Legislative Memo for the Ordinance Revisions of the OIM and PCOB

Alders and Members of the PCOB,

I've prepared this document to detail the intent behind the proposed ordinance revisions of MGO 5.19 and 5.20, having to do with the Office of the Independent Monitor (OIM) and the Police Civilian Oversight Board (PCOB) respectively. [View Legistar File 92386]

Overview

This proposal introduces revisions to Madison General Ordinances 5.19 and 5.20, which govern the Office of the Independent Monitor (OIM) and the Police Civilian Oversight Board (PCOB) respectively.

The intent of these changes is to:

- Improve transparency and communication between the OIM, PCOB and the Common Council
- Provide clearer expectations for reporting and oversight
- Clarify the operational structure of the OIM within City government
- Ensure the long-term effectiveness and sustainability of Madison's independent police oversight model

These revisions have been in mind for me since mid-2025, but were only developed following the release of the OIM's 2025-2026 Annual Report. I spoke with the Interim Monitor in early January of 2026 to discuss some of these proposals and agreed to wait until her annual report was public before I finalized and introduced them – something I'm glad I did because the annual report was informative in properly addressing the structural issues that I believe are present.

Importantly, these changes are intended to strengthen transparency and communication **without** expanding the authority of the Common Council over the OIM or PCOB.

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Summary of Key Changes

1. **Quarterly Reporting Requirements for OIM – MGO 5.19(8)**

This change requires the OIM to submit quarterly reports to the Mayor and Common Council *for consideration*, meaning it would have to appear on our agenda for potential questions and discussion. This is in addition to the existing annual report.

Intent:

- Provide regular, concise updates on OIM operations and performance
- Allow Council and the public to better understand:
    - Case volume and backlog
    - Timelines for investigations
    - Outcomes and recommendations
- Ensure that oversight is ongoing, rather than limited to a single annual report

Important Clarifications:

- I did not want to place undue burden on an already understaffed office, so these quarterly reports are intended to be concise and focused
- This change does not alter the structure or independence of the OIM, nor does it direct its work

2. **Clarifications of OIM Administrative Structure and Legal Compliance – MGO 5.19(6)(c)**

This change clarifies that while the OIM is independent in its mission, it operates within the City's administrative framework all non-mission related matters, such as hiring staff (excluding the Independent Monitor), contracting, budgeting, technology usage, etc. It also clarifies that the OIM must comply with federal and state law, city ordinances, and city Administrative Procedure Memorandas (APMs).

Intent:

- Establish a clear and consistent understanding of how the OIM functions as a City agency
- Ensure alignment with existing City processes and legal requirements
- Prevent confusion around administrative authority and responsibilities

Context:

- This clarification responds to past operational challenges, including delays in open records responses, and questions regarding compliance with City policies (e.g., technology usage, including generative AI policies)

Important Clarifications:

- This change does not impact the OIM's independence in investigations, findings, or recommendations. It is limited to administrative and operational matters.

3. **Clarification on Use of Independent Legal Counsel – MGO 5.19(6)(d)**

This change clarifies that the OIM may retain independent legal counsel **for matters directly related to its oversight mission**. The Office of the City Attorney remains responsible for general legal matters, administrative compliance, employment and open records issues, etc.

Intent:

- Addresses concerns raised in the OIM Annual Report regarding potential conflicts with the City Attorney
- Clearly define when independent legal counsel is appropriate
- Maintain consistency in how City agencies handle general legal matters
- Maintains fiscal responsibility

Important Clarifications:

- This does **not expand or restrict existing authority**, but clarifies its application. It ensures both independence where necessary, and consistency with City legal processes where appropriate.

4. **Annual Reporting Requirement for the PCOB – MGO 5.20(9)(f)**

This change clarifies existing requirements for the PCOB to submit an annual report to the Mayor and Common Council *for consideration*, meaning it would have to appear on our agenda for potential questions and discussion. While this requirement has existed since the creation of the Board, it has not yet been fulfilled.

Intent:

- Provide visibility into the work of the Board as a governing body
- Ensure Council and the public understand:
    - Board activities and priorities
    - Community engagement efforts and outcomes
    - Policy recommendations
- Improve transparency for a body that plays a central role in oversight but has not consistently provided formal reporting to the Common Council

Important Clarifications:

- The report is intended to be a concise summary, recognizing that Board members are community volunteers.
- This is not intended to create an administrative burden or require technical reporting

What This Proposal Does Not Do

To be clear, this proposal does **not:**

- Change the authority of the OIM or PCOB in conducting investigations
- Allow the Common Council to direct or interfere with oversight activities
- Modify the hiring process for the Independent Monitor
- Implement policy changes related to:
    - Body-worn cameras
    - OIM staffing levels or budget
    - Broader structural reforms

Those issues remain important and I hope that the Council addresses them in due time, likely closer to Budget Deliberations.

Conclusion

Madison's independent police oversight system is unique in Wisconsin and has the potential to serve as a strong model for accountability and community trust. I genuinely believe in the OIM and PCOB's potential to be a great service for our city, but I believe there are structural issues that must also be addressed.

These revisions are intended to:

- Strengthen transparency
- Improve communication with elected officials and the public
- Clarify administrative structure
- Support the long-term success of the OIM and PCOB

This proposal focuses on **practical, achievable improvements** that can be implemented in the near term, while allowing broader policy discussions to continue. I suspect there will be long discussions about the OIM and PCOB's viability as we get closer to the budget, however, I also believe that adopting **these recommendations will strengthen the trust that the Common Council has in the OIM and PCOB, and will only aid in them continuing their mission more effectively and sustainably**.

Respectfully,
Alder MGR Govindarajan
district8@cityofmadison.com