

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED
REFERRAL(S)

Month d, 2024

Police Civilian Oversight Board
(m/d/24), Common Council
(m/d/24)

Creating Section 5.19(8)(d) and amending Section 5.20(9)(a) of the Madison General Ordinances related to Records Access between the Office of the Independent Police Monitor and Police Civilian Oversight Board.

DRAFT

Drafted by: Andrew Schauer

Date: June 12, 2024

SPONSOR(S): TBD

DRAFTER'S ANALYSIS: Through its leadership, the Police Citizen Oversight Board ("PCOB") requested a change to the ordinances allowing the PCOB to, by resolution of its full board, take certain actions otherwise reserved by ordinance to the Independent Monitor ("IM"), when the IM position is vacant, or when the IM is on a leave lasting more than thirty (30) days. The PCOB also would like access to the Independent Monitor's electronic files in the event of such a future vacancy or leave of absence, and so the OA also adds a rule requiring the IM to keep their files on a shared drive which would allow for such access in their absence.

The Common Council of the City of Madison do hereby ordain as follows:

1. Subdivision (d) entitled "Records Access" of Subsection (8) entitled "Public Reporting" of Section 5.19 entitled "Office of the Independent Police Monitor" of the Madison General Ordinances is created as follows:

"(d) Records Access. The Monitor and OIM shall keep all documents they create in furtherance of their duties under this Section, including but not limited to those documents listed in subsections (a) through (c) above, on the City's shared computer server. Such documents shall be made available to the PCOB Chair in the event of a vacancy or absence of the Monitor as described in Section 5.20(9)(a)."

2. Subdivision (a) entitled "Appoint and Supervise the Independent Monitor" of Subsection (9) entitled "Powers and Duties" of Section 5.20 entitled "Police Civilian Oversight Board" of the Madison General Ordinances is amended as follows:

"(a) Appoint and Supervise the Independent Monitor. The Board shall recruit, appoint, and supervise the Independent Police Monitor as provided in M.G.O. § 5.19(4), (5). In the event of a leave of absence or other leave of the Monitor exceeding thirty (30) days, or in the event of a vacancy in the position of Monitor, the Board shall have the power to take actions and complete duties reserved to the Monitor

Approved as to form:

and/or the OIM in M.G.O. § 5.19(7), and it may delegate such actions and duties to the Board Chair or its Executive Committee. Such actions and duties shall revert to the Monitor and/or the OIM immediately upon the Monitor's return from leave or the appointment of a new Monitor. When completing such actions and duties in the stead of the Monitor, the Board, the Board Chair and/or the Executive Committee shall have the same responsibilities as the Monitor and OIM staff to treat all documents and information regarding specific investigations or officers as confidential except to the extent needed to carry out such duties."