92386 Govindarajan Amendment 2

DRAFTER'S ANALYSIS: This amendment provides that the Common Council may enforce requirements that the Office of the Independent Monitor follow City policies and procedures that govern all City agencies." We can list him as lead sponsor and need to insert the same referral dates.

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1. Subsection (6) entitled "Independence of the Monitor" of Section 5.19 entitled "Office of the Independent Police Monitor" of the Madison General Ordinances is amended as follows:

"(6) Independence of the Monitor.

(a) Independent from MPD. The OIM shall in all respects remain sufficiently independent from the MPD in order to prevent the OIM and the MPD from becoming so closely aligned that the OIM cannot effectively fulfill its duties. For example, at a minimum, the OIM shall not be physically located in the same office as MPD management, officers, or other personnel.

(b) 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.

(c) 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 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.

(d) Legal Counsel. The Monitor may retain independent legal counsel to assist the OIM with investigations, oversight activities, and representation related to police oversight cases within the OIM's jurisdiction pursuant to sub (7)(l). The Monitor may also assign outside counsel to complainants as provided in sub. (7)(b)(4). For all other legal matters involving the operations of the OIM as a City agency, including but not limited to compliance with public records laws, open meetings laws, employment matters, and general administrative functions, the OIM shall utilize the Office of the City Attorney."