From:	Kapusta-Pofahl, Karen
To:	Alder Work Group Creating MPD Independent Civilian Oversight
Subject:	FW: FW: Oversight Commttee
Date:	Monday, June 29, 2020 1:26:08 PM

From: Kemble, Rebecca <district18@cityofmadison.com>
Sent: Monday, June 29, 2020 1:22 PM
To: Kapusta-Pofahl, Karen <KKapusta-Pofahl@cityofmadison.com>; Strange, John <JStrange@cityofmadison.com>
Subject: Fw: FW: Oversight Commttee

Please add this to wherever you are keeping track of public comments for our meetings.

Thanks!

Rebecca Kemble
District 18 Alder
Madison Common Council
608 347-8097

From: Al Rickey
Sent: Monday, June 29, 2020 1:02 PM
To: Kemble, Rebecca
Subject: Fwd: FW: Oversight Commttee

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try it again....

FYI

From: Rickey, Al <arickey@sbcglobal.net>
Sent: Monday, June 29, 2020 12:27 PM
To: Hardiman, Emily <EHardiman@cityofmadison.com>
Subject: Fwd: Oversight Commttee

Alders Moreland, Bidar & Kemble,

I have spoken with a half dozen attorneys who have vast experience in both criminal and civil law. Some have a great working knowledge of the PFC as well. All agreed that the points that follow are things to seriously consider as you create your new ordinance. This committee has been touted by some that it will be the most powerful police oversight committee in the country.

When and if the committee members act as investigators, do they become vulnerable to legal action? If committee members meet and speak with a person who is filing a complaint and other witnesses, the members become witnesses themselves in the process. An attorney representing a police officer will likely depose each and every committee member regarding the investigation. This might also include demands for any and all meeting notes, recorded conversations, social media posts, cell phone records, texts, emails etc. I've been deposed and cross examined many times and it can be a challenging experience. Depositions can last for many hours, truly testing those being deposed. Aggressive attorneys will pry, provoke, and demean. There are usually no judges overseeing the depositions. Committee members who take on the trappings of investigators will be fair game for savvy attorneys.

If the potential for this type of problem exists, I suggest all the candidates for the Oversight Committee be apprised of their personal legal exposure and any punitive measures they may suffer because of their actions that occur throughout the duration of their appointments.

Since the Oversight Committee may have this investigative authority, and will be entrusted with highly sensitive information, the integrity of the process is paramount. It is logical and equitable that potential committee members be vetted in the same fashion as police officers. It should include, but not be limited to comprehensive background checks consisting of interviews of a potential committee member's family, friends, former and current employers, and neighbors. Local, State and Federal crimnal histories should also be accomplished. Travel histories, thorough credit checks and detailed social media histories are also part of the background process. Fingerprints and DNA samples should be run through national data bases. Mental health histories and currently prescribed medications that may impair judgement must also be on the chore list. Any potential biases and conflicts of interests committee members may possess must be addressed prior to their appointments.

I believe that Police Oversight Committee is supposed be a truth seeking instrument of local government. Careful consideration should be given to all the pitfalls that lie ahead.

Al Rickey
Madison

*Please forgive any typing and grammar errors. It has been 50 years since graduation and skillsets have diminished.