staff told the Chief of Police something that was not true, did not correct it when the truth was available that same afternoon, and allowed a front-page story to be published based on a fabrication. The underlying data issue used as the basis for that fabrication was a pre-tenure matter resolved on this Independent Police Monitor's first day in office, December 8, 2025, when she met with Chief Patterson and the Assistant Chiefs and the data-sharing pause was addressed and lifted immediately. That matter was closed. It was then retrieved, attached to a fabricated interview, and used to generate a headline the weekend following a Common Council vote.

Greg Gelembiuk is cleared. Fully. He followed office protocol. He did nothing wrong. His name and professional reputation have been used as a vehicle for a coordinated effort to damage this office, and that use is documented in the sequence of events above and will not be tolerated by this IPM.

This office formally requests that Chief Patterson correct the public record and publicly condemn the conduct of City staff who provided false information to produce a response from him. This office also calls on the Wisconsin State Journal to correct the record regarding the interview that was never given and the false premise on which its April 17, 2026 story was constructed, and to stop the biased and misleading media coverage of the Office of the Independent Police Monitor.

FALSE STATEMENT TWO

The Mayor's Chief of Staff Characterized This Monitor in Writing Before They Had Ever Met, Days After the PCOB Voted to Reject These Amendments

April 4, 2026, Mayor's Chief of Staff Sam Munger sent an email to Alder Govindarajan stating that this Police Monitor had specifically asked the Mayor's office not to reach out to PCOB Chair Pearson about their concerns about this Police Monitor, and that this Monitor had scolded them on several occasions for doing so ([Mayor's Office Email](#)).

This Monitor met Sam Munger for the first time on April 8, 2026. That was the first time she had been in the Mayor's office. The first time she had a meeting with the Mayor. The first time the Mayor introduced her to his Chief of Staff. All on April 8th. His email was dated April 4th.

The alleged incidents are not in dispute. They are impossible. There is no occasion on which these conversations could have taken place with Mr. Munger. This Monitor had not met him.

The timing of that email is as significant as its impossibility. The PCOB voted to reject these amendments. Four days after that rejection, a City official who had never met this Monitor sent an email to the alders sponsoring those amendments characterizing the Police Monitor as the problem. That email was uploaded into Legistar as part of the legislative record. It was then circulated as context for why the amendments remained necessary despite the Board's vote. This is what political interference looks like when a vote does not go the way City leadership wanted.

This office formally requests that the PCOB ask the Mayor's office to provide the specific dates, the individuals present, and the documentation for every occasion on which this Monitor allegedly issued this directive. And what concerns (about the Independent Police Monitor) the Mayor was trying to communicate to the Chair that were obstructed.

FALSE STATEMENT THREE

City Attorney Haas Told This Monitor and the PCOB Chair That Alder Govindarajan Misunderstood, Then Uploaded That Misunderstanding Into Legistar Anyway and Left the Contradicting Responses Out

This is documented. PCOB Chair Maia Pearson is a witness to what was said in that room. When Chair Pearson and this IPM met with City Attorney Haas following the PCOB full board meeting and executive committee discussion of the PCOB ordinance amendments, department head concerns raised by Alder Govindarajan, Haas stated clearly that Alder Govindarajan had misunderstood what the department heads were communicating, and that the concerns were not about this IPM or this office's current operations. The department heads confirmed this in writing. HR Director Hillson stated she had no evidence or reason to believe issues like this are going on in the OIM currently. IT Director Edgerton confirmed the concerns related to the previous office and that Independent Police Monitor Glass has been a good partner to work with. Those responses are attached to this memorandum.

City Attorney Haas said in that room, with the PCOB Chair present, that the Alder misunderstood. He then assisted in uploading those same pre-tenure, mischaracterized concerns into Legistar, without the department head responses that directly contradicted them, to build the legislative case for amendments scheduled for a full Council vote. The Common Council and Public received the allegations. It did not receive the responses. It received documents selected to support one outcome. The complete record is attached. Read what was uploaded to Legistar. Then read what was not.

THE INVESTIGATION LIST DEMAND: THE CITY ATTORNEY ASKED THIS OFFICE TO DISCLOSE ITS OPEN INVESTIGATIONS

On December 22, 2025, City Attorney Haas and Assistant City Attorney Patricia Lauten asked this office to provide a list of all open investigations. Their stated reason: the City's legal insurance requires that no City agency conduct an investigation concurrent with active City Attorney litigation on the same matter.

This Monitor asked directly: is this the law, and does it apply to all City agencies or only those the City Attorney represents?

That question was raised publicly at a subsequent PCOB executive committee meeting because it goes to the heart of this office's independence. If the City Attorney can place a hold on this office's investigative work whenever it is in active litigation, and this office has no independent legal counsel to challenge whether that requirement is legally binding, then the City Attorney controls the scope of this office's investigations through legal process.

This Monitor declined to provide a list of open investigations. This office offered instead to receive the City's litigation list and hold matters with genuine overlap in good faith. What was asked of this office, disclosing all open investigations to the office that represents the department those investigations concern, is a direct example of why this office requires structural independence and independent counsel. If the Mayor were to formalize this demand as an Administrative Procedure Memorandum, it would directly impact the only Independent City agency with this mandate, the only agency that provides oversight of MPD. Timing of investigations matters. Litigation can take years. A hold tied to active litigation is, in practice, a hold tied to the City Attorney's calendar. That is not independence.

THE CITY ATTORNEY'S COORDINATION WITH THE AMENDMENT SPONSOR, IN HIS OWN WORDS

City Attorney Haas's office is legal counsel to this office. He is simultaneously assigned as legal counsel to MPD, the Mayor, and Common Council. In his own April 2, 2026 email, he wrote:

"I have conveyed my thoughts to Alder Govindarajan and he has not directed that we carve out any other instances in his proposed ordinance where the OIM is authorized to retain separate counsel."

The City Attorney is this office's counsel. He is simultaneously shaping the amendment that restricts this office's access to independent counsel, in active coordination with the alder sponsoring that amendment. When this Police Monitor asked him directly whether his office would draft a memo in opposition to these amendments on behalf of this office, if he truly represents all City agencies equally, he would not commit. When asked again, he would not answer. That non-answer is itself an answer.

The Board of Public Works Contradiction

On April 8, 2026, the City Attorney's office arranged outside counsel for the Board of Public Works on a matter where it had already advised City staff, specifically to ensure the Board had confidence that its legal advice was not influenced by the advice given to City staff. That is precisely the structural situation of this office. By City Attorney Haas's own stated reasoning and his own documented practice, the dual representation of MPD and the OIPM requires independent counsel for this office. He applied this logic to the Board of Public Works and refused to apply it here.

The Police and Fire Commission Contradiction

The Police and Fire Commission uses independent counsel for open meetings law, public records law, and general operations, the exact categories City Attorney Haas claims must belong exclusively to his office for the OIPM. He accepted that structure for the PFC without objection. He is rejecting it here. That contradiction is his, not this office's. It is also worth noting that the PFC does not conduct investigations. This office does. The case for independent counsel here is stronger, not weaker. As they are trying to say, the Office of the Independent Police Monitor only needs independent counsel for investigation purposes.

THE STRUCTURE IS NOT NEUTRAL: EVERY APPROVAL PATH RUNS TO THE MAYOR

The City frames administrative compliance as a neutral requirement. It is not. Every department this office is required to operate through reports directly to the Mayor.

Finance: This office cannot produce payments or make certain purchases without going through City Finance processes. The Finance Director reports to the Mayor. The Mayor's office is among the entities this office should be completely independent from.

Information Technology: This office cannot adopt the technology it needs without City IT review and approval, a process that takes months for systems that other jurisdictions implement in weeks. This office has been navigating that process for a case management system purpose-built for police oversight, police data and information sharing, processing cases manually in the meantime. The IT Director reports to the Mayor.

Legal Counsel: The City attorney's office represents MPD, advises the Mayor's office, and has now documented in writing that he is coordinating with the alder sponsoring amendments to constrain this office while simultaneously serving as this office's counsel. The City Attorney reports back to the Mayor.

Every operational function of this office, if run through City administrative structure, feeds information upward to the Mayor's office. Budget requests reveal investigative priorities. Technology procurement reveals what tools oversight uses and how. HR involvement reveals staffing decisions and internal operations. Legal consultations reveal this office's legal strategy and case concerns. Every activity of the Monitor, community engagement, record requests, case intake, and expert consultations, can and does trigger investigations. When those functions are visible to City administration, the investigative work of this office is transparent to the institution being overseen before it becomes a formal investigation or formal finding. That is not independence. That is the appearance of it.

When this Police Monitor raised this directly with the Mayor at their April 8th meeting, the Mayor acknowledged she had been completely hands-off with this office, because of its independent nature. While that acknowledgment exists, the reality of it does not. The structure does not accommodate the

independence this office requires. The amendments being proposed would make that structural dependency permanent in ordinance.

WHAT WAS NOT PROPOSED, AND WHAT THAT ABSENCE MEANS

Alder Govindarajan acknowledges in his own legislative memo that body-worn cameras, this office's budget, and staffing are important issues. He introduced no amendment on any of them.

The lawsuits uploaded to Legistar as justification for these amendments are City lawsuits, arising from City processes, defended by the City Attorney's office. The Board and this office did not control the processes that generated them. The lawsuit involving a discriminatory hiring claim that the City lost arose from a process managed under City policy and advised by the City Attorney's office. Presenting those lawsuits as an argument against independent counsel for this office does not follow. They are an argument for it.

FORMAL NOTICE OF VIOLATION — MGO 5.19(6)(B)

“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.”

The documented violations of this provision include:

- Use of false information to cause the Chief of Police to give a media interview producing a materially inaccurate public record about this office, designed to create division between this Independent Police Monitor and the Chief of Police for political agendas and to sow public mistrust
- A City official inserting false written statements about this Monitor into the legislative record, dated four days before they met, sent after the PCOB voted to reject these amendments, and circulated as justification for why the amendments remained necessary
- City Attorney Haas stating in the presence of the PCOB Chair that Alder Govindarajan misunderstood the department heads, then uploading that same mischaracterized record into Legistar to support the amendments while omitting the department head responses that directly contradicted the concerns raised
- Selective presentation of an incomplete record to the Common Council, withholding responses that directly contradict the stated justification for these amendments
- The City Attorney applying public records statutes to obstruct this office's ordinance-mandated records access to MPD while simultaneously serving as counsel to the department that withheld those records only on his office's advice
- The City Attorney coordinating with the amendment's sponsor on language restricting this office's independent counsel, documented in his own April 2, 2026 email, while serving as this office's counsel
- The City Attorney demanding that this office disclose all open investigations, citing insurance requirements, while simultaneously representing the department those investigations concern, with no independent counsel available to this office to challenge whether that demand is legally binding
- A structural approval framework requiring this office to route every operational function through departments that report to the Mayor, while this office is charged with providing independent oversight that must remain independent of the Mayor's administration

The Office of the Independent Police Monitor has placed the City on formal notice of these violations. This notice follows a documented pattern. It is not made lightly. This office will explore the necessary legal action to address these violations and will pursue all available options to protect the independence the ordinance was written to guarantee.

TO THE POLICE CIVILIAN OVERSIGHT BOARD AND THE COMMON COUNCIL

The work is happening. Cases are being reviewed. Reports are issued. Community engagement is active across every district. The structural barriers to effective oversight have been named and placed in the official record. The response from City leadership to an office that is finally producing has been to attempt to dismantle and discredit it using an incomplete legislative record, impossible allegations, and a media cycle built on something that did not happen.

The PCOB voted to reject these amendments. After that vote, a City official who had never met this Monitor sent an email characterizing the Monitor as the problem. This Board should understand what that sequence means and name it accordingly.

This office asks four things:

1. Formally request from the Mayor's office the specific dates, individuals present, and documentation for every occasion on which this Monitor allegedly scolded or discouraged that office from contacting PCOB Chair Pearson regarding concerns of the Independent Police Monitor, given that this Monitor did not meet the Mayor's Chief of Staff until April 8, 2026, four days after that characterization was put into writing and circulated to alders
2. Formally place on the record that the department head responses contradicting the Legistar allegations were not included in that record, and that City Attorney Haas acknowledged in person, with the Chair as witness, that Alder Govindarajan had misunderstood what the department heads were communicating
3. Formally note for the Council that City Attorney Haas's April 2, 2026 email documents his coordination and drafting with the amendment's sponsor on language restricting this office's independent counsel while serving as this office's assigned counsel, and that this coordination is documented in his own words and attached to this memorandum
4. Reject these amendments in their entirety and stand on the side of the structure this community was promised when this office was created

EXHIBITS ATTACHED TO THIS MEMORANDUM

Exhibit A: Email correspondence between City Attorney Haas and Independent Police Monitor Glass, PCOB Chair including the April 2, 2026 email documenting coordination with the amendment's sponsor on independent counsel language, and the April 18, 2026 formal response from IPM Glass

Exhibit B: Department head responses omitted from Legistar: HR Director Hillson confirming no evidence or reason to believe issues are ongoing in the OIM currently; IT Director Edgerton confirming concerns related to the previous office and that Independent Police Monitor Glass has been a good partner (April 1, 2026)

Exhibit C: Q&A correspondence between this Monitor and the City Attorney, with this office's questions and the City Attorney's written responses confirming that the OIPM is treated as a public requester for personnel records access purposes (February 2026)

I will not be silenced. The PCOB will not be dismantled. And this office will not be policed. The community this office serves is owed the truth, and this memorandum with its attachments is that truth.

Respectfully submitted,

Aeiramique Glass

Interim Independent Police Monitor
Office of the Independent Police Monitor
City of Madison, Wisconsin
April 21, 2026

[REDACTED]

From: Haas, Michael R <MHaas@cityofmadison.com>

Sent: Friday, April 17, 2026 1:45 PM

To: Glass, Aeiramique <AGlass@cityofmadison.com>; Maia Pearson <mpearson.cob@gmail.com>

Subject: RE: Ordinance discussion

Thanks for the email, Meeka. There is a lot there and I will get you a more complete response when I have time. It will not surprise you to hear that I do not agree with all of the characterizations and conclusions you outlined. Have a good weekend.

Mike

From: Glass, Aeiramique <AGlass@cityofmadison.com>

Sent: Friday, April 17, 2026 1:19 PM

To: Haas, Michael R <MHaas@cityofmadison.com>; Maia Pearson <mpearson.cob@gmail.com>

Subject: RE: Ordinance discussion

City Attorney Haas,

This is my formal response to both emails you sent following our meeting on April 2nd. I am writing with full awareness that this correspondence may become part of the public record, and I want it to accurately reflect what occurred, what was agreed to, what has been mischaracterized, and where things stand. I will address each issue directly.

On the Meeting and What Was Agreed

You noted in your own email that what was scheduled as a one-hour meeting became a three-hour meeting. That acknowledgment matters, because a almost three-hour substantive conversation produced agreements that your emails do not reflect.

I left that meeting with a clear understanding that we had agreed to each draft our respective positions on the division of duties between the City Attorney's office and independent counsel, so we could work toward a defined structure going forward. I was already actively working on that draft when your emails arrived and reversed course. What you sent was not a continuation of what we agreed to. It was a written position that does not reflect the direction of that discussion or the agreement we made. It is disheartening, disappointing, and further shows why true independence is necessary to fulfill our mandate. And further confirms my concerns.

On Independent Counsel:

My position on independent counsel has never been ambiguous, reactive, or personal. Before I began this role, in my hiring interviews and in statements to the media following my appointment, I stated clearly that independent counsel was

powerful in the ordinance and needed and would be utilized for this office. My position was explicit and public: you cannot claim independence when the same legal department is responsible for protecting the City, defending the police department, and advising the oversight body. Even when attorneys operate in different divisions, they function under the same department, the same leadership, and the same institutional priorities. That structural conflict exists regardless of who is assigned to this office.

I stated this before I knew who was assigned. Then on December 8th, my first day, during lunch I let you know I was informed that the attorney you have assigned to simultaneously represent OIPM and PCOB had spent over 20 years working with and for police unions/associations, and that he was also assigned to represent the Madison Police Department. His history did not create my position on independent counsel. It confirmed the structural conflict I had already described publicly before I began this role. I raised this with you immediately on December 8th and asked whether another attorney in your office might work with us until we got our outside counsel in place. You declined and kept the Assistant City Attorney assigned in place.

On December 15th, during a meeting with the Chief and Assistant Chief, I made clear that while I would begin to draft the MOU, I wanted to include language covering the case management system and have independent counsel serve as our witness, as your office represents MPD. I raised it again on December 22nd, in the meeting with you and ACA Patricia Lauten, at which point I stated clearly and directly: effective immediately, this office will not be working with Attorney Schauer. That was not a suggestion. It was not an open question. It was a definitive position communicated in the presence of you and ACA, and I operated under that and notified my staff. Chair Pearson reiterated, on behalf of the Board, at our April 2nd meeting, that the decision to seek the same independent counsel as this office was not personal about Attorney Schauer. That was stated clearly, in the room.

Your latest emails reintroduced Attorney Schauer's name as though the matter remained open, after it had been closed verbally, clearly, and in the presence of your own colleague on December 22nd and again on April 2nd. I want the record to reflect what was actually said in those meetings, because what appears in your emails does not.

The ordinance authority for independent counsel is explicit. MGO 5.19(7)(I) states: 'The Monitor may retain independent legal counsel if necessary to fulfill the duties of the OIM.' I am telling you it is necessary, and the following makes that undeniable.

MGO 5.19(6)(b) states: '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.' That protection exists on paper. But who enforces it if this office does not have independent counsel? The City Attorney's office cannot bring a claim or advocate a position adverse to the City, the Mayor's office, or MPD, which are the very entities it represents. Without independent counsel, MGO 5.19(6)(b) is unenforceable in practice. Independent counsel is the mechanism that makes that protection real.

Additionally, this office holds subpoena power under MGO 5.19(7)(j). The exercise of that subpoena authority may need to be directed toward MPD, City administration, or other agencies your office represents. It is structurally impossible for the same attorney to advise this office on the exercise of subpoena authority against a party that attorney simultaneously represents. That conflict cannot be resolved by an ethical screen. It requires independent counsel by necessity.

On the Conflation of Monitor and Law Enforcement Background:

I want to address directly your statement that there are reputable independent police monitors who spent part of their careers in law enforcement. That statement reflects a conflation that needs to be corrected clearly for the record.

The national best practice guidance from the National Association for Civilian Oversight of Law Enforcement is consistent and clear: it is strongly discouraged for the head of a civilian independent oversight office to have prior law enforcement employment or immediate family members currently employed in law enforcement. This is not an arbitrary preference. It reflects decades of documented experience showing that prior law enforcement alignment creates inherent institutional bias that undermines the credibility and effectiveness of civilian oversight. This is precisely why the ordinance establishing this office explicitly prohibits the Monitor and all OIPM staff from having been employed by MPD or having worked as law enforcement officers in Wisconsin within the ten years prior to their appointment.

The ordinance applies this principle at every level. MGO 5.19(7)(h) states that no OIM employee shall have ever been employed by MPD or worked as a law enforcement officer within the State of Wisconsin in the ten years prior to becoming a staff member. MGO 5.20(3)(a)(4) applies the same restriction to every member of the Police Civilian Oversight Board. The Council codified this principle across the Monitor, all staff, and all board members because they understood that law enforcement alignment at any level of the oversight structure undermines its integrity and credibility.

That same logic, the logic the Common Council embedded in the ordinance, applies directly to the question of assigned legal counsel. An attorney who spent over 20 years working with and for police unions and associations, and who is simultaneously assigned to represent MPD, brings the same category of institutional alignment concerns to this office's legal representation that the ordinance was written to prevent in the Independent Police Monitor and staff positions. Applying that understanding to assigned counsel is not an extension of a personal grievance. It is a direct application of the principle the Council, who did the research and work, already codified.

Your characterization that most criticism of Attorney Schauer comes back to his work for WPPA and that the rest is piling on or related to his First Amendment rights asks me to discount a 20-year professional history that is directly relevant to his assignment, and to treat that history as less significant than I would treat the same history in an Independent Police Monitor or staff candidate. The ordinance does not allow me to make that distinction for Monitor and staff positions. I am applying the same standard to assigned counsel. That is not piling on. It is consistency and common sense best practices.

On the Social Media Conduct and the Request for Video:

You wrote that you do not know whether the social media conduct is connected to a complaint involving a post that was apparently actually liked or whether it is something else, and you asked me to send you the video so you could address it with him.

I want to be clear about the timeline. I informed you and ACA Lauten on December 22nd about the incident, before our April 2nd meeting and your follow-up email requesting this video, that effective immediately this office would not be working with Attorney Schauer. That position was stated definitively. Your subsequent request for the video arrives after that position was already clearly communicated and is framed in a way that treats the matter as still open and subject to your internal review process. It is not. I already made that clear to you. And I have been responsive to you and others in your office.

I also want to note what your own email acknowledges: that the conduct occurred. You described it as accidental. Whether it was accidental or not, from my knowledge the conduct involved multiple engagements in one time period on a post around discourse content related to the arrest of Brandi Grayson. I told you about it as it was flagged to me directly by multiple community members as antagonistic and concerning, given his assigned role as counsel to the oversight body that serves those communities. The characterization of this as accidental is noted. This office's decision regarding Attorney Schauer was made on structural grounds that predate this incident entirely. The social media conduct provided an additional specific and documented basis. I want the record to reflect that clearly.

On Why Your Own Practice Contradicts Your Position:

Your office has already applied the exact logic I am asking you to apply here, in two documented instances, and declined to apply that same logic to OIPM and PCOB.

First: On April 8, 2026, the Board of Public Works held a hearing on a Privilege in Streets Application Denial. Your office arranged outside counsel to advise the Board because your office had already advised City staff on the same matter. In your own words, this was done to ensure the Board had confidence that legal advice was not influenced by the advice that your office had given to City staff. That is the structural situation of this office. Your office advises MPD and City administration. By your own stated reasoning, that dual role requires independent counsel for OIPM and PCOB. You applied this logic to the Board of Public Works and are simultaneously refusing to apply it here. That is a contradiction documented in your own words. And I have made clear I have no confidence in the City's legal counsel and its ability to provide unbiased advice and minimize compromise to minimize liability.

Second: The Police and Fire Commission, which holds hiring, discipline, and termination authority over the Chief of Police, and officers, utilizes independent counsel specifically for open meetings law, public records law, and generally all

other functions, with only occasional communication with the City Attorney's office where needed. The PFC does not conduct investigations, so your argument that independent counsel is appropriate only where investigations are involved is directly contradicted by the PFC structure your office has accepted without objection. These are the exact categories you are asserting must remain exclusively with your office for OIPM. That structure exists precisely because of the recognized conflict in having your office advise PCOB, OIPM, and the Police Department and City administration. There may also be instances where OIPM's independent counsel and PFC's independent counsel need to communicate directly, another operational reason why independent counsel for this office is not optional but functionally necessary. You have acknowledged this logic in practice for PFC and for the Board of Public Works. You are refusing to acknowledge it here.

Additionally, when I asked you directly in our meeting whether your office would draft a memo in opposition to the proposed ordinance amendments on behalf of this office, if you truly represent all City agencies equally, you said you did not know, and when asked again, you would not commit. I asked if you agreed with the amendment changes that you influenced and drafted. That non-answer is itself an answer. An attorney who genuinely represents all City agencies equally would be able to advocate for this office's position before the Common Council. Your inability to commit demonstrates that you cannot and that you are in opposition to the needs of the Board and this office. This is exactly why lawyers, courts, judges exist and why independent legal interpretation matters. I gave you concrete examples of what independent counsel would be used for and needed: MOU negotiations, records access disputes, subpoena authority, potential litigation against MPD or the City, legislative advocacy, board operations, and open meetings laws. Those examples were not substantively addressed. You focused on potential litigation, saying City agencies do not have a practice of suing each other. I told you that of course I hope that would never be the case, but if violations of the ordinance and other matters arose and could not be resolved, it is a possibility and we need protections in place.

On the Concrete Conflict: The Records Access Example You Asked For

You have asked repeatedly for a concrete example of where your office's representation of this office has been problematic. I want to be clear that I have raised this before. I am providing it again here, for the record.

When your office advised MPD to apply public records statutes to delay this office's access to officer interview transcripts needed for an active investigation, I had no independent legal counsel to challenge that interpretation on this office's behalf or to pursue appropriate action if the law was being applied incorrectly. Instead, I was left arguing alone for my own office's access rights while the attorney assigned to represent me was simultaneously advising the department withholding the records. Those are adverse legal positions held by the same office at the same time. I was required to develop a formal memo myself to protect this office's access because I had no independent counsel to do so.

That is what the absence of independent counsel produces in practice. But it is not the only consequence.

This office and the Board are mandated by ordinance to be independent from the Mayor, the Common Council, and MPD. That independence is not symbolic. It is the foundation of what makes civilian oversight meaningful. Independent legal counsel is part of that foundation. Without it, this office does not have attorney-client privilege in any meaningful sense. Anything discussed with your office or through City leadership moves through a structure where information is shared across the very entities this office is charged with oversight of or is supposed to be independent from. I have experienced this directly. What is discussed in confidence does not remain confined. It moves. That is not a structure that serves this office. It is a structure that compromises it.

And yet your office is now actively supporting amendments that would formalize that structure in ordinance, adding Council enforcement authority over the Monitor, restricting independent counsel, conditioning records access through a framework your office controls, and placing an elected official inside the civilian oversight board. These amendments do not clarify the ordinance. You restructure it to match a model of administrative control rather than one that positions this office to fully exercise the powers and independence the ordinance was designed to provide. That is the conflict. It is structural, documented, and ongoing.

On Why This Office Is Categorically Different:

No other City agency provides independent oversight. This one does. If the entity this office oversees has any visibility into its legal strategy, investigative direction, or operational decisions outside of what I share in collaboration with MPD leadership, and confidential information is learned through shared counsel, then independent oversight does not exist in

practice, regardless of what the ordinance says on paper... but you know that. An independent police monitor created by City ordinance operates solely within the protections the ordinance provides. Those protections, unfettered access, independent counsel authority, and independence from City officials and staff, were written deliberately by people who understood exactly what structural pressures this office would face. Weakening them removes the only foundation the community has that this oversight is genuine and independent.

On Records Access:

MPD has been cooperative in sharing information since December 8th. I want that stated clearly because the narrative being constructed around records access does not reflect operational reality. The barrier has not come from the Police Department. It has come from your office's legal interpretation being applied to MPD's obligations to this office, an interpretation that treats this oversight office as a public requester subject to public records law, rather than as an oversight body operating under ordinance-granted access authority. The effect of that interpretation is delay in oversight access with direct operational consequences for active investigations and for the communities this office serves.

On Records Requests, Media, and the Appropriate Role of Your Office:

There is a pattern in this correspondence and in practice that I want to name directly. On multiple occasions your office has contacted me about open public records requests that were already being actively processed by this office, often after being contacted by the requester rather than first asking me about the status. This office has acknowledged requests upon receipt and has operated well within legal timing and requirements.

The situation involving a State Journal reporter Chris Rickert is a documented example. That reporter asked me repeatedly about an open and active investigation, asking the same questions in different formulations, clearly seeking a different answer. I answered every question asked, appropriately and completely. When the reporter did not receive the answer sought, a public records request was submitted and your office reached out to me about it, without first asking me what the status of our communication was or whether the request was already being processed. Your subsequent email referenced the prior Independent Police Monitor's reputation for delayed records responses. I am not the prior administration. I have been responsive. Invoking that history in correspondence about this office's current operations does not reflect current practice and did not belong in this correspondence.

The effect of these interventions, whether intended or not, is to position your office as an intermediary that requesters can use to apply pressure to this office around records that are already being handled appropriately. That is not an appropriate role for the office claiming to be our counsel.

On Greg and the Institutional Double Standard:

Every concern you raised about my staff member Greg in your emails relates to approvals he had that predates my tenure entirely. Nothing you described has occurred under my supervision or to my knowledge during my time in this role. I want that stated without ambiguity, because the framing of your emails implies an ongoing pattern under my watch. That implication is not supported by the record.

You have not provided, in your emails or in our meetings, specific evidence of misconduct or problematic behavior occurring during my tenure. I asked for it. It has not been provided by you or anyone else. Greg has not spoken to media without my directive. He has not made public comments about this office or our work without my agreement. What he does on his own time, his political views, his social advocacy, his activism, is his First Amendment right as an individual, the same right you invoked in your email after our in-person meeting where I stated he has rights.

What I find genuinely disrespectful, institutionally and personally, is the repeated inclusion of my staff member's name and pre-tenure history, in written correspondence, deployed at the precise moment this office has become operational and is producing results, while no documented evidence of current or previous misconduct has been provided. Since my arrival, this office has been focused on carrying out its mandate. That is the record I am building. And I would note that the same standard being applied to secondhand, unverified accounts about Greg's off-duty expression has not been applied to documented conduct by Attorney Schauer during his active representation of this office.

On the Ordinance and Legislative Intent:

I have spoken directly with individuals involved in drafting and passing the original ordinance. The language was intentional. Unfettered access, the authority to retain independent counsel, and independence from City officials and staff were deliberate policy choices made by people who understood exactly what structural conflicts this office would face. The characterization of these provisions as unclear, unintended, or requiring correction through the proposed amendments is not consistent with what some of the drafters and advocates from the beginning have told me directly.

The proposed amendments, taken together, would formalize the structural constraints that have already been documented as barriers to effective oversight. The Amendment placing a Council-appointed alder on the PCOB is a categorical change to a body designed to be civilian and independent from electoral politics. It is not a clarification.

Formal Notice

I have raised every concern documented in this email through every appropriate channel, consistently and in good faith, since December 8th. What I have received in return is verbal and written positions that do not reflect prior discussions, reliance on pre-tenure information introduced strategically into potentially public correspondence, legal interpretations that limit this office's operational independence while being advanced by the office assigned to represent it, and active participation in legislative efforts to formalize the constraints this office has documented as barriers to its mandate.

The trust I came into this role hoping to build has not been eroded by misunderstanding. It has been eroded by a documented pattern that this correspondence reflects. That pattern has only reinforced what I stated publicly before I started: true independence is not optional for this office. It is the only condition under which meaningful oversight can exist.

The City is currently out of compliance with the ordinance governing this office as politics and personal agendas have been and are currently impacting the OIPM's work and independence. I am placing your office, as the City Attorney, on formal notice of that. The Office of the Independent Police Monitor will take the necessary action to address it. I want the record to reflect that this notice has been given, that it follows a documented pattern, and that it is not made lightly.

This office and the Board have been building. We will continue to build. We will not be silenced, and we will not be dismantled.

Respectfully,

Aeiramique Glass

Interim Independent Police Monitor

Office of the Independent Police Monitor

From: Haas, Michael R <MHaas@cityofmadison.com>

Sent: Tuesday, April 14, 2026 4:31 PM

To: Glass, Aeiramique <AGlass@cityofmadison.com>; Maia Pearson <mpearson.cob@gmail.com>

Subject: Ordinance discussion

Hi Meeka and Maia,

I apologize for not following up sooner regarding the proposed ordinance changes related to the OIM and PCOB. I was at a national conference for four days and needed to connect with Patti Lauten who is on vacation in Japan to discuss our office's involvement in creating the MOU related to MPD records and in MPD's response to specific records requests of the OIM. I was not in the discussions regarding the MOU but based on my conversations with Patti, Chief Patterson and Robin, those conversations were not adversarial and focused on what is permitted and required under federal and state laws. Both sides were heard and they reached an agreement. Our role was to provide advice about what state and federal law requires, to ensure that both agencies and the City as an organization comply with those laws. In addition, it is my understanding that the only categories of records that MPD has not provided to the OIM or that have required a delay are records related to open and active investigations, disciplinary records or other records that cannot be disclosed under federal or state law. I understand that Meeka would like to reopen those discussions but I am not certain what additional records she seeks access to that can be released under the applicable laws. When Meeka expressed concerns about the OIM being treated like the public for purposes of records requests, I thought that meant that MPD was putting the OIM in the same queue as public requests but I am told it had to do with whether records could be released or where MPD staff were required to be notified, and that is the same regardless of whether the requestor is a City agency or the public. The distinction is between requestors who are themselves the subject of personnel records and all other requestors. Again that is state law that MPD does not have the choice to ignore.

During our meeting I indicated that I was open to considering whether the OIM should have access to outside counsel for the purposes of providing advice regarding terms of the MOU or records requests of the OIM. Having given this additional thought and based on how we have operated with MPD and the OIM, I cannot recommend that and see no value in it. If an independent attorney argues for provisions in the MOU or access to records that are not permitted by law, that would be both improper and pointless, as the City cannot disregard those laws in the creation or implementation of the MOU.

I understand that you feel strongly about the ability to choose separate legal counsel for any matter involving the OIM based on a perceived conflict and what may have occurred in other municipalities around the country. I believe that the perception or preemptive concern is based on a misunderstanding of our office's role in advising all City agencies. And I have not been given a concrete example of where our office's assistance to the OIM or the PCOB has been problematic, incorrect or unethical. Working with MPD and the OIM to create an MOU does not mean we are representing one or the other; we are representing the City as an organization and the OIM is part of that organization. It is no different than other situations where we work with different agencies to provide guidance about legal procedures and compliance. And I am not aware of any conflict that has arisen since the OIM started processing complaints and conducting investigations as our office has not been involved in those. If we are not involved in investigations and complaint processing, I fail to see how our representation of MPD is a barrier to providing legal advice to the OIM and the PCOB, and I have not been given a specific example of where a conflict has arisen or could arise. What I have heard is that you do not have trust in our office to represent the OIM but that feeling is not based on anything that has occurred to date. In my opinion, an agency head expressing a subjective lack of trust in our representation without any basis is not a reason for our office to not fulfill its statutory duty and authority to conduct the legal business of the City, and I

do not think it is a wise precedent to establish. In addition, I do not believe the City should rely on outside counsel to advise City agencies when that attorney is not responsible for representing the City in potential litigation.

I am certainly willing to continue the conversation if that would be helpful but I wanted to let you know that I have conveyed my thoughts to Alder Govindarajan and he has not directed that we carve out any other instances in his proposed ordinance where the OIM is authorized to retain separate counsel other than for the core duties of conducting investigations, processing complaints and oversight activities. The MOU and access to records seemed to be the key issue that Meeka identified in our meeting. If there are any aspects of the OIM's duties that you believe require outside counsel, please let me know so that I can address them.

Finally, I wanted to remind you of my request for the video that Meeka indicated she would send related to Attorney Schauer's social media activity.

Mike



Michael Haas

City Attorney ~ City of Madison
210 Martin Luther King Jr. Blvd, ~ Room
401
Madison, WI 53703
608-266-6598 Direct Line
FAX: 608-267-8715
mhaas@cityofmadison.com

PRIVILEGE AND CONFIDENTIALITY NOTICE

This electronic message is intended only for the designated recipient(s). It may contain privileged or confidential information and should not be disclosed to third parties without our express permission. If you are not the intended recipient, you have received this message in error and review, dissemination or copying of this message is prohibited. If you have received this message in error, please notify the sender immediately, delete the original message and destroy any electronic or printed copies of this message. Thank you.

[REDACTED]

From: Haas, Michael R <MHaas@cityofmadison.com>

Sent: Thursday, April 2, 2026 6:28 PM

To: Glass, Aeiramique <AGlass@cityofmadison.com>; Maia Pearson <mpearson.cob@gmail.com>

Subject: Meeting

Hi Maia and Meeka,

Thanks so much for the time and patience in our one-hour, I mean three-hour meeting. I appreciate your willingness to have an open and frank discussion in a civil manner. And I appreciate talking things through with people who are as stubborn as I am.

I will follow up separately with an email about the ways in which our office represents and assists agencies, and I look forward to continuing the discussion to see if we can agree on a division of duties between our office and outside counsel. For now I wanted to address something else we discussed. When I brought up concerns regarding Greg's statements, Meeka said she took that as disrespectful of her supervision of Greg, that she had addressed concerns with him, and that he has a First Amendment right to say whatever he wants off duty. First, I want to make clear I did not intend to be disrespectful. And my concerns about his behavior and comments are not limited to what he did prior to becoming a City employee and prior to Meeka becoming his supervisor, although his minimizing of the security risks related to accessing MPD data on his personal computer is definitely a concern and does not inspire confidence. I hear secondhand about comments he makes to others or on social media, some of them specifically critical of Attorney Schauer, including some statements which may be untrue. While Greg does have First Amendment rights, he should know that in some cases employers can take action regarding behavior that occurs off duty, including when off-duty statements have an impact on the workplace. I trust that Meeka addresses concerns or behavior as they arise but the impression that Greg sometimes leaves is that he does not want to be considered a City employee or affiliated with the City and does not need to treat other City employees with the respect and civility that he and all City employees deserve and which is required by City work rules. I do not tolerate my staff publicly badmouthing staff of other City agencies and claiming that they are unqualified to do their jobs because that reflects on our office and is detrimental to our working relationship with other agencies. I would hope we could expect the same in return.

In that same vein, if criticisms of Greg are seen as disrespectful of Meeka's supervision, I could certainly say the same about criticisms of Andy and my supervision of him. The criticisms that I heard about Andy include his prior career and things he has allegedly either said or reacted to on social media on his own time and not involving other City staff. You can't have it both ways. I certainly address issues with my staff when I am aware of them. It is the whisper campaign that is unfair to Andy when he is not even giving an opportunity to address the concerns or provide his perspective on whatever he is accused of doing. All of us are in the arena where we are concerned with due process and not taking a mere accusation as the truth without people being heard. That is why, while I understand your position regarding one attorney representing MPD and the OIM as a general principle, I would ask you to take what you hear about Andy with a grain of salt, and to afford him and my supervision of him with the same respect that you rightfully expect of you and your staff. There are undoubtedly reputable independent monitors who spent part of their careers in law enforcement and most of the criticism I hear about Andy always comes back to him working for WPPA, and the rest is just piling on or related to his First Amendment rights. So I hope you can appreciate my perspective on that. To that end, Meeka, you said that there was some video regarding Andy's behavior on social media. I do not know if that is connected to Amelia's complaint where he apparently actually liked something she posted or if it is something else. But in order for me to understand what your concern is about that, I would appreciate if you could send me the video and if there is something to address with him, I will do that and make sure it does not happen again.

I appreciate and respect all of the hard work that both of you have taken on in your roles and I look forward to continuing to work with you. Thanks again for the meeting and for considering these thoughts.

Mike



Michael Haas

City Attorney ~ City of Madison
210 Martin Luther King Jr. Blvd, ~ Room
401
Madison, WI 53703
608-266-6598 Direct Line
FAX: 608-267-8715
mhaas@cityofmadison.com

PRIVILEGE AND CONFIDENTIALITY NOTICE

This electronic message is intended only for the designated recipient(s). It may contain privileged or confidential information and should not be disclosed to third parties without our express permission. If you are not the intended recipient, you have received this message in error and review, dissemination or copying of this message is prohibited. If you have received this message in error, please notify the sender immediately, delete the original message and destroy any electronic or printed copies of this message. Thank you.

[REDACTED]

[REDACTED]

[REDACTED]

Caution: This email was sent from an external source. Avoid unknown links and attachments.

----- Forwarded message -----

From: **Govindarajan, MGR** <district8@cityofmadison.com>
Date: Tue, Mar 24, 2026 at 12:26 AM
Subject: Detailed OIM Concerns, Phone Call Follow-Up
To: mpearson.cob@gmail.com <mpearson.cob@gmail.com>

Hi Maia,

Thank you again for taking the time to speak with me on Saturday regarding Legistar 92386. I appreciated the conversation and your willingness to engage on this issue. As discussed, I wanted to follow up in writing to share a set of concerns that have been raised to me by multiple City departments regarding the current operations of the Office of the Independent Monitor.

My intention in sharing this information is not to assign fault or draw conclusions prematurely, but to ensure that the PCOB as the governing body of the OIM, is aware of potential operational, legal, and compliance risks that may warrant further discussion or review. I believe that you having all the information available will allow you to do the vital role you've all volunteered to fulfill.

Several departments have raised concerns regarding adherence to City policies, processes, and APMs. In particular, there have been instances where standard City requirements have been questioned or not consistently followed, including:

- Technology procurement processes (APM 3-20)
- Logo usage policies (APM 3-18)
- Use of City-managed systems and devices

In some cases, City staff have had to reiterate that OIM employees, as City employees, are subject to the same policies and procedures as other departments. This has placed department leadership in the difficult position of

needing to clarify or enforce policies with a peer office, particularly given the unique structure and perceived independence of the OIM.

Information Technology leadership has also raised concerns to data security and compliance. These include:

- Use of personal or unmanaged devices to access or store City data
 - This presents significant cybersecurity risks
 - Would not meet Criminal Justice Information Systems (CJIS) standards
 - Could jeopardize MPD's access to state and federal data systems
- Resistance to required training and established processes
 - Requests for access to systems without completing required trainings
 - Questions about whether certain procedures are "mandatory"
- Website and digital infrastructure concerns
 - References in the OIM Annual Report to a potential independent PCOB website raise issues related to:
 - Records retention and open records compliance
 - Accessibility requirements
 - Long-term maintenance and staffing capacity
 - Cybersecurity risks

There are also questions regarding compliance with existing policies in published materials, including logo usage standards and the potential use of generative AI in official documents.

Human Resources has similarly identified areas of potential legal and financial risk. These include:

- Fair Labor Standards Act (FLSA) compliance if staff are working beyond allotted or budgeted hours
 - There was also a public statement made during the press conference indicating that OIM staff may be working beyond their allotted or budgeted hours, which could raise FLSA compliance concerns if staff are working unpaid hours.
 - Tax law compliance concerns related to out-of-state work
- Hiring process for the next Independent Monitor
 - Ensuring the process follows established HR procedures and legal standards to avoid potential claims of discriminatory hiring practices, particularly given prior issues that have required significant staff time and legal resources
- Adherence to workplace policies related to
 - Discrimination
 - Workplace safety

As you know, these policies exist to mitigate risk and ensure that issues are addressed promptly and appropriately.

I haven't yet directly spoken to them, but I've heard that the Finance Department has similar concerns, mainly regarding:

- Contracting with services or programs without following established processes

- Purchasing equipment, software, or other items without following city policies

From my understanding, the Finance Department will not process payments if required policies are not followed. This reflects their responsibility to ensure that taxpayer funds are spent in accordance with Council authorization and City policy. Situations like this can create legal and financial risk if not addressed proactively.

The issues above, which staff have shared with me, seem to be just from the last three months.

Across these conversations, a consistent theme has emerged: concern that the OIM's independence in carrying out its core mission (investigations, findings, and recommendations) is being interpreted to include administrative, legal, and operational requirements. *While independence in its core function is both important and necessary, extending that independence to areas such as compliance with City policies and legal requirements creates risk not just for the OIM, but for the City as a whole.*

I am sharing these concerns so that the PCOB is aware of potential compliance gaps and operational risks, as well as areas where additional clarity or oversight may be warranted. These issues also directly informed portions of the ordinance revisions I recently introduced, particularly those clarifying that the OIM is fully independent in its mission but remains subject to City administrative structures, policies, and other applicable laws.

Staff Contact Information:

- Information Tech.: Sarah Edgerton -- SEdgeron@cityofmadison.com
- Human Resources: Erin Hillson -- EHillson@cityofmadison.com
- Finance Dept.: Dave Schmiedicke -- DSchmiedicke@cityofmadison.com
- City Attorney: Mike Haas -- MHaas@cityofmadison.com

Additionally, as I mentioned in our call, some of the information shared here may become part of broader public discussion. My preference, however, is to work collaboratively with you and the Board to address these concerns directly *and ensure that the Council is kept appropriately informed*. If these risks are not addressed and result in avoidable liability for the City, I believe the Council would be compelled to take steps to mitigate that risk, including reevaluating the structure, oversight, and funding of the OIM and PCOB.

I want to reiterate that I believe strongly in the mission and importance of both the OIM and the PCOB. My goal is to ensure that the structure supporting that mission is sustainable and aligned with existing policies of the city. I would welcome the opportunity to discuss any of these concerns further and to hear the Board's perspective.

Best,

MGR Govindarajan (*he/him/his*)

District 8 Alder | (608) 509-9119

[My Blog](#)

--

Maia Pearson, Board Chair

City of Madison Police Civilian Oversight Board

[Office of the Independent Monitor](#)

From: Maia Pearson <mpearson.cob@gmail.com>

Sent: Tuesday, March 31, 2026 5:16:05 PM

To: Govindarajan, MGR <district8@cityofmadison.com>

Cc: Glass, Aeiramique <AGlass@cityofmadison.com>; Edgerton, Sarah <SEdgerton@cityofmadison.com>; Schmiedicke, David <DSchmiedicke@cityofmadison.com>; Hillson, Erin <EHillson@cityofmadison.com>; Haas, Michael R <MHaas@cityofmadison.com>

Subject: Re: Detailed OIM Concerns, Phone Call Follow-Up

Caution: This email was sent from an external source. Avoid unknown links and attachments.

[The full PCOB has been bcc'd for information purposes only]

Good Afternoon MGR,

Thank you for following up on our phone conversation and outlining the concerns raised. To ensure transparency, I have cc'd the relevant department leaders, as noted in your email.

To date, the majority of the concerns outlined in your email have not been formally communicated to me or to members of the Board by department leadership or alders, particularly within the timeframe you reference. To the concerns that have been raised previously under prior leadership, they have been addressed. Moving forward, timely and direct communication of this nature will be important to ensure concerns can be fully understood and resolved by the board.

As a governing body and the Independent Police Monitor's direct report, we take seriously both our oversight responsibilities and our obligation to the community.

With respect to the specific areas you elevated:

Technology procurement processes (APM 3-20) and logo usage (APM 3-18):

At this time, no specific instances of noncompliance have been provided. Additional detail would be helpful to ensure clear and accurate understanding of these concerns. Based on current information, the interim IPM is actively working with IT to procure appropriate systems needed by the office. It is also important to note that oversight bodies often require specialised systems that are different from standard City infrastructure, which may require additional clarification and coordination. Regarding branding, the Board previously engaged with the City Communications Manager to discuss branding and received approval to use a distinct logo reflecting the unique role of the PCOB. To further note, in the spirit of collaboration, when creating the branding, the Board ensured to use the City's branding document as reference.

Information Technology and data security:

Concerns related to device usage and data access were addressed prior to the interim IPM's tenure. My understanding is that the necessary trainings have been completed and

that staff are working within established protocols. If there are new or ongoing concerns, the Board would welcome the opportunity to review and discuss them directly.

Website and digital infrastructure:

The concept of a more independent, accessible, and functional web presence has been discussed for several years, in response to community feedback regarding the accessibility of PCOB and OIM information. Improving public access to reports, meetings, and materials remains a priority for the Board. I would like to note that due to the unique role of oversight, most oversights in the US have their own standalone sites or have more autonomy with design and mechanisms/coding of said site. We are happy to provide examples and anticipate working collaboratively with the relevant departments.

Human Resources:

The OIM and PCOB are actively working with HR to ensure compliance with FLSA and other HR applicable policies. The recruitment and hiring processes for the next IPM has started. We are working in partnership with HR, learning more about the City's Equitable Hiring Plan and crafting a process that ensures robust community input.

Finance:

At this time, the board has not been made aware of the concerns referenced. We are committed to working collaboratively with finance to ensure procurement and contracting processes align. Especially as we prepare for the 2027 budget.

More broadly, I want to acknowledge the theme raised regarding the relationship between independence and administrative compliance.

The Board fully understands that the OIM operates within City systems and may be subject to basic applicable legal and administrative requirements. At the same time, the independence of the OIM and PCOB in carrying out its core mission is fundamental and must be preserved. In practice, this can require thoughtful coordination where existing policies do not always fully align with the unique structure, needs, and responsibilities of civilian oversight.

We believe that alignment is best achieved through direct communication and welcome continued conversations with alders and City stakeholders to ensure there is a shared understanding of this balance and to strengthen the systems supporting this work.

Finally, with respect to your reference to potential Council action, I would simply note that the ordinance establishing the OIM clearly affirms its independence in the performance of its duties. Maintaining that independence remains essential to the integrity and effectiveness of the oversight function and the Board remains committed to upholding that independence while also ensuring accountability and compliance with applicable basic requirements ([MGO 5.19 \(6\)\(b\)](#))

I appreciate your willingness to raise these concerns and agree that continued communication will be important moving forward. The Board remains committed to addressing issues constructively, collaboratively when necessary, and ensuring the long term suitability of the OIM and PCOB.

In solidarity,

Maia

--

Maia Pearson, Board Chair

City of Madison Police Civilian Oversight Board

[Office of the Independent Monitor](#)

On Tue, Mar 24, 2026 at 12:26 AM Govindarajan, MGR <district8@cityofmadison.com> wrote:

Hi Maia,

Thank you again for taking the time to speak with me on Saturday regarding Legistar 92386. I appreciated the conversation and your willingness to engage on this issue. As discussed, I wanted to follow up in writing to share a set of concerns that have been raised to me by multiple City departments regarding the current operations of the Office of the Independent Monitor.

My intention in sharing this information is not to assign fault or draw conclusions prematurely, but to ensure that the PCOB as the governing body of the OIM, is aware of potential operational, legal, and compliance risks that may warrant further discussion or review. I believe that you having all the information available will allow you to do the vital role you've all volunteered to fulfill.

Several departments have raised concerns regarding adherence to City policies, processes, and APMs. In particular, there have been instances where standard City requirements have been questioned or not consistently followed, including:

- Technology procurement processes (APM 3-20)
- Logo usage policies (APM 3-18)
- Use of City-managed systems and devices

In some cases, City staff have had to reiterate that OIM employees, as City employees, are subject to the same policies and procedures as other departments. This has placed department leadership in the difficult position of needing to clarify or enforce policies with a peer office, particularly given the unique structure and perceived independence of the OIM.

Information Technology leadership has also raised concerns to data security and compliance. These include:

- Use of personal or unmanaged devices to access or store City data
 - This presents significant cybersecurity risks
 - Would not meet Criminal Justice Information Systems (CJIS) standards

[REDACTED]

----- Forwarded message -----

From: **Hillson, Erin** <EHillson@cityofmadison.com>

Date: Wed, Apr 1, 2026 at 10:14 AM

Subject: RE: Detailed OIM Concerns, Phone Call Follow-Up

To: Maia Pearson <mpearson.cob@gmail.com>, Govindarajan, MGR <district8@cityofmadison.com>

Cc: Glass, Aeiramique <AGlass@cityofmadison.com>, Edgerton, Sarah

<SEdgerton@cityofmadison.com>, Schmiedicke, David <DSchmiedicke@cityofmadison.com>, Haas, Michael R <MHaas@cityofmadison.com>

Hi Maia –

Thank you for your email and for the conversation on Tuesday. I want to verify that you reached out to me to ensure we are working together to solve any FLSA issue that may exist. I provided guidance to staff in December about the need to ensure they are working within the hours authorized by Council, and my concerns came up after hearing the recent press conference that folks in the office were continuing to work over their budgeted time. I provided a couple of options last week to balance workload with reporting requirements, and I appreciated you reaffirming that this will be addressed.

I want to also share that the hiring process example used below was one that we ran into with a **previous hire** in this office, not an existing issue. I appreciate that we are working together to make sure this process meets the requirements of the ordinance and also meets standards we have at the City to ensure things like bias and discrimination do not enter into the hiring process, while having a robust community engagement process.

Lastly, the third example (adherence to discrimination or workplace safety rules) is an example of where we have **significant liability** as a City if policies aren't adhered to by managers, supervisors, and employees. **I have no evidence or reason to believe issues like this are going on in the OIM currently**, rather I want make sure it is understood that if policies aren't followed we incur the liability, whether or not we (as an organization) knew about it or condoned it.

I'll stop into the meeting tonight in case it would be helpful for the PCOB to hear this from me directly.

Best,

Erin

From: Maia Pearson <mpearson.cob@gmail.com>

Sent: Tuesday, March 31, 2026 5:16 PM

To: Govindarajan, MGR <district8@cityofmadison.com>

Cc: Glass, Aeiramique <AGlass@cityofmadison.com>; Edgerton, Sarah <SEdgerton@cityofmadison.com>; Schmiedicke, David <DSchmiedicke@cityofmadison.com>; Hillson, Erin <EHillson@cityofmadison.com>; Haas, Michael R <MHaas@cityofmadison.com>

Subject: Re: Detailed OIM Concerns, Phone Call Follow-Up

Caution: This email was sent from an external source. Avoid unknown links and attachments.

[The full PCOB has been bcc'd for information purposes only]

Good Afternoon MGR,

[REDACTED]

----- Forwarded message -----

From: **Edgerton, Sarah** <SEdgerton@cityofmadison.com>

Date: Wed, Apr 1, 2026 at 1:36 PM

Subject: RE: Detailed OIM Concerns, Phone Call Follow-Up

To: Maia Pearson <mpearson.cob@gmail.com>

Cc: Govindarajan, MGR <district8@cityofmadison.com>, Glass, Aeiramique <AGlass@cityofmadison.com>, Schmiedicke, David <DSchmiedicke@cityofmadison.com>, Hillson, Erin <EHillson@cityofmadison.com>, Haas, Michael R <MHaas@cityofmadison.com>

Good afternoon, Chair Pearson,

Thank you for your email. I appreciate your following up with us and your invitation to come to you with any questions or concerns regarding the Office of the Independent Monitor. If there are any future needs, I will reach out to you, and I would offer that you should also reach out to me directly with any IT questions.

As HR Director Hillson noted in her email response, I would also like to clarify with you that the examples provided below were issues that we had to address with the previous Office of the Independent Monitor and **are not existing issues**. These were highlighted to demonstrate the need for clear policies for the OIM so that they can operate successfully within the City of Madison structure. In fact, Independent Monitor Glass pointed out to me that it was not clear if these policies were legal requirements that the OIM had to follow. I agree with her observation that the current ordinance language is not clear.

Please know that Independent Monitor Glass has been a good partner to work with and is working with us to make sure that all requirements of Information Technology APMs are followed to ensure that we are mitigating risks and security concerns. We appreciate this partnership. I think it is important to acknowledge City IT policies do apply where we have not worked out alternative policies for the OIM.

Regarding APM 3-18, City of Madison logo, and the PCOB website, we are very open to having a discussion with you and Independent Monitor Glass on a PCOB website and providing guidance where needed.

I will see you at tonight's meeting.

Thank you,

Sarah

From: Maia Pearson <mpearson.cob@gmail.com>

Sent: Tuesday, March 31, 2026 5:16 PM

To: Govindarajan, MGR <district8@cityofmadison.com>

Cc: Glass, Aeiramique <AGlass@cityofmadison.com>; Edgerton, Sarah <SEdgerton@cityofmadison.com>; Schmiedicke, David <DSchmiedicke@cityofmadison.com>; Hillson, Erin <EHillson@cityofmadison.com>; Haas, Michael R <MHaas@cityofmadison.com>

Subject: Re: Detailed OIM Concerns, Phone Call Follow-Up

You don't often get email from mpearson.cob@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

[The full PCOB has been bcc'd for information purposes only]

Good Afternoon MGR,

Thank you for following up on our phone conversation and outlining the concerns raised. To ensure transparency, I have cc'd the relevant department leaders, as noted in your email.

To date, the majority of the concerns outlined in your email have not been formally communicated to me or to members of the Board by department leadership or alders, particularly within the timeframe you reference. To the concerns that have been raised previously under prior leadership,

[REDACTED]

----- Forwarded message -----

From: **Govindarajan, MGR** <district8@cityofmadison.com>

Date: Wed, Apr 1, 2026 at 3:06 PM

Subject: Re: Detailed OIM Concerns, Phone Call Follow-Up

To: Maia Pearson <mpearson.cob@gmail.com>

Cc: Glass, Aeiramique <AGlass@cityofmadison.com>, Edgerton, Sarah

<SEdgerton@cityofmadison.com>, Schmiedicke, David <DSchmiedicke@cityofmadison.com>, Hillson,

Erin <EHillson@cityofmadison.com>, Haas, Michael R <MHaas@cityofmadison.com>

Hi Maia,

Thanks for your response. I'm glad that direct communication with the department heads is taking place, and I believe the Mayor's office will be issuing a similar directive to other department staff as relevant for them to speak with you if issues arise.

I appreciate your attentiveness to this matter, I just wanted to ensure that you and the PCOB were aware so you can fulfill your oversight duties with all the available information.

Best,

MGR Govindarajan *(he/him/his)*

District 8 Alder | (608) 509-9119

[REDACTED]

From: Lauten, Patricia <PLauten@cityofmadison.com>

Sent: Wednesday, February 11, 2026 6:07 PM

To: Glass, Aeiramique <AGlass@cityofmadison.com>

Cc: Patterson, John <JPatterson@cityofmadison.com>; Haas, Michael R <MHaas@cityofmadison.com>; Kamoske, Angela <AKamoske@cityofmadison.com>

Subject: Responses to Questions Posed in your February 11 Email

Meeka,

I met with City Attorney Haas, Chief Patterson and Assistant Chief Kamoske to answer your questions. Those answers are in red below. Both MPD and the City Attorney's Office are committed to working cooperatively with you and the OIM to timely provide you with the records your office requests. My understanding is that you have already made requests to MPD for non-personnel related records and have been receiving those records in a timely manner. To be clear, neither MPD nor the City Attorney's Office is denying you access to any records. However, as indicated in my responses, State law places certain requirements on government when public employee personnel records are requested, and we are following State law.

1. **Any record relating to an individual officer, including Internal Affairs or PSIA investigative files and officer interview transcripts, is categorically deemed a personnel record, including transcripts generated during an open and active investigation, solely because they involve an employee and may potentially result in discipline, irrespective of the record's investigatory purpose, function, or use.** Public employee personnel files are subject to open records unless the record or the information is legally exempt. Some common exemptions are employee home addresses, personal email, social security numbers, and records related to staff management, such as performance evaluations and letters of reference. The employer must notify employees before releasing records involving disciplinary actions. Records involving disciplinary action are not releasable until after the investigation has concluded.

2. **Investigatory materials created for fact finding, accountability review, compliance monitoring, or oversight purposes are treated as personnel records prior to any disciplinary determination, employment action, or final investigative finding.** Records relating to discipline would be records relating to the issue being investigated like the employee's timecard, or video showing them leaving their workstation, it would include the complaint, interviews with the complainant, the respondent, witness interviews, the final written report and any discipline notices and final written discipline determination. I do not know what an accountability review, compliance monitoring or oversight purpose records would be.
3. **OIPM, as an ordinance created independent oversight entity acting pursuant to its statutory mandate, is treated as "the public", "other City agencies", or otherwise equivalent to a non-employee requester for purposes of Wis. Stat. §§ 19.35, 19.36, and 19.356 when requesting records necessary to fulfill official oversight responsibilities.** The OIPM and the IM are part of the City. However, by ordinance they are an independent stand-alone agency. As I explained in my email, when it comes to personnel records, only the employee and their representative have a right to view their records. For requesters not the employee or their representative, any redactions to personnel documents, and notice to the employee, are made consistent with provisions in State law that provide for exemptions and notification (see #1 above).
4. **Wis. Stat. § 103.13 is interpreted as anticipating access to personnel records primarily by the employee or the employee's representative, and that any access request by a non-employee, including an ordinance authorized oversight entity, is therefore governed exclusively by Chapter 19 public records law.** The two main statutes that address employee personnel files in Wisconsin are 103.13 and 19.36. There may be other laws so I can't say "exclusively" but these are the two we deal with the most as a public employer.
5. **Wis. Stat. § 19.356 is triggered prior to providing records to OIPM even where no public records request has been made, no public disclosure has been requested or contemplated, and the records are sought solely for internal governmental oversight, investigation, monitoring, or evaluation pursuant to ordinance authority.** The statute governs disclosure to an individual that is not the employee or their representative. Again, there are many records that City agencies share with each other so each agency can do their job. There are many records that MPD provides to the IM so the IM can fulfill their statutory duties, but the Wisconsin legislature has carved out public employee personnel records for certain legal protections.
6. **The active status of a PSIA, Internal Affairs investigation independently authorizes withholding investigatory materials from OIPM notwithstanding the ordinance's express grant of access, and that the notice and hold provisions of § 19.356 apply at the point of internal access rather than only after a decision to permit public release of records.** For discipline investigations, the investigation must conclude before any records can be released. The investigation concluding is when the final investigative findings, generally sustained or not sustained, are determined. Typically, this is a written report, but it could be an email, or it could be verbal. Imposing discipline after the conclusion of the investigation is not part of the investigation so a public employer cannot deny or hold onto a request until after the employee is disciplined. The record request must be processed at the close of the investigation.
7. **MPD is prohibited from providing OIPM with investigatory materials, including officer interview transcripts, during an active investigation absent compliance with § 19.356 notice procedures.** The employee investigation must conclude. The conclusion of the investigation is what I've described above.

8. **The ordinance's grant of unfettered access to MPD records to the extent permitted by law is subordinate to § 19.356 notice and delay provisions even where no public disclosure is implicated.** The City must follow State law. It would be illegal to produce records contrary to State law. At the time the ordinance was created the Council discussed the meaning of "unfettered access" and declined to define that term but specifically included the moderating phrase "to the extent permitted by law." The City ordinance cannot supersede the rights and obligations established in the statutes.
9. **When referencing safeguards the law provides, the City is relying on mandatory statutory requirements rather than internal legal review practices, and if so, please identify the specific statutory provisions requiring such safeguards prior to providing records to OIPM.** The City is citing State law and not internal City APMs or MPD SOPs. The two primary laws are 103.13 and 19.36 but there are other laws that govern medical records, attorney client documents, etc.
10. **If OIPM is not being treated as the public for all purposes, please clarify the legal basis under which Chapter 19 notice provisions are being applied to OIPM's ordinance authorized access rather than to a decision to release records to the public.** I don't understand the question. If the public entity is going to release employee discipline documents, then it needs to provide the statutory notice under 19.356. There is case law, which the statute codified, stating that the employee is entitled to notice. See Woznicki v. Erickson (1996).

If any of the foregoing statements do not accurately reflect the City's position, please identify the specific statement or statements at issue and provide the statutory or legal authority supporting the distinction being drawn. The City does not have a "position." The City is following the law.

Separately, to ensure clarity regarding timing, if the city maintains that notice under § 19.356 is required, please confirm whether OIPM's request for officer interview transcripts is being treated as a decision to permit public access under § 19.35. If not, please clarify the legal basis for applying § 19.356 prior to providing records for internal oversight purposes. I'm not sure I understand the question. The OIM's ask for the interview transcripts is treated as a record request; the transcripts are part of the discipline documents. There is no denial to the OIM of the records. There is just the application of the law to those records.

Finally, OIPM requests that MPD provide the officer interview transcripts by close of business Today 02/11/2026. If MPD will not produce the transcripts by that time, please confirm that position. As explained, if the investigation is not concluded, we would not provide any documents at this time. If the investigation is concluded, then we would provide the employee with the transcript and give them the 19.356 notice. The employee may waive their right under 19.356, and the record could be released immediately, or we would have to wait and release the record on the 12th day if the employee did not go into court to stop the release.

Patricia Lauten

Deputy City Attorney

City of Madison

plauten@cityofmadison.com

From: [Marianne Oleson](#)
To: [All Alders](#)
Subject: General Ordinance 5.19 & 5.20
Date: Monday, April 20, 2026 3:20:07 PM
Attachments: [AlderMadison-5.19-5.20.pdf](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Greetings,

Please see attached; thank you.

Respectfully,
Marianne Oleson
Co-Executive Director
EXPO of Wisconsin

"Mistakes belong to the past, we belong to the future." *Susan Burton*



Check us out on [Facebook](#), and [Instagram](#)
<https://expowisconsin.org>



EXPO of Wisconsin
17 Applegate Court
Suite 100
Madison, WI 53713
(608) 467-2495
www.expowisconsin.org



Dear Madison City Alders,

I am writing to urge you to vote no on the proposed changes to Madison General Ordinances 5.19 and 5.20 on April 21.

These ordinances were created in 2020 to establish truly independent civilian oversight of the Madison Police Department through the Office of the Independent Monitor and the Police Civilian Oversight Board. The Common Council adopted that structure on a 19-0 vote after extensive public engagement and a deliberate decision to place oversight under an independent board rather than under the Mayor's Office.

The proposed amendments are being described as technical or clarifying, but the substance appears far more serious. As scheduled for Council consideration, the changes would require the OIM to comply with mayorally approved Administrative Procedure Memoranda, alter the ordinance's guarantee of unfettered access to records by removing "computer databases" and conditioning access through an MOU, and eliminate the Monitor's existing authority to retain independent legal counsel when necessary.

Taken together, those changes threaten the core independence that made this model meaningful in the first place. An oversight office cannot effectively oversee police if it is made more dependent on the same city power structure and legal apparatus it may need to challenge. Even if the intent is administrative consistency, the practical effect is to weaken independence, narrow access, and create conflict around legal advice.

It is also deeply concerning that the Police Civilian Oversight Board voted unanimously on March 25 to recommend that these changes be placed on file with prejudice, and stated that the Board had not been consulted before the changes were drafted. If the body created to help safeguard civilian oversight is telling you this process has not been collaborative and these changes should not move forward, that warning should carry real weight.

Madison does not strengthen public trust by weakening independent oversight. If there are legitimate administrative issues to resolve, they should be addressed through a transparent, collaborative process that includes the OIM, the PCOB, and the community, not through rushed changes that undercut the very independence the Council intentionally built in 2020.

Please protect the integrity of civilian oversight in Madison. Please vote no on gutting Ordinances 5.19 and 5.20.

Sincerely,

Marianne Oleson

Marianne Oleson

Co-Executive Director

EXPO of Wisconsin

From: [Pamela Oliver](#)
To: [All Alders](#)
Subject: opposition to #55, amendments to PCOB/OIM ordinance
Date: Tuesday, April 21, 2026 10:41:50 AM

Some people who received this message don't often get email from pamelaoliver1180@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders,

I am registering strong opposition to item #55, “Report Requirements OIM PCOB” (detail link 92386). I am opposed on the merits of the proposed legislation, but I especially want to call out the manipulative and undemocratic way in which this round of amendments has been proposed, with last-minute changes uploaded less than five days ago to Legistar coupled with an inflammatory news article published over the weekend within three days of the scheduled vote. This is not the first time this has happened. A small number of people appear determined to block the functioning of the Police Civilian Oversight Board and the Independent Monitor by forcing them, members of the general public concerned about the issues, and members of the city council to waste their time responding to these ongoing attacks.

Many different details are woven into the proposed amendments, each one of which requires a separate discussion to address. It is impossible to address all the issues raised in a short statement. Lumping them all together in a last-minute package is counter to any norms of careful deliberation and claiming to have addressed prior concerns in a last-minute memo that falsely purports to be a consensual document is misleading at best. The only responsible action the City Council can take on this timetable to this omnibus attack on the PCOB and the Independent Monitor is to vote down the whole package.

To briefly address some of the substantive issues, there was extensive deliberation in 2020 about the whether the IM and the PCOB should have access to independent counsel. That should be taken as a settled issue. The City Attorney represents the city and the police department and cannot be treated as independent counsel in cases where the city might have liability for the actions of a police officer.

Complaints about which computer or software was used to analyze arrest records is a distraction. These are public records which any citizen has the right to obtain via an open records request. In the past, Madison Police have emailed me spreadsheets of arrest records without my even having to file a petition, because I was involved with local committees working on racial disparity issues. What is at stake is not whether the IM should have access to the data but whether they should have to jump through administrative barriers to obtain that access and analyze the data.

Complaints about the mishandling of confidential records by the prior IM are the specific material issue that needs to be addressed, but this omnibus attack on the enabling legislation is not the way to do it. Confidentiality concerns can be narrowly and directly addressed, probably by requiring adherence to the FBI's Criminal Justice Information Services Security Policy.

Thank you for your attention.

Yours

Pamela Oliver

334 N Yellowstone Drive

Madison WI 53705-2446

--

Pamela Oliver

From: [Maia Pearson](#)
To: [All Alders](#); [council](#)
Subject: Fwd: Detailed OIM Concerns, Phone Call Follow-Up
Date: Tuesday, April 21, 2026 1:53:49 PM

[The full PCOB has been bcc'd for information purposes only]

Good afternoon Alders,

Welcome to our new alders, I look forward to working with you.

For the sake of transparency, I am forwarding you the response received from Sarah Edgerton, Director of Information Technology. This correspondence was not included in the legistar file for tonight's meeting.

The omission of this information is concerning. It contributes to an incomplete record at a time when there are serious assertions being discussed publicly regarding the Office of the Independent Police Monitor and the Police Civilian Oversight Board. As it stands, the narrative suggests that the Board and the Office have recently "violated" City policies, when in several instances the underlying issue reflects staff asking questions and seeking clarification. It is important that the deliberations are based on a full and balanced understanding of the facts.

I will also be forwarding a response from Erin Hillson, Director of Human Resources, so that you have additional context as you consider this matter.

Thank you for your time and attention to this. Please let me know if you have any questions.

In solidarity,

Maia

--

Maia Pearson, Board Chair
City of Madison Police Civilian Oversight Board
[Office of the Independent Monitor](#)

----- Forwarded message -----

From: **Edgerton, Sarah** <SEdgerton@cityofmadison.com>
Date: Wed, Apr 1, 2026 at 1:36 PM
Subject: RE: Detailed OIM Concerns, Phone Call Follow-Up
To: Maia Pearson <mpearson.cob@gmail.com>
Cc: Govindarajan, MGR <district8@cityofmadison.com>, Glass, Aeiramique <AGlass@cityofmadison.com>, Schmiedicke, David <DSchmiedicke@cityofmadison.com>, Hillson, Erin <EHillson@cityofmadison.com>, Haas, Michael R <MHaas@cityofmadison.com>

Good afternoon, Chair Pearson,

Thank you for your email. I appreciate your following up with us and your invitation to come to you with any questions or concerns regarding the Office of the Independent Monitor. If there are any future needs, I will reach out to you, and I would offer that you should also reach out to me directly with any IT questions.

As HR Director Hillson noted in her email response, I would also like to clarify with you that the examples provided below were issues that we had to address with the previous Office of the Independent Monitor and **are not existing issues**. These were highlighted to demonstrate the need for clear policies for the OIM so that they can operate successfully within the City of Madison structure. In fact, Independent Monitor Glass pointed out to me that it was not clear if these policies were legal requirements that the OIM had to follow. I agree with her observation that the current ordinance language is not clear.

Please know that Independent Monitor Glass has been a good partner to work with and is working with us to make sure that all requirements of Information Technology APMs are followed to ensure that we are mitigating risks and security concerns. We appreciate this partnership. I think it is important to acknowledge City IT policies do apply where we have not worked out alternative policies for the OIM.

Regarding APM 3-18, City of Madison logo, and the PCOB website, we are very open to having a discussion with you and Independent Monitor Glass on a PCOB website and providing guidance where needed.

I will see you at tonight's meeting.

Thank you,

Sarah

From: Maia Pearson <mpearson.cob@gmail.com>
Sent: Tuesday, March 31, 2026 5:16 PM
To: Govindarajan, MGR <district8@cityofmadison.com>
Cc: Glass, Aeiramique <AGlass@cityofmadison.com>; Edgerton, Sarah <SEdgerton@cityofmadison.com>; Schmiedicke, David <DSchmiedicke@cityofmadison.com>; Hillson, Erin <EHillson@cityofmadison.com>; Haas, Michael R <MHaas@cityofmadison.com>
Subject: Re: Detailed OIM Concerns, Phone Call Follow-Up

You don't often get email from mpearson.cob@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

[The full PCOB has been bcc'd for information purposes only]

Good Afternoon MGR,

Thank you for following up on our phone conversation and outlining the concerns raised. To ensure transparency, I have cc'd the relevant department leaders, as noted in your email.

To date, the majority of the concerns outlined in your email have not been formally communicated to me or to members of the Board by department leadership or alders, particularly within the timeframe you reference. To the concerns that have been raised previously under prior leadership, they have been addressed. Moving forward, timely and direct communication of this nature will be important to ensure concerns can be fully understood and resolved by the board.

As a governing body and the Independent Police Monitor's direct report, we take seriously both our oversight responsibilities and our obligation to the community.

With respect to the specific areas you elevated:

Technology procurement processes (APM 3-20) and logo usage (APM 3-18):

At this time, no specific instances of noncompliance have been provided. Additional detail would be helpful to ensure clear and accurate understanding of these concerns. Based on current information, the interim IPM is actively working with IT to procure appropriate systems needed by the office. It is also important to note that oversight bodies often require specialised systems that are different from standard City infrastructure, which may require additional clarification and coordination. Regarding branding, the Board previously engaged with the City Communications Manager to discuss branding and received approval to

use a distinct logo reflecting the unique role of the PCOB. To further note, in the spirit of collaboration, when creating the branding, the Board ensured to use the City's branding document as reference.

Information Technology and data security:

Concerns related to device usage and data access were addressed prior to the interim IPM's tenure. My understanding is that the necessary trainings have been completed and that staff are working within established protocols. If there are new or ongoing concerns, the Board would welcome the opportunity to review and discuss them directly.

Website and digital infrastructure:

The concept of a more independent, accessible, and functional web presence has been discussed for several years, in response to community feedback regarding the accessibility of PCOB and OIM information. Improving public access to reports, meetings, and materials remains a priority for the Board. I would like to note that due to the unique role of oversight, most oversights in the US have their own standalone sites or have more autonomy with design and mechanisms/coding of said site. We are happy to provide examples and anticipate working collaboratively with the relevant departments.

Human Resources:

The OIM and PCOB are actively working with HR to ensure compliance with FLSA and other HR applicable policies. The recruitment and hiring processes for the next IPM has started. We are working in partnership with HR, learning more about the City's Equitable Hiring Plan and crafting a process that ensures robust community input.

Finance:

At this time, the board has not been made aware of the concerns referenced. We are committed to working collaboratively with finance to ensure procurement and contracting processes align. Especially as we prepare for the 2027 budget.

More broadly, I want to acknowledge the theme raised regarding the

relationship between independence and administrative compliance.

The Board fully understands that the OIM operates within City systems and may be subject to basic applicable legal and administrative requirements. At the same time, the independence of the OIM and PCOB in carrying out its core mission is fundamental and must be preserved. In practice, this can require thoughtful coordination where existing policies do not always fully align with the unique structure, needs, and responsibilities of civilian oversight.

We believe that alignment is best achieved through direct communication and welcome continued conversations with alders and City stakeholders to ensure there is a shared understanding of this balance and to strengthen the systems supporting this work.

Finally, with respect to your reference to potential Council action, I would simply note that the ordinance establishing the OIM clearly affirms its independence in the performance of its duties. Maintaining that independence remains essential to the integrity and effectiveness of the oversight function and the Board remains committed to upholding that independence while also ensuring accountability and compliance with applicable basic requirements ([MGO 5.19 \(6\)\(b\)](#))

I appreciate your willingness to raise these concerns and agree that continued communication will be important moving forward. The Board remains committed to addressing issues constructively, collaboratively when necessary, and ensuring the long term suitability of the OIM and PCOB.

In solidarity,

Maia

--

Maia Pearson, Board Chair

City of Madison Police Civilian Oversight Board

[Office of the Independent Monitor](#)

On Tue, Mar 24, 2026 at 12:26 AM Govindarajan, MGR <district8@cityofmadison.com> wrote:

Hi Maia,

Thank you again for taking the time to speak with me on Saturday regarding Legistar 92386. I appreciated the conversation and your willingness to engage on this issue. As discussed, I wanted to follow up in writing to share a set of concerns that have been raised to me by multiple City departments regarding the current operations of the Office of the Independent Monitor.

My intention in sharing this information is not to assign fault or draw conclusions prematurely, but to ensure that the PCOB as the governing body of the OIM, is aware of potential operational, legal, and compliance risks that may warrant further discussion or review. I believe that you having all the information available will allow you to do the vital role you've all volunteered to fulfill.

Several departments have raised concerns regarding adherence to City policies, processes, and APMs. In particular, there have been instances where standard City requirements have been questioned or not consistently followed, including:

- Technology procurement processes (APM 3-20)
- Logo usage policies (APM 3-18)
- Use of City-managed systems and devices

In some cases, City staff have had to reiterate that OIM employees, as City employees, are subject to the same policies and procedures as other departments. This has placed department leadership in the difficult position of needing to clarify or enforce policies with a peer office, particularly given the unique structure and perceived independence of the OIM.

Information Technology leadership has also raised concerns to data security and compliance. These include:

Use of personal or unmanaged devices to access or store City data

- This presents significant cybersecurity risks
- Would not meet Criminal Justice Information Systems (CJIS) standards
- Could jeopardize MPD's access to state and federal data systems
- Resistance to required training and established processes
 - Requests for access to systems without completing required trainings
 - Questions about whether certain procedures are "mandatory"
- Website and digital infrastructure concerns
 - References in the OIM Annual Report to a potential independent PCOB website raise issues related to:
 - Records retention and open records compliance
 - Accessibility requirements
 - Long-term maintenance and staffing capacity
 - Cybersecurity risks

There are also questions regarding compliance with existing policies in published materials, including logo usage standards and the potential use of generative AI in official documents.

Human Resources has similarly identified areas of potential legal and financial risk. These include:

- Fair Labor Standards Act (FLSA) compliance if staff are working beyond allotted or budgeted hours
 - There was also a public statement made during the press conference indicating that OIM staff may be working beyond their allotted or budgeted hours, which could raise FLSA compliance concerns if staff are working unpaid hours.
 - Tax law compliance concerns related to out-of-state work
- Hiring process for the next Independent Monitor
 - Ensuring the process follows established HR procedures and legal standards to avoid potential claims of discriminatory hiring practices, particularly given prior issues that have required significant staff time and legal resources
- Adherence to workplace policies related to
 - Discrimination

- Workplace safety

As you know, these policies exist to mitigate risk and ensure that issues are addressed promptly and appropriately.

I haven't yet directly spoken to them, but I've heard that the Finance Department has similar concerns, mainly regarding:

- Contracting with services or programs without following established processes
- Purchasing equipment, software, or other items without following city policies

From my understanding, the Finance Department will not process payments if required policies are not followed. This reflects their responsibility to ensure that taxpayer funds are spent in accordance with Council authorization and City policy. Situations like this can create legal and financial risk if not addressed proactively.

The issues above, which staff have shared with me, seem to be just from the last three months.

Across these conversations, a consistent theme has emerged: concern that the OIM's independence in carrying out its core mission (investigations, findings, and recommendations) is being interpreted to include administrative, legal, and operational requirements. *While independence in its core function is both important and necessary, extending that independence to areas such as compliance with City policies and legal requirements creates risk not just for the OIM, but for the City as a whole.*

I am sharing these concerns so that the PCOB is aware of potential compliance gaps and operational risks, as well as areas where additional clarity or oversight may be warranted. These issues also directly informed portions of the ordinance revisions I recently introduced, particularly those clarifying that the OIM is fully independent in its mission but remains subject to City administrative structures, policies, and other applicable laws.

Staff Contact Information:

- Information Tech.: Sarah Edgerton -- SEdgeron@cityofmadison.com

Human Resources: Erin Hillson -- EHillson@cityofmadison.com

- Finance Dept.: Dave Schmiedicke -- DSchmiedicke@cityofmadison.com
- City Attorney: Mike Haas -- MHaas@cityofmadison.com

Additionally, as I mentioned in our call, some of the information shared here may become part of broader public discussion. My preference, however, is to work collaboratively with you and the Board to address these concerns directly *and ensure that the Council is kept appropriately informed*. If these risks are not addressed and result in avoidable liability for the City, I believe the Council would be compelled to take steps to mitigate that risk, including reevaluating the structure, oversight, and funding of the OIM and PCOB.

I want to reiterate that I believe strongly in the mission and importance of both the OIM and the PCOB. My goal is to ensure that the structure supporting that mission is sustainable and aligned with existing policies of the city. I would welcome the opportunity to discuss any of these concerns further and to hear the Board's perspective.

Best,

MGR Govindarajan (*he/him/his*)

District 8 Alder | (608) 509-9119

[My Blog](#)

From: [Maia Pearson](#)
To: [All Alders; council](#)
Cc: [Glass, Aeiramique; Njoku, Chioma](#)
Subject: Fwd: Detailed OIM Concerns, Phone Call Follow-Up
Date: Tuesday, April 21, 2026 2:01:41 PM

Some people who received this message don't often get email from mpearson.cob@gmail.com. [Learn why this is important](#)

[The full PCOB has been bcc'd & OIM has been cc'd for information purposes only]

Good afternoon Alders,

As mentioned in my previous forwarded correspondence, I am forwarding the response from Erin Hillson, Director of Human Resources, for additional context for consideration.

Again, for the sake of transparency, this correspondence omission is concerning and as stated in my previous forwarded email, "it contributes to an incomplete record at a time when there are serious assertions being discussed publicly regarding the Office of the Independent Police Monitor and the Police Civilian Oversight Board." It is important that the deliberations are based on a full and balanced understanding of the facts.

The Board, as concerns are raised, have worked diligently to address. The Board remains committed to addressing issues constructively, collaboratively when necessary, and ensuring the long term suitability of the OIM and PCOB.

Thank you for your time and attention to this. Please let me know if you have any questions.

In solidarity,

Maia

--

Maia Pearson, Board Chair
City of Madison Police Civilian Oversight Board
[Office of the Independent Monitor](#)

----- Forwarded message -----

From: **Hillson, Erin** <EHillson@cityofmadison.com>
Date: Wed, Apr 1, 2026 at 10:14 AM
Subject: RE: Detailed OIM Concerns, Phone Call Follow-Up
To: Maia Pearson <mpearson.cob@gmail.com>, Govindarajan, MGR <district8@cityofmadison.com>
Cc: Glass, Aeiramique <AGlass@cityofmadison.com>, Edgerton, Sarah <SEdgerton@cityofmadison.com>, Schmiedicke, David <DSchmiedicke@cityofmadison.com>, Haas, Michael R <MHaas@cityofmadison.com>

Hi Maia –

Thank you for your email and for the conversation on Tuesday. I want to verify that you reached out to me to ensure we are working together to solve any FLSA issue that may exist. I provided guidance to staff in December about the need to ensure they are working within the hours authorized by Council, and my concerns came up after hearing the recent press conference that folks in the office were continuing to work over their budgeted time. I provided a couple of options last week to balance workload with reporting requirements, and I appreciated you reaffirming that this will be addressed.

I want to also share that the hiring process example used below was one that we ran into with a **previous hire** in this office, not an existing issue. I appreciate that we are working together to make sure this process meets the requirements of the ordinance and also meets standards we have at the City to ensure things like bias and discrimination do not enter into the hiring process, while having a robust community engagement process.

Lastly, the third example (adherence to discrimination or workplace safety rules) is an example of where we have **significant liability** as a City if policies aren't adhered to by managers, supervisors, and employees. **I have no evidence or reason to believe issues like this are going on in the OIM currently**, rather I want make sure it is understood that if policies aren't followed we incur the liability, whether or not we (as an organization) knew about it or condoned it.

I'll stop into the meeting tonight in case it would be helpful for the PCOB to hear this from me directly.

Best,

Erin

From: Maia Pearson <mpearson.cob@gmail.com>
Sent: Tuesday, March 31, 2026 5:16 PM
To: Govindarajan, MGR <district8@cityofmadison.com>
Cc: Glass, Aeiramique <AGlass@cityofmadison.com>; Edgerton, Sarah

<SEdger@cityofmadison.com>; Schmiedicke, David <DSchmiedicke@cityofmadison.com>; Hillson, Erin <EHillson@cityofmadison.com>; Haas, Michael R <MHaas@cityofmadison.com>
Subject: Re: Detailed OIM Concerns, Phone Call Follow-Up

Caution: This email was sent from an external source. Avoid unknown links and attachments.

[The full PCOB has been bcc'd for information purposes only]

Good Afternoon MGR,

Thank you for following up on our phone conversation and outlining the concerns raised. To ensure transparency, I have cc'd the relevant department leaders, as noted in your email.

To date, the majority of the concerns outlined in your email have not been formally communicated to me or to members of the Board by department leadership or alders, particularly within the timeframe you reference. To the concerns that have been raised previously under prior leadership, they have been addressed. Moving forward, timely and direct communication of this nature will be important to ensure concerns can be fully understood and resolved by the board.

As a governing body and the Independent Police Monitor's direct report, we take seriously both our oversight responsibilities and our obligation to the community.

With respect to the specific areas you elevated:

Technology procurement processes (APM 3-20) and logo usage (APM 3-18):

At this time, no specific instances of noncompliance have been provided. Additional detail would be helpful to ensure clear and accurate understanding of these concerns. Based on current information, the interim IPM is actively working with IT to procure appropriate systems needed by the office. It is also important to note that oversight bodies often require specialised systems that are different from standard City infrastructure, which may require additional clarification and coordination.

Regarding branding, the Board previously engaged with the City Communications Manager to discuss branding and received approval to use a distinct logo reflecting the unique role of the PCOB. To further note, in the spirit of collaboration, when creating the branding, the Board ensured to use the City's branding document as reference.

Information Technology and data security:

Concerns related to device usage and data access were addressed prior to the interim IPM's tenure. My understanding is that the necessary trainings have been completed and that staff are working within established protocols. If there are new or ongoing concerns, the Board would welcome the opportunity to review and discuss them directly.

Website and digital infrastructure:

The concept of a more independent, accessible, and functional web presence has been discussed for several years, in response to community feedback regarding the accessibility of PCOB and OIM information. Improving public access to reports, meetings, and materials remains a priority for the Board. I would like to note that due to the unique role of oversight, most oversights in the US have their own standalone sites or have more autonomy with design and mechanisms/coding of said site. We are happy to provide examples and anticipate working collaboratively with the relevant departments.

Human Resources:

The OIM and PCOB are actively working with HR to ensure compliance with FLSA and other HR applicable policies. The recruitment and hiring processes for the next IPM has started. We are working in partnership with HR, learning more about the City's Equitable Hiring Plan and crafting a process that ensures robust community input.

Finance:

At this time, the board has not been made aware of the concerns referenced. We are committed to working collaboratively with finance to ensure procurement and contracting processes align. Especially as we prepare for the 2027 budget.

More broadly, I want to acknowledge the theme raised regarding the relationship between independence and administrative compliance.

The Board fully understands that the OIM operates within City systems and may be subject to basic applicable legal and administrative requirements. At the same time, the independence of the OIM and PCOB in carrying out its core mission is fundamental and must be preserved. In practice, this can require thoughtful coordination where existing policies do not always fully align with the unique structure, needs, and responsibilities of civilian oversight.

We believe that alignment is best achieved through direct communication and welcome continued conversations with alders and City stakeholders to ensure there is a shared understanding of this balance and to strengthen the systems supporting this work.

Finally, with respect to your reference to potential Council action, I would simply note that the ordinance establishing the OIM clearly affirms its independence in the performance of its duties. Maintaining that independence remains essential to the integrity and effectiveness of the oversight function and the Board remains committed to upholding that independence while also ensuring accountability and compliance with applicable basic requirements ([MGO 5.19 \(6\)\(b\)](#))

I appreciate your willingness to raise these concerns and agree that continued communication will be important moving forward. The Board remains committed to addressing issues constructively, collaboratively when necessary, and ensuring the long term suitability of the OIM and PCOB.

In solidarity,

Maia

--

Maia Pearson, Board Chair

City of Madison Police Civilian Oversight Board

Office of the Independent Monitor

On Tue, Mar 24, 2026 at 12:26 AM Govindarajan, MGR <district8@cityofmadison.com> wrote:

Hi Maia,

Thank you again for taking the time to speak with me on Saturday regarding Legistar 92386. I appreciated the conversation and your willingness to engage on this issue. As discussed, I wanted to follow up in writing to share a set of concerns that have been raised to me by multiple City departments regarding the current operations of the Office of the Independent Monitor.

My intention in sharing this information is not to assign fault or draw conclusions prematurely, but to ensure that the PCOB as the governing body of the OIM, is aware of potential operational, legal, and compliance risks that may warrant further discussion or review. I believe that you having all the information available will allow you to do the vital role you've all volunteered to fulfill.

Several departments have raised concerns regarding adherence to City policies, processes, and APMs. In particular, there have been instances where standard City requirements have been questioned or not consistently followed, including:

- Technology procurement processes (APM 3-20)
- Logo usage policies (APM 3-18)
- Use of City-managed systems and devices

In some cases, City staff have had to reiterate that OIM employees, as City employees, are subject to the same policies and procedures as other departments. This has placed department leadership in the difficult position of needing to clarify or enforce policies with a peer office, particularly given the unique structure and perceived independence of the OIM.

Information Technology leadership has also raised concerns to data security and compliance. These include:

- Use of personal or unmanaged devices to access or store City data
 - This presents significant cybersecurity risks
 - Would not meet Criminal Justice Information Systems (CJIS) standards
 - Could jeopardize MPD's access to state and federal data systems
- Resistance to required training and established processes
 - Requests for access to systems without completing required trainings
 - Questions about whether certain procedures are "mandatory"
- Website and digital infrastructure concerns
 - References in the OIM Annual Report to a potential independent PCOB website raise issues related to:
 - Records retention and open records compliance
 - Accessibility requirements
 - Long-term maintenance and staffing capacity
 - Cybersecurity risks

There are also questions regarding compliance with existing policies in published materials, including logo usage standards and the potential use of generative AI in official documents.

Human Resources has similarly identified areas of potential legal and financial risk. These include:

- Fair Labor Standards Act (FLSA) compliance if staff are working beyond allotted or budgeted hours
 - There was also a public statement made during the press conference indicating that OIM staff may be working beyond their allotted or budgeted hours, which could raise FLSA compliance concerns if staff are working unpaid hours.
 - Tax law compliance concerns related to out-of-state work
- Hiring process for the next Independent Monitor
 - Ensuring the process follows established HR procedures and legal standards to avoid potential claims of discriminatory hiring practices, particularly given prior issues that have required significant staff time and legal resources
- Adherence to workplace policies related to

- Discrimination
- Workplace safety

As you know, these policies exist to mitigate risk and ensure that issues are addressed promptly and appropriately.

I haven't yet directly spoken to them, but I've heard that the Finance Department has similar concerns, mainly regarding:

- Contracting with services or programs without following established processes
- Purchasing equipment, software, or other items without following city policies

From my understanding, the Finance Department will not process payments if required policies are not followed. This reflects their responsibility to ensure that taxpayer funds are spent in accordance with Council authorization and City policy. Situations like this can create legal and financial risk if not addressed proactively.

The issues above, which staff have shared with me, seem to be just from the last three months.

Across these conversations, a consistent theme has emerged: concern that the OIM's independence in carrying out its core mission (investigations, findings, and recommendations) is being interpreted to include administrative, legal, and operational requirements. *While independence in its core function is both important and necessary, extending that independence to areas such as compliance with City policies and legal requirements creates risk not just for the OIM, but for the City as a whole.*

I am sharing these concerns so that the PCOB is aware of potential compliance gaps and operational risks, as well as areas where additional clarity or oversight may be warranted. These issues also directly informed portions of the ordinance revisions I recently introduced, particularly those clarifying that the OIM is fully independent in its mission but remains subject to City administrative structures, policies, and other applicable laws.

Staff Contact Information:

- Information Tech.: Sarah Edgerton -- SEdgerton@cityofmadison.com

- Human Resources: Erin Hillson -- EHillson@cityofmadison.com
- Finance Dept.: Dave Schmiedicke -- DSchmiedicke@cityofmadison.com
- City Attorney: Mike Haas -- MHaas@cityofmadison.com

Additionally, as I mentioned in our call, some of the information shared here may become part of broader public discussion. My preference, however, is to work collaboratively with you and the Board to address these concerns directly *and ensure that the Council is kept appropriately informed*. If these risks are not addressed and result in avoidable liability for the City, I believe the Council would be compelled to take steps to mitigate that risk, including reevaluating the structure, oversight, and funding of the OIM and PCOB.

I want to reiterate that I believe strongly in the mission and importance of both the OIM and the PCOB. My goal is to ensure that the structure supporting that mission is sustainable and aligned with existing policies of the city. I would welcome the opportunity to discuss any of these concerns further and to hear the Board's perspective.

Best,

MGR Govindarajan (*he/him/his*)
District 8 Alder | (608) 509-9119
[My Blog](#)

--

Maia Pearson, Board Chair
City of Madison Police Civilian Oversight Board
[Office of the Independent Monitor](#)

From: [Karen Reece](#)
To: [All Alders](#); ellenfordistrict8@gmail.com; Noah.L.Lieberman@gmail.com
Subject: In opposition to Item 55 - amendments to PCOB/OIM ordinances
Date: Tuesday, April 21, 2026 12:14:33 PM

Some people who received this message don't often get email from inkreece@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear alders,

I'm writing to ask you to vote no or place on file, on item 55 - the proposed amendments to city ordinances 5.19 and 5.20 (Legistar File 92386). Common Council generally follows the recommendations of committees/commissions/boards because these groups can give appropriate time and informed, if not expert, review of these items. The Police Civilian Oversight Review Board unanimously voted to NOT recommend these amendments.

While I'm writing as a resident of District 14, I am well-informed on this issue as I also work for one of the organizations tasked with nominating community members to serve on the PCOB. The original ordinances were written carefully and thoughtfully by a team of three alders and the common council unanimously voted in favor of the City of Madison having an independent mechanism to ensure residents rights, health, and safety are protected as it relates to police actions.

While these brand new entities initially struggled to get fully up and running, community members on the PCOB have worked tirelessly to help develop process and standards and OIM staff have diligently supported with rigorous data analysis. With a new Interim Independent Monitor who brings national expertise to our city, the office has moved through the backlog of complaints and issued a detailed report reminding us of the severe and persistent racial disparities our city fails to address effectively year after year. The PCOB and OIM deserve general support from the common council and to not be derailed by more structural changes just as they are hitting their stride.

Here's the short version as to why these amendments harmfully and systematically dismantle the independent nature of OIM and PCOB:

1. Restricted Evidence Access: Cutting off direct access to MPD databases forces the OIPM to negotiate for information with the very department it is tasked with overseeing.
2. Conflict of Interest in Legal Counsel: Requiring the OIM to seek legal advice from the City Attorney - who represents city management - strips the office of its ability to obtain neutral, independent legal guidance. The independent part of the office means the need for independent legal counsel.
3. Political Overreach: Adding a sitting alder to the PCOB compromises its status as a purely civilian body, inviting political pressure into a space meant for community-led accountability and the only available space of that nature. Alders are able to fully engage with the board by attending open meetings, scheduling meeting time with members, and meeting with OIM paid staff to discuss concerns and work collaboratively on helping the office operate effectively.
4. Potential Investigative Interference: The language in the amendment about Administrative Procedure Memorandums (APMs) could create a pathway for the Mayor's Office to effectively use administrative rules to dictate how investigations are

conducted.

It's critical that we follow best practices from similar entities that are currently running effectively in much bigger cities. There is a reason these entities much remain independent. We have expert staff and board members making a strong recommendation on the amendments. Please support their work and expertise by opposing these amendments.

--

Karen Reece, PhD (pronouns: she/her/they/them)
District 14
Cell: 608.213.0571

From: [Angela Richardson](#)
To: [All Alders](#)
Subject: Please vote AGAINST all amendments to Madison General Ordinances 5.19 and 5.20 at Tue 4/21 Council mtg
Date: Tuesday, April 21, 2020 2:24:35 PM

Some people who received this message don't often get email from angelarichardson1000@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders,

As a concerned Madison citizen, I write asking you to please vote AGAINST all amendments to Madison General Ordinances 5.19 and 5.20 at this evening's Common Council meeting.

Before reading the proposed amendments to the Office of the Independent Police Monitor (OIPM) ordinance 5.19 and Police Civilian Oversight Board (PCOB) ordinance 5.20, and reasons why we urge you to oppose them all, it is important to acknowledge 4 facts that frame the relationship between the OIPM/PCOB and the driving force behind these amendments: the City Attorney's Office.

The main goal of the City Attorney is to prevent successful lawsuits and, if need be, they will do so at the expense of civil rights, and the health and safety of city residents. Given their mission, they have to deny that civil rights violations ever occur.

The main goal of the OIPM/PCOB is to ensure the civil rights, health, and safety of city residents and police officers through community engagement, independent investigation and review, transparency, and recommendations. By default, this reduces the need for lawsuits.

The City Attorney does not offer the same level of respect and client/collaboration privileges to the OIPM/PCOB as they do other city entities. Some in key leadership positions have repeatedly demonstrated this by violating their ordinance and Roberts Rules, talking down to the OIPM/PCOB, and surprising them with debilitating amendments that were in the works for weeks, sometimes months, without ever once reaching out to express concerns or collaborate. They do not do this to MPD.

The City Attorney's mission is in direct conflict with that of the OIPM/PCOB and they act like it and therefore, the City Attorney must not serve as their source of legal oversight, advice, and representation.

OIPM ordinance 5.19

https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIYOICH1-10_CH15PODPOB_5_19OENIPOMO&bsclId=lvY2xuasRUjPRldlRnA5ZjBjOjA0MABicmlkETBRTGZSYVYwSGlXTzZlM0RlczJ0YwZzhCHB6W00MjYMDM5MTc4ODIwMDc5MgABHlODcRAlldWlHy6d7cDX3F87Hus89EapYC_UunppJCBI00hGG6WfjVvBgxH_scm_RC85XyIe7hQanckuudRuang

PCOB ordinance 5.20

https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIYOICH1-10_CH15PODPOB_5_20POCJOYBO&bsclId=lvY2xuasRUjPZldlRnA5ZjBjOjA0MABicmlkETBRTGZSYVYwSGlXTzZlM0RlczJ0YwZzhCHB6W00MjYMDM5MTc4ODIwMDc5MgABHlWacsS3Xv96lnt6p30ZA4L7OYJ97Zj2h3q5v1u9phtM0Hscs3ZTxcZ_scm_NJZ-3y159pWdph1AThZOG

THE AMENDMENTS:

The most recent amendments to OIPM/PCOB ordinance are summarized below along with why we believe they are harmful. The amendments discussed in A-C are sponsored by Alders MGR and Sabrina Madison. The amendment discussed in D is sponsored by Alder Davy Mayers.

1.) Restricting data and records access:

- No access to computer databases

This is obstructive and incongruent with the national standard for police oversight.

- Play with confidentiality to restrict access.

- Arbitrary definition of key records as confidential could, in combination with this ordinance amendment, end up greatly restricting the ability of OIPM to carry out its functions.

2.) Reducing access to MPD Records:

- In contrast with current ordinance language, which requires that MPD provide absolutely "unfettered access" to its records (to the extent permitted by law), the amendment would require negotiation "to define the degree of access to specific MPD records". And it mandates insertion of the City Attorney's Office, which has a structural conflict of interest with OIPM, into the execution of any negotiated agreement.

3.) Requiring that OIPM must follow all city rules and procedures, without exception.

- Adding this language to ordinance is unnecessary, because the city rules and procedures (on hiring, budgeting and purchasing, information technology systems, etc.) are already being followed by the OIPM/PCOB.

- This addition might seem harmless, but the added language undercuts the Independence provision within the OIPM ordinance.

- Under the existing ordinance language, a new Mayoral policy that targets the OIPM/PCOB would be without effect, because ordinances (laws) supersede policies (that can be written by a single person). Because the amendment would effectively give all policies the weight of law, mandating compliance without exception, it would allow a Mayor to write policies that infringe on OIPM/PCOB function and independence, or an administration, via the City Attorney, to interpret and enforce policies in a manner that infringes on OIPM/PCOB function and independence.

- This is a particular problem because of an underlying structural conflict of interest. Elected officials, such as mayors, often depend on the support of police officials, police unions, etc. in elections, and want to avoid embarrassing revelations, and thus tend to compromise the function and independence of civilian police oversight agencies. This has occurred repeatedly with civilian police oversight agencies across the country, crippling those agencies.

4.) Requiring that OIPM/PCOB use the City Attorney for most legal work, rather than an independent attorney:

- As stated at the start, this creates a severe problem, given the inherent conflict of interest.

- It allows use of an independent attorney only for a very restricted set of functions, mandating that the City Attorney be used for all else. This includes use of the City Attorney for four specific areas where city attorney offices and civilian police oversight offices are most often in conflict.

- For example, it mandates use of the City Attorney for all public records work. But the primary clients of city attorneys are elected officials (especially mayors) and police departments (with whom they necessarily have a close working relationship). City attorneys strive to prevent records that would embarrass elected officials or police departments from becoming public, undercutting transparency.

- Placing the amendment in the ordinance would greatly expand the City Attorney's power over OIPM/PCOB, and make it much more difficult for OIPM/PCOB to challenge the City Attorney's opinion, undermining OIPM/PCOB INDEPENDENCE.

- Because of the same inherent conflict of interest, the Police & Fire Commission uses an independent attorney for all its functions, rather than the City Attorney. It makes no sense to, in contrast, require OIPM/PCOB to use the City Attorney.

5.) Adding an alder to the PCOB:

- Putting an elected official on a police oversight board directly curtails independence and contradicts universally recognized best principles for police oversight.

- As the National Association for Civilian Oversight of Law Enforcement (NACOLE) states: "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."

- As noted above, there is a fundamental structural conflict of interest between elected officials and civilian police oversight.

- For the very same reason, elected officials are not given seats on the Police & Fire Commission.

These proposed changes in ordinance language violate the letter and legislative intent of the original ordinance. Contrary to claims the City Attorney has made, they are the opposite of what Alders Kemble, Moreland and Bidar wrote and intended when the council passed the original ordinance.

The proposed amendments are being promoted based on past issues that are long since resolved or alleged issues that never actually occurred. They represent a failure to acknowledge that a new IPM, who started only four months ago, managed to already process multiple cases and put out an annual report with novel, important data analyses. They also represent a failure to acknowledge improvements, and how the volunteer board and understaffed/underfunded office are exceeding past goals and functioning effectively with excellent attendance. Such actions by alders cause frustration, exhaustion and burnout.

Misinformation and accusations of rule violations without evidence are driving repeated attempts to amend the ordinance in ways harmful to the OIPM/PCOB's ability to conduct independent police oversight. This pattern demonstrates a high level of unwarranted scrutiny that is disproportionately applied to this body when other groups that are violating rules experience no such attention. This behavior is the antithesis of collaboration. It demonstrates harmful biases and disrespect, and it harms the relationship between the OIPM/PCOB, staff, and Council.

Please leave the ordinances 5.19 and 5.20s as they are and instead focus your attention on meeting the funding and staffing needs of the OIPM and PCOB.

Sincerely,
Angela Richardson
217 Dunning St, Madison, WI 53704-5439

From: [Jessie Rodgers](#)
To: [All Alders](#)
Subject: Opposing Amendments to OIPM Ordinance 5.19 & PCOB Ordinance 5.20
Date: Monday, April 20, 2026 2:37:36 PM

Some people who received this message don't often get email from jessie.rodgers10@yahoo.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders MGR Govindarajan, Sabrina Madison and Davy Mayers,

Before reading the proposed amendments to the Office of the Independent Police Monitor (OIPM) ordinance 5.19 and Police Civilian Oversight Board (PCOB) ordinance 5.20, and reasons why we urge you to oppose them all, it is important to acknowledge 4 facts that frame the relationship between the OIPM/PCOB and the driving force behind these amendments: the City Attorney's Office.

The main goal of the City Attorney is to prevent successful lawsuits and, if need be, they will do so at the expense of civil rights, and the health and safety of city residents. Given their mission, they have to deny that civil rights violations ever occur.

The main goal of the OIPM/PCOB is to ensure the civil rights, health, and safety of city residents and police officers through community engagement, independent investigation and review, transparency, and recommendations. By default, this reduces the need for lawsuits.

The City Attorney does not offer the same level of respect and client/collaboration privileges to the OIPM/PCOB as they do other city entities. Some in key leadership positions have repeatedly demonstrated this by violating their ordinance and Roberts Rules, talking down to the OIPM/PCOB, and surprising them with debilitating amendments that were in the works for weeks, sometimes months, without ever once reaching out to express concerns or collaborate. They do not do this to MPD.

The City Attorney's mission is in direct conflict with that of the OIPM/PCOB. The City Attorney must not serve as their source of legal oversight, advice, and representation.

OIPM ordinance 5.19

[\[https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1-10_CH5PODEPORE_5.19OFINPOMO\]](https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1-10_CH5PODEPORE_5.19OFINPOMO)

[\[https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1-10_CH5PODEPORE_5.19OFINPOMO\]](https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1-10_CH5PODEPORE_5.19OFINPOMO)

PCOB ordinance 5.20 [\[https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1-10_CH5PODEPORE_5.20POCIOVBO\]](https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1-10_CH5PODEPORE_5.20POCIOVBO)

[\[https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1-10_CH5PODEPORE_5.20POCIOVBO\]](https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1-10_CH5PODEPORE_5.20POCIOVBO)

The Amendments:

1.) Restricting data and records access:

- No access to computer databases

This is obstructive and incongruent with the national standard for police oversight.

- Play with confidentiality to restrict access.

- Arbitrary definition of key records as confidential could, in combination with this ordinance amendment, end up greatly restricting the ability of OIPM to carry out its functions.

2.) Reducing access to MPD Records:

- In contrast with current ordinance language, which requires that MPD provide absolutely "unfettered access" to its records (to the extent permitted by law), the amendment would require negotiation "to define the degree of access to specific MPD records". And it mandates insertion of the City Attorney's Office, which has a structural conflict of interest with OIPM, into the execution of any negotiated agreement.

3.) Requiring that OIPM must follow all city rules and procedures, without exception.

- Adding this language to ordinance is unnecessary, because the city rules and procedures (on hiring, budgeting and purchasing, information technology systems, etc.) are already being followed by the OIPM/PCOB.

- This addition might seem harmless, but the added language undercuts the Independence provision within the OIPM ordinance.

- Under the existing ordinance language, a new Mayoral policy that targets the OIPM/PCOB would be without effect, because ordinances (laws) supersede policies (that can be written by a single person). Because the amendment would effectively give all policies the weight of law, mandating compliance without exception, it would allow a Mayor to write policies that infringe on OIPM/PCOB function and independence, or an administration, via the City Attorney, to interpret and enforce policies in a manner that infringes on OIPM/PCOB function and independence.

- This is a particular problem because of an underlying structural conflict of interest. Elected officials, such as mayors, often depend on the support of police officials, police unions, etc. in elections, and want to avoid embarrassing revelations, and thus tend to compromise the function and independence of civilian police oversight agencies. This has occurred repeatedly with civilian police oversight agencies across the country, crippling those agencies.

4.) Requiring that OIPM/PCOB use the City Attorney for most legal work, rather than an independent attorney:

- As stated at the start, this creates a severe problem, given the inherent conflict of interest.

- It allows use of an independent attorney only for a very restricted set of functions, mandating that the City Attorney be used for all else. This includes use of the City Attorney for four specific areas where city attorney offices and civilian police oversight offices are most often in conflict.

- For example, it mandates use of the City Attorney for all public records work. But the primary clients of city attorneys are elected officials (especially mayors) and police departments (with whom they necessarily have a close working relationship). City attorneys strive to prevent records that would embarrass elected officials or police departments from becoming public, undercutting transparency.

- Placing the amendment in the ordinance would greatly expand the City Attorney's power over OIPM/PCOB, and make it much more difficult for OIPM/PCOB to challenge the City Attorney's opinion, undermining OIPM/PCOB INDEPENDENCE.

- Because of the same inherent conflict of interest, the Police & Fire Commission uses an independent attorney for all its functions, rather than the City Attorney. It makes no sense to, in contrast, require OIPM/PCOB to use the City Attorney.

5.) Adding an alder to the PCOB:

- Putting an elected official on a police oversight board directly curtails independence and contradicts universally recognized best principles for police oversight.

- As the National Association for Civilian Oversight of Law Enforcement (NACOLE) states: "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."

- As noted above, there is a fundamental structural conflict of interest between elected officials and civilian police oversight.

- For the very same reason, elected officials are not given seats on the Police & Fire Commission.

These proposed changes in ordinance language violate the letter and legislative intent of the original ordinance. Contrary to claims the City Attorney has made, they are the opposite of what Alders Kemble, Moreland and Bidar wrote and intended when the council passed the original ordinance.

The proposed amendments are being promoted based on past issues that are long since resolved or alleged issues that never actually occurred. They represent a failure to acknowledge that a new IPM, who started only four months ago, managed to already process multiple cases and put out an annual report with novel, important data analyses. They also represent a failure to acknowledge improvements, and how the volunteer board and understaffed/underfunded office are exceeding past goals and functioning effectively with excellent attendance. Such actions by alders cause frustration, exhaustion and burnout.

Misinformation and accusations of rule violations without evidence are driving repeated attempts to amend the ordinance in ways harmful to the OIPM/PCOB's ability to conduct independent police oversight. This pattern demonstrates a high level of unwarranted scrutiny that is disproportionately applied to this body when other groups that are violating rules experience no such attention. This behavior is the antithesis of collaboration. It demonstrates harmful biases and disrespect, and it harms the relationship between the OIPM/PCOB, staff, and Council.

Please leave the ordinances 5.19 and 5.20s as they are and instead focus your attention on meeting the funding and staffing needs of the OIPM and PCOB.

Sincerely,

Jessie Wille
300 Laurel Lane
Madison, WI 53704

From: [Jake Rodgers](#)
To: [All Alders](#); ellenfordistrict8@gmail.com; Noah.L.Lieberman@gmail.com
Subject: Oppose All Amendments to Ordinances 5.19 and 5.20. Protect the Office of the Independent Police Monitor.
Date: Monday, April 20, 2026 4:41:31 PM

Some people who received this message don't often get email from jjroddgers1994@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders,

Before reading the proposed amendments to the Office of the Independent Police Monitor (OIPM) ordinance 5.19 and Police Civilian Oversight Board (PCOB) ordinance 5.20, and reasons why we urge you to oppose them all, it is important to acknowledge 4 facts that frame the relationship between the OIPM/PCOB and the driving force behind these amendments: the City Attorney's Office.

The main goal of the City Attorney is to prevent successful lawsuits and, if need be, they will do so at the expense of civil rights, and the health and safety of city residents. Given their mission, they have to deny that civil rights violations ever occur.

The main goal of the OIPM/PCOB is to ensure the civil rights, health, and safety of city residents and police officers through community engagement, independent investigation and review, transparency, and recommendations. By default, this reduces the need for lawsuits.

The City Attorney does not offer the same level of respect and client/collaboration privileges to the OIPM/PCOB as they do other city entities. Some in key leadership positions have repeatedly demonstrated this by violating their ordinance and Roberts Rules, talking down to the OIPM/PCOB, and surprising them with debilitating amendments that were in the works for weeks, sometimes months, without ever once reaching out to express concerns or collaborate. They do not do this to MPD.

The City Attorney's mission is in direct conflict with that of the OIPM/PCOB and they act like it and therefore, the City Attorney must not serve as their source of legal oversight, advice, and representation.

OIPM ordinance 5.19

[https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH5PODEPORE_5.19OFINPOMO]
(https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH5PODEPORE_5.19OFINPOMO)

PCOB ordinance 5.20

[https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH5PODEPORE_5.20POCIOVBO]
(https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH5PODEPORE_5.20POCIOVBO)

THE AMENDMENTS:

The most recent amendments to OIPM/PCOB ordinance are summarized below along with why we believe they are harmful. The amendments discussed in A-C are sponsored by Alders MGR and Sabrina Madison. The amendment discussed in D is sponsored by Alder Davy Mayers.

1.) Restricting data and records access:

- No access to computer databases

This is obstructive and incongruent with the national standard for police oversight.

- Play with confidentiality to restrict access.

- Arbitrary definition of key records as confidential could, in combination with this ordinance amendment, end up greatly restricting the ability of OIPM to carry out its functions.

2.) Reducing access to MPD Records:

- In contrast with current ordinance language, which requires that MPD provide absolutely "unfettered access" to its records (to the extent permitted by law), the amendment would require negotiation "to define the degree of access to specific MPD records". And it mandates insertion of the City Attorney's Office, which has a structural conflict of interest with OIPM, into the execution of any negotiated agreement.

3.) Requiring that OIPM must follow all city rules and procedures, without exception.

- Adding this language to ordinance is unnecessary, because the city rules and procedures (on hiring, budgeting and purchasing, information technology systems, etc.) are already being followed by the OIPM/PCOB.

- This addition might seem harmless, but the added language undercuts the Independence provision within the OIPM ordinance.

- Under the existing ordinance language, a new Mayoral policy that targets the OIPM/PCOB would be without effect, because ordinances (laws) supersede policies (that can be written by a single person). Because the amendment would effectively give all policies the weight of law, mandating compliance without exception, it would allow a Mayor to write policies that infringe on OIPM/PCOB function and independence, or an administration, via the City Attorney, to interpret and enforce policies in a manner that infringes on OIPM/PCOB function and independence.

- This is a particular problem because of an underlying structural conflict of interest. Elected officials, such as mayors, often depend on the support of police officials, police unions, etc. in elections, and want to avoid embarrassing revelations, and thus tend to compromise the function and independence of civilian police oversight agencies. This has occurred repeatedly with civilian police oversight agencies across the country, crippling those agencies.

4.) Requiring that OIPM/PCOB use the City Attorney for most legal work, rather than an independent attorney:

- As stated at the start, this creates a severe problem, given the inherent conflict of interest.

- It allows use of an independent attorney only for a very restricted set of functions, mandating that the City Attorney be used for all else. This includes use of the City Attorney for four specific areas where city attorney offices and civilian police oversight offices are most often in conflict.

- For example, it mandates use of the City Attorney for all public records work. But the primary clients of city attorneys are elected officials (especially mayors) and police departments (with whom they necessarily have a close working relationship). City attorneys strive to prevent records that would embarrass elected officials or police departments from becoming public, undercutting transparency.

- Placing the amendment in the ordinance would greatly expand the City Attorney's power over OIPM/PCOB, and make it much more difficult for OIPM/PCOB to challenge the City Attorney's opinion, undermining OIPM/PCOB INDEPENDENCE.

- Because of the same inherent conflict of interest, the Police & Fire Commission uses an independent attorney for all its functions, rather than the City Attorney. It makes no sense to, in contrast, require OIPM/PCOB to use the City Attorney.

5.) Adding an alder to the PCOB:

- Putting an elected official on a police oversight board directly curtails independence and contradicts universally recognized best principles for police oversight.
- As the National Association for Civilian Oversight of Law Enforcement (NACOLE) states: "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."
- As noted above, there is a fundamental structural conflict of interest between elected officials and civilian police oversight.
- For the very same reason, elected officials are not given seats on the Police & Fire Commission.

These proposed changes in ordinance language violate the letter and legislative intent of the original ordinance. Contrary to claims the City Attorney has made, they are the opposite of what Alders Kemble, Moreland and Bidar wrote and intended when the council passed the original ordinance.

The proposed amendments are being promoted based on past issues that are long since resolved or alleged issues that never actually occurred. They represent a failure to acknowledge that a new IPM, who started only four months ago, managed to already process multiple cases and put out an annual report with novel, important data analyses. They also represent a failure to acknowledge improvements, and how the volunteer board and understaffed/underfunded office are exceeding past goals and functioning effectively with excellent attendance. Such actions by alders cause frustration, exhaustion and burnout.

Misinformation and accusations of rule violations without evidence are driving repeated attempts to amend the ordinance in ways harmful to the OIPM/PCOB's ability to conduct independent police oversight. This pattern demonstrates a high level of unwarranted scrutiny that is disproportionately applied to this body when other groups that are violating rules experience no such attention. This behavior is the antithesis of collaboration. It demonstrates harmful biases and disrespect, and it harms the relationship between the OIPM/PCOB, staff, and Council.

Please leave the ordinances 5.19 and 5.20 as they are and, for now, instead focus your attention on meeting the funding and staffing needs of the OIPM and PCOB.

Sincerely,

Jake Rodgers
2518 East Johnson Street
Madison, Wisconsin
53704

From: [Bonnie Roe](#)
To: [Govindarajan, MGR](#)
Cc: [All Alders](#)
Subject: Item 55 on tonight's agenda (Legistar #92386)
Date: Tuesday, April 21, 2026 7:02:00 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alder-elect Zhang,

Congratulations on your win in District 8! As you prepare for your first Common Council session this Tuesday, I wanted to provide you with critical "Day One" context regarding Legistar #92386, the proposed amendments to the Office of the Independent Monitor (OIM) ordinances.

While this may be framed by some as a political debate, internal City memos and forensic records tell a much more serious story of administrative and legal liability. Your predecessor, Alder Govindarajan, who originally championed this change, has stated that he can only support giving second chances so many times and warned that failure to pass this ordinance likely guarantees additional lawsuits.

Internal memos from the Police Chief and IT Director (Nov 2025), now made public, reveal a culture within the OIM that puts our constituents' privacy at extreme risk:

Marsy's Law & Victim Privacy: The OIM Data Analyst admitted to using his personal computer exclusively to analyze sensitive MPD records, bypassing City security protocols. This creates a massive liability under Wisconsin's Marsy's Law, as sensitive victim data was removed from secured City servers.

Shadow IT Operations: OIM staff explicitly used unapproved software for over a year after being denied permission by the IT Director, reportedly calling City-issued hardware a "paperweight."

The March 31 "Revised" Report: The OIM was recently forced to scrub "AI-hallucinated" imagery from their Annual Report (Appendix 3). However, they refused to correct the conflated data that combined civil citations with criminal arrests—a move that skews the public safety narrative and misleads your constituents.

Why #92386 is the Necessary Solution:

This ordinance is not a "rollback" of oversight; it is a safety net. It legally mandates that the OIM:

- **Follow City Laws and policies:** Subjects the office to the same IT, HR, and Administrative Procedures (APMs) as every other city agency.

Ensure Data Integrity: Mandates quarterly reports and accuracy of reporting

- **Protect the Budget:** Shields the City from the "predictable" lawsuits that Alder Govindarajan warned are coming if this "Shadow IT" culture continues.

While some community groups are framing #92386 as a "power grab," the records show it is

actually a security patch. The opposition is asking you to allow a city agency to continue taking home crime victim records on personal laptops. This isn't "independent oversight"—it is a liability trap for the City of Madison. Ask yourself: if any other department head allowed sensitive constituent data to be stored on an unencrypted personal device, would we call that "independence" or "negligence?"

Supporting #92386 ensures that oversight in Madison is legal, secure, and accurate. I hope you will join the multi-departmental consensus and vote YES on Tuesday to protect the integrity of our City's data.

Best regards,

Bonnie Roe
608-239-1748

From: [Debra Rogers](#)
To: [All Alders](#)
Subject: Defeat amendments to Office of Independent Monitor
Date: Tuesday, April 21, 2026 2:37:46 PM

Some people who received this message don't often get email from derog80@yahoo.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear alders,

One night 14 years ago, awake at 3 AM, I heard a cop car speed down my block of Jennifer Street, park his squad at Baldwin, and within 15 seconds there were gunshots. Officer Steve Heimsness had in that time walked half a poorly lit block, assessed the situation, encountered a drunken and unarmed Paul Heenan, and shot him to death there on the sidewalk. Shocking, in this neighborhood where I felt safe walking home at night and violence almost never occurred. As the story gradually came out my sense of disbelief increased. A meeting with police in a nearby church one evening soon after added to it; the police answers to a line of us asking questions showed me a police department complacent with this, so much so that I used my turn to say that and that I objected to this breach of what seemed obviously appropriate. The line they kept repeating was that this killing was not outside what the department expected of its officers. No rules were broken, there was no breach in protocol, nothing to look into. I thought this just could not be the police department that Madison would have. I found myself for the first time fearing the police, seeing how easy it was to trigger them to shoot to kill, no questions before or after. I'm a white woman, of course having no direct experience of how poorer people, black and brown people, everyone less privileged than I, was treated by the police. If I could be brought to fear them, then obviously many others had it far worse. I knew that. But by the same token, if a young white musician stumbling home could evoke that response, something must be deeply wrong in the culture or practices of these police.

Out of this killing there evolved a neighborhood group, the Community Response Team (CRT) dedicated to looking into how policing was done in Madison, how it might be brought to change to reflect the values of the people who live here, and how to bring that about. Weeks, months, years. This was a labor of love and principle, and many people gave it countless hours of their time. I was mostly on the sidelines, supporting but not a principle player. The process that ensued was painstaking, meticulous, hiring an eminently respected group from California, OIR, to study the Madison situation and, after a year, to make recommendations about best practices being implemented around the country, and how to introduce them here. Their report, running (IIRC) 150 pages, was brilliant. Their analysis of the culture of this police department was incisive: They saw a department resting on and brandishing its reputation for progressiveness, but ironically working quietly to undercut all the actual changes that had been implemented under Chief Couper and in consultation with the experts at the university. They were backing away from it while proclaiming its merits.

There was then a City Council that was involved in the whole process, laborious committee approvals gained after hashing out each recommendation, and passing ordinances to set the legal structure, support ongoing assessment and oversight. All scrupulously out in the open, no surprises, discussions galore. It took much of a decade to get this passed. MPD said it was on board, and the Council approved ALL the plans and policies and changes. Setting up the office of the independent monitor and the PCOB were meticulous, community groups had been involved all along, and their input was always central to it. Covid happened, and George Floyd's shooting death at the hands of Minneapolis police, the protests. All these were weathered, incorporated, integrated.

There was one misstep in the last phases, under time pressure for a Council meeting, and a decision taken then about the selection of PCOB members (nominated by the community groups, and requiring that each group submit three nominees). Not all these committed groups HAD more than one or two

persons who were both well qualified and willing to serve on this board, and the final selection was given to the mayor and Council leaders who had been opponents of this reform in one way or another for years. They passed on some of the most deeply qualified (and politically active) candidates, and that got things off on shaky footing.

Here's the thing: This reform, which has enlisted involvement and approval from police, city, council, the community groups most closely affected by policing, every stakeholder imaginable, has been and is being quietly undermined for years by city staff. It is as the retired veterans of Madison community politics sadly agree, just how Madison does things. Nibble away at a new policy, shave a bit off here and there, keep seeing it as an intruder, cut off its legs, pull the plug, and then with perhaps the bitterest unveiling possible, set it loose and point out its deficiencies. Watch it fail, and then put it out of its misery.

The purpose of having a CIVILIAN police oversight board, and an independent monitor, is to provide a crucially missing piece in Madison's governance. It is and can well serve as the public's only means to have a voice in the city's governance, or to seek redress for real grievances, as well as getting answers to questions. I've heard endless assertions that there are other ways for citizens to be heard, but the fact is that every one of them answers first to the police department and/or city government, and every one offers citizens the chance to be spoken FOR, not the chance to speak in their own voice. There is real racial inequity here, and ameliorating its effects is best achieved by letting people speak for themselves, to tell their OWN story. I still find it remarkable how many layers of muffling there are between a citizen who has had a bad experience with Madison police and the ears that need to hear it directly. Madison is a place where much lip service is given to community participation, but the real thing is not built in, and we are effectively silenced. Why does helping us to have a voice read like a threat?

I've watched from fairly close up the spectacular array of obstacles that have been erected to keep this board and monitor from functioning. Year after year, the shifting alliances on the Council that are fueled by personal animosities are stifling the simple consents needed to let this live. Having now an office and a Monitor that are getting the work done, I'm grieved to see the whole office, the new Monitor, and the tiny staff under assault. Some of the personal attacks on Greg Gelembiuk, the data analyst, have been savage, and frankly there's always, always been some misunderstanding at the root that could be quickly cleared by TALKING. He's brilliant, he's dedicated, his work is always done thoughtfully, and he is NEVER trying to deceive. But over time many of you have been demonstrably mistaken about something, and Greg has pointed out your error to you. If you let yourselves gang up around the 35th wild accusation made against him, you will kill the best, most significant addition to this community that I've seen in more than 35 years.

He's an odd duck, right? For all our sakes, get over it. He's a resource you'll never find again, supporting a genius addition to how citizens can be heard here, and if you let him he will keep working tirelessly to make this thing run like clockwork. It IS running far better recently than it ever had. This can and surely will add to the city's prestige; it will look like Madison respects its residents and has implemented a delicately balanced mechanism to steadfastly hear those it may have inadvertently harmed.

These nonsensical amendments are each sufficient to sink the PCOB and independent monitor. Of course it is impossible to oversee and monitor any entity without having proper access to its internal records. Pull it out and look at this; shooting this down will both invite and deserve ridicule if you do it.

The objections over using a statistical program to analyze data; over so many petty issues that would be worked out in a flash if you wanted to let this program succeed; over deviations from rules that you know full well are regularly tailored to fit a department's requirements to function IF YOU WANT THAT TO HAPPEN — your motives are laid bare here.

This project has been in the works since 2012. It was passed by the Council in 2020. Cities and police departments that welcome improvement have embraced and implemented it. It's a gift. Please do not kill it.

It's been ever so long since I've resorted to asking public officials to check their consciences before making a decision. Perhaps that's obsolete. But I do ask it.

Please vote against this whole devious package of crippling amendments today, dismiss them with prejudice, and support this important work.

Thank you.

Deb Rogers

Verona (gentrified out a few years back after 35 years of making my home in Madison).

From: [Amelia Royko Maurer](#)
To: [All Alders](#)
Cc: [Patterson, John](#)
Subject: AI Photo Mocking Data Analyst
Date: Monday, April 20, 2026 11:03:40 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Members of the Madison Common Council and Chief Patterson,

If any of you are on Nextdoor, you may have noticed Bonnie Roe's cruel post featuring an AI photo depicting OIPM Data Analyst Greg Gelembiuk. This image was seemingly informed by some of your verbal and written descriptions of him, as well as the silence of those who know these descriptions to be untrue. While you cannot control Bonnie, I want to bring your attention to the harmful rippling effect of the misinformation being spread via Legistar, city blogs, and the news.

For the record, sensitive victim information and names were not included in the data Greg was provided by the MPD. There was no way for him to identify any of the subjects in the data. Furthermore, he used the program "R" to analyze the information - a tool approved and used by others within the city. His superior gave him permission to perform this work on his personal computer. Anyone who has conveyed otherwise owes Greg a public apology and should correct their statements.

After reading Chief Patterson's quotes in the Wisconsin State Journal, I asked Greg questions to verify the facts. Did you? Is this how you would like to be treated if a newspaper article misrepresented your behavior?

Additionally, why didn't our emails or memos regarding File #92386 appear on Legistar alongside yours until today (Monday). While some have now been added, they are not being placed alongside alder updates. Why is it so difficult to maintain these public postings in an equitable fashion? It wasn't in 2020.

The fact is, no one has more specialized training and experience in police oversight than the combined leadership of OIPM Director Meeka Glass and PCOB Chair Maia Pearson. Their respective colleagues in the OIPM and PCOB are excellent at what they do, and they have remedied most of your previous concerns regarding attendance and productivity. To ambush them with amendments simply because you can - rather than collaborating on solutions and voicing concerns directly - is a missed opportunity. It is disrespectful and it creates an oppositional relationship that stifles creativity and ingenuity.

Please vote down any and all amendments to MGO 5.19 and 5.20 that have not been created alongside and approved by the OIPM and PCOB. There is no "fire" or emergency to justify this behavior, and no reason to force these changes through. This notion of an emergency is a fabrication by those who do not want this office and board to survive. We cannot live better or safer together without independent police oversight and transparency.

City Attorney Michael Haas, please stop fighting the independence of the office. If you must misrepresent or violate rules, ordinances, and state law to accomplish a goal, you should perhaps rethink that goal or ask yourself if the shortcut you are taking is worth the impact it is having on all of our lives.

Sincerely,
Amelia Royko Maurer

From: [Richard Sandrock](#)
To: [All Alders](#)
Cc: ellenfordistrict8@gmail.com; Noah.L.Lieberman@gmail.com
Subject: Vote NO
Date: Tuesday, April 21, 2026 7:42:46 AM

Some people who received this message don't often get email from rsandrock41@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

This issue is so clear that I am sure you will be voting No against all amendments to Madison General Ordinances 5.19 and 5.20. You know the facts and the past history of the fix being in so please see that this issue is given a fresh look fair to all.

Richard Sandrock

From: [Diane Schwartz](#)
To: [All Alders](#)
Subject: Madison General Ordinances 5.19 and 5.20
Date: Monday, April 20, 2026 3:51:12 PM

Some people who received this message don't often get email from getkidsoutside@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Please vote in favor of these above ordinances. Thank you.

--

Diane Schwartz

From: [Steve Verburg](#)
To: [All Alders](#)
Subject: Please don't undermine the independence of OIM/PCOB
Date: Monday, April 20, 2026 5:28:52 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Alders:

An independent OIM/PCOB is the best thing the council has ever done to move toward ending MPD's atrocious record of racial discrimination in arrests and citations.

It is also our best chance at providing justice for all people harmed by MPD's routine over-policing.

There is no real evidence to support these proposed amendments.

Rumors and stories don't count.

Please vote against all amendments to Madison General Ordinances 5.19 and 5.20 and instead of threatening the independence of the police oversight office, begin planning to meet the national standard for funding independent oversight.

Fully fund and staff the office and board next year.

And keep it fully independent.

It's the only way to effectively police the police.

Thanks,

Steve Verburg
Wendy Lane
Madison, Wisconsin
607-212-9726

From: [sarah](#)
To: [All Alders](#)
Subject: Please oppose amendments to ordinances 5.19 and 5.20
Date: Tuesday, April 21, 2026 12:39:55 PM

You don't often get email from jentora@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello,

I have never written an alder before, but I feel we are about to make a big mistake. Please leave the ordinances 5.19 and 5.20 as they are and instead focus your attention on meeting the funding and staffing needs of the OIPM and PCOB.

Before reading the proposed amendments to the Office of the Independent Police Monitor (OIPM) ordinance 5.19 and Police Civilian Oversight Board (PCOB) ordinance 5.20, and reasons why I urge you to oppose them all, it is important to acknowledge the facts that frame the relationship between the OIPM/PCOB and the driving force behind these amendments: the City Attorney's Office.

The main goal of the City Attorney is to prevent successful lawsuits and, if need be, they will do so at the expense of civil rights, and the health and safety of city residents. Given their mission, they have to deny that civil rights violations ever occur.

The main goal of the OIPM/PCOB is to ensure the civil rights, health, and safety of city residents and police officers through community engagement, independent investigation and review, transparency, and recommendations. By default, this reduces the need for lawsuits.

The City Attorney's mission is in direct conflict with that of the OIPM/PCOB and therefore, the City Attorney must not serve as their source of legal oversight, advice, and representation.

OIPM ordinance 5.19

[https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH5PODEPORE_5.19OFINPOMO]
(https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH5PODEPORE_5.19OFINPOMO)

PCOB ordinance 5.20 [https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH5PODEPORE_5.20POCIOVBO]
(https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH5PODEPORE_5.20POCIOVBO)

THE AMENDMENTS:

The most recent amendments to OIPM/PCOB ordinance are summarized below along with why we believe they are harmful. The amendments discussed in A-C are sponsored by Alders MGR and Sabrina Madison. The amendment discussed in D is sponsored by Alder Davy Mayers.

1.) Restricting data and records access:

- No access to computer databases

This is obstructive and incongruent with the national standard for police oversight.

- Play with confidentiality to restrict access.

- Arbitrary definition of key records as confidential could, in combination with this ordinance amendment, end up greatly restricting the ability of OIPM to carry out its functions.

2.) Reducing access to MPD Records:

- In contrast with current ordinance language, which requires that MPD provide absolutely "unfettered access" to its records (to the extent permitted by law), the amendment would require negotiation "to define the degree of access to specific MPD records". And it mandates insertion of the City Attorney's Office, which has a structural conflict of interest with OIPM, into the execution of any negotiated agreement.

3.) Requiring that OIPM must follow all city rules and procedures, without exception.

- Adding this language to ordinance is unnecessary, because the city rules and procedures (on hiring, budgeting and purchasing, information technology systems, etc.) are already being followed by the OIPM/PCOB.

- This addition might seem harmless, but the added language undercuts the Independence provision within the OIPM ordinance.

- Under the existing ordinance language, a new Mayoral policy that targets the OIPM/PCOB would be without effect, because ordinances (laws) supersede policies (that can be written by a single person). Because the amendment would effectively give all policies the weight of law, mandating compliance without exception, it would allow a Mayor to write policies that infringe on OIPM/PCOB function and independence, or an administration, via the City Attorney, to interpret and enforce policies in a manner that infringes on OIPM/PCOB function and independence.

- This is a particular problem because of an underlying structural conflict of interest. Elected officials, such as mayors, often depend on the support of police officials, police unions, etc. in elections, and want to avoid embarrassing revelations, and thus tend to compromise the function and independence of civilian police oversight agencies. This has occurred repeatedly with civilian police oversight agencies across the country, crippling those agencies.

4.) Requiring that OIPM/PCOB use the City Attorney for most legal work, rather than an independent attorney:

- As stated at the start, this creates a severe problem, given the inherent conflict of interest.

- It allows use of an independent attorney only for a very restricted set of functions, mandating that the City Attorney be used for all else. This includes use of the City Attorney

for four specific areas where city attorney offices and civilian police oversight offices are most often in conflict.

- For example, it mandates use of the City Attorney for all public records work. But the primary clients of city attorneys are elected officials (especially mayors) and police departments (with whom they necessarily have a close working relationship). City attorneys strive to prevent records that would embarrass elected officials or police departments from becoming public, undercutting transparency.

- Placing the amendment in the ordinance would greatly expand the City Attorney's power over OIPM/PCOB, and make it much more difficult for OIPM/PCOB to challenge the City Attorney's opinion, undermining OIPM/PCOB INDEPENDENCE.

- Because of the same inherent conflict of interest, the Police & Fire Commission uses an independent attorney for all its functions, rather than the City Attorney. It makes no sense to, in contrast, require OIPM/PCOB to use the City Attorney.

5.) Adding an alder to the PCOB:

- Putting an elected official on a police oversight board directly curtails independence and contradicts universally recognized best principles for police oversight.

- As the National Association for Civilian Oversight of Law Enforcement (NACOLE) states: "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."

- As noted above, there is a fundamental structural conflict of interest between elected officials and civilian police oversight.

- For the very same reason, elected officials are not given seats on the Police & Fire Commission.

The proposed amendments are being promoted based on past issues that are long since resolved or alleged issues that never actually occurred. They represent a failure to acknowledge that a new IPM, who started only four months ago, managed to already process multiple cases and put out an annual report with novel, important data analyses. They also represent a failure to acknowledge improvements, and how the volunteer board and understaffed/underfunded office are exceeding past goals and functioning effectively with excellent attendance. Such actions by alders cause frustration, exhaustion and burnout.

Please leave the ordinances 5.19 and 5.20 as they are and instead focus your attention on meeting the funding and staffing needs of the OIPM and PCOB.

Sincerely,
Sarah Wall
1905 Axel Ave Madison, WI 53711

From: [Christopher Young](#)
To: Noah.L.Lieberman@gmail.com; [All Alders](#); ellenfordistrict8@gmail.com
Subject: Ordinance 5.19 and 5.20 on Police
Date: Tuesday, April 21, 2026 11:57:44 AM

Some people who received this message don't often get email from ctfy89@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alder Noah,

I urge you to oppose all proposed amendments to OIPM ordinance 5.19 and PCOB ordinance 5.20.

OIPM ordinance 5.19

[https://library.municode.com/.../codes/code_of_ordinances...]
(https://library.municode.com/.../codes/code_of_ordinances...)

PCOB ordinance 5.20 [https://library.municode.com/.../codes/code_of_ordinances...]
(https://library.municode.com/.../codes/code_of_ordinances...)

A critical conflict of interest frames this conversation. The City Attorney's mission is to prevent lawsuits which can create an incentive to deny civil rights violations occurred. The OIPM/PCOB's mission is to protect civil rights and ensure accountability. These goals are fundamentally at odds, which is why the City Attorney must not serve as the OIPM/PCOB's legal overseer.

The proposed amendments would:

Restrict data and records access — blocking computer database access and using confidentiality claims to limit OIPM's investigative capacity, contrary to national oversight standards.

Weaken MPD records access — replacing the current "unfettered access" standard with a negotiated arrangement controlled by the conflicted City Attorney's Office.

Subordinate the OIPM/PCOB to mayoral policy — language requiring compliance with "all city rules without exception" effectively lets a mayor write policies that override ordinance protections, a documented pattern that has crippled oversight agencies nationwide.

Force reliance on the City Attorney — mandating their use for public records and other areas where city attorneys and oversight bodies most frequently conflict. Notably, the Police & Fire Commission uses independent counsel for exactly this reason.

Place an elected alder on the PCOB — directly contradicting NACOLE's core independence principles and the precedent set by the Police & Fire Commission.

These amendments are being promoted based on issues long since resolved or that never occurred. A new IPM, just four months in, has already processed multiple cases and produced a data-rich annual report. The board and office are functioning well under significant resource constraints.

Rather than adding new restrictions, please focus on meeting the OIPM/PCOB's funding and staffing needs, and leave ordinances 5.19 and 5.20 intact.

Sincerely,

Christopher Young

2609 Misdiom Circle

From: [Jennifer Giesler](#)
To: [All Alders](#)
Subject: 4/21 ordinances 5.19 and 5.20
Date: Tuesday, April 21, 2026 3:46:37 PM

You don't often get email from jen@giesler.net. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alder Guequierre,

I am one of your constituents in District 19. I also follow the work of the Police Civilian Oversight Board. I supported the formation of the PCOB and co-existng Office of Independent Police Monitor and continue to feel that their role is essential to the safety of our city for all residents. It's been brought to my attention that at today's Common Council meeting at 6:30 amendments are proposed that could change the status of PCOB and OIPM and threaten their independence. Without restating all the info and reasons I oppose these amendments (you'll no doubt get several long emails from other folks), I will simply ask that you vote against all amendments to Madison General Ordinances 5.19 and 5.20.

Respectfully,

Jennifer Giesler
21 Apple Hill Circle
Madison, 53717

Jennifer Giesler
Jen@giesler.net
(608)770-4330

From: [MGR Govindarajan](#)
To: [All Alders](#)
Subject: MGR Public Comment, Substitute vs. Alternate
Date: Tuesday, April 21, 2026 3:46:11 PM
Attachments: [Substitute vs. Alternate \(MGR Comments\)-2.pdf](#)

mgr.murali07@gmail.com appears similar to someone who previously sent you email, but may not be that person.

[Learn why this could be a risk](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Alders,

I had wanted to send this while I still had access to my alder email, alas I was too talkative during the brunch. Regardless, please see the attached PDF which compares the Substitute versus the Alternate submitted by Alder Glenn.

I am immensely thankful for the work and effort that Alder Glenn has put into her alternate, and although I wouldn't support it, there are major portions of it which we talked about two weeks ago, which I included in the substitute. The PDF above explains what was included, and wasn't included (and why).

Feel free to reach out if you have questions. My personal email is this,
mgr.murali07@gmail.com.

I will also be registered to answer questions at tonight's meeting.

Best,
MGR Govindarajan

Comparison: Govindarajan Substitute vs. Glenn Alternate

Alders,

As you prepare for tonight's discussion on Legistar 92386, I wanted to briefly outline key differences between my Substitute (version 2) and Alder Glenn's Alternate (version 3).

Over the last few weeks, I developed Version 2 through a collaborative process that included two PCOB meetings, follow-up discussions with Board members, discussions with Alders, and input from City staff. **This included reviewing an earlier draft from Alder Glenn about her alternate, which included me incorporating elements that aligned with the goals of the ordinance.**

I appreciate Alder Glenn's alternate proposal and the role it has played in prompting thoughtful discussion. My intent with Version 2 has been to focus on clarifying existing structures rather than introducing new structures involving the Council. There were elements I agree with and have incorporated into the Substitute. At the same time, I believe some provisions move beyond the goals of the ordinance and raise practical questions about implementation. I'm truly grateful for her collaboration and perspective, and all the effort she has put into this issue – all of which has helped strengthen Version 2.

What I DID Include into the Substitute

[MGO 5.19\(7\)\(i\) – Access to MPD Records](#)

[MGO 5.19\(6\)\(d\) – Legal Counsel](#)

What I did NOT Include in the Substitute

[MGO 5.19\(6\)\(c\) – Administrative Structural and Legal Compliance](#)

[Section #1](#)

[Section #2](#)

[MGO 5.19\(7\)\(i\) – Access MPD Records \(Additional Provisions\)](#)

[Section #1](#)

[Section #2](#)

Closing

*What I **DID** Include into the Substitute*

MGO 5.19(7)(i) – Access to MPD Records

The Alternate suggested the following language in an earlier draft, which I incorporated into the Substitute:

“The MOU shall govern the mechanics of access and shall not restrict the categories of records, or data to which the OIM is entitled to under this subsection.”

Additional language from the Alternate which I modified and added into the Substitute:

“The MOU shall also define how the data is shared, stored, and managed by the OIM in compliance with all applicable laws.”

MGO 5.19(6)(d) – Legal Counsel

The Alternate suggested the following language:

“For administrative matters involving the operations of the OIM as a City agency, including but not limited to compliance with public records laws, open meetings laws, hiring practices, contracting and procurement, the OIM shall consult with the Office of the City Attorney.”

This language was fully incorporated into the Substitute. The only difference is that the Substitute begins with “for all other legal matters involving...” rather than “for administrative matters involving...”

*What I **did NOT** Include in the Substitute*

MGO 5.19(6)(c) – Administrative Structural and Legal Compliance

Section #1

The Alternate (Version 3) adds the following language:

“The Common Council retains the authority to enforce compliance with City administrative policies and procedures governing the administrative operations of the OIM, including but not limited to hiring practices, contracting, budgeting, use of technology, and procurement.”

This part above was the original Amendment #1 which I worked on with HR Director Hillson. While I expressed hesitancy about this during the PCOB meeting, I introduced it as an attachment on Legistar to encourage discussion rather than advancing it as a direct amendment. (aka, this was only ever a discussion item.)

I ultimately decided to not add this language because existing provisions in the Substitute already require the OIM and PCOB to comply with federal and state law, as well as City APMs and Ordinances, which already establish the Council’s ability to enforce compliance.

Section #2

The following language was added into the Alternate (Version 3):

“Before invoking enforcement authority under this subsection, the Common Council shall provide the Independent Monitor and the PCOB with written notice of the alleged non-compliance and a minimum of thirty (30) days to cure, except where non-compliance poses an immediate legal or financial risk to the City.”

This part raises several practical and structural questions which I believe are important to answer:

- What does it look like for Council to provide “written notice”?
 - Is this done by Council Leadership?
 - The language says “The Common Council” – does this require a resolution? Who introduces and sponsors it?
 - What happens if that resolution fails? Does the non-compliance go unaddressed?
- **This language places Alders in the position of determining what constituents an “immediate legal or financial risk to the City”**
 - I believe the Finance Department or City Attorneys office are better equipped to make that determination, rather than Alders.
 - Again, what if a resolution (if that’s the agreed upon method) fails?
- How is “immediate” defined?
 - The council meets, at best, every two weeks
 - It seems impractical to address an “immediate” risk through a fully noticed public meeting process while complying with Open Meetings Law.

MGO 5.19(7)(i) – Access MPD Records (Additional Provisions)

Section #1

There are two parts which I did not include from the Alternate, the first:

“Including protocols for requesting, receiving, storing, and securing records”

The reason is because this is already covered in the Substitute by:

“The MOU shall also define how the data is shared, stored, and managed by the OIM in compliance with all applicable laws.”

Section #2

From the Alternate:

“If the OIM and MPD are unable to execute a mutually acceptable MOU within ninety (90) days of this ordinance taking effect, either party may request that the Common Council convene a facilitated resolution process.”

This was **not included** because it introduces the Common Council into what should remain an administrative and legally guided process. In my view, this creates a risk of politicizing decisions that directly affect records access and investigative work, which would impact the OIM’s independence.

This also raises several logistical questions:

- What does a “facilitated resolution process” look like?
 - A public hearing? A resolution?
 - Who leads it? Council leadership?
 - The language says “the Common Council,” suggesting all 20 alders would be involved. Now you have to abide by Open Meetings Laws and other quorum rules.
- Would this become a debate between:
 - An MOU favored by the OIM seeking administrative independence, versus
 - Guidance from the City Attorney’s Office requiring compliance with state law?
- If the Council were to approve an MOU favored by the OIM, could that create a situation where the City Attorney’s office is expected to sign onto a document that may conflict with state law? *Can* the Attorney’s Office even sign that document?

Closing

I appreciate the conversations that have taken place over the last several weeks and the work that has gone into both versions of this proposal. I hope this provides helpful context as you consider the differences between the Substitute (Version 2) and the Alternate (Version 3).

Best,

Recovering Alder-holic, MGR Govindarajan

From: [noreply](#)
To: [All Alders](#)
Subject: [All Alders] OIPM
Date: Tuesday, April 21, 2026 4:18:44 PM

Recipient: All Alders:

Tuesday, April 21, 2026 – 4:18pm

Sarah Hughes
703 Glenway St

Madison, Wisconsin. 53711 Yes, by email. hughes.sarahann@gmail.com All Alders OIPM Council,

Please remove funding from the OIPM until there are better systems in place for this important work. The actions from the monitor over the previous weeks, culminating in today's press release are embarrassing, irresponsible, and damaging. Imagine what 500k could be used for in our city. The needed and important work of ensuring equitable policing deserves better than what has happened with this office over the last 5 years.

Thank you,
Sarah Hughes

From: [Sol Kelley-Jones](#)
To: [All Alders](#); ellenfordistrict8@gmail.com; Noah.L.Lieberman@gmail.com
Subject: please vote against amendments 5.19 and 5.20
Date: Tuesday, April 21, 2026 4:18:13 PM

Some people who received this message don't often get email from solkelleyjones@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders,

I am writing to ask you to vote against all amendments to Madison General Ordinances 5.19 and 5.20.

The OIPM and PCOB were hard fought for and came as a result of residents demands for greater accountability and oversight of police conduct and police as an institution in Madison. The need for this kind of body has not gone away and in our current political moment with increasing impunity of law enforcement across the country it would be a dangerous message to undermine the mechanisms of independence that are so critical for the OIPM and PCOB to operate effectively.

I ask you to vote against the amendments that would undermine OIPM and PCOB's independence.

Thank you for your leadership,

Sol Kelley-Jones

From: [Scott Krause](#)
To: [All Alders](#); ellenfordistrict8@gmail.com; Noah.L.Lieberman@gmail.com
Subject: Opposition to OIPM/PCOB Ordinances
Date: Tuesday, April 21, 2026 4:01:36 PM

Some people who received this message don't often get email from krause.scott@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders - specifically John Gyequirre (I'm in District 19) ,

Before reading the proposed amendments to the Office of the Independent Police Monitor (OIPM) ordinance 5.19 and Police Civilian Oversight Board (PCOB) ordinance 5.20, and reasons why we urge you to oppose them all, it is important to acknowledge 4 facts that frame the relationship between the OIPM/PCOB and the driving force behind these amendments: the City Attorney's Office.

The main goal of the City Attorney is to prevent successful lawsuits and, if need be, they will do so at the expense of civil rights, and the health and safety of city residents. Given their mission, they have to deny that civil rights violations ever occur.

The main goal of the OIPM/PCOB is to ensure the civil rights, health, and safety of city residents and police officers through community engagement, independent investigation and review, transparency, and recommendations. By default, this reduces the need for lawsuits.

The City Attorney does not offer the same level of respect and client/collaboration privileges to the OIPM/PCOB as they do other city entities. Some in key leadership positions have repeatedly demonstrated this by violating their ordinance and Roberts Rules, talking down to the OIPM/PCOB, and surprising them with debilitating amendments that were in the works for weeks, sometimes months, without ever once reaching out to express concerns or collaborate. They do not do this to MPD.

The City Attorney's mission is in direct conflict with that of the OIPM/PCOB and they act like it and therefore, the City Attorney must not serve as their source of legal oversight, advice, and representation.

OIPM ordinance 5.19

[https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH5PODEPORE_5.19OFINPOMO]
(https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH5PODEPORE_5.19OFINPOMO)

PCOB ordinance 5.20

[https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH5PODEPORE_5.20POCIOVBO]
(https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOICH1--10_CH5PODEPORE_5.20POCIOVBO)

THE AMENDMENTS:

The most recent amendments to OIPM/PCOB ordinance are summarized below along with why we believe they are harmful. The amendments discussed in A-C are sponsored by Alders MGR and Sabrina Madison. The amendment discussed in D is sponsored by Alder Davy Mayers.

1.) Restricting data and records access:

- No access to computer databases

This is obstructive and incongruent with the national standard for police oversight.

- Play with confidentiality to restrict access.

- Arbitrary definition of key records as confidential could, in combination with this ordinance amendment, end up greatly restricting the ability of OIPM to carry out its functions.

2.) Reducing access to MPD Records:

- In contrast with current ordinance language, which requires that MPD provide absolutely "unfettered access" to its records (to the extent permitted by law), the amendment would require negotiation "to define the degree of access to specific MPD records". And it mandates insertion of the City Attorney's Office, which has a structural conflict of interest with OIPM, into the execution of any negotiated agreement.

3.) Requiring that OIPM must follow all city rules and procedures, without exception.

- Adding this language to ordinance is unnecessary, because the city rules and procedures (on hiring, budgeting and purchasing, information technology systems, etc.) are already being followed by the OIPM/PCOB.

- This addition might seem harmless, but the added language undercuts the Independence provision within the OIPM ordinance.

- Under the existing ordinance language, a new Mayoral policy that targets the OIPM/PCOB would be without effect, because ordinances (laws) supersede policies (that can be written by a single person). Because the amendment would effectively give all policies the weight of law, mandating compliance without exception, it would allow a Mayor to write policies that infringe on OIPM/PCOB function and independence, or an administration, via the City Attorney, to interpret and enforce policies in a manner that infringes on OIPM/PCOB function and independence.

- This is a particular problem because of an underlying structural conflict of interest. Elected officials, such as mayors, often depend on the support of police officials, police unions, etc. in elections, and want to avoid embarrassing revelations, and thus tend to compromise the function and independence of civilian police oversight agencies. This has occurred repeatedly with civilian police oversight agencies across the country, crippling those agencies.

4.) Requiring that OIPM/PCOB use the City Attorney for most legal work, rather than an independent attorney:

- As stated at the start, this creates a severe problem, given the inherent conflict of interest.

- It allows use of an independent attorney only for a very restricted set of functions, mandating that the City Attorney be used for all else. This includes use of the City Attorney for four specific areas where city attorney offices and civilian police oversight offices are most often in conflict.

- For example, it mandates use of the City Attorney for all public records work. But the primary clients of city attorneys are elected officials (especially mayors) and police departments (with whom they necessarily have a close working relationship). City attorneys strive to prevent records that would embarrass elected officials or police departments from becoming public, undercutting transparency.

- Placing the amendment in the ordinance would greatly expand the City Attorney's power over OIPM/PCOB, and make it much more difficult for OIPM/PCOB to challenge the City Attorney's opinion, undermining OIPM/PCOB INDEPENDENCE.

- Because of the same inherent conflict of interest, the Police & Fire Commission uses an independent attorney for all its functions, rather than the City Attorney. It makes no sense to, in contrast, require OIPM/PCOB to use the City Attorney.

5.) Adding an alder to the PCOB:

- Putting an elected official on a police oversight board directly curtails independence and contradicts universally recognized best principles for police oversight.
- As the National Association for Civilian Oversight of Law Enforcement (NACOLE) states: "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."
- As noted above, there is a fundamental structural conflict of interest between elected officials and civilian police oversight.
- For the very same reason, elected officials are not given seats on the Police & Fire Commission.

These proposed changes in ordinance language violate the letter and legislative intent of the original ordinance. Contrary to claims the City Attorney has made, they are the opposite of what Alders Kemble, Moreland and Bidar wrote and intended when the council passed the original ordinance.

The proposed amendments are being promoted based on past issues that are long since resolved or alleged issues that never actually occurred. They represent a failure to acknowledge that a new IPM, who started only four months ago, managed to already process multiple cases and put out an annual report with novel, important data analyses. They also represent a failure to acknowledge improvements, and how the volunteer board and understaffed/underfunded office are exceeding past goals and functioning effectively with excellent attendance. Such actions by alders cause frustration, exhaustion and burnout.

Misinformation and accusations of rule violations without evidence are driving repeated attempts to amend the ordinance in ways harmful to the OIPM/PCOB's ability to conduct independent police oversight. This pattern demonstrates a high level of unwarranted scrutiny that is disproportionately applied to this body when other groups that are violating rules experience no such attention. This behavior is the antithesis of collaboration. It demonstrates harmful biases and disrespect, and it harms the relationship between the OIPM/PCOB, staff, and Council.

Please leave the ordinances 5.19 and 5.20 as they are and, for now, instead focus your attention on meeting the funding and staffing needs of the OIPM and PCOB.

Sincerely,

Scott Krause
1147 Pauline Ave

From: [noreply](#)
To: [All Alders](#)
Subject: [All Alders] OIPM
Date: Tuesday, April 21, 2026 4:06:06 PM

Recipient: All Alders:

Tuesday, April 21, 2026 – 4:05pm

Jacob Meyer

9518 Tawny Acorn Dr

Verona, Wisconsin. 53593 No, do not contact me. All Alders OIPM As a taxpayer whose 2025 city property taxes were about \$13,000 last year, I am outraged at how unprofessional the OIPM is being operated by Ms. Glass. From the use of AI to generate a useless report, to now waging a public battle against the mayors office (<https://www.cityofmadison.com/independent-police-monitor/documents/news/OIPM%20Memo%20April-21-2026%20%28with%20exhibits%29.pdf>). This person is unfit for this position, and seeing the expenses of the salaries and operation of the OIPM should make any citizen disgusted with this program. It is an absolute waste of our city resources. I'd love to see the nearly half million dollar budget for the OIPM go elsewhere, helping homeless, going to our schools, our utilities, etc. Please defund and eliminate the OIPM. It is an unnecessary burden to this city that has provided no meaningful impact. At the very least, divert the OIPM funds to a traditional Police and Fire Commission - a proven, standardized practice in the majority of municipalities, both small and large. The OIPM is a performative waste, but it's fooling no one. Thank you.

From: [Wendy Reichel](#)
To: [All Alders](#)
Subject: Please Vote Yes on #92386
Date: Tuesday, April 21, 2026 3:35:30 PM

Some people who received this message don't often get email from reichelwendy@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders,

I am writing to express my support for Legistar 92386 and urge you to vote **yes** this evening.

I am a Madison resident and small business owner who believes in both effective public safety and meaningful accountability. It is precisely because I want civilian oversight of our police department *to work* that I support this ordinance. Six years of dysfunction, missed deadlines, incomplete investigations, data mismanagement, and a board that voted to table discussion of reasonable governance reforms rather than engage with them is not the accountability our community was promised.

Asking a public body to submit quarterly reports, follow city policies, and have at least one elected official present at its meetings is not an attack on oversight, it is the basic definition of it.

I support this ordinance because good governance requires accountability at every level, and that includes with the agencies created to provide it.

Please vote yes on #92386

Thank you for your service and for your vote tonight.

Respectfully,

Wendy Reichel - District 11

From: [noreply](#)
To: [All Alders](#)
Subject: [All Alders] Defund the OIM
Date: Tuesday, April 21, 2026 3:30:08 PM

Recipient: All Alders:

Tuesday, April 21, 2026 – 3:29pm

Victor Toniolo
111 N Hamilton St
201

Madison, Wisconsin. 53703 No, do not contact me. All Alders Defund the OIM The latest press release is not only embarrassing, it likely opens up the city to lawsuits.

Defund the OIM immediately. Divert funds to the PFC to cover their responsibilities (if any, seems to me the entire office was already redundant)

From: [Larry and Ginny White](#)
To: [All Alders](#)
Cc: [Mayor](#)
Subject: April 21st Common Council Meeting
Date: Tuesday, April 21, 2026 3:29:34 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Item #55, Legistar 92386 - Amendments for OIM & PCOB

I ask you to **SUPPORT** the amendments.

The OIM and PCOB should adhere to the common practices and procedures expected of City staff, boards, committees, and commissions. They must be accountable to Madison residents and taxpayers.

Thank you for your work on this issue. Please vote "Yes".

From: [noreply](#)
To: [All Alders](#)
Subject: [All Alders] Defund the OIM
Date: Tuesday, April 21, 2026 7:46:56 PM

Recipient: All Alders:

Tuesday, April 21, 2026 – 7:46pm

Michelle Adams

149 Judd St

Madison, Wisconsin. 53714 No, do not contact me. All Alders Defund the OIM That's it. All the bullshit speaks for itself. Just get rid of this grifty disaster already.

From: [Sarah Chodorow](#)
To: [All Alders](#); ellenfordistric8@gmail.com; noah.l.lieberman@gmail.com
Subject: Oppose amendments to Madison General Ordinances 5.19 and 5.20
Date: Tuesday, April 21, 2026 7:22:01 PM

[Some people who received this message don't often get email from sarahchodorow@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders,

I am writing to ask that you vote against the amendments to Madison General Ordinances 5.19 and 5.20. I believe deeply in the mission of the Office of the Independent Police Monitor and Police Civilian Oversight Board and also am aware of some of the challenges that have surrounded the initial years of those offices. While I interpret these amendments as efforts to increase the accountability for the work of these important agencies, I believe that these amendments will create a conflict of interest that would limit the ability of these offices to perform their work effectively.

The change that concerns me the most is the conflict of interest presented by requiring the OIPM and PCOB to utilize the City Attorney for their legal work. The City Attorney's primary loyalty is to the city, rather than to individuals, and it would severely undermine the goal of the OIPM/PCOB to lean on this office for their legal work. The main goal of the OIPM/PCOB is to ensure the civil rights, health, and safety of city residents and police officers through community engagement, independent investigation and review, transparency, and recommendations. The City Attorney must not serve as the primary source of legal oversight, advice, and representation to these offices.

Please vote no on these amendments.

Thank you all for your service to our city and community.

Sincerely,
Sarah Chodorow, LCSW (she/her)
413 Ring St.
Madison, WI 53714

From: [Thomas Givnish](#)
To: [All Alders](#)
Subject: opposition to ordinance amendments
Date: Tuesday, April 21, 2026 5:40:34 PM

Some people who received this message don't often get email from givnish@wisc.edu. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

As a 41-year resident of Madison (Parkwood Hills neighborhood), I write in strong opposition to the ordinance amendments being proposed that would gut independent police oversight. This is the last thing we need to do. If police abuse has occurred, we need to know about – not sweep it under the rug.

Best regards, Tom

Thomas J. Givnish

From: [Joshua and Michelle's Wedding](#)
To: [All Alders](#)
Subject: Opposition to Agenda Item #55 – OIM/PCOB Amendments
Date: Tuesday, April 21, 2026 4:40:34 PM

Some people who received this message don't often get email from wrightrobinsonwedding@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Members of the Common Council,

I am writing as a constituent to register my opposition to Agenda Item #55 regarding proposed changes to the Office of the Independent Monitor (OIM) and the Police Civilian Oversight Board (PCOB).

While I have concerns about aspects of the proposed changes themselves, my strongest concern is with the process by which this package of amendments has been introduced. The scope and complexity of the changes, combined with the timing of their release just days before the scheduled vote, do not allow for meaningful public understanding, engagement, or deliberation. That alone warrants slowing this process down.

These bodies were created with significant community input and careful consideration. Changes of this magnitude should reflect that same level of transparency, clarity, and public trust-building—not be advanced as a last-minute omnibus package.

Substantively, I am particularly concerned about any provisions that could limit the independence or effectiveness of the OIM and PCOB. These structures are essential for accountability, and their ability to function with appropriate access to information and independent guidance should be preserved.

If there are specific issues that need to be addressed—such as data handling or confidentiality—those should be taken up directly and narrowly, rather than through sweeping changes that risk undermining the broader intent of civilian oversight.

I urge you to vote no on this item as currently presented, and to support a more transparent, deliberate process for any future revisions.

Thank you for your consideration and for your service.

Sincerely,
Michelle Robinson and Joshua Wright
4106 Vidon Dr, Madison, WI 53704

From: [Alex Saloutos](#)
To: [All Alders](#)
Subject: A couple of questions regarding legislative intent
Date: Tuesday, April 21, 2026 11:41:17 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Common Council members:

There have been many claims about the legislative intent of MGO 5.19 and 5.20, and these changes are just clarifications. I suggest asking Alder Govindarajan and City Attorney Haas which documents in the legislative file for these ordinances are evidence that the proposals before you reflect the original intent and are clarifications. Then ask for copies and read them. I found nothing after reviewing more than a hundred documents in the legislative files. I'm also surprised by the veracity of Alder Govindarajan's claims about legislative intent, given that he joined the council three years after the ordinances were enacted.

I respectfully ask that you refer this matter to the PCOB and its Policy & Procedure Subcommittee.

Respectfully

--

A handwritten signature in black ink, appearing to be the letter 'A' with a stylized flourish.

Alex Saloutos

BHHS True Realty

Phone: (608) 345-9009

Email: asaloutos@tds.net

From: [Alex Saloutos](#)
To: [All Alders](#)
Cc: [Police Civilian Oversight Board](#); [Office of the Independent Police Monitor](#); [Glass, Aeiramique](#)
Subject: Legistar File No. 92386: Public Comments on Proposed Amendments to MGO §§ 5.19 and 5.20
Date: Tuesday, April 21, 2026 7:39:10 PM
Attachments: [260421 LEGISTAR92386 MEMORANDUM COMMONCOUNCIL.pdf](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders,

Attached are my public comments on Legistar File No. 92386, supplementing my April 13 memorandum. I am sorry I will be unable to attend tonight's meeting and speak on this important matter.

Alder Govindarajan's proposal and Alder Glenn's alternate differ in minor details. Both weaken the independence, records access, and legal representation that the Council unanimously adopted in 2020.

I recommend placing both proposals on file and directing the PCOB and its Policy and Procedures Subcommittee to work with interested alders and the community to improve them over the next 120 days. In the alternative, Attachment A proposes stronger, more effective alternative ordinance language on the three key points.

Thank you for your consideration.

--

A handwritten signature in black ink, appearing to be the letter 'A' with a stylized flourish extending from the bottom right.

Alex Saloutos

Phone: (608) 345-9009

Email: asaloutos@tds.net

M E M O R A N D U M

Date: April 21, 2026

To: Common Council

CC: Police Civilian Oversight Board
Office of the Independent Police Monitor

From: Alex Saloutos

RE: **Analysis of Proposed Amendments to MGO §§ 5.19 and 5.20, Legistar ID No. 92386**

This memorandum supplements my April 13, 2026, memorandum to the Council on Legistar File No. 92386. The April 13 memorandum addressed City Attorney Michael Haas's March 25 memorandum and the amendments then before the Council.

SUMMARY AND RECOMMENDATION

Alder Glenn's alternate proposal has since been introduced. Its substance aligns with Alder Govindarajan's proposal on every point that matters. It subordinates the Office of the Independent Monitor to the City's administrative structure, narrows access to records, and restricts the Monitor's ability to retain independent counsel. The differences are minor. The adverse effect on independence, records access, and legal representation is the same. The Council should treat the two proposals as different paths to the same destination.

The Council adopted these protections unanimously in 2020. The arguments offered for weakening them rest on framings that do not stand up to scrutiny. The legislative process that produced the proposals is not one the Council should continue.

The Council should place both proposals on file and direct the Police Civilian Oversight Board and its Policy and Procedures Subcommittee to work with interested alders and the community to improve the ordinance over the next 120 days. The Subcommittee should meet at least biweekly until the work is ready for introduction. The Monitor's purpose is to serve the community, particularly those who are disenfranchised and people of color, and those communities should be part of the design of the ordinance.

SEND THE PROPOSALS BACK TO THE PCOB

The Council could spend hours tonight reworking the language of either proposal and still pass a flawed ordinance. If the ordinance reduces independence, narrows access to records, or restricts independent counsel, a subsequent proposal will be introduced to restore those protections while addressing the administrative and security concerns the current proposals claim to address. The Council will have handled the same issues twice.

Committees, commissions, and boards exist to draft and refine legislation before it reaches the floor. Given a reasonable time, they produce better work than the Council can in a single evening. The PCOB and its Policy and Procedures Subcommittee are the appropriate bodies for this work. They were bypassed. The resolution was introduced on March 24, 2026, and referred to the PCOB for consideration the next day, along with a memorandum from the City Attorney defending the changes, delivered the afternoon of the Board's meeting. That is not sincere or meaningful collaboration. The PCOB voted unanimously that day to recommend that the Council place the proposals on file and consult the Board before drafting any future amendments. That recommendation should be honored.

Most of the current Council was not seated when MGO §§ 5.19 and 5.20 were adopted in 2020. Only three of the twenty current members voted on the ordinance. The process that produced the original ordinance spanned five weeks, five ordinance drafts, three comparative spreadsheets, and a 19-to-0 Council vote with strong public support. The process that produced the current proposals did not involve the PCOB or meaningful community input, and is being rushed to a vote on the day Alder Glenn's alternate was circulated. New Council members should not take this as the model for making ordinance changes.

THE CITY ATTORNEY HAS A CONFLICT OF INTEREST

My April 13 memorandum addresses the core legal analysis. The Monitor's authority to retain independent legal counsel under MGO § 5.19(7)(l) is a lawful exercise of Wis. Stat. § 62.09(12)(g), which authorizes the Council to engage special counsel in any matter in which the City is interested. The legislative record shows this authority was granted as a general resource, not a narrow investigative tool. The structural conflict between the Office of the City Attorney's obligations to MPD and the Mayor, and the Monitor's obligation to investigate MPD independently, cannot be resolved by assurances about individual ethics or internal walling off procedures. The Police and Fire Commission retains independent counsel for exactly this reason. The Monitor should continue to have the same option.

The January 2024 MOU illustrates the conflict. Haas signed as a witness alongside Chief Barnes and then-Monitor Robin Copley. The PCOB was not consulted, and several of the MOU's provisions ceded authority that the Council had granted to the OIM under MGO § 5.19(7). Haas now cites the same MOU and the OIM delays that followed under its terms as justification for codifying the MOU's restrictions in the ordinance. An office that negotiates an agreement that reduces the Monitor's access rights with the body it advises, excludes the oversight board, and then invokes the result to justify a permanent restriction is not acting as a neutral advisor.

The Legal Costs Argument Fails on Three Grounds

Since April 13, Alder Govindarajan has circulated a memorandum arguing that legal fees generated by three PCOB-related cases justify restricting the Monitor's access to independent counsel. The argument is misleading for three reasons.

First, the costs cited are not compared against anything. The memorandum reports \$136,482.50 in defense costs across three cases. It does not report the City's legal fees and settlement costs arising from MPD misconduct over the same period, which a functioning oversight structure is designed to reduce. Without a comparative baseline, the number cannot support the conclusion drawn from it.

Second, the cases cited do not support the argument. One case concerned a constitutional challenge to a quota requirement for minority representation on the PCOB that the Council itself adopted. The other two concerned discriminatory practices in the Monitor's hiring. None of the three cases arose from an exercise of investigative independence or from the Monitor's use of independent counsel. They arose from administrative and compositional decisions made by the City and the PCOB, with reliance on the City Attorney's Office and the Human Resources Department. They are not evidence that investigative independence is expensive. They are, at most, evidence that the PCOB has at times received insufficient support from the City's professional staff.

Third, the right comparison point is the Police and Fire Commission. The \$136,482.50 in PCOB-related legal costs spans roughly five and a half years since the PCOB was created in September 2020, or about \$24,000 per year. From May 2019 through March 2024, the City paid Renning Lewis

and Lacy, the PFC's independent counsel, \$242,018, or approximately \$48,000 per year. See Legistar File Nos. 82803 and 55875. The PCOB's annual legal costs are about half of what the City pays for PFC independent counsel. That cost is not presented as an objection to the PFC's independence. It should not be presented as an objection here.

CJIS COMPLIANCE BY THE OIM IS THE MOST EFFECTIVE WAY TO SECURE RECORDS

CJIS compliance solves the problem Haas identifies without eliminating access rights. The FBI's Criminal Justice Information Services Security Policy establishes the national framework for granting secure access to criminal justice information to non-law enforcement government entities. The Wisconsin Department of Justice's Crime Information Bureau oversees CJIS compliance, audits, and training for local agencies in Wisconsin. These are the standards MPD itself must follow. They are the standards used by other civilian oversight agencies. They are the right standards for the OIM.

Once designated OIM staff are CJIS compliant, they can access MPD records and databases directly, subject to the same legal penalties as MPD personnel for unauthorized disclosure. MPD's own Standard Operating Procedure on Third Party Database Use contemplates exactly this kind of arrangement through MOUs and agreements. The compliance architecture already exists. My April 13 memorandum details this pathway, and Attachment A, Examples 2 and 3, contain proposed ordinance text.

If cost is truly the concern, assigning MPD personnel to monitor the OIM's compliance with security standards and to process each OIM record request individually is a poor use of sworn officer time. Those officers should be working the department's core mission, not performing access-control work that a CJIS-compliant OIM could handle directly.

Finally, the OIM should not be subservient to the agency it oversees. Placing MPD in a supervisory posture over OIM records access, whether by ordinance or by MOU, puts MPD in exactly that position.

CLARIFY ADMINISTRATIVE COMPLIANCE WITHOUT SUBORDINATING THE MONITOR

The Council can clarify that the OIM follows generally applicable citywide administrative policies without subordinating the Monitor's investigative functions to mayoral directives. My April 13 memorandum proposes such language, and Attachment A, Example 1, contains the text. The current ordinance already requires the Monitor to collaborate with the Human Resources Department on staff hiring and to follow City contracting requirements when engaging independent contractors. The attempts in both current proposals to legislate detailed administrative policy through the ordinance are crude and raise more questions than they answer. The ordinance should be simple, clear, and limited. Detailed administrative policy belongs in administrative procedure, not in the ordinance.

THE ARGUMENTS FOR THE PROPOSALS DO NOT HOLD UP

The following are central lines of argument advanced in support of the proposals, and the reasons each does not carry the weight assigned to it.

The changes are clarifications. Both Haas and Govindarajan rely heavily on this framing. Haas writes that the proposed language "reflects the original intent of the Common Council" and characterizes it as reinforcing, not changing, the OIM's role. Govindarajan uses the word "clarify" or

a variant more than a dozen times in his memorandum. The framing is a contradiction in terms. If the ordinance already required what the amendments would require, the amendments would be unnecessary. The need to amend is the admission that the existing ordinance does not contain what the amendments would add. A substantive change described as a clarification is still a substantive change. The 2020 legislative record, addressed in my April 13 memorandum, confirms that the amendments reverse rather than reinforce the Council's choices.

The OIM is a City agency, subject to all citywide administrative policies and procedures. Haas argues that the OIM, having been created by the Council, is administratively indistinguishable from any other City department. The argument ignores the structural choice the Council made in 2020. The Council was presented with two options: either place the oversight function in the Mayor's Office or under an independent civilian board. The Council chose the second model and rejected the first. The Police and Fire Commission has operated for more than a century under Wis. Stat. § 62.13 as a City body whose core statutory functions are not subject to mayoral administrative direction. The PCOB and OIM were designed with greater insulation from mayoral influence than the PFC, not less. Haas's argument, taken seriously, would subordinate the PFC as well.

State statute requires the City Attorney to handle all of the OIM's legal business. Haas cites Wis. Stat. § 62.09(12)(a) and MGO § 3.07(1) as establishing exclusive City Attorney representation. The same Wisconsin statute, at § 62.09(12)(g), expressly authorizes the Council to employ special counsel in any matter in which the City is interested. MGO § 5.19(7)(l) is the Council's exercise of that authority. The Council exercised the same authority for the PFC in Legistar File No. 82492. Haas's own office supported that arrangement and its renewal in 2024. The amendment would narrow an ordinance provision adopted under express statutory authority and contradict the City's existing practice.

The November 2025 data mishandling incident underscores the need for stricter structural oversight by the OIM. The incident involved a specific employee's conduct. The appropriate remedy is personnel action. No feature of the proposed amendments would have prevented the incident or would prevent its recurrence. The incident is being used to justify structural changes that were on the drawing board before the incident occurred and that address concerns unrelated to it. This is post hoc reasoning that selects a remedy for reasons other than the problem cited to justify it.

Changes to records access clarify mechanics without limiting access rights. Govindarajan writes that the MOU requirement governs "the mechanics of access" and does not restrict the categories of records to which the OIM is entitled. The proposal also removes "computer databases" from the list of materials to which the OIM has unfettered access under MGO § 5.19(7)(i). Removing the specific access right to computer databases from the ordinance text does not preserve that right. Requiring an MOU negotiated with MPD and the Office of the City Attorney to define mechanics gives both offices structural leverage over what the Monitor can see in practice. The 2020 drafting record, addressed in my April 13 memorandum, shows that "computer databases" was deliberately added to the access list during a process in which the Office of the City Attorney participated and cleared.

If the OIM continues to claim independence, the Council will have difficulty justifying its budget. Govindarajan writes that such claims make it "much harder for the Council to fund" the office during a structural budget deficit. The argument is pressure, not analysis. It invites the Council to adopt administrative changes not because they are legally required or substantively justified, but because the alternative is a funding threat. An oversight body subject to defunding when its findings are inconvenient is not an independent oversight body.

ATTACHMENT A
PROPOSED ORDINANCE LANGUAGE FROM THE APRIL 13, 2026, MEMORANDUM

These are three examples of ordinance language from my April 13 memorandum. Each preserves the 2020 protections while addressing the administrative and security concerns raised in support of the current proposals.

Example 1: Compliance with citywide Administrative Procedure Memoranda

Replaces the broad “shall comply with all APMs” provision with a narrower clarification, and bars the Council and City officials from using APM compliance to direct or interfere with the Monitor’s core oversight functions.

The Office of the Independent Police Monitor shall comply with generally applicable City Administrative Procedure Memoranda. Nothing in this subsection shall be construed to authorize the Council or any City official to direct, limit, or interfere with the powers and duties of the Monitor and the Office of the Independent Police Monitor as set forth in MGO § 5.19(7).

Example 2: Confidentiality safeguards on sensitive records

Imposes on the Monitor, OIM staff, contractors, and agents the same confidentiality duties and legal penalties as the legal custodian of the records, without narrowing the OIM’s ordinance-level access rights.

The Monitor, OIM staff, and any contractors or agents working on behalf of the OIM, including outside attorneys and investigators, shall safeguard confidential, legally privileged, and otherwise protected information and records obtained in the course of their duties, and shall not disclose such information or records except as required or authorized by law. For purposes of state and federal confidentiality and public records laws, the Monitor, OIM staff, and such contractors or agents shall be subject to the same duties and penalties as the legal custodian of the records for any unlawful or unauthorized disclosure.

Example 3: Unfettered records access tied to CJIS compliance

Preserves unfettered access under MGO § 5.19(7)(i), bars MPD from conditioning or delaying it, and adds new subsection (i)(1) tying direct access to CJIS compliance.

(i) The OIM shall, to the extent permitted by law, have unfettered access to all MPD records, policies, Standard Operating Procedures, data, computer databases, and other information necessary to fulfill the duties of the OIM. Such access shall not require MPD’s prior approval and shall not be conditioned on or delayed by any MPD determination regarding the status, sensitivity, or security classification of the requested records.

(1) OIM staff who access records or databases subject to applicable state or federal security requirements, including the FBI Criminal Justice Information Services (CJIS) Security Policy, shall obtain and maintain the certifications, credentials, and training required by those frameworks as a condition of such access. OIM staff are subject to the same legal penalties as MPD personnel for any unlawful or unauthorized disclosure of records accessed under this section.

From: davidblaska@icloud.com
To: [All Alders](#); [council](#); [Rhodes-Conway, Satya V.](#)
Cc: [Haas, Michael R](#)
Subject: Police monitor
Date: Wednesday, April 22, 2026 2:16:46 PM
Attachments: [OIPM.png](#)

Some people who received this message don't often get email from davidblaska@icloud.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Thank you for a most entertaining meeting Tuesday night 04-21-26. A few points:

1) It is clear that former Ald. Govindarajan DID communicate with the PCOB and other essential players. He first broached the topic in January, four months ago. The amendments were fully noticed, publicized, and debated. The Oversight Board refused to discuss his reforms and tabled the entire thing. We've seen it before, haven't we? Disagreement disguised as "lack of communication." Ald. Pritchett was right to quote *Cool Hand Luke*.

2) It is evident that Monitor Glass — a city employee, remember — has entered into an adversarial relationship with the City of Madison. She and Greg Gelembiuk threatened lawsuit. They have marshaled Freedom Inc., which shut down the Madison Board of Education's annual meeting in its successful crusade to expel school resource police officers. BE STRONG!

3) No matter how much chin wagging you do with Freedom Inc. and the PCOB, one thing cannot change: The City of Madison **cannot create a truly independent agency** any more than a wombat can give birth to a squirrel. Anything city government creates is a city government entity. The Office of Independent Police Monitor and the Police Civilian Oversight Board are city agencies. Only the state legislature can create separate government entities, as it did the Police & Fire Commission.

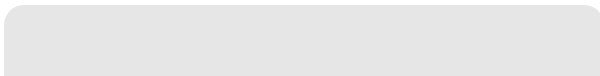
Being a city agency, the Monitor's office cannot sue the City of Madison, although Glass and Gelembiuk, as individuals, probably could. (City attorney Mike Haas confirmed this opinion, born of my 30 years in government, elected and appointed.)

4) Even if you funded the Monitor at the level Ms. Glass seeks, you will never match the resources available to the WI Department of Justice or the Dane County District Attorney's office, both of whom thoroughly investigated the death of Tony Robinson Jr., an often violent and chronic substance abuser, and absolved the police department. The Office of Independent Police Monitor can NOT succeed. Read the four cases she reports — they are embarrassingly trivial. I mentioned the denied fist bump on State Street.

5) Given that you cannot satisfy the Monitor or her supporters, be prepared for protracted litigation, because her office must be either fish or fowl — compromise is not possible. You cannot water down the proposed reforms because they are required by state law! Ignore your legal advice at the City's peril. I stand ready to bring suit again.

6) The answer, then, is to abolish the police monitor and its oversight board. Helps that the monitor is interim. Admit your mistake and move on!

7) Finally, encourage the well established, legally constituted, and more impactful Police & Fire Commission to build up a more visible front door for customer service. To do that, you could consider recreating the Monitor's office as a city referral agency to the PFC, with new personnel, of course.





Putting off a decision changes nothing!
In Tuesday's installment of the
Independent Police Monitor soap opera,
we learned that Greg Gelembiuk is
undergoing — "after prayer and
meditation" — a Gandh...



Madison's police monitor can never be truly
independent
davidblaska.com

Now some observations from a 12-year veteran of late-night meetings. Some of the alders talked too long and to little effect. Appeared to be thinking out loud. Have in mind what you want to say before you press the button. Brevity is the Soul of Wit.

David Blaska
Madison, WI 53711
davidblaska@icloud.com

Visit the **Blaska Policy Werkes** at www.davidblaska.com

From: [noreply](#)
To: [All Alders](#)
Subject: [All Alders] Police Oversight Committee JUN 17
Date: Wednesday, April 22, 2026 2:32:39 PM

Recipient: All Alders:

Wednesday, April 22, 2026 – 2:32pm

Kristine M Gallagher
she/her
3213 Lotheville Road
Madison, Wisconsin. 53704 Yes, by email. kgallagher115@gmail.com All Alders Police Oversight Committee JUN 17 Council:

Thank you for your time and efforts in making our community better.

When discussing The Police Oversight Committee addendums at your future meetings, you may want to consider requiring all members to take the Community Academy offered by MPD. I am currently and have learned so much.

As well, it may be wise to have an agreement on confidentiality. Just as some police records are not released due to their potential for negatively affecting the general public, it may be wise to adhere to some basic HIPAA-like agreements. It is not only kind, but may be essential for safety and/or perhaps legal action.

And again, unfortunately, we see the negative effects of AI with their most recent report.

I personally off all meta as I saw up close the negative effects of a doxxing with the spread of erroneous statements to 24K which some still believe to be true.

Thanks again!

Kristine M Gallagher

From: [Jennifer Giesler](#)
To: [All Alders](#)
Subject: 4/21 ordinances 5.19 and 5.20
Date: Thursday, April 23, 2026 9:55:02 AM

You don't often get email from jen@giesler.net. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alder Guequierre,

I am one of your constituents in District 19. I also follow the work of the Police Civilian Oversight Board. I supported the formation of the PCOB and co-existng Office of Independent Police Monitor and continue to feel that their role is essential to the safety of our city for all residents. It's been brought to my attention that at today's Common Council meeting at 6:30 amendments are proposed that could change the status of PCOB and OIPM and threaten their independence. Without restating all the info and reasons I oppose these amendments (you'll no doubt get several long emails from other folks), I will simply ask that you vote against all amendments to Madison General Ordinances 5.19 and 5.20.

Respectfully,

Jennifer Giesler
21 Apple Hill Circle
Madison, 53717

Jennifer Giesler
Jen@giesler.net
(608)770-4330

From: [Fields, Debbie](#)
To: [Matthias, Isaac L](#)
Subject: FW: [Council staff] Office of Independent Police Monitor
Date: Wednesday, April 22, 2026 11:12:46 AM

Hi Isaac,

When people use the contact from on our website, one of the “to” choices is Council staff, and those go to me. Here’s one that came in yesterday that I’m sending along to you in case you think it should be attached in Legistar somewhere.

Thanks,
Debbie

From: noreply <noreply@cityofmadison.com>
Sent: Tuesday, April 21, 2026 4:21 PM
To: Fields, Debbie <DFields@cityofmadison.com>
Subject: [Council staff] Office of Independent Police Monitor

Recipient: Council staff:

Tuesday, April 21, 2026 – 4:20pm

Ryan Mesrs

1801 Ellen Avenue

Madison , Wisconsin. 53716 No, do not contact me. Council staff Office of Independent Police Monitor I'm writing to express my extreme displeasure that my hard-earned dollars are paying for this abomination that the city of Madison calls the office of independent police monitor. How insane is it that we continue to support this position and staff that continue to not anything productive besides justify their existence for this city. How is it possible that a position making what they make is allowed to put out press releases using AI and false facts and release people's public information? How is this even a consideration that this position and title is even still a thing? What benefit have we gotten from what we have paid?

I appreciate and applaud the effort to try to have an independent arm monitoring what law enforcement does in the city. However, this seems like an unthought-out and unmanaged waste of precious taxpayer dollars. How can we be expected to support any budget requests when this asinine office of Independent police monitoring puts out the garbage that they have today.

This office needs to be ended today.

Thank you.

To: Common Council, City of Madison: Ann Derek Field, Alder
From: Eli Misener

Subject: Protection for OIPM and PCOB
April 14, 2026

I write to urge the City of Madison Common Council to oppose the proposed amendments to the Office of the Independent Police Monitor (OIPM), ordinance 5.19, and Police Civilian Oversight Board (PCOB), ordinance 6.20.

My own personal history with ethical concerns (resulting in lawsuits against the City of Madison) is extensive in this matter. I served as a police officer with the City of Madison Police Department (MPD), from 2013 to 2021. That role bore witness to the aftermath of the murder of Paul Heenan, the murder of Tony Robinson, the murder of Ashley DiPiazza, and the 2020 civil unrest and protests.

I can affirm, beyond a shadow of doubt, that MPD is a police department that exceeds all local and national averages in qualifications and education level of its personnel. When that intelligence is used for the better of the community, the City undoubtedly benefits from a skilled, progressive police force. There is a scary, dark side to this legal aptitude, however. MPD is also exceptionally skilled at controlling, directing or hiding narratives that cast them in a negative light. The most "progressive" skill set possessed by MPD during the past decade has been understanding

the need to prioritize public image over truth, action or transparency.

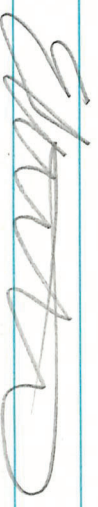
My life and interactions in the past few years have lead me to believe the moral fiber of MPD is in serious decline. I am currently engaged in legal action in the Western Wisconsin US District Court (Misenner v. City of Madison, 26-cv-329-wmc) in a case that strikes at the very foundations as to why OIPM/PCAM are crucial in this community. The case is a fragrant example of the ways which MPD is able to brush egregious misconduct under the rug, without recourse, absent OIPM/PCAM. Without this city agency currently investigating my case, there would have been a guarantee I'd never see justice.

This in and of itself is remarkable. I was employed within MPD for 8 years. I witnessed the barriers, tactics, deceit and obstructions put in place to defend police misconduct first hand. Even with this robust experience and knowledge in hand, I find myself often alone being steamrolled by the City Attorney and MPD. I ask the Common Council to consider how any member of our community without police experience or a law degree could ever expect fair outcomes in dealing with a department trained first and foremost in "controlling the narrative."

The MPD already has a storied history of violations of WI § 19.31-37 open records violations. In the course of fighting for over a year to achieve MPD admitting their active duty officer had supplied illegal firearms,

three writs of mandamus were filed, and fought against by none other than the Madison City Attorney. For this reason, I find it particularly ludicrous and ethically repugnant that the City Attorney's office is proposed to expand reach into OIPM/PCAB while simultaneously restricting records access for independent audits.

In writing in support of OIPM/PCAB, I proudly admit my naivety and misplaced trust in MPD in the past. I stood on State St in the summer of 2020. I stood on the wrong side of that line. As the national spotlight has turned away, and the current administration has normalized anonymous, unchecked police practices, I urge the Common Council to not permit MPD to backtrack on the little progress that was made. Please reject the proposed changes to Ord. 5.19 and 5.20.



Elijah Misener

Co. Founder, Transform Dane

P.O. Box 95

Madison, WI 53701

Note: District 3 is the location of my own residence and events contained within US 428 1983, 25-CV-329-WMC

From: [Fields, Debbie](#)
To: [All Alders](#)
Subject: Phone message: Betty Thompson
Date: Wednesday, April 22, 2026 9:31:13 AM

Alders,

Betty, a District 18 resident, left a message on the Council Office voicemail on Tuesday, April 21, at 4:54pm. She wanted to voice her support for the Police Department. She thinks the PCOB and the IM definitely need regulations and rules put on them. She said we have a good police department, and she hopes the Council passes the amendments to MGO 5.19 and 5.20 because the PCOB and IM should follow the rules.

Thanks,
Debbie

From: [Attorney S. Titus](#)
To: [Glenn, Carmella](#)
Cc: [All Alders; council; Munger, Sam R.; Office of the Independent Police Monitor; Police Civilian Oversight Board; Glass, Aeiramique; rebecca@renaissancesourcesllc.com; rikemblem@wifoodsystems.org](#)
Subject: Open Letter: Common Council Meeting on OIM Ordinance
Date: Wednesday, April 22, 2026 4:30:10 PM

You don't often get email from attorney@policeoversight.us. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To: Alder Carmella Glenn, et al

Re: 4/21/26 Common Council Meeting on OIM Ordinance

I reside in the Charlottesville, Virginia area. In my national office, I remain apprised of police oversight offices across the country, especially those that – notwithstanding operational and political setbacks – are leading change. Madison is in the aforementioned category.

Through my research, I have kept fully informed of the triumphs and struggles regarding Madison's Office of the Independent Police Monitor (OIM) and the Police Civilian Oversight Board (PCOB). For the record, I do not know, and have not spoken in person with, anyone affiliated with the OIM or the PCOB. I have previously shared on occasion supportive emails.

Last night, I watched the entire Common Council meeting on proposed ordinance amendments. Because in Virginia we are one hour ahead in time, for me it was past 1:AM when this matter was deferred until your August meeting.

I believe that was the right call. As you eloquently articulated, one must enter into important decision making with "clean hands." There were substantive concerns raised in Monitor Glass' recent public written statements that bring into question whether this entire process has come about through clean hands, which is to say whether city officials have operated in good faith.

I commend the vast majority of Alders for doing the right thing and giving this matter more careful, deliberative thought. I especially found myself moved, even at the late hour of the night, by your passionate and heartfelt plea for *equity*, and your perspective on what equity means.

Thank you for your leadership on this issue. As well, I thank your colleagues for exercising the wisdom to hit the proverbial pause button, at least long enough to *listen*. Just *listen* to what the community is saying.

I was moved as well by former Alder Rebecca Kemble's deep historical knowledge of the OIM ordinance, having helped codify the ordinance. Her walking to the podium to speak on behalf of preserving the independence of the OIM and PCOB, while in obvious physical pain, was civic commitment that was inspiring to see.

I sincerely urge city officials in Madison to recognize the gift you have in Ordinance 61593, passed in 2020. Most municipalities around the country have yet to summon the political courage to enact such a unique, strong ordinance that is independent of City Hall politics.

Yes, I say ***independence*** purposefully. That term was praised and chastised a great deal at last night's council meeting. Yet I stand firmly with my professional colleagues in the OIM, the PCOB, and community leaders in defense of the need for independence in order to gain and sustain public trust.

Furthermore, I respectfully reject any effort to "normalize" the work of the OIM and PCOB, in attempts to make this department like any other city department. *It is not.*

Just as an apple is a fruit; so is an orange. Yet everyone knows that an apple is not an orange. While every city government department in Madison is undoubtedly important, the mission of the OIM and the PCOB is unique to any and all other city entities. My colleagues do not claim to be "better" than everyone else – just uniquely situated to meet uncommon challenges and needs.

Finally, a little "straight talk." My colleagues in Madison have been very gracious in referencing the former, inaugural Independent Police Monitor. I will use my outsider status this time to speak more candidly.

If, *and only if*, the public record of the colossal failures of the previous Monitor is accurate, then as an attorney myself I am chagrined that a member of my profession could have left this office in such shambles, thus creating an opening for opportunistic political and public scorn of the OIM and PCOB. Having established and led three government startups at the municipal, state and federal levels, I know that as a pioneer one has the special obligation to set the highest standards, and serve as an exemplar for one's successors. It is a shame that this apparently was not the case for Madison's OIM and PCOB, who must now clean up the mess and take the hits.

These are hardworking, dedicated people who are sacrificing family and personal time just to make Madison a better place for all. My colleagues in Madison do not deserve the piling on by segments of City Hall, and naysayers in the community. Instead, what they **do deserve** is City Hall's sincere gratitude and – more importantly – City Hall's financial commitment to giving the OIM the resources so they can do their job more efficiently and with minimum burnout.

Know that the nation is watching Madison. As a nationally recognized subject matter expert and attorney-lecturer on police oversight, I developed and was invited to teach the first-ever course on police civilian oversight with the National Academy of Continuing Legal Education, titled –

Civilian Oversight of Law Enforcement: Navigating Legal, Social and Political Challenges

In my course, scheduled to go live on May 8, I plan to cite two municipalities that have exemplary (even if not perfect) police oversight ordinances which focus on independence and citizen control – Madison and New Orleans. My audience is comprised of attorneys from across the nation. After the live session, the course will be available on demand in perpetuity.

Madison has the opportunity to show the country what civilian oversight of law enforcement *should* look like: Trustworthy policing in partnership with a trusting community. Backed by the full force of a strong ordinance ensuring independence. The political commitment of City Hall to provide the proper resources in terms of staffing and funding.

I have faith that you can and will do this. Do you?

Shenandoah Titus, Chief Counsel

POLICE OVERSIGHT USA

"For Trustworthy Policing"

U.S. Supreme Court, DC Licensed
National Certified Investigator/Inspector

Bio: <https://shorturl.at/Fw2gy>

policeoversight.us

* Note:

I did not have an email address for Mayor Rhodes-Conway, thus I copied Chief of Staff Munger. As a courtesy, please kindly forward to the Mayor for her awareness. Thank you.

In the spirit of transparency, you may share this communication, in its entirety and with full attribution, with anyone or any organization that you deem appropriate.

From: [Attorney S. Titus](#)
To: [Mayor](#); [All Alders](#); [council](#); [Munger, Sam R.](#); [Haas, Michael R.](#); [Office of the Independent Police Monitor](#); [Glass, Aeiramique](#); [Police Civilian Oversight Board](#); [Ojanik@madison.com](#); [ahansen@madison.com](#)
Subject: Why Madison Must Change Course on PCOB/OIM
Date: Friday, May 1, 2026 8:37:33 AM

Some people who received this message don't often get email from attorney@policeoversight.us. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To: Mayor Rhodes-Conway, Common Council, PCOB, OIM, Wisconsin State Journal

Re: **Urgent Reform Needed for PCOB & OIM**

May 1, 2026

I write to you as a friendly observer from the Commonwealth of Virginia, and as a national subject matter expert on police civilian oversight. I am not affiliated with any group or organization in the State of Wisconsin. As the Founder and Chief Counsel of *Police Oversight USA*, my loyalty is to the mission of police oversight everywhere.

A brief introduction is in order. I was engaged in police oversight long before it was known as such, dating back to 1997 when I served as the first Human Rights Director of Amherst, MA. Investigating civilian complaints alleging police harassment was a priority during my leadership, both in Amherst and in Somerville, MA.

I hold various professional certifications and six academic degrees – principally from Cornell, Berkeley Law, and Harvard Divinity School. I have served in leadership roles at the municipal, state and federal levels for over two decades.

For those who would brand me a "company man" or "yes man" after reading this letter, know that I am a federal whistleblower. Having rejected an unlawful and unethical demand from former executives, and subsequently being subjected to retaliation, I successfully took legal action against my former employer – the U.S. Department of Homeland Security Headquarters, Washington, DC. I am hardly a "company man" or "yes man."

A final point is worth mentioning. Political conservatives will want to embrace me after reading this letter, while many Madison liberals will want to dismiss me as "right-wing." For the record, politically I regard myself as a Progressive Independent man of color (African American and Native American). In previous elections, I cast my vote for Hillary Clinton, Karmela Harris, and Abigail Spanberger – Virginia's first female governor.

With the preliminaries aside, I have studiously observed events regarding Madison's Police Civilian Oversight Board (PCOB) and the Office of the Independent Police Monitor (OIM). I watched the entire April 21st Common Council meeting, as it pertained to the PCOB, OIM, and Ordinance 61593.

On April 22, I submitted an Open Letter to the recipients of this communication. In that Open Letter, I offered three themes, each of which I stand by today:

1) In order to effectively perform its duties and garner public trust, the independence of the PCOB and OIM must be safeguarded.

2) The OIM and PCOB are comprised of good, hardworking people who seek to better their community (I merely question their approach).

3) The Interim Monitor raised substantive concerns in her April 21st public memorandum regarding her perception of conduct within City Hall. Note that I did not comment on the veracity or validity of said allegations, only that they are substantive (meaningful) in nature and deserve to be taken seriously.

At the core of the friction between the OIM/PCOB and City Hall is the issue of *independence*. Yes, the OIM and PCOB require independence to perform their duties.

However, after observing these two offices over the past few months, I have concluded that it is not "independence" that the OIM/PCOB seek, but rather *AUTONOMY* – which essentially means *self-governance*. In a democracy where accountability is valued, I do not support any governmental agency's quest for self-rule.

The OIM/PCOB appear to be of the mindset that any restrictions at all on their quest for self-rule, however reasonable, would be an *encroachment* on their "independence," and therefore must be soundly rejected. I vehemently disagree.

One cannot welcome City Hall involvement when it comes to providing tax-payer funding and infrastructure support, but simultaneously demand complete and utter independence in all other matters. Furthermore, the OIM/PCOB fail to understand that with independence comes *accountability*. The track record for the OIM/PCOB is woefully lacking.

The OIM and PCOB were established in 2020. Sadly, their history of successful self-governance is abysmal. To wit:

The OIM, under previous management, reportedly for years failed to produce reports, respond to public records inquiries, complete adequate investigations, or build a sustainable infrastructure. The PCOB appears to have failed in their oversight of the OIM for several years. Yet they strenuously demand self-governance.

The Interim Monitor, a hardworking and committed person, I believe, nevertheless failed to meet two of the most basic tenets of good investigation – *Ask and Observe*. When the OIM released its first flawed Annual Report in 2026, the question should have been asked whether there are any policies on AI use by city employees. Investigators do not assume facts.

But, of course, if the OIM felt that they were above city employee policies, then perhaps they saw no need to inquire about policies that apply only to "those other people." *That is not independence*. That is autonomy – which is unacceptable.

As to the obvious cover photo containing two capital buildings, one should have made this simple observation and corrected the image before releasing it, causing chagrin to the city and to the OIM/PCOB. No, it is not a matter of Madison residents' idiosyncrasies about their "skyline," an excuse that I found condescending to Madisonians. It was a blunder that should not have gone undetected by a professional investigative office.

Is "independence" a license for rudeness? As a professional who has had his share of conflicts with political figures over two decades of public service, I have always sought to resolve disputes with mayors and city council officials diplomatically. Therefore, I was rather taken aback by the OIM's public memorandum alleging misconduct on the part of City Hall, and the public declaration during the April 21st Common Council meeting that the Interim Monitor could not work with City Hall officials due to "lies."

While perhaps most people on the PCOB and in areas of the community view such

antagonism as "standing up to the powers that be," many others question the professionalism and temperament of said conduct. I have a growing concern that when other city employees witness what the OIM apparently has been allowed to get away with under the guise of "independence," it does not serve employee morale when non-OIM employees have to constrain their frustrations in dealing with higher-ranking officials.

Yes, I have always maintained that police oversight offices are not typical city departments. However, that uniqueness does not give OIM staff the right to be publicly disrespectful of duly elected officials – or the right to be disrespectful of anyone, regardless of rank and title.

My greatest concern is that there appears to have developed a level of "group-think" within the OIM/PCOB. Unfortunately, whenever there is group-think, an unhealthy ***personality polarization*** occurs when the group leader displays a strong, forceful demeanor.

I believe that is where the OIM/PCOB have arrived. With group-think, dissent is not tolerated. Introspection and reflection as to one's own shortcomings give way to victimhood and group paranoia, where the mindset is that everyone who does not share our perspective is "out to get us."

Madison had the noblest of intentions when citizens created the OIM and PCOB in 2020. But an ordinance is only as good as the people who administer and enforce the ordinance. Political leadership requires the courage and wisdom to know when to change course when something is not working. That is where I believe Madison is at this juncture.

The Madison OIM and PCOB structure has failed, and will absolutely continue to fail.

During the April 21st Common Council meeting, an Alder asked a PCOB official if the PCOB had considered an Inspector General (IG) model, which of course would replace the current OIM/PCOB model. The response was rather feint.

In addition to teaching a national course for attorneys on police oversight, I am also slated to teach an IG course on ethics. Thus, I speak as a subject matter expert when I say that the Alder's question was on the mark.

*The prudent and effective path forward for Madison is to timely replace the OIM and PCOB offices with an **Inspector General for Police Accountability** (or similar office title).*

Much of the existing language of Ordinance 61593 can easily stay in place, with little modification. Provide the proper staff resources and funding. Have the IG hired by, and report directly to the Common Council, either serving for renewable four-year terms or subject to removal *For Cause* by a two-thirds vote of the Alders. This will maintain the IG's *independence* -- not autonomy, while also providing proper accountability for the IG.

A final note on transparency. Over the past few months, I have – in writing – offered very strong moral support for the Interim Monitor. I know personally the challenges of setting an office up from ground zero. I genuinely wanted to see the OIM and PCOB succeed fabulously – especially the Interim Monitor.

Having developed what I felt was a casual rapport with some PCOB members, I shared that if I ever felt compelled in my heart to apply for the permanent Independent Police Monitor position, I would give it due consideration. I emphasized that I have not yet reached that point – and likely would not – as I remain quite happy with my private national office.

Most telling, when I shared my confidence that the PCOB would be fair and hire the best qualified person to lead the office as the permanent Independent Police Monitor, the reaction I got made it clear that the PCOB was interested in finding a way to make the Interim Monitor

their permanent leader, despite publicly announcing months ago that the Interim Monitor would not be eligible to apply for the permanent role.

Yet they complain about City Hall politics!

It was at that point that I knew in my heart that group-think on the PCOB was real, and deeply entrenched. It became readily clear to me that this PCOB/OIM had morphed into a *personality polarization*, which is a reckless mental space to be in for an office whose mission is to hold police accountable and foster transparency.

I think it would be career suicide for any police oversight professional who believes in moderation to take the Madison OIM post – assuming it is ever posted. It has been nearly five months since the Interim Monitor took office on December 8, 2025, and there are no signs of progress on recruiting a permanent Independent Police Monitor.

Below is a direct quote from me to a PCOB member in an email dated April 30. Out of respect, the person with whom I was communicating will not be identified, nor quoted on their end. The gist of their communication is that the system is out to get strong Black women, and the Interim Monitor has done great things for Madison [paraphrased – not a quote]

From: **Police Oversight USA, Chief Counsel** >

Date: Thu, Apr 30, 2026, 7:10 AM

Subject: Are you ok?

To:

Greetings, []

Thanks for sharing all about your personal commitments regarding family – and "near family." You are obviously very much needed and, I think, rightfully revered by those close to you. Good for you!

Regarding the current state of the OIM, while I have consistently expressed strong moral support in writing for the Interim Independent Police Monitor (electing by choice not to address her personally here, and to keep my comments professional), reasonable minds may differ as to what "success" looks like in this role. But, to keep it professional, I won't go there.

My strong sense is that there is a polarization around the Interim Monitor that, frankly, would make it extremely unfair and futile for anyone to seek that position at this time. I find that most unfortunate for the future of police oversight in Madison.

I am truly grateful to you for opening a small window of your life to me. I have been enriched by our brief friendship.

However, as a matter of prudence and integrity, there may be something that I must soon do, which has been weighing on my heart for a while now. Your response has affirmed my concerns.

It will be best if we no longer communicate. If I follow through with what is weighing on my heart, you will not wish to consider me a friend.

I thank you and wish you and your family peace and happiness.

Kind regards,
Shenandoah

Conclusion:

In 2020, Madison had a golden opportunity to lead Wisconsin, and indeed the nation, with one of the boldest police oversight ordinances that I am aware of to date. Madison's efforts are so noble that I highlight your city's oversight ordinance in my Continuing Legal Education (CLE) lecture to lawyers around the country!

Whether or not city leadership decides to keep this ordinance and the current OIM/PCOB structure, or replace them all with something else, such as the Inspector General model that I proposed, I will continue to cite Madison for boldly trying to get it right.

Madison still has an opportunity – albeit narrow now because of the entrenchment of the PCOB/OIM – to lead statewide and nationally. The record and the facts are crystal clear.

What Madison set out to accomplish six years ago never materialized. It simply failed – and will continue to fail miserably unless city leadership decides to actually *lead*.

I fully expect the angry reaction that I will receive from those caught up in the personality polarization that has engulfed the PCOB/OIM. I can take the heat because I deeply care about police oversight nationally. I care about transparency and accountability – not just for law enforcement, but for oversight agencies as well.

You collectively have the opportunity – indeed the *responsibility* – to right this wayward ship – or build a new ship – looking past all the race/gender paranoia noise. Show Wisconsin and the nation what real leaders do when "Plan A" has failed.

Learn from the errors of Plan A and make a *better, wiser Plan B*. Just never give up on the mission of trustworthy policing.

Never give up on the people you serve.

Shenandoah Titus, Chief Counsel
POLICE OVERSIGHT USA
"For Trustworthy Policing"

U.S. Supreme Court, DC Licensed
National Certified Investigator/Inspector
Lecturer: Nat'l Academy of Continuing Legal Education

policeoversight.us

From: [Barbie Jackson](#)
To: [Police Civilian Oversight Board](#); [All Alders](#); [Lankella, Badri](#)
Cc: [Barbie Jackson](#)
Subject: Statement in support of OIPM and PCOB independence
Date: Tuesday, June 16, 2026 4:55:24 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear PCOB members and Alders:

My name is Barbie Jackson. I am a member of MOSES, addressing you as an individual.

I support the purpose and charge to the Madison Office of the Independent Monitor and the Police Civilian Oversight Board, as established by Madison Municipal Codes 5.19 and 5.20.

I support these original ordinances and think they should only be changed if there are amendments the OIPM and PCOB put forward to strengthen the ordinances and make the OIPM more independent.

I am concerned about the racial disparities in the 2026 Annual Report and call on the City of Madison to fully support rectifying these matters.

I call upon the members of the Common Council to support the full independence and funding needed for the OIPM to do its job to help the City meet the goals and responsibilities set forth in the existing ordinances.

Thank you.

Barbie Jackson, member of MOSES, 59-year resident of Madison
6441 Dylyn Drive
Madison, WI 53719
608-234-8118

From: [noreply](#)
To: [All Alders](#)
Subject: [All Alders] police excessive force finding
Date: Tuesday, June 16, 2026 12:13:08 PM

Recipient: All Alders:

Tuesday, June 16, 2026 – 12:12pm

Joan d Kemble

MOSES, JAMES REEB U U CONGREG VFP

4211 School Rd

Dane

Madison, Wisconsin. 53704-1610 No, do not contact me. All Alders police excessive force finding I am a MOSES member who opposes the amendments introduced by Council members which would limit powers of the OIPM and PCOB. The death by force announced yesterday makes clear how important this agency is. I support the original ordinance. It is vital that it be independent; the City Attorney should be replaced by an independent attorney.

From: [Amelia Royko Maurer](#)
To: [Amelia Royko Maurer](#)
Subject: ACTION: PLEASE READ THIS CAREFULLY
Date: Tuesday, June 30, 2026 5:01:19 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

CALL TO ACTION - IT'S JUST A QUICK EMAIL : PLEASE READ THIS CAREFULLY

There are still amendments in Legistar file 92386 (posted below) that threaten the independence of the Office of the Independent Police Monitor (OIM) and Police Civilian Oversight Board (PCOB).

Please email alders Yannette Figueroa Cole, Council President Sabrina Madison, Derek Field and Will Ochowicz and ask them to discontinue their amendments in Legistar file 92386 that threaten the independence of the Office of the Independent Monitor and the Police Civilian Oversight Board. These amendments make no sense, they have wasted significant time and tax dollars that should have been spent on fulfilling the OIM and PCOB mandate to investigate harm caused by MPD and to prevent injury and death.

- 1.) One amendment would end OIPM's right of access to MPD databases and restrict access to MPD records. This is inconsistent with the national standard.
- 2.) The second amendment would restrict OIM/PCOB's right to use an independent attorney, requiring use of the City Attorney despite a structural conflict of interest. It would also require OIM/PCOB to comply with all city administration policies (APMS), even when those APMS undermine its function and independence.
- 3.) The third amendment would place an elected official on the PCOB, eliminating PCOB independence.

Yannette Figueroa Cole district10@cityofmadison.com

Council President Sabrina Madison district17@cityofmadison.com

Will Ochowicz district2@cityofmadison.com

Derek Field district3@cityofmadison.com

Alders who wish to address what they feel are problems within the OIM or PCOB or who wish to help strengthen the office have always had these options available to them:

- 1.) Ask the OIM and PCOB members questions and for solutions.
- 2.) Consult with the primary author of the ordinance, Rebecca Kemble, who is uncompromisingly, unquestionably pro-independent oversight and highly educated on the subject.

- 3.) Consult with the National Police Accountability Project, a nonprofit that has extensive experience with civilian police oversight mechanisms.
- 4.) Invite Florance Finkle to a meeting. She is in OIR group (the group that reviewed MPDs policies, procedures and culture) and the President of the National Association of the Civilian Oversight of Law Enforcement.

These individuals and entities are experts or well educated on the subject matter, they are readily available and safe sources as they fully support independent, community-based police oversight.

When alders go to other individuals who have demonstrated they are not pro-independent community oversight of the police, like Madison's City Attorneys, including Andy Schauer (the former longtime police union attorney), they demonstrate that they are willing to undermine the oversight mechanism for personal or political gain.

The following nonsense excuses/political doublespeak/distractions are those we've heard come from the alders who support these and past harmful amendments. This dishonest behavior harms families like Richard Johnson's.

- 1.) I am a supporter and have done good things for the OIM/PCOB.
- 2.) I have gone to the board meetings since the beginning.
- 3.) I am just trying to protect the OIM/PCOB.
- 4.) I am trying to make sure the OIM/PCOB follow the rules.
- 5.) I am trying to streamline how the OIM/PCOB run to protect the OIM/PCOB.
- 6.) My name is on the amendment as a courtesy to former Alder MGR but I don't really have a position.
- 7.) I'm just trying to learn more.
- 8.) This will not harm the independence of the office.
- 9.) The office can't be independent anyway, because it gets paid by the city and has to follow city rules.
- 10.) I work on preventing police contact so no one can question my intentions with these amendments.
- 11.) I am good at systems and processes and this amendment helps with systems and processes.
- 12.) I don't like or am mad at _____ so I'm making the families who need a fully independent and functioning OIM/PCOB pay for it.

Council President Sabrina Madison district17@cityofmadison.com

Will Ochowicz district2@cityofmadison.com

Derek Field district3@cityofmadison.com

We are once again urging these alders involved to stop making excuses, rescind the amendments and let the OIM and PCOB do their important work. Please join us.

Thank you,

Amelia Royko Maurer

From: [Sharon Irwin Henry](#)
To: [All Alders](#); [Haas, Michael R](#); [Mayor](#); [Police Civilian Oversight Board](#); [Office of the Independent Police Monitor](#); [Patterson, John](#); [Amelia Royko Maurer](#)
Subject: Tony Robinson case
Date: Thursday, July 9, 2026 2:20:10 PM
Attachments: [Ex.30-Peterson Decision\[236\] \(1\) \(2\).pdf](#)

Some people who received this message don't often get email from sharonirwin18@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Good day to all:

I would like to share some evidence with you, only one thing. Judge Peterson was the presiding judge in the civil case against Matt Kenny. This was his decision. and because of that, the largest settlement in a police wrongful death case in Wisconsin at the time, went to my daughter. I took no money, signed no papers. I chose this path. Maybe, you can get a better understanding of why I do what I do.

For 11 years it has been easier for all but a very few, not to look, It makes people uncomfortable to see the possibility that it was reckless and accountability was not there. Like I have told everyone over the last 11 years, You can make your own decision as to reckless homicide or justified homicide...based on the evidence.

This is why I come to these meetings involving changes to the PCOB, The Office of the Independent Monitor and PCOB need to remain independent of the city, including the city attorney's office. The problem that may have existed before the new independent monitor arrived, no longer exists. The city attorney and his office can not be an active part of any of OIM or PCOB; cannot be attorney for the city, and therefore the police, AND the OIM...conflict of interest on a grand level and subject to lawsuits. Look at the email/letter sent to all of you by the IM- dated april,2026, if your memories need to be jarred.

City's all over the country are looking at the model created here in Madison and looking to copy it. If you change it now, you will have effectively killed it and all possibilities for real change.

You can not be afraid to move forward. We must go into the future with clarity, transparency and change. It will not be easy, change rarely is. You might find yourself deep in people declaring foul play...Maybe, maybe not. The independent monitor will sift through the complaints, not the city. The process of change may include a decade of upheaval as we go forward. And then, everyone will settle into a new way of policing and dealing with consequences.

The ordinance introduced at the last meeting, written by Michael Hass and introduced by an Adler who no longer sits on the council, and then tabled until the Aug 4, 2026, meeting... is moot, has no value. What may have been, no longer is. And the person who wrote that ordinance and wished to make it law, knows that. What may have been a problem with Robin Copley's handling of the OIM and her resignation no longer exists.

I say again, City Attorney's Office not your place. I say, allow the Madison Police, the IM to set ground rules based on the ordinance in place now. The ones this office was created with. They are more than capable of working together for a better way, one that allows for growth and change.

Alder Pritcher your concerns about information leaked causing harm is valid. I heard recognition and pain as you spoke. I understand. Personally, as well. This very city did that to my family in 2015. Leaked phone numbers and addresses. You have no idea the death threats perpetrated on my family or the big trucks with no plates driving by my daughter's

home because of that. We were never compensated for damages done or harm inflicted for those incidents and no one was ever held accountable. No one said sorry. The DA said "oops", The Milwaukee chapter of the Black Panthers came and helped us. Our neighbors stood guard over my family.

I heard the slurs then, I hear the slurs now, from the people walking the halls of this city and the courts. Whispered innuendos and vicious name calling by top ranking city officials. I just walk past all of that, that is not me, and those words and names cannot harm worse than what has already been done. It's only designed is to make you take your eyes off of the real reasons we are here...to be of service to those you serve. Everyone in Madison and those cities who follow our lead will benefit from a positive move toward change. It starts here with accountability.

The OIM should remain outside of the influence of the city.

Which is exactly where we are at. It will be up to the alders, if the OIM will remain independent of the influence of the city attorney and the mayor's office.

We started in 2015 with an independent consulting organization finding 187 things that needed changing. The city council ratified all 187 or those changes into city law. Is that how I say it, when the city council passed into ordinance all the changes?

I am not sure if any of those changes were implemented, Do any of you know?

It seems the mayor office has been trying to wrest control or eliminate this office since its creation and movement. I say this because I am a citizen of the United States of America, a veteran of the US Army, and I speak what I see. I see that pattern and I am calling out what I see. You remember when you offered Sabrina PCOB budget money. Mayor. I do.

I do not do politics. Say what you want about me, but not my family. My family has gone through a fire none of you will ever feel. Unless of course a child of yours is killed by a police officer, then you are attacked by the police, news outlets and crazy people wanting their 15 minutes of fame on the back of a child they never knew. Lies are told that are never corrected, and a whole city cannot see, did not look, will not look.

Remember, we are destined to repeat our mistakes until we look and see. If you seek to see all the evidence, it is on the Facebook page in pursuit of justice fire matt kenny; all the evidence is there. Or you can ask me.

I will see you on the 4th of August.

Sharon Irwin-Henry

Exhibit 30
(Peterson Decision)

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

THE ESTATE OF TONY ROBINSON, JR., *ex rel.*
PERSONAL REPRESENTATIVE ANDREA IRWIN,

Plaintiff,

v.

THE CITY OF MADISON, WISCONSIN, and
MATTHEW KENNY,

Defendants.

OPINION & ORDER

15-cv-502-jdp

On March 6, 2015, Matthew Kenny, a Madison police officer, was sent to a residential address on Madison's east side to check on Tony Robinson after several 911 calls had reported Robinson's erratic behavior. Less than a minute after Kenny arrived, he shot and killed Robinson in the stairwell of the residence. Kenny was cleared by an internal investigation by the Madison Police Department, which determined that the shooting did not violate department policies concerning the use of force. The district attorney declined to bring criminal charges against Kenny.

Robinson's mother, Andrea Irwin, brings this civil lawsuit under 42 U.S.C. § 1983 in her capacity as the personal representative of Robinson's estate. Plaintiff alleges that Kenny violated Robinson's rights under the Fourth Amendment by using objectively unreasonable force against him. Kenny contends that his use of force was reasonable because he believed that Robinson was assaulting someone, and that when he entered the building to investigate, Robinson attacked him. Plaintiff alleges that the City of Madison is also responsible for Robinson's death because the police department conducts shoddy investigations that do not

hold officers accountable for shootings, thus encouraging officers to use deadly force with impunity.

Both Kenny and the City have moved for summary judgment, Dkt. 43 and Dkt. 47, contending that the material facts are undisputed and that plaintiff's claims must fail as a matter of legal principle. The parties have also filed a number of motions asking the court to exclude some of the other side's expert evidence. Dkt. 56; Dkt. 58; Dkt. 59; Dkt. 60; Dkt. 80; Dkt. 81; Dkt. 103; Dkt. 104; Dkt. 114; Dkt. 115. Expert evidence is critical to this case, because Kenny is the only remaining witness to what happened in the stairwell. Both sides rely on expert interpretation of the physical evidence to confirm or contradict Kenny's version of the events. Under *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), the court must serve as a gatekeeper and decide whether the proffered expert evidence is reliable and relevant enough to be admitted. So, before considering the motions for summary judgment, the court must decide what evidence it will allow in the case.

As explained in this opinion, some of the opinions of the experts are too speculative to be admitted and some are legal conclusions that the court will disregard because those are matters for the court or the jury to decide. But, for the most part, the court concludes that the parties' expert evidence is admissible. And, based on this evidence, what happened in the stairwell on March 6, 2015, is sharply and genuinely disputed. Thus the court must deny Kenny's motion for summary judgment. Whether Kenny's use of force was objectively unreasonable is an issue that must be resolved at trial.

But the court will grant the City's motion for summary judgment. The City is not automatically liable for the unconstitutional acts of its employees. *Monell v. Dep't of Soc. Servs. of City of N.Y.*, 436 U.S. 658, 691 (1978). Rather, the City itself is liable only if the

constitutional violation can be traced back to some City policy, widespread practice, or decision by a City policymaker. *Id.* As explained below, plaintiff's *Monell* claim fails because plaintiff cannot establish that there was a policy or widespread practice of shoddy investigation of officer-involved shootings, or that the City was aware of and deliberately indifferent to a problem with those investigations, or that the shoddy investigations were the "moving force" behind Kenny's use of force.

The bottom line is that plaintiff has not adduced evidence to show that Robinson died because the City turned a blind eye to obvious problems with the police department's investigation or response to officer-involved shootings. Accordingly, plaintiff's constitutional claim against the City fails. But the court's decision to grant summary judgment to the City is not an endorsement of the investigation of the Robinson shooting. The evidence plaintiff brings to this court raises a genuine dispute whether Kenny's use of force in this case was objectively unreasonable, and that is an issue for jury to decide.

FACTS

Except where noted, the following facts are undisputed for purposes of summary judgment.

A. March 6, 2015

On March 6, 2015, Tony Robinson and a friend, Anthony Limon, had planned to take psilocybin mushrooms (commonly referred to as 'shrooms). Anthony got called into work, but at some point, Robinson took the mushrooms on his own. Around 4:00 p.m., Javier Limon and his girlfriend, Kelly Austin, were at the second-floor apartment that Javier shared with Anthony at 1125 Williamson Street. Robinson showed up a short time later, but Javier

and Austin stayed in Javier's bedroom with the door closed. After about an hour, Javier had not heard anything from Robinson. Javier went to check on him, and he found Robinson in Anthony's bedroom, "balled up on the bed in the corner." Dkt. 41-2, at 2. Robinson began shouting at people who were not there. At some point, Javier's cousin arrived. Robinson continued to yell, and he and Javier's cousin pushed each other around. Eventually Javier told Robinson to leave. But Robinson continued to behave erratically, and Javier was unable to get Robinson out of the apartment. Javier and Austin left; Robinson followed. Javier and Austin got in her truck to leave, but not before Javier saw Robinson leap out in front of traffic. At that point, Javier called 911.

At 6:28 p.m., Javier reported to the 911 operator that he was at a gas station on Williamson Street and that a "guy's tweakin. He's chasing everybody [sic] and fuckin yellin, and I don't know. He's tweakin on some shit . . . he's really outrageous right now. He fuckin scared me and my girlfriend." Dkt. 41-1, at 1. Javier said that he lived across the street from the gas station, gave his address, and described Robinson's appearance. The 911 operator asked Javier whether Robinson had any weapons; Javier responded, "I don't think so, no." *Id.* Javier told the operator that he had left the scene. Javier explained that Robinson was his friend and that he may have taken mushrooms, although he was not sure. Javier then reiterated that Robinson did not have a weapon and that he does not normally carry weapons. The operator told Javier that she was sending officers to check on Robinson, and the call concluded.

Kenny was on patrol that evening. At 6:31 p.m., 911 dispatcher Jeremiah Chang asked for the locations of officers D8 (Kenny) and D7 (MPD Officer John Christian). Kenny reported that he was on Wilson Street; Christian was in the police department property

room. The dispatcher radioed “[f]or a check person. 1125 Williamson. Look for a M/B, light skin, tan jacket and jeans. Outside yelling and jumping in front of cars. 19 years of age. Name is Tony Robinson. Apparently he lives in MaFarland [sic].” Dkt. 39-1, at 1. The dispatcher reported that the 911 caller was no longer at the scene and “no weapons seen.” *Id.* The dispatcher then reported that another 911 caller—a “victim,” Lei Yang—reported that Robinson was at the gas station in that area. A third call about Robinson indicated that he had gone back inside Javier’s apartment and that he had “[t]ried to strangle another patron.” *Id.*

By that point Kenny had arrived at 1125 Williamson Street. A witness at the scene flagged Kenny down and told him that Robinson had gone through the door at the side of the building to the upstairs apartment. Kenny had parked his squad in the driveway, with his dash cam pointed toward the door to the upstairs apartment. At 6:38 p.m., Kenny radioed, “I’m going to have to enter,” *id.*, drew his weapon, and went through the door to the stairway that led to the upstairs apartment. Seconds later, MPD Sergeant Jamar Gary radioed, “Shots fired.” *Id.*

Kenny’s dash cam video¹ provides objective evidence of a general factual outline that the parties do not dispute. The video shows Kenny pulling into the driveway at 1125 Williamson Street, exiting his vehicle, and approaching the house. He looks around the back of the house and toward the upper apartment windows, climbs onto the porch near the door, appears to say something into his radio, and places his hand on his weapon. At this point, the

¹ The audio for the dash cam video is taken from Gary’s body microphone; Kenny was not wearing his microphone during the incident, in violation of MPD policy. Gary arrived at 1125 Williamson just before Kenny went through the front door. None of the parties object to the synchronization of the video or to the court’s consideration of it.

audio kicks in, presumably marking Gary's arrival. Just under 20 seconds pass from Kenny going through the door to the shooting. The shooting begins with a quick volley of three shots; Kenny begins to back out of the doorway between the first and second shots. After the first volley of three shots, Robinson's feet appear over the threshold of the door, pointed up, soles out, indicating that he is not standing up. Kenny appears to dodge or jump over Robinson's feet as he backs onto the porch. He then fires a second volley of three shots. Kenny fires a seventh and final shot from the far edge of the porch before he hops off and shouts, "Stop right there! Don't move!"

A few additional points are undisputed. The parties agree that Kenny entered the stairwell before backup arrived. Kenny did not radio that he saw or heard any signs of a disturbance or exigency. Kenny heard only once voice coming from the upstairs apartment. The parties agree, based on the results of the autopsy, that Kenny hit Robinson with three non-fatal shots—to the right hand, the left shoulder, and the chin. Because those wounds were not marked with stippling (i.e., gunpowder marks), Kenny fired them from more than three to four feet away. Kenny fired four fatal shots—all to Robinson's chest, through his heart and other vital organs—close to Robinson's body, well within three to four feet, as evidenced by stippling. One of the wounds showed evidence of searing, suggesting that the muzzle of Kenny's gun was against or very near Robinson's skin when he fired.

The factual outline is undisputed, but the parties sharply dispute the details, particularly what happened in the stairwell, outside the view of the dash cam. According to Kenny, he could hear sounds of "a disturbance" coming from the upstairs apartment when he arrived. Dkt. 131, ¶ 88. Kenny heard yelling and screaming, and he approached the stairwell to hear more clearly. He heard the sound of someone striking something or someone; he

heard someone yell, “What are you going to do now, bitch[?]” Dkt. 40 (Kenny Dep. 301:21). Kenny believed that Robinson was in the upstairs apartment assaulting someone. *See id.* at 321:11-23. From where he was standing at the bottom of the stairs, Kenny could see that the top of the stairs opened directly to the upstairs apartment; the upper landing did not appear to have a door. Kenny drew his gun, held it at the low ready position with both hands, and went up the stairs. According to Kenny, when he neared the top of the stairs, he announced “Madison Police.” Kenny moved toward his right on the stairs, to see into the apartment. Suddenly, Robinson turned the corner and punched Kenny in the head with a closed fist. Robinson continued to swing at him, and Kenny lost his balance and fell down the stairs. Kenny admits that he cannot recall exactly how he and Robinson reached the bottom of the stairs, but Kenny began shooting. According to Kenny, Robinson continued to move or “aggress” toward Kenny during each of the seven shots he fired. When he fired his final shot, Kenny observed Robinson “sitting up and pushing himself forward.” *Id.* at 364:18-19.

Plaintiff disputes Kenny’s account and offers an alternative one, relying on the dash cam video and testimony by forensics experts. The dash cam video shows that Kenny fired all seven shots from the bottom of the stairs; if Robinson did attack Kenny at the top of the stairs, Kenny did not shoot him then or there. According to plaintiff’s forensics experts, Kenny likely fired three shots at Robinson from the bottom of the stairs, as Robinson came down the stairs. Kenny likely hit Robinson with three non-fatal shots first, from more than three to four feet away. According to plaintiff, the dash cam video demonstrates that Kenny was not flailing or falling down the stairs as he fired his weapon; he was perfectly controlled and on his feet, until he lunges to avoid tripping on Robinson as Robinson falls. Kenny fired his fourth, fifth, and sixth shots close to Robinson’s body, within three to four feet. Kenny

continued to back out of the door and fired his seventh and final shot from the front porch, as Robinson was lying on the stairs.

So that is the central dispute in the case. According to Kenny, he believed that Robinson was assaulting someone in the second-floor apartment, and he went in to stop it. Kenny encountered an aggressive Robinson, who punched Kenny in the head, causing Kenny to sustain a concussion. Kenny feared for his life and fatally shot Robinson to protect himself. In plaintiff's version, Kenny was dispatched to a "check person" call, knew that he should wait for backup, but entered the building with his weapon drawn anyway. Then, as he stood near the bottom of the stairwell, Robinson appeared at the top, and Kenny fired unnecessarily. Robinson fell down the stairs and Kenny fired the fatal shots as he lay helpless at the bottom of the stairs.

Immediately following the shooting, Gary went upstairs and cleared the apartment; he did not find anyone. Kenny went to the hospital; photographs indicate that he cut the left side of his head, near his hairline. Medical personnel cleaned the cut and did not need to bandage it. Kenny denied having pain, nausea, vomiting, dizziness, or visual changes. According to Kenny, he was diagnosed with a concussion about a month after the incident. But Kenny adduces no medical records or other objective evidence of a concussion. *See* Dkt. 149, ¶ 144 ("Officer Kenny was diagnosed with a concussion after the March 6, 2015 incident with Robinson." (citing Dkt. 40 (Kenny Dep. 20-22, 215))). The medical records in the record note that Kenny sustained a "head injury" on March 6, 2015. *See* Dkt. 95-1. And worker's compensation forms indicate that Kenny had been diagnosed with a concussion. *See* Dkt. 95, at 3 and Dkt. 95-1, at 6. Kenny's medical expert, Andrew Dennis, DO,

acknowledged that there is no objective evidence in the record that Kenny suffered a concussion.

Within a few minutes after the shooting, Kenny gave Gary a “snapshot” account of what happened. At the time, Kenny stated that: (1) he had heard more than one voice upstairs; (2) Robinson was yelling and had come at him swinging and punching; and (3) he did not draw his weapon until he was falling down the stairs after Robinson had punched him. Kenny’s later testimony contradicted these early, on-the-scene statements, and Kenny now concedes that none of these initial statements were accurate.

Kenny gave a formal statement to investigators on Monday, March 9, 2015, three days after the shooting. Before giving the formal statement, Kenny was allowed to do a walkthrough of the scene of the shooting and review the dash cam video and body microphone audio with his counsel.

B. Madison Police Department policies and practices

Plaintiff’s *Monell* claim against the City has two components. First, plaintiff contends that MPD investigations of officer-involved shootings are, as a matter of unstated practice and custom, unfairly biased in favor of the officer. Second, MPD officer training is deficient, in that MPD does not appropriately retrain officers after officer-involved shootings. Accordingly, the court here summarizes the facts pertinent to MPD training and investigation of officer-involved shootings.

1. MPD training generally

Plaintiff does not challenge the MPD’s training programs generally. In fact, plaintiff concedes that the MPD provides training that exceeds state standards and that the MPD

keeps up with national, state, and local law enforcement trends and incorporates up-to-date best practices.

Kenny received and successfully completed significantly more pre-service training and ongoing in-service training than is required by the Wisconsin Law Enforcement Standards Board (LESB). Since 2009, Kenny has received advanced tactical training as a member of the MPD Special Weapons and Tactics (SWAT) Team.

MPD has not amended or revised its policies, practices, or training specifically in response to incidents of officer-involved shootings.

2. Officer-involved critical incidents investigations

In Madison, a police officer-involved shooting involving a civilian prompts two investigations: an internal police department investigation and a criminal investigation.

The internal investigation is conducted by the MPD, according to a Standard Operating Procedure (SOP) governing such investigations. The objective of the internal investigation is to determine whether the officer violated MPD policy during the incident. The internal investigation process has remained substantially the same from 2007 to 2015. The lieutenant in charge of Professional Standards and Internal Affairs (PSIA) leads the internal investigation.

The objective of the criminal investigation is to determine whether criminal charges should be filed against the officer. Historically, the criminal investigation would, like the internal investigation, be conducted by officers of the MPD. But after the enactment of Wis. Stat. § 175.47 (effective April 25, 2014), state law required that the criminal investigation be conducted by at least two investigators neither of whom are employed by the law enforcement agency that employs the officer being investigated. In response to Wis. Stat.

§ 175.47, the MPD adopted a new SOP for the investigation of officer-involved shootings as of July 15, 2014. Under the new SOP, an outside agency handles the criminal investigation; the handling of internal investigations did not substantially change.

Between 2000 and 2016, every MPD officer who has shot a civilian on-duty has been exonerated.

3. The Robinson investigation

At approximately 7:15 p.m. on March 6, 2015, MPD Lieutenant Cory Nelson, the PSIA lieutenant at the time, learned that Kenny had been involved in a shooting. Nelson would complete the MPD internal investigation and administrative review of the incident and determine whether Kenny acted in compliance with MPD policies and procedures.

As required under § 175.47, the MPD did not lead the criminal investigation; the Wisconsin Department of Justice Division of Criminal Investigation (DCI) did. DCI Special Agent Rafael De La Rosa served as lead investigator, and Special Agent Lourdes Fernandez served as De La Rosa's second in command. Although MPD personnel were involved in the criminal investigation, DCI, via De La Rosa, was in charge.

As is typical in DCI criminal investigations of officer-involved shootings, DCI investigators had Kenny walk through the scene on March 9, according to De La Rosa "because it helps the investigators process the scene more thoroughly and helps the officer provide a more thorough statement of what occurred." Dkt. 158, ¶ 35. De La Rosa also had Kenny view dash cam footage and listen to audio of the incident, in private with his attorney. (Plaintiff contends that allowing the officer access to the scene and other evidence before he testifies betrays the fact that the entire system favors the officer: the process is purportedly designed to help the officers prepare their testimony in light of the evidence at the scene.)

Later on March 9, De La Rosa formally interviewed Kenny about the incident. On March 23, De La Rosa followed up with a phone interview with Kenny. Interview transcripts and summaries, and the rest of the DCI investigative file, were available to Nelson when he conducted his internal investigation for the MPD.

In conducting the internal investigation, Nelson evaluated Kenny's decisions to (1) enter the stairway with his gun drawn; and (2) use deadly force. Nelson spoke with Kenny on April 6 to clarify a few points, but he did not fully interview Kenny because he had the benefit of the DCI interviews. Nelson had Kipp Harman, a MPD training officer, write a use-of-force report on the incident. Nelson incorporated Hartman's report into his own.

On May 12, 2015, Dane County District Attorney Ismael R. Ozanne announced that Kenny was not criminally liable for the events of March 6, 2015.

Nelson prepared a final report, dated May 26, 2015, for MPD Chief Michael Koval's review. Nelson's report concluded that Kenny had complied with the MPD SOP on "Police Weaponry" when he entered the stairwell with his weapon drawn and that Kenny had complied with the MPD policy regarding "The Use of Deadly Force" when he shot Robinson. Koval had final authority to determine whether Kenny had complied with MPD policy and procedure, and on June 3, 2015, Koval determined that he had.

4. The Brandon incident and investigation

Two other officer-involved shootings and their investigations are relevant to plaintiff's *Monell* claim. On July 15, 2007, Kenny was involved in a shooting that resulted in the death of Ronald Brandon. Officers were dispatched to a residential address after a 911 caller reported that a man was sitting on his porch with a gun and threatening the neighbors. The man (Brandon) pointed the gun at the first officer who arrived at the scene. As Kenny arrived

at the scene, he heard the first officer radio, “He’s pointing a gun at me.” Kenny got out of his squad, charged his rifle, issued verbal commands to Brandon to drop the gun, and when Brandon turned the gun toward Kenny, Kenny shot him. Approximately 19 seconds passed between Kenny’s arrival and the shooting. As it turned out, a second 911 caller had reported that Brandon had only a *pellet* gun, and that it was Brandon himself who had called 911 while intoxicated. The second caller proved correct; whether Kenny had access to and should have known this information was disputed.

MPD Captain Kristen Roman served as PSIA lieutenant at that time and completed the internal investigation and administrative review. The MPD also handled the criminal investigation, under the direction of the Dane County District Attorney, as § 175.47 had not yet been enacted. Roman reviewed the criminal investigation file, viewed dash cam footage of the incident, and spoke with other officers, and she determined that she did not need to conduct additional interviews or any follow-up investigation; she did not formally interview Kenny. Roman concluded that Kenny’s actions were reasonable, appropriate, and in compliance with the MPD’s use of force policy. MPD Chief Noble Wray accepted Roman’s findings and exonerated Kenny. The Dane County District Attorney at that time, Brian Blanchard, determined that Kenny was not criminally liable for Brandon’s death.

5. The Heenan incident and investigation

On November 9, 2012, MPD Officer Stephen Heimsness shot and killed Paul Heenan. The parties in this case concede that the many of the circumstances surrounding the Heenan incident are disputed. The parties appear to agree that Heenan was unarmed and intoxicated; that he had entered a neighbor’s home; and that Heimsness was dispatched to investigate a possible breaking and entering. After he arrived at the scene, Heimsness believed

that Heenan and a neighbor were fighting. He drew his weapon, ordered Heenan and the neighbor to get down, and ended up in a struggle with Heenan that resulted in Heimsness shooting Heenan three times.

MPD Lieutenant Dan Olivas served as PSIA lieutenant at that time and completed the internal investigation. Again, as was the case during the Brandon investigation, the MPD also handled the criminal investigation, under the direction of the Dane County District Attorney, as § 175.47 had not yet been enacted. Olivas evaluated two decisions by Heimsness: his decision to confront Heenan at gunpoint, and his decision to deploy deadly force. Olivas relied on interviews and other information that the criminal investigators collected, interviewed Heimsness himself, and eventually concluded that Heimsness acted in accordance with all applicable MPD policies.

The MPD asked the Wisconsin Department of Justice Training and Standards Bureau to perform an independent review of the Heenan shooting. The DOJ determined that Heimsness's actions were consistent with training approved by the LESB.

MPD Chief Wray accepted Olivas's findings and exonerated Heimsness. District Attorney Ozanne determined that Heimsness was not criminally liable for Heenan's death.

C. Jurisdiction

Plaintiff filed this case on August 12, 2015, alleging violations of Robinson's rights under the United States Constitution. The case is brought under the auspices of 42 U.S.C. § 1983, and the court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, because plaintiff's claims arise under federal law.

ANALYSIS

Both Kenny and the City move for summary judgment. Summary judgment is appropriate if a moving party “shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). “Only disputes over facts that might affect the outcome of the suit under the governing law will properly preclude the entry of summary judgment.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). In reviewing defendants’ motions for summary judgment, the court construes all facts and draws all reasonable inferences in plaintiff’s favor. *Id.* at 255. But “the non-moving party does not bear the burden of *proving* his case; the opponent of summary judgment need only point to evidence that can be put in an admissible form at trial, and that, if believed by the fact-finder, could support judgment in his favor.” *Marr v. Bank of Am., N.A.*, 662 F.3d 963, 966 (7th Cir. 2011).

A fact is genuinely disputed if a party has admissible evidence to support its position. Before the court can determine whether genuine disputes of fact preclude summary judgment, it must determine what evidence is admissible. This is an expert-heavy case, so the court begins with the parties’ *Daubert* motions. The focus in this opinion is the motions for summary judgment, but the decisions on the *Daubert* motions will also affect the evidence that the parties will be able to present at trial.

A. *Daubert* motions

“Determining the true facts of a case often requires ‘the application of some scientific, technical, or other specialized knowledge.’” *Lapsley v. Xtek, Inc.*, 689 F.3d 802, 808 (7th Cir. 2012) (quoting Fed. R. Evid. 702 advisory committee’s note to 1972 proposed rules). Rule

702 of the Federal Rules of Evidence governs the admissibility of expert testimony. It provides:

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

- (a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
- (b) the testimony is based on sufficient facts or data;
- (c) the testimony is the product of reliable principles and methods; and
- (d) the expert has reliably applied the principles and methods to the facts of the case.

Fed. R. Evid. 702. This rule has been interpreted by *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and *Kumho Tire Co. v. Carmichael*, 526 U.S. 137, 147 (1999), to require that the court serve as a gatekeeper to ensure that proffered expert testimony meets the requirements of Rule 702. Essentially, the gatekeeping function consists of a three-part test: the court must ensure that the expert is qualified, that the expert's opinions are based on reliable methods and reasoning, and that expert's opinions will assist the jury in deciding a relevant issue. *Myers v. Ill. Cent. R. R. Co.*, 629 F.3d 639, 644 (7th Cir. 2010). The proponent of expert evidence bears the burden of establishing that the expert's testimony is admissible. *Lewis v. CITGO Petroleum Corp.*, 561 F.3d 698, 705 (7th Cir. 2009).

As for qualifications, the question is not whether the expert is generally qualified in his or her field, but whether the expert has the necessary education and training to draw the conclusions he or she offers in the case at hand. *See Hall v. Flannery*, 840 F.3d 922, 926 (7th Cir. 2016). Experts may testify on the basis of practical experience as well as on the basis of

formal education. “While ‘extensive academic and practical expertise’ in an area is certainly sufficient to qualify a potential witness as an expert, *Bryant v. City of Chicago*, 200 F.3d 1092, 1098 (7th Cir. 2000), ‘Rule 702 specifically contemplates the admission of testimony by experts whose knowledge is based on experience,’ *Walker v. Soo Line R. Co.*, 208 F.3d 581, 591 (7th Cir. 2000).” *Smith v. Ford Motor Co.*, 215 F.3d 713, 718 (7th Cir. 2000).

The test for reliability is necessarily flexible. Although *Daubert* identifies factors the court may consider when determining whether an expert’s testimony is reliable—whether the expert’s technique has been tested, subjected to peer review and publication, analyzed for known or potential error rate, or is generally accepted—the “list of specific factors neither necessarily nor exclusively applies to all experts or in every case.” *Kumho*, 526 U.S. at 141. The court enjoys broad discretion in evaluating reliability. *Id.* at 142. The admissibility inquiry “must be ‘tied to the facts’ of a particular case.” *Id.* at 150 (quoting *Daubert*, 509 U.S. at 591). The reliability inquiry should “make certain that an expert, whether basing testimony upon professional studies or personal experience, employs in the courtroom the same level of intellectual rigor that characterizes the practice of an expert in the relevant field.” *Id.* at 152. “A witness who invokes ‘my expertise’ rather than analytic strategies widely used by specialists is not an expert as Rule 702 defines that term.” *Zenith Elecs. Corp. v. WH-TV Broad. Corp.*, 395 F.3d 416, 419 (7th Cir. 2005).

Finally, expert evidence is relevant if it helps the jury understand a matter beyond the knowledge and experience of a layperson. *Daubert*, 509 U.S. at 591-92 (“Rule 702’s ‘helpfulness’ standard requires a valid scientific connection to the pertinent inquiry as a precondition to admissibility.”).

But the *Daubert* inquiry does not authorize the court to decide issues of credibility. “A *Daubert* inquiry is not designed to have the district judge take the place of the jury to decide ultimate issues of credibility and accuracy.” *Lapsley*, 689 F.3d at 805.

The court addresses each expert in turn.

1. Dennis Waller

Dennis Waller is plaintiff’s police practices expert. Both Kenny and the City move to exclude Waller’s opinions. Defendants attack his qualifications, and the reliability and relevance of his opinions. The court will deny Kenny’s motion for the most part; it will grant the City’s motion in part.

a. Report

Waller offers five opinions regarding Kenny’s conduct on March 6, 2015:

- (1) The intentional and reckless decision Officer Kenny made to enter the apartment without assistance was tactically unsound; contrary to law enforcement training concepts for handling disturbance calls; contrary to basic officer survival considerations; and inconsistent with, and counterproductive to, the protocol for successfully handling someone likely to be experiencing excited delirium.
- (2) Officer Kenny’s stated necessity for entering the apartment without backup was contradicted by his actions upon entering and his subsequent statements.
- (3) Although all the responding officers recognized Tony’s behavior as possibly resulting from Tony experiencing excited delirium and all were trained in considerations for handling excited delirium decisions to enhance the likelihood of a positive outcome, not one officer acted to attempt to resolve the situation in a manner consistent with their MPD training and mandated training from the LESB for encountering an excited delirium situation.
- (4) Officer Kenny’s decision to draw his firearm and enter the stairway to the apartment without the presence of backup reduced his other force options and resulted in the use of

deadly force in what was more appropriately a medical emergency. Officer Kenny's inappropriate choices and subsequent actions, in effect, determined the likelihood that Tony was going to die from being shot or from the inappropriate handling of an individual experiencing excited delirium.

- (5) Just as in the Brandon shooting in 2007, Officer Kenny acted in a manner that was not consistent with his training, ethical considerations, and the concept of using deadly force only as a last resort. In both cases Officer Kenny deliberately, but unnecessarily, escalated the encounter and was responsible for placing himself in officer-created jeopardy that resulted in the use of deadly force.

Dkt. 88, at 5-12. In Waller's report, each of these opinions includes a number of sub-opinions and supporting observations.

Waller offers one opinion pertinent to plaintiff's *Monell* claim:

Through its failure to hold MPD officers accountable for not following policy and training, the practice of the City of Madison has led to, and/or caused, the shooting deaths of Tony Robinson and others.

Id. at 12.

b. Kenny's *Daubert* motion

Kenny contends that none of Waller's opinions are admissible for several reasons. First, Kenny attacks Waller's "stale" qualifications. Dkt. 62, at 17. Kenny highlights the fact that Waller has not "published, instructed, or presented for 25 years," and that he "has not been a sworn police officer for almost 30 years." *Id.* at 19. Kenny would have a good argument if Waller were nothing but a "professional expert." Generally, expertise comes from training and experience, not from testifying in court. *Daubert v. Merrell Dow Pharm., Inc.*, 43 F.3d 1311, 1317 (9th Cir. 1995) ("[I]n determining whether proposed expert testimony amounts to good science, we may not ignore the fact that a scientist's normal workplace is

the lab or the field, not the courtroom or the lawyer's office.") But Waller has ample qualifications in police practices: he has degrees in police and public administration; he has received more than 3,600 hours of law enforcement training; he is a trained assessor for the Commission on Accreditation for Law Enforcement Agencies; he is a certified internal affairs investigator/supervisor; he has served as a police officer, a field training officer, a detective, a sergeant, a lieutenant, a department training officer, and chief of police; and he is a certified police training instructor and has trained hundreds of officers on use of force issues, handling disturbance calls, officer survival issues, arrest procedures, and other issues related to professional and ethical conduct. Dkt. 88, at 1-2 and Dkt. 88-1. As the Ninth Circuit recognized in its *Daubert* decision, "scientific endeavors closely tied to law enforcement may indeed have the courtroom as a principal theatre of operations." 43 F.3d at 1317 n.5. Waller is years removed from working as a sworn law enforcement officer, but that is a matter that goes to the weight of Waller's opinions, not their admissibility. Kenny will be free to explore whether Waller's credentials are so "stale" as to undermine his opinions on cross-examination.²

Second, Kenny moves to exclude Waller's opinions as unreliable. Kenny argues that Waller's opinions are based on "conjecture and speculation and are not the product of any reliable methodology or reasoning based on facts." Dkt. 62, at 16. An expert in professional practices is not a scientific expert that applies rigorously scientific methods. Such experts

² Kenny makes another qualifications-based argument: that Waller offers quasi-medical opinions regarding the effects of trauma on officer memory. The court did not see any medical opinions in Waller's report, and it will not consider any such opinions at summary judgment. In any case, plaintiff agrees that Waller will not opine on the effect of trauma on officer memory at trial, so the issue is moot.

describe professional standards and identify departures from those standards. *See W. By & Through Norris v. Waymire*, 114 F.3d 646, 652 (7th Cir. 1997). Waller applies the same methodology each time he examines police-related issues: he develops an understanding of the facts of a case, analyzes the officer's actions, compares that officer's actions to standard practices and training, and explains consistencies and/or inconsistencies between what the officer did and what applicable practices required or recommended. Waller's police practices opinions are sufficiently reliable.

Kenny also moves to exclude certain of Waller's opinions as irrelevant or otherwise improper. Kenny contends that Waller's report contains improper legal conclusions. Generally speaking, an expert cannot offer legal opinions or conclusions. *Jimenez v. City of Chicago*, 732 F.3d 710, 721 (7th Cir. 2013) ("It is the role of the judge, not an expert witness, to instruct the jury on the applicable principles of law, and it is the role of the jury to apply those principles of law to the facts in evidence. As a general rule, accordingly, an expert may not offer legal opinions."). "[I]n particular, the Seventh Circuit has upheld the exclusion of expert testimony regarding the reasonableness of force in excessive-force cases." *Thomas v. Landrum*, No. 11-cv-9275, 2014 WL 11370447, at *1 (N.D. Ill. Mar. 18, 2014) (collecting cases). Plaintiff appears to concede the issue and states that Waller will not testify that Kenny's use of force was objectively unreasonable. Dkt. 74, at 2. All agree that Waller may not offer opinions regarding the reasonableness of Kenny's force, and the court will not consider any legal conclusions as evidence for purposes of summary judgment. Similarly, although Waller may discuss the events of March 6, 2015, and Kenny's decisions that evening, Waller may not opine on other legal questions, including whether circumstances at the time constitute "exigent circumstances" under the law.

Kenny also moves to strike Waller's "pre-seizure" opinions—namely, his opinions regarding Kenny's decisions and actions prior to the moment he shot Robinson. Kenny's pre-seizure conduct cannot itself violate the Fourth Amendment. *See Marion v. City of Corydon*, 559 F.3d 700, 705 (7th Cir. 2009) ("Pre-seizure police conduct cannot serve as a basis for liability under the Fourth Amendment; we limit our analysis to force used when a seizure occurs."). But Kenny's conduct prior to his decision to shoot Robinson is properly considered as part of the totality of the circumstances: "[t]he sequence of events leading up to the seizure is relevant because the reasonableness of the seizure is evaluated in light of the totality of the circumstances." *Williams v. Ind. State Police Dep't*, 797 F.3d 468, 483 (7th Cir. 2015), *cert. denied*, 136 S. Ct. 1712 (2016)). The court will not strike Waller's opinions regarding Kenny's pre-seizure conduct simply because that conduct cannot itself give rise to a separate Fourth Amendment violation.

Finally, Kenny objects to parts of Waller's report as a critique of Kenny's credibility. Ordinarily, one witness may not testify about the credibility of another. But Waller's opinions are not directly about Kenny's credibility; he accepts Kenny's version of events and identifies departures from accepted police practices and training. At times, Waller points out discrepancies between Kenny's version of events and other information in the record. All of these observations are admissible. At trial, Waller may not directly opine on Kenny's credibility, but he is free to assume facts and discuss perceived deviations from training and practice, and to point out evidence that contradicts Kenny's version of the events.

The court agrees with Kenny that Waller may not offer legal conclusions or directly attack Kenny's credibility. But Kenny has not given the court any reason to exclude other

aspects of Waller's testimony. So, with the exception of improper legal conclusions, the court will consider Waller's opinions for purposes of summary judgment.

c. The City's *Daubert* motion

Waller offers one opinion pertinent to plaintiff's *Monell* claim: he opines that a MPD *practice* exists and that it *caused* Robinson's death. But, as will be discussed in greater detail when the court reaches defendants' summary judgment motions, these are essentially legal conclusions, which the court will disregard. On summary judgment, the court will consider only his opinions that officers departed from acceptable practices during the Brandon, Heenan, and Robinson incidents and that the internal investigations "appear to have been highly friendly to the officers." Dkt. 88, at 13.

And given the court's decision on the City's motion for summary judgment, Waller's opinions about MPD investigations will be irrelevant at trial.

2. Jonathan L. Arden, MD

Jonathan L. Arden, MD, is plaintiff's forensic pathology expert. Kenny moves to exclude Arden's opinion that Kenny fired all seven shots from the bottom of the stairs. Kenny does not challenge Arden's other opinions or his qualifications as a forensic pathologist. The court will deny Kenny's motion.

a. Report

Arden offers opinions based on Robinson's gunshot wounds and other forensic evidence, in particular, the bullets' trajectories and range of fire (i.e., the approximate distance between the muzzle of the gun and Robinson's body when Kenny fired his weapon).

Arden, like other experts in this case, begins with autopsy evidence, which the parties do not dispute. Three of the seven bullets that struck Robinson entered his left side and

followed trajectories to the right, back, and slightly downward (15-20 degrees from the horizontal). Dkt. 93, at 4. Two bullets entered Robinson's upper chest and shot more sharply downward (75-80 degrees from the horizontal). *Id.* A sixth bullet followed a similarly sharp downward trajectory, hitting Robinson in his lip before grazing his chin and entering his right shoulder/arm. *Id.* The seventh went through Robinson's right index finger, and, as a result, little can be said about its path. Four of the seven bullets were fatal.

Arden opines that the bullet trajectories undermine Kenny's account of what happened that evening. Kenny's version of events places him on the stairs just below Robinson when Robinson punches him, prompting Kenny to fire three bullets into Robinson at an upward angle. Arden opines that "all of the wounds to the torso [six of the seven shots fired] . . . have downward components to their trajectories, which would be very difficult to accomplish if [Kenny] were shooting from below unless Mr. Robinson's upper body was bent over to the point of being nearly horizontal or he was inverted from tumbling or falling forward." *Id.* If Kenny did fire at Robinson from below, Robinson could not have been standing upright. Arden offers several alternative scenarios, and none are consistent with Kenny's account.

Arden also offers opinions based on the range-of-fire evidence. Citing gunpowder stippling (unburned or partially burned gunpowder particles that embed just beneath the skin, forming a pattern of small red or brown dots), Arden opines that Kenny fired three of the four fatal shots from less than 24 inches away (but possibly from up to 36-40 inches away), and that it is unlikely that Kenny fired the shots from less than 12 inches away. The remaining fatal shot had stippling *and* made a muzzle imprint, indicating that the muzzle of the gun made contact with Robinson's skin when Kenny fired. The three non-fatal shots were

not contact, close-range, or intermediate-range wounds (no stippling or soot). Arden concludes that Kenny's account of the shooting is inconsistent with the gunpowder residue evidence because at least one of the wounds with a sharp downward trajectory was a tight contact wound, and at least three shots (the non-fatal shots) were fired from a distance beyond close or intermediate range.

Finally, Arden comments that the dash cam video with synchronized audio "demonstrated that the entire shooting sequence took about four seconds, and that Officer Kenny was backing out of the door during that interval (in the second between the three-shot volleys). This shows that he was at or near the bottom of the stairs during the entire shooting event." *Id.* at 5.

b. *Daubert* motion

Kenny moves to exclude Arden's opinion that Kenny fired all seven shots from the bottom of the stairs because Arden did not employ any specialized knowledge in reaching this conclusion. Although Kenny couches his motion in terms of "reliability," Kenny's essential argument is that this conclusion is not admissible as expert testimony because the jury does not need Arden's help to understand the dash cam video.

The court will deny Kenny's motion because there is nothing wrong with Arden's reliance on factual information that is also available to the jury. It is common for experts to assume the existence of certain facts that have to be proven by other witnesses, and to render opinions based on those assumed facts. *See Williams v. Illinois*, 132 S. Ct. 2221, 2228 (2012) ("Under settled evidence law, an expert may express an opinion that is based on facts that the expert assumes, but does not know, to be true. It is then up to the party who calls the expert to introduce other evidence establishing the facts assumed by the expert."). The same

principle applies here: the dash cam video provides certain facts that the experts in this case can incorporate into their opinions about what happened in the stairwell. Arden's application of common sense to his interpretation of the dash cam video provides no reason to exclude any part of his opinion.

3. Samuel A. Marso

Samuel A. Marso is plaintiff's forensic science expert: he offers opinions that recreate the shooting and, plaintiff contends, undermine Kenny's account of what happened in the stairwell. Kenny moves to exclude Marso's opinions because: (1) Marso is not qualified to opine on scene reconstruction issues; (2) Marso's opinions are not reliable; and (3) Marso's opinions will not assist the jury. The court will deny Kenny's motion.

a. Report

Marso is a forensic scientist with training and certifications in firearm and tool mark identification, crime scene investigation, and footwear and tire track identification. He has also received training in crime scene reconstruction, bloodstain pattern analysis, and forensic shooting scene reconstruction. Marso reviewed the forensic evidence in this case, including autopsy records, the dash cam video, crime scene photographs, DCI scene diagrams, and firearm and bloodstain evidence.

Marso opines that Kenny fired all seven shots from the bottom of the stairs, for three reasons. First, a "low-angle perforating ricochet near the top of the stairs" indicates that Kenny fired at least one shot upward "likely from the bottom of the stairs." Dkt. 90, at 4. Second, all discharged cartridge cases were at the bottom of the stairs. Third, the dash cam video indicates that Kenny did not have enough time to fire his initial shots from the top of the stairs when he clearly completed his first volley from the bottom of the stairs.

Marso then opines that Kenny fired the three non-fatal shots first. Kenny fired the non-fatal shots from the greatest distance away (as evidenced by the lack of stippling). Again, Marso relies on the dash cam video, which shows that shots four, five, and six were fired “in very close proximity to” Robinson and, therefore, likely to cause stippling. *Id.* at 5. He further opines that the four fatal shots—fired closer to Robinson’s upper chest—are more likely to have been fired “at someone standing or sitting still and not during the course of a dynamic event.” *Id.* The dash cam video confirms that Kenny fired the final four shots from above Robinson, who appears to be lying on the floor or the stairs.

Marso then pulls everything together and provides a “most likely scenario”: that Kenny fired upward at Robinson from the bottom of the stairs, that after the first shot, Robinson likely bent forward (because the bullets have downward trajectories) or began to fall, and that he landed at the bottom of the stairs where Kenny fired the four remaining shots (which would explain those bullets’ sharp downward trajectories).

b. *Daubert* motion

Kenny contends that Marso is not qualified to recreate the scene: he is primarily a firearm and tool mark identification expert, and he spends the majority of his time in a laboratory or gathering and preserving evidence. The court disagrees.

In addition to his other forensic science credentials, Marso is a crime scene reconstructionist with an emphasis on shooting scene and bloodstain pattern determinations. Dkt. 90-1, at 1. Marso’s previous experience as an expert witness does not add much to his qualifications. But Marso’s CV states that he has training in forensic shooting scene reconstruction. *Id.* at 2. He has taken evidence from shooting scenes, interpreted and evaluated it, and rendered opinions. Dkt. 37 (Marso Dep. 27:7-11). Marso’s CV indicates

that he has received training in scene reconstruction, which satisfies *Daubert's* threshold requirement and makes him qualified to offer the opinions in his report. The extent of his qualifications is a proper subject for cross-examination.

Kenny also contends that Marso's opinions rely on nothing more than the dash cam video, photographs of the scene, and Robinson's autopsy report. According to Kenny, Marso did not employ any reliable methodology or specialized knowledge to form his opinions, and his opinions about shot order, in particular, are speculative. For these same reasons, Kenny argues, Marso's opinions will not assist the jury: they are nothing more than lay observations that the jury will have to make themselves.

Marso, like Arden, uses the dash cam video to support a number of his conclusions. But he also explains the relevance of the dash cam video and its relationship to the forensic evidence. For example, Marso relies on the dash cam video when he explains that Kenny fired shots four, five, and six close to Robinson at the bottom of the stairs. He explains that this means that these shots would be expected to produce stippling, which explains why he believes that the non-fatal shots came in the initial volley, shot from the greater distance. As with Arden, the court will not exclude expert testimony because it includes common sense observations of evidence that the jury will also see. The bottom line here is that Marso is a qualified forensic scientist capable of reviewing forensic evidence and rendering opinions. The court will consider all of Marso's opinions for purposes of summary judgment.

4. Susan M. Skolly-Danziger

Susan M. Skolly-Danziger is Kenny's forensic toxicology expert. Skolly reviewed and interpreted Robinson's toxicology results. Skolly also reviewed reports and depositions describing Robinson's behavior the evening of March 6, 2015, and she offers opinions

regarding whether his actions were consistent with the toxicological results. Plaintiff contends that although Skolly is qualified to interpret Robinson's toxicology results, her testimony is not relevant or reliable, and it will not assist the jury.

Skolly's opinions are not material to the court's summary judgment decision. Even if the court were to fully credit her opinion that Robinson's aggressive behavior was consistent with his ingestion of mushrooms, it would still deny Kenny's motion for summary judgment. Her opinion might lend some credence to Kenny's account, but it would not resolve the factual disputes about what happened in the stairwell.

But, for trial purposes, the court will provisionally grant plaintiff's motion and exclude her testimony.

a. Report

Skolly discusses and interprets Robinson's toxicology results and opines that his reported behavior the evening of March 6, 2015, is consistent with drug use. Robinson's urine tested positive for alprazolam (Xanax), its metabolite (alpha-hydroxyalprazolam), the inactive metabolite of cannabis, and psilocin (from psilocybin mushrooms). Robinson's blood tested positive for alprazolam, THC, the inactive metabolite of cannabis, psilocin, and an "undisclosed 'stimulant.'" Dkt. 77, at 14. Drug levels were consistent with witnesses' reports that Robinson had taken Xanax and smoked marijuana on March 6, 2015. Psilocin was present, consistent with recent ingestion of psilocybin mushrooms, but its levels were not quantified by lab testing.

Skolly qualifies a number of her observations and opinions, particularly about the effects of the psilocybin mushrooms. She concedes that "hallucinogens do not act

predictably” and that Robinson’s reaction to substances would have depended “on many factors.” *Id.* at 16. Skolly offers four opinions:

- (1) At or near the time of his death on March 6, 2015, Robinson had multiple drugs in his blood, including THC, alprazolam, and psilocin. THC levels were “high and impairing.” Alprazolam levels were “relatively low,” and Robinson would not be expected “to exhibit moderate or extreme central depressant effects.” And the presence of psilocin indicated recent ingestion of psilocybin mushrooms, an “extremely potent hallucinogenic drug.”
- (2) Drug levels in Robinson’s urine shortly after his death indicate exposure to these agents within several days of his death. The urine toxicology report is consistent with Robinson’s use of alprazolam, cannabis, and psilocin prior to his death.
- (3) Robinson’s “aggressive, excessively violent and bizarre behaviors were consistent with his recent ingestion of psilocin-containing mushrooms.” Robinson was experiencing a “bad trip.” The perception of impending danger often associated with bad trips “can abnormally make a user react in a violent or aggressive manner.”
- (4) Robinson’s recent and frequent use of cannabis contributed to “heightened visual and perceptual distortions as well as uncharacteristic behavior.”

Id. at 16-18.

b. *Daubert* motion

Plaintiff contends that Skolly’s opinions: (1) are irrelevant to plaintiff’s claims; (2) are speculative; (3) address matters that lay people can understand without an expert’s assistance; and (4) are unfairly prejudicial to plaintiff.

As the court will explain in greater detail when it reaches defendants’ summary judgment motions, this case is about whether Kenny’s use of deadly force was objectively reasonable. Information outside of the officer’s knowledge at the time of the incident is not

relevant to whether the use of force was objectively reasonable. That said, information about Robinson's intoxication and, specifically, an opinion that drug levels in his system make it more or less likely that he behaved a certain way may be relevant. "Evidence of a plaintiff's intoxication . . . could be admissible under Fed. R. Evid. 403 because it 'tends to make more probable that the plaintiff acted as the defendant contended he did or that plaintiff otherwise conducted himself in such a manner as to place the defendant reasonably in fear of his life.'" *Common v. City of Chicago*, 661 F.3d 940, 945 (7th Cir. 2011) (quoting *Palmquist v. Selvik*, 111 F.3d 1332, 1342 (7th Cir. 1997)). Kenny did not know whether or to what extent Robinson was under the influence of intoxicating substances, so Robinson's drug use on March 6 is not directly relevant. But Skolly could be a relevant witness if she were to opine that drug levels in Robinson's system make it more or less likely that he behaved a certain way in the stairwell.

But Skolly offers no such opinion. She comes close: she opines that "Robinson's aggressive, excessively violent and bizarre behaviors were consistent with his recent ingestion of psilocin-containing mushrooms." Dkt. 77, at 17. But this opinion is not reliable: she assumes that Robinson acted a certain way based on witness statements, and opines that that behavior is consistent with taking mushrooms. But she does not establish a foundation for that opinion. She discusses the potential intoxicating effects of mushrooms, but nowhere does she attribute increased aggression or violence to mushrooms. Skolly has not demonstrated that she can reliably opine that Robinson's drug use on March 6 would have made it more likely that he behaved aggressively in the stairwell. If she cannot offer this opinion, none of her opinions are relevant.

Testimony about Robinson's drug use on March 6 is not relevant to any legal inquiry before this court because Skolly cannot reliably opine about Robinson's specific behavior or level of impairment. She does not know the concentration of active ingredient in the mushrooms that Robinson consumed, nor does she know the concentration of the active ingredient in his blood or urine. She acknowledges that "[t]he effects of mushrooms in a particular individual will vary in accordance with the dose, an individual's inherent tolerance or susceptibility, and the interaction of concurrent drugs." *Id.* at 13. By her own admissions, she cannot opine reliably about Robinson's specific experience on March 6.

Although the court is inclined to exclude Skolly, the court will hear further argument on plaintiff's motion at the final pretrial conference.

5. John G. Peters, Jr.

John G. Peters, Jr., is Kenny's police practices expert. Kenny offers Peters's report to rebut Waller's opinions. Plaintiff concedes that Peters is a qualified police practices expert, but plaintiff moves to exclude several specific opinions as unreliable or improper. The court will grant plaintiff's motion in part.

a. Report

Peters offers opinions regarding Kenny's use of force and tactical decisions on the evening of March 6, 2015. Peters opines that:

- (1) No one could have known whether Robinson was in a state of excited delirium before or during his encounter with Kenny.
- (2) It was appropriate for Kenny to enter the building because he believed there were exigent circumstances that required such action.
- (3) Officers, such as Kenny, are trained to not use multiple TASER electronic control weapon applications on a human.

- (4) Robinson actively resisted Kenny and engaged in assaultive behavior.
- (5) Robinson posed an imminent threat to Kenny because they were engaged in close combat.
- (6) Kenny's use of force on Robinson was consistent with his training, national use of force standards, and the totality of the circumstances.
- (7) Stressful events, such as the use of deadly force, have an impact on witness recall, contrary to Waller's testimony.

Dkt. 67, at 4-13.

b. *Daubert* motion

The parties agree on many of the issues that plaintiff raises in her motion. All agree that Peters will not opine that Kenny was a certified MPD officer; that experts (including Peters) may not offer opinions that amount to legal conclusions; and that Peters may assume a version of the facts supported by the record when he offers opinions (although he may not directly endorse Kenny's version of the events).

Three discrete substantive disputes remain: whether Peters offers improper legal conclusions; whether Peters's opinions regarding TASER training are admissible; and whether Peters may offer opinions regarding the effect of stress on officer memory.

First, several of Peters's opinions amount to legal conclusions, and the court will not consider them for purposes of summary judgment or allow them at trial. Peters opines that "Officer Kenny had several credible reasons to believe someone was being attacked inside the residence, which necessitated his immediate tactical response." *Id.* at 6. Peters may offer an opinion regarding whether, under assumed facts, it would be within an officer's training and established police practices to make certain decisions, including a decision to enter a residence without waiting for backup. But Peters may not opine that certain facts amount to

“exigent circumstances,” as that term is used legally. Next, Peters opines that Robinson posed “an imminent threat to Officer Kenny because they were engaged in close combat,” *id.* at 8, and that Kenny’s use of force was justified and consistent with “the totality of the circumstances,” *id.* at 9. Again, these are legal conclusions. He may opine that Kenny’s decisions were consistent with his training and national standards regarding the use of force. But he may not opine that the totality of the circumstances justified the use of force. At trial, Peters may discuss applicable professional standards and identify compliance with or departures from those standards, but he may not offer legal conclusions.

Second, plaintiff takes issue with Peters’s opinions regarding TASER training. Kenny offers Peters to rebut Waller’s opinion that a TASER is “the preferred force option when dealing with someone believed to be experiencing excited delirium.” Dkt. 88, at 6. Plaintiff does not object to Peters’s discussion of TASER warnings or his opinion that officers are generally trained to limit the number of TASER applications; rather, she takes issue with his opinion that Kenny himself received this training and that the training amounts to a *prohibition* on multiple deployments. Peters’s report does not establish a foundation that would allow him to opine on Kenny’s training specifically, and the court will not consider this information for purposes of summary judgment or allow it at trial. The advisability of multiple TASER applications is an issue that both sides may explore at trial.

Finally, Peters does not have the requisite expertise to offer opinions regarding an officer’s ability to recall events following a traumatic incident. Although Peters teaches “how to investigate arrest-related and sudden, in-custody deaths,” he is not a medical professional. He has no expertise in the memory and recall issues he discusses; he only summarizes studies

he has read. The court will not consider these opinions for purposes of summary judgment or allow them at trial.

6. Vincent J. M. Di Maio, MD

Vincent J. M. Di Maio, MD, is Kenny's forensic pathology expert. Plaintiff moves to exclude two of Di Maio's opinions: his opinion regarding the precise distance between Kenny's weapon and Robinson's body during three of the seven shots; and his opinion regarding Robinson's life expectancy. The court will grant plaintiff's motion.

a. Report

Like Arden, Di Maio offers opinions based on Robinson's gunshot wounds, the autopsy report, and other forensic evidence. Di Maio opines that the absence of soot and powder tattooing (what Arden refers to as stippling) indicates that Kenny fired three shots from a distance of more than three to four feet (non-fatal shots to Robinson's chin, left shoulder, and right index finger). The presence of powder tattooing (but no soot) indicates that Kenny fired three fatal shots from "a range of a foot or less." Dkt. 65, at 4, 5. The final gunshot wound was marked with powder tattooing and a "seared rim of tissue around the entrance." *Id.* at 5. Kenny fired this shot with either loose contact or from a quarter of an inch away. Di Maio states that "[t]he exact sequence of the 7 shots cannot be determined by autopsy." *Id.* at 9.

Di Maio opines that, assuming Kenny's version of events, Kenny likely fired the contact shot at the top of the stairs, as part of the first volley, "[s]ince physical contact occurred at the top of the stairs." *Id.* at 9. The remaining two shots in the first volley were likely two of the three remaining close-range shots.

Di Maio also offers opinions that reconcile the bullets' downward trajectories with Kenny's account. He opines that "it is normal to throw your full weight behind [a punch]," so it is entirely possible that Robinson's body lurched forward as he attacked Kenny, causing him to bend at the waist and, in turn, resulting in downward trajectories as Kenny fired his weapon from the steps below Robinson. *Id.* And "[a]s to the gunshots at the foot of the staircase, Mr. Robinson was down, his back on the staircase while the Officer was getting up. Thus his bullets are going down." *Id.*

Di Maio identifies the presence of numerous abrasions and contusions of the head, torso, upper and lower extremities, and hands on Robinson. He also comments that Robinson's "heart was markedly enlarged," and that it would have reduced Robinson's life expectancy. *Id.* at 6.

b. *Daubert* motion

Kenny concedes that Di Maio will not offer opinions regarding Robinson's enlarged heart or corresponding decreased life expectancy. So the court need decide only whether to consider his opinions regarding the three shots fired from a range of less than one foot.

During his deposition, Di Maio testified that the presence of searing indicates that a shot was fired from less than a half inch away, and that the presence of powder tattooing indicates that the shot was fired from less than three to four feet away. This information creates three ranges: searing (less than a half inch); powder tattooing (more than a half inch but less than three to four feet); and no powder tattooing (more than three to four feet). Yet Di Maio opines that Kenny fired three shots (powder tattooing, no searing) from less than one foot away, without explaining how he narrowed the intermediate range. His report offers

these opinions in conclusory fashion, without explanation. The court will not consider them for purposes of summary judgment or allow them at trial.

Di Maio attempted to explain these opinions at his deposition: the range between a half inch and three to four feet is “determined by the size of the pattern and the density of the pattern.” Dkt. 96 (Di Maio Dep. 84:10-11). But even if this explanation were sufficient to make these opinions reliable, he did not include it in his report. “Under Rule 26(a)(2), a party that intends to rely upon an expert witness’s testimony is required to furnish by a date set by the district court a report containing, among other information, ‘a complete statement of all opinions’ the retained expert will provide, ‘and the basis and reasons for them.’” *Ciomber v. Coop. Plus, Inc.*, 527 F.3d 635, 641 (7th Cir. 2008) (quoting Fed. R. Civ. P. 26(a)(2)(B)(I), (a)(2)(C)). Significantly, “Rule 26(a)(2) does not allow parties to cure deficient expert reports by supplementing them with later deposition testimony.” *Id.* at 642. The opinions Di Maio disclosed in his report regarding the three intermediate shots are conclusory and unsupported, and the court will not consider them.

7. Andrew Dennis, DO

Andrew Dennis, DO, is Kenny’s trauma surgeon expert. Dennis will opine on Kenny’s ability to recall the night in question. Although plaintiff concedes that Dennis has “disclosed a legitimate opinion about factors that impact memory and perception,” Dkt. 115, at 2, plaintiff moves to exclude Dennis’s opinions regarding Kenny’s credibility as both unreliable and irrelevant. The court will grant plaintiff’s motion in part.

a. Report

Dennis offers opinions regarding “sustained head trauma and related stress of the encounter as it relates to Officer Kenny’s recollection of the events on March 6, 2015.”

Dkt. 118, at 1. Dennis opines that Kenny suffered a traumatic brain injury (a concussion) as a result of being attacked by Robinson, that he physically exerted himself during the incident, and that, as a result, he may not be able to remember the incident perfectly. Dennis offers two “final opinions”:

- (1) Officer Kenny suffered both physical and emotional trauma in the form of a traumatic head injury and the elicited stress and exertional response associated with the event.
- (2) Any inconsistencies in Officer Kenny’s recollection of the events, described by consulting experts, is not an intentional attempt to deceive or alter the events to better his position, but, in fact, they are attributable to the malleable and vulnerable nature of memories associated with this highly traumatic event.

Id. at 5.

b. *Daubert* motion

Plaintiff concedes that Dennis is qualified to offer opinions regarding potential impairment of Kenny’s memory following the incident. And Kenny represents that this is the only opinion that he will have Dennis offer. *See* Dkt. 144, at 1 (“The defendants acknowledge Dr. Dennis cannot testify as to whether Mr. Robinson punched Officer Kenny; Dr. Dennis was not there. Similarly, Dr. Dennis will not testify as to whether Officer Kenny is lying when he describes the events of March 6, 2015; that is for a fact finder to decide.”). But several disputes about Dennis’s testimony remain.

All agree that Dennis may opine that traumatic head injuries, physical exertion, and stress may impair one’s recollection of events. From here, Dennis is free to assume versions of the underlying facts and offer opinions based on those facts. For example, Dennis may *assume* that Kenny physically exerted himself during his encounter with Robinson and that, were that the case, it may have impaired his ability to remember the events accurately.

But Dennis may not opine that any and all inconsistencies in Kenny's account are attributable to impaired recollection (as opposed to lying). Dennis provides no foundation for this opinion, and it amounts to a sweeping endorsement of Kenny's credibility. Dennis cannot offer opinions about whether Kenny is lying. Dennis cannot resolve factual disputes for the jury.

And the court will not allow Dennis to testify that, as a matter of fact, Kenny suffered a concussion on March 6, 2015. Dennis's report on this point is conclusory; he opines that Kenny suffered a concussion citing Kenny's say so and Kenny's medical records. But he does not explain what information in Kenny's medical records indicates that he did indeed suffer a concussion. The opinion is insufficiently supported.

In short, the court will not consider Dennis's opinions regarding Kenny's credibility or his opinion that Kenny suffered a concussion on March 6, 2015, for purposes of summary judgment, nor will these opinions be allowed at trial.

B. Summary judgment

Now that the court has identified the expert opinions that it will not consider for purposes of summary judgment, the court turns to defendants' motions.

1. Kenny's motion for summary judgment on the Fourth Amendment claim

"A police officer's use of deadly force constitutes a seizure within the meaning of the Fourth Amendment, and therefore it must be reasonable." *Scott v. Edinburg*, 346 F.3d 752, 755 (7th Cir. 2003). More specifically, it must be *objectively* reasonable. *Graham v. Connor*, 490 U.S. 386, 388 (1989). "[I]t is reasonable to use deadly force if the officer, when exercising his or her reason and judgment, has probable cause to believe that the suspect poses a threat of death or serious physical harm to the officer or others and, whenever

possible, warns the suspect before firing.” *Sherrod v. Berry*, 856 F.2d 802, 805 (7th Cir. 1988) (citing *Tennessee v. Garner*, 471 U.S. 1, 11-12 (1985)).

Reasonableness is “judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” *Graham*, 490 U.S. at 396. “The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” *Id.* at 396-97. The court weighs what the officer knew, the specific situation he encountered, and events leading up to the decision to use deadly force—in other words, the totality of the circumstances. “An officer’s use of force is unreasonable if, judging from the totality of the circumstances at the time of the arrest, the officer uses greater force than was reasonably necessary to effectuate the arrest.” *Phillips v. Cmty. Ins. Corp.*, 678 F.3d 513, 519 (7th Cir. 2012). And *objective* reasonableness does not take into account an officer’s underlying intent or motivation: “[a]n officer’s evil intentions will not make a Fourth Amendment violation out of an objectively reasonable use of force; nor will an officer’s good intentions make an objectively unreasonable use of force constitutional.” *Graham*, 490 U.S. at 397.

Typically, when considering the totality of the circumstances, courts balance “the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.” *Id.* at 396. Here, Kenny was dispatched to a check person—not a crime in progress. Nor was Kenny attempting to arrest Robinson.

Accordingly, Kenny’s summary judgment motion turns on whether plaintiff has adduced evidence sufficient to create a genuine dispute of material fact as to the objective

reasonableness of Kenny's purported belief that Robinson posed an imminent threat of death or serious bodily injury to himself or others at the time he fired his weapon. She has, as alluded to in the facts section, the evidence in this case reveals one core dispute regarding what happened between Kenny and Robinson in the stairwell that evening. For the reasons that follow, the court will deny Kenny's motion for summary judgment.

a. Liability

In deadly force cases, "where the officer defendant is the only witness left alive to testify. . . . a court must undertake a fairly critical assessment of the forensic evidence, the officer's original reports or statements and the opinions of experts to decide whether the officer's testimony could reasonably be rejected at a trial." *Plakas v. Drinski*, 19 F.3d 1143, 1147 (7th Cir. 1994). Here, Kenny's version of events is far from unimpeachable.

The court need not identify each and every factual dispute of consequence in the record; it is sufficient to note that what happened in the stairwell between Robinson and Kenny is contested and that both sides have evidence to support their version of the events. Although Kenny, the sole eyewitness, has given his account of what happened, plaintiff has adduced experts that have opined that the forensic evidence—including bullet trajectories, gunpowder residue, and evidence at the scene—undermines Kenny's account. Robinson's gunshot wounds indicate that Kenny likely shot him as he was bent at the waist or falling down the stairs, not upright, controlled, and aggressing toward Kenny. Marso's opinions indicate that Kenny likely first fired at Robinson when he was a number of feet away. And the dash cam video itself is not totally in sync with Kenny's testimony that Robinson essentially threw him down the stairs: the jury will have to have the opportunity to consider the evidence and assess his credibility.

Kenny's motion depends on the court accepting his very specific version of events, in which Robinson attacks him with such force and persistence that any objective, reasonable officer in Kenny's position would have feared for his life. *See* Dkt. 63, at 13 ("Officer Kenny was violently attacked in a dangerously compromised position, which required a split second decision between life and death."). But evidence in the record offers an alternative story. This is not a case where the officer's version of events stands unchallenged. And Kenny's briefing does not conclusively rebut plaintiff's evidence. Without knowing what happened in the stairwell, the court cannot determine as a matter of law that Kenny's decision to use deadly force was objectively reasonable.

Factual disputes about what went on in the stairwell aside, Kenny's motion also depends on the court taking an overly narrow view of the relevant window of time. The events that occurred *around* the time of the shooting—in addition to what was actually happening in the moment Kenny pulled the trigger—are relevant to the totality of the circumstances analysis. *See Estate of Heenan ex rel. Heenan v. City of Madison*, 111 F. Supp. 3d 929, 944 (W.D. Wis. 2015) (citing *Deering v. Reich*, 183 F.3d 645, 652 (7th Cir. 1999)). Kenny's decision to enter the stairwell without waiting for backup, and his decision to enter the stairwell with his gun drawn, are not independent constitutional violations. But these decisions are still part of the totality of the circumstances calculus. *See Williams*, 797 F.3d at 483. Competing police practices experts and witness testimony create factual disputes about these pre-seizure events, too.

"The award of summary judgment to the defense in deadly force cases may be made only with particular care where the officer defendant is the only witness left alive to testify." *Plakas*, 19 F.3d at 1147. Here, Kenny offered the court only his version of events, without

rebutting the evidence in the record that undermines his account. Kenny's motion for summary judgment on plaintiff's Fourth Amendment claim is denied.

b. Qualified immunity

The same factual disputes that preclude summary judgment on plaintiff's Fourth Amendment claim against Kenny also preclude summary judgment on Kenny's qualified immunity defense.

"The doctrine of qualified immunity protects government officials 'from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.'" *Pearson v. Callahan*, 555 U.S. 223, 231 (2009) (quoting *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982)). Put a bit more bluntly, qualified immunity protects "all but the plainly incompetent or those who knowingly violate the law." *Malley v. Briggs*, 475 U.S. 335, 341 (1986). The doctrine translates into a two-part test: (1) whether the public official violated the plaintiff's constitutional rights; and (2) whether those rights were clearly established at the time of the alleged violation. *Ashcroft v. al-Kidd*, 563 U.S. 731, 735 (2011). A right is "clearly established" when a reasonable official would know that his "conduct was unlawful in the situation he confronted." *Hernandez v. Cook Cty. Sheriff's Office*, 634 F.3d 906, 915 (7th Cir. 2011) (quoting *Saucier v. Katz*, 533 U.S. 194, 202 (2001)).

But Kenny's motion for summary judgment on his qualified immunity defense depends on facts that are far from undisputed and asks the court to draw inferences in *his* favor. Kenny's qualified immunity defense depends on a version of events in which "he was responding to a situation in which another was in danger of bodily harm or worse." Dkt. 63, at 15-16. Kenny contends that it is not clearly established that "he could not use deadly force

in response to being attacked by Mr. Robinson in a narrow stairwell.” *Id.* at 17. Put differently, Robinson had no clearly established right to be free from seizure via deadly force when he “suddenly and violently attacked” Kenny. *Id.* at 21. But whether Robinson had a clearly established Fourth Amendment right not to be seized through the use of deadly force depends on what happened between him and Kenny in the stairwell. Robinson had “a constitutional right not to be shot on sight if he did not put anyone else in imminent danger or attempt to resist arrest for a serious crime.” *Weinmann v. McClone*, 787 F.3d 444, 448 (7th Cir. 2015). Factual disputes preclude a determination of whether a clearly established constitutional right was at stake at the time of the shooting. *See id.* at 451 (affirming denial of summary judgment on qualified immunity issue where there was “a factual dispute about the circumstances surrounding [the officer’s] decision to fire on [the victim]”). The court must deny Kenny summary judgment on his qualified immunity defense.

2. The City’s motion for summary judgment on the *Monell* claim

Whether Kenny violated Robinson’s Fourth Amendment rights is a question for the jury. If Kenny did not violate Robinson’s rights, then there can be no claim against the City either. But even if Kenny violated Robinson’s rights, under the facts of this case, the City was not responsible for Kenny’s actions.

The City is not liable for Kenny’s actions merely because Kenny is a city employee. *Monell*, 436 U.S. at 691 (“[A] municipality cannot be held liable under § 1983 on a *respondeat superior* theory.”). The City is liable only if Kenny’s actions can be somehow traced back to City action. *Id.* at 694. Under *Monell*, a municipality is responsible for the actions of its employees if and only if the violation was “caused by: (1) an official policy adopted and promulgated by [the City’s] officers; (2) a governmental practice or custom that, although

not officially authorized, is widespread and well settled; or (3) an official with final policy-making authority.” *Thomas v. Cook Cty. Sheriff’s Dep’t*, 604 F.3d 293, 303 (7th Cir. 2010).

Here, plaintiff concedes that neither an official policy nor a policymaker’s decision is in play. Rather, plaintiff contends, primarily, that the City has a widespread, well-settled MPD practice of conducting biased investigations of officer-involved shootings. And this practice caused Kenny to believe that he could use deadly force with impunity, which led to his unreasonable use of deadly force against Robinson. To succeed on this claim, plaintiff must show that there was such a widespread practice, and that the City was deliberately indifferent to the practice’s known or obvious consequences. “In other words, they must have been aware of the risk created by the custom or practice and must have failed to take appropriate steps to protect the plaintiff.” *Id.* And, critically, the practice “must be the *moving* force behind the constitutional violation.” *Id.* at 306. The causal connection is critical: without showing that the practice actually caused specific the violation, the municipality would effectively be vicariously liable for all the actions of its employees. *Id.* So the court will consider whether plaintiff is able to sustain her burden on three elements: (1) a widespread and well-settled practice or custom (2) to which City officials were deliberately indifferent (3) that caused a constitutional violation.

Plaintiff has a secondary *Monell* theory, based on the City’s failure to appropriately train its officers after officer-involved shootings. In some circumstances, a municipality may be liable under § 1983 for constitutional violations caused by a failure to train its police officers. *Sallenger v. City of Springfield*, 630 F.3d 499, 504 (7th Cir. 2010) (citing *City of Canton v. Harris*, 489 U.S. 378, 387 (1989)). The court will address this theory separate from plaintiff’s widespread practice theory.

a. Widespread and well-settled practice

First, the court considers whether plaintiff has actually identified a widespread and well-settled practice or custom. A practice is not a random event, and isolated acts by individual employees are not sufficient to establish a widespread practice. *Thomas*, 604 F.3d at 303-04. A widespread practice is one “which, although unwritten, is so entrenched and well-known as to carry the force of policy.” *Hahn v. Walsh*, 762 F.3d 617, 640 (7th Cir. 2014) (quoting *Rice ex rel. Rice v. Corr. Med. Servs.*, 675 F.3d 650, 675 (7th Cir. 2012)).

The practice at issue here is how officer-involved shootings are investigated. According to plaintiff, investigations of officer-involved shootings are so favorable to the officer being investigated that the MPD has a widespread, well-settled practice of not holding its officers accountable for using deadly force. According to plaintiff, this allows MPD officers to use deadly force “with impunity.” Dkt. 136, at 2. Plaintiff falls short of showing an established practice.

Plaintiff primarily relies on the Robinson investigation itself to make her case, which she contends was fundamentally biased and deficient. According to plaintiff, Nelson, the PSIA lieutenant in charge of the internal investigation: (1) inappropriately predetermined that Kenny’s use of deadly force was objectively reasonable; (2) refused to acknowledge that the dash cam video and forensic evidence undermined or even contradicted Kenny’s version of events; (3) included irrelevant information in his report that painted Robinson in a bad light while ignoring Kenny’s prejudicial history; and (4) ignored the fact that Kenny was not wearing his body microphone that evening, in violation of MPD policy. The bottom line, according to plaintiff, is that Nelson simply accepted Kenny’s version of events, declined to

have certain forensic evidence examined, and otherwise padded his report to ensure Kenny's exoneration.

The first problem with using the Robinson investigation as an example of a widespread practice is that it did not happen until after Kenny shot Robinson. Thus, the Robinson investigation could not have had any effect on Kenny's decision to use deadly force. If a widespread pattern had any effect on Kenny's decision, it would have to have been established before he shot Robinson.

Plaintiff's answer to this criticism is that the Robinson investigation was conducted pursuant to the same practice that had been in place for years. MPD Captain Victor Wahl testified that the internal investigation process, generally speaking, has been "consistent" since 2007. Dkt. 112 (Wahl Dep. 26:21-27:14). Namely, the PSIA lieutenant reviews the criminal investigation's materials and reports "and then make[s] fact-finding conclusions based on the reports and then appl[ies] those to the policies that are relevant." *Id.* at 26:7-9. If the PSIA lieutenant needs additional information, he or she is free to "do some additional investigating or interviews." *Id.* at 26:13-14. Wahl testified that the practice of relying in large part on the criminal investigation's materials remained consistent between 2007 and the Robinson incident. Wahl later testified that the Robinson investigation was "consistent with the Madison Police Department's policies and practices for internal investigations." *Id.* at 61:6-10. Nelson himself testified that he was not aware of any changes to "how officer-involved shootings were investigated internally by the Madison Police Department" between 2010 and the Robinson investigation. Dkt. 106 (Nelson Dep. 19:1-5). According to plaintiff, this shows that all of the defects in Nelson's investigation of the Robinson shooting are the

result of enduring flaws in MPD's investigatory practices: *all* investigations are biased and flawed exactly as Nelson's was.

But plaintiff's logic is flawed. Even if Nelson made errors during the Robinson investigation, those errors do not show that MPD practices were defective, that Nelson's errors were attributable to those practices, or that investigating officers habitually committed those same errors. Certainly neither Nelson nor Wahl nor Chief Koval testified that MPD investigatory practices were designed to favor the officer. At most, plaintiff might show that Nelson did a questionable job during the Robinson investigation. But Nelson's individual errors or biases do not make a widespread practice.

Plaintiff also points out purported deficiencies in the Brandon and Heenan internal investigations. In the Brandon case, investigators chose not to interview Kenny at all. In the Heenan case, investigators did not consider previous complaints levied against Heimsness. The individual decisions that plaintiff criticizes are not similar enough to suggest a singular practice "so pervasive that acquiescence on the part of policymakers was apparent and amounted to a policy decision." *Dixon v. County of Cook*, 819 F.3d 343, 348 (7th Cir. 2016) (quoting *Phelan v. Cook County*, 463 F.3d 773, 790 (7th Cir. 2006), *overruled on other grounds by Ortiz v. Werner Enters., Inc.*, 834 F.3d 760 (7th Cir. 2016)). Plaintiff has individual criticisms of three investigations of officer-involved shootings. But these criticisms, even if valid, amount only to a set of individual errors.

Which leads to another problem with plaintiff's theory: there are not enough examples. The Seventh Circuit has not adopted "any bright-line rules defining a 'widespread custom or practice.'" *Thomas*, 604 F.3d at 303. But the complained-of conduct must have occurred more than once, if not more than three times. *Id.* ("[T]here is no clear consensus as

to how frequently such conduct must occur to impose *Monell* liability, ‘except that it must be more than one instance,’ or even three.” (quoting *Cosby v. Ward*, 843 F.2d 967, 983 (7th Cir. 1988)). Again, a widespread practice is one “which, although unwritten, is so entrenched and well-known as to carry the force of policy.” *Hahn*, 762 F.3d at 640 (quoting *Rice*, 675 F.3d at 675). Three examples, particularly when the individual errors are dissimilar, is not enough. And, at the time of the Robinson shooting, there were only two.

There is another point that plaintiff does not adequately explain. After April 2014, the criminal investigation of an officer-involved shooting was, by state law, conducted by investigators from an outside agency. Thus, although the *internal* investigation proceeded under essentially the same policy as it had previously, in the Robinson case, outside investigators did a criminal investigation first. Thus, in 2015 when Kenny shot Robinson, he could not count on MPD practices to protect him from the results of the DCI criminal investigation.

One final point. Waller’s opinions cannot save plaintiff’s *Monell* claim. As discussed, the court will not consider Waller’s legal conclusions that a practice exists and that it caused Kenny to act as he did. So the court is left to consider Waller’s opinions that the Brandon, Heenan, and Robinson investigations “appear to have been highly friendly to the officers.” Dkt. 88, at 13. But, as discussed, the fact that the investigations may have suffered from individual officer errors and bias is not sufficient to establish a widespread and well-settled practice.

On the record submitted on summary judgment, no reasonable jury could find that a practice of conducting biased or otherwise flawed internal investigations guaranteed to exonerate officers was widespread and well settled as of March 6, 2015.

b. Deliberate indifference

To survive summary judgment, plaintiff must also adduce evidence sufficient to allow a reasonable jury to find that the City acted with deliberate indifference. In other words, that “a repeated pattern of constitutional violations” made the deficiencies in the systems “plainly obvious to the city policymakers.” *Jenkins v. Bartlett*, 487 F.3d 482, 492 (7th Cir. 2007) (quoting *City of Canton*, 489 U.S. at 390 n.10). “A plaintiff must show that municipal policymakers made a ‘deliberate choice’ among various alternatives and that the injury was caused by the policy.” *Frake v. City of Chicago*, 210 F.3d 779, 781 (7th Cir. 2000) (quoting *Pembaur v. City of Cincinnati*, 475 U.S. 469, 483 (1986)). Plaintiff’s weak showing on the existence of a widespread practice makes the showing of deliberate indifference particularly difficult, if not impossible.

Plaintiff has not adduced any evidence that MPD officials were aware, or should have been aware, that PSIA lieutenants were making biased decisions during internal investigations to ensure officer exoneration, much less that the internal investigations were causing constitutional violations. Plaintiff has not adduced any evidence of a “repeated pattern of constitutional violations.” Nothing about the Brandon and Heenan investigations was so flawed that they were obviously poised to cause constitutional violations. Pointing out errors or imperfections in previous investigations is not enough to show that the City or the MPD was aware of a pattern of constitutional violation. *See Sims v. Mulcahy*, 902 F.2d 524, 544 (7th Cir. 1990) (“Although it is possible that the City could have conducted a more thorough investigation that would have included an interview with Sergeant Jerome Gartner, we are not of the opinion that a City investigation that included interviews with various relevant individuals over a three-month period constitutes the ‘deliberate indifference or tacit

authorization of the offensive act,' necessary to establish municipal liability based upon inaction in response to the misconduct of its employees." (footnote omitted) (quoting *Jones v. City of Chicago*, 787 F.2d 200, 205 (7th Cir. 1986))). Plaintiff cannot sustain her burden on this element.

c. Moving force

Plaintiff must also adduce evidence sufficient to allow a reasonable jury to find that biased internal investigations caused Kenny to use deadly force. On the "moving force" prong, plaintiff must adduce evidence of "a direct causal link" between the purported practice and Kenny's conduct. *City of Canton*, 489 U.S. at 385. The practice must have caused or been responsible for Robinson's death. *Thomas*, 604 F.3d at 304. Courts distinguish between acts that *caused* the injury—the "moving force"—and "merely contributing factors." *Id.* at 306.

Again, the Robinson investigation itself is irrelevant here; it cannot have caused Kenny to act as he did. But even assuming that Kenny knew that PSIA lieutenants favored the officers during the investigation of two previous officer-involved shootings, the connection between the practice and Kenny's decision to use deadly force is too attenuated. It is simply too much of a stretch to say that knowledge that PSIA lieutenants favor officers *caused* or was *responsible* for Kenny's use of deadly force on March 6, 2015, such that it was *the* moving force behind his decision to shoot Robinson. Again, Wis. Stat. § 175.47 is important here, because the MPD investigation system underwent a major change in 2014. Post-Brandon and Heenan, the criminal investigation of officer-involved shootings was no longer in the control of the MPD. The MPD could not ensure Kenny's exoneration from criminal liability, no matter how it conducted its internal review.

Plaintiff's only evidence of a causal connection between the purported practice and Kenny's conduct is the fact that it was ostensibly in existence before March 6, 2015. *See* Dkt. 136, at 9 ("Plaintiff's claim is that the Robinson shooting investigation is indicative of the policies at the time of the shooting, and that prior instances illustrate that such a policy was in effect *before* the shooting which creates a causal link."). Waller is no help here: he summarily concludes that the MPD's failure to hold its officers accountable caused Robinson's death. That is a legal conclusion, and the court will not consider it. Even if the jury were persuaded that loose, favorable internal scrutiny might have *contributed* to Kenny's decisions that night, that is not enough to satisfy the causation element.

In sum, no reasonable jury could conclude that the prospect of a biased MPD internal investigation was the moving force behind Kenny's decision to use deadly force against Robinson.

d. Failure to train

As mentioned above, plaintiff offers a second *Monell* theory: the City failed to adequately retrain its officers or otherwise address departures from training following officer-involved shootings. Plaintiff's claim is narrow; plaintiff concedes that the MPD does not have a widespread training problem. Dkt. 136, at 28 ("To be clear: Plaintiff recognizes that the Madison Police Department *does* do a great deal of training and a claim that Madison has some sort of widespread training problem across the Department would likely be frivolous.").

"A municipality will be held liable for the violation of an individual's constitutional rights for failure to train adequately its officers only when the inadequacy in training amounts to deliberate indifference to the rights of the individuals with whom the officers come into contact." *Jenkins*, 487 F.3d at 492. "Only where a failure to train reflects a

‘deliberate’ or ‘conscious’ choice by a municipality—a ‘policy’ as defined by our prior cases—can a city be liable for such a failure under § 1983.” *City of Canton*, 489 U.S. at 389. It is not enough to show that the violation “could have been avoided if an officer had had better or more training.” *Id.* at 391.

But plaintiff cannot show how the City was deliberately indifferent. Plaintiff never contends that MPD officers did not receive adequate training on any particular issue; plaintiff simply contends that they did not receive targeted training specifically as a result of officer-involved shootings. But the record indicates that MPD officers received ongoing, evolving training in accordance with—and at times exceeding—state standards. Nothing in the record indicates that the MPD deliberately declined to address training deficiencies that were obviously causing otherwise avoidable officer-involved shootings. *See, e.g., Tapia v. City of Greenwood*, 965 F.2d 336, 339 (7th Cir. 1992) (“The evidence established that the police officers received basic training at law enforcement academies and additional training regarding search warrants, and that the City requires officers to adhere to state law in executing warrantless searches. From this evidence, we cannot say that ‘the need for enhanced training [was] so obvious, and the inadequacy of training [was] so likely to result in the violation of constitutional rights, that a jury could reasonably attribute to the policymakers a deliberate indifference to those training needs.’” (alterations in original) (quoting *Erwin v. County of Manitowoc*, 872 F.2d 1292, 1298 (7th Cir. 1989)).

Plaintiff has not adduced evidence sufficient to allow a reasonable jury to hold the City responsible for Kenny’s actions under *Monell*. The court will grant the City’s motion for summary judgment.

ORDER

IT IS ORDERED that:

1. Defendant Matthew Kenny's motion for summary judgment, Dkt. 43, is DENIED.
2. Defendant the City of Madison, Wisconsin's motion for summary judgment, Dkt. 47, is GRANTED.
3. The City of Madison's motion to exclude opinion testimony by Dennis Waller, Dkt. 56, is GRANTED in part.
4. Kenny's motion to exclude expert testimony by Jonathan Arden, Dkt. 58, is DENIED.
5. Kenny's motion to exclude expert testimony by Samuel Marso, Dkt. 59, is DENIED.
6. Kenny's motion to exclude expert testimony by Dennis Waller, Dkt. 60, is GRANTED in part and DENIED in part, consistent with this opinion.
7. Plaintiff the Estate of Tony Robinson, Jr., *ex rel.* personal representative Andrea Irwin's motion to bar the proposed expert testimony of Susan M. Skolly-Danziger, Dkt. 80 and Dkt. 103, is provisionally GRANTED, subject to further consideration at the final pretrial conference.
8. Plaintiff's motion to bar portions of the proposed expert testimony of John G. Peters, Dkt. 81 and Dkt. 104, is GRANTED in part and DENIED in part, consistent with this opinion.
9. Plaintiff's motion to bar certain expert opinions by Vincent Di Maio, Dkt. 114, is GRANTED.
10. Plaintiff's motion to bar expert opinions by Andrew Dennis, Dkt. 115, is GRANTED in part and DENIED in part, consistent with this opinion.
11. Defendants' motion for bifurcation, Dkt. 173, is DENIED as moot.

Entered February 13, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge

From: [Cindi Estey](#)
To: [All Alders](#)
Subject: MGO 5.19 and 5.20
Date: Monday, July 20, 2026 8:19:56 AM

[You don't often get email from cindiestey63@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I am a Madison resident writing about the proposed changes to MGO 5.19 and 5.20. I urge you to vote NO on any changes that reduce the OIPM's operational independence. The OIPM's independence is what makes its findings on racial disparities in policing credible and actionable. I will be watching how you vote August 4.

Cindi Estey
9 Farmington Ct

From: [Bill Newman](#)
To: [All Alders](#)
Subject: Opposing changes to OIPM ordinances
Date: Monday, July 20, 2026 12:35:15 PM

Some people who received this message don't often get email from newmanwj@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I am a Madison resident writing about the proposed changes to MGO 5.19 and 5.20.

I urge you to vote NO on any changes that reduce the OIPM's operational independence. The OIPM's independence is what makes its findings on racial disparities in policing credible and actionable.

I will be watching how you vote August 4.

Sincerely

William Newman
2037 Rutledge St
Madison 53704

From: [PranaMaker by Natalia Marie](#)
To: [All Alders](#)
Subject: changes to MGO 5.19 and 5.20
Date: Sunday, July 19, 2026 9:04:08 AM

Some people who received this message don't often get email from pranamaker@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I am a Madison resident writing about the proposed changes to MGO 5.19 and 5.20. I urge you to vote NO on any changes that reduce the OIPM's operational independence. The OIPM's independence is what makes its findings on racial disparities in policing credible and actionable. I will be watching how you vote August 4.

From: [Seals, Holly](#)
To: [All Alders](#)
Subject: MGO 5.19 and 5.20
Date: Tuesday, July 21, 2026 2:40:10 PM

Some people who received this message don't often get email from hseals@madisoncollege.edu. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello Alders,

I am a Madison resident writing about the proposed changes to MGO 5.19 and 5.20. I urge you to vote NO on any changes that would reduce the Office of the Independent Police Monitor's operational independence.

The OIPM's independence is the only reason its findings on racial disparities in policing have been credible, transparent, and actionable. Weakening that independence—whether through structural changes, reporting requirements, or limitations on authority—would undermine the very purpose of civilian oversight.

On August 4, you are voting on whether Madison continues to have an oversight office capable of acting independently, releasing findings the public can trust, and holding systems accountable in ways internal review cannot.

I urge you to protect that independence and vote NO on any changes that diminish the OIPM's ability to operate freely and effectively. I will be watching how you vote on August 4.

Thank you,

Holly Seals

Get [Outlook for Android](#)

From: [John Smallwood](#)
To: [All Alders](#)
Subject: vote NO on any changes that reduce the OIPM's operational independence.
Date: Monday, July 20, 2026 10:31:09 AM

Some people who received this message don't often get email from johnsmallwood3@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I am a Madison resident writing about the proposed changes to MGO 5.19 and 5.20. I urge you to vote NO on any changes that reduce the OIPM's operational independence. The OIPM's independence is what makes its findings on racial disparities in policing credible and actionable. I will be watching how you vote August 4.

From: [M Strickland](#)
To: [All Alders](#)
Subject: Proposed changes to MGO 5.19 and 5.20
Date: Sunday, July 19, 2026 9:13:20 AM

Some people who received this message don't often get email from mcstrickland1@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Madison Alders,

I am a Madison resident of District 15, writing about the proposed changes to MGO 5.19 and 5.20. I urge you to vote NO on any changes that reduce the OIPM's operational independence. The OIPM's independence is what makes its findings on racial disparities in policing credible and actionable.

I will be watching how you vote August 4.

Thank you.

Sincerely,

Matthew C. Strickland

From: [Steve Verburg](#)
To: [All Alders](#)
Subject: Fwd: Please don't undermine the independence of OIM/PCOB
Date: Tuesday, July 21, 2026 1:50:00 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Members of the Madison Common Council:

Good afternoon.

I am looking forward to the presentation on police oversight at your meeting tonight.

I'm writing to say that I continue to urge you to reject the amendments to MGO 5.19 and 5.20. Instead of undermining the independence of the police oversight office, please begin planning to fully fund the office for next year, if not sooner.

The OIM's report on the death of Richard Lee Johnson should be enough to demonstrate how important it is to have a full funded Independent Police Monitor and Police Civilian Oversight Board.

A fully funded OIM/PCOB is this city's best chance to begin reducing its terrible racist disparities in policing.

Thank you.

Sincerely,

Steve Verburg
Wendy Lane
District 16.

----- Forwarded message -----

From: **Steve Verburg** <stverburg@gmail.com>
Date: Mon, Apr 20, 2026 at 5:28 PM
Subject: Please don't undermine the independence of OIM/PCOB
To: allalders@cityofmadison.com <allalders@cityofmadison.com>

Alders:

An independent OIM/PCOB is the best thing the council has ever done to move toward ending MPD's atrocious record of racial discrimination in arrests and citations.

It is also our best chance at providing justice for all people harmed by MPD's routine over-policing.

There is no real evidence to support these proposed amendments.

Rumors and stories don't count.

Please vote against all amendments to Madison General Ordinances 5.19 and 5.20 and instead of threatening the independence of the police oversight office, begin planning to meet the national standard for funding independent oversight.

Fully fund and staff the office and board next year.

And keep it fully independent.

It's the only way to effectively police the police.

Thanks,

Steve Verburg
Wendy Lane
Madison, Wisconsin
607-212-9726