September 5, 2025

Dear PCOB Executive Committee,

This letter outlines concerns from the Common Council leadership in regards to the performance of Robin Copley, Independent Monitor (IM). As the Office of the Independent Monitor (OIM) operates under the oversight of the Police Civilian Oversight Board (PCOB), which was created by the Common Council, compliance with city standards and timelines is critical to ensuring transparency, accountability, and public trust. This letter outlines our concerns regarding performance issues that have occurred over the last six months:

1. Timely Response to Public Records Requests

The OIM, like all public agencies, is required to respond to open records requests in a timely fashion, in accordance with state law and city ordinances. Generally, the City attempts to complete open records requests within 10 working days. If additional time is necessary due to the complexity of a request, OIM staff must provide a written explanation and estimated completion date to the requestor and the City Attorney's office within the initial 10-day window.

Several open records requests have sat idle with the IM, even after multiple follow-ups from the City Attorney's office, and queries from the media. Our understanding is that these open records requests have now been completed, but the fact that the IM allowed them to continue unaddressed until the media made public her inaction is deeply concerning. Moreover, her inaction could have led to a costly lawsuit to the City, with a likely outcome of award to the litigant since there was no discernable reason for the delayed response.

2. Finalization of the Annual Report

As required by Madison General Ordinance 5.19(8)(a), the OIM is required to submit an Annual Report to the Common Council. This report was initially requested for placement on a Council Agenda in April, 2025. After reviewing the proposed Annual Report, the Common Council President provided suggested edits to bring the report more in line with other, non-partisan City reports, and requested an Executive Summary be included at the end of May, 2025. On July 18, 2025 the Common Council President met with OIM staff to discuss suggested edits. There has been no action on the Annual Report since that time, and it remains un-delivered to the Common Council.

3. Attendance at Common Council Meetings

As a member of the City's managerial staff, the Independent Monitor is expected to attend Common Council meetings at least until the Consent Agenda is approved when there are items pertaining to their department or agency on the agenda. On the July 1, 2025 Common Council meeting when an ordinance revision for the PCOB was on the agenda, the Independent Monitor was unavailable to provide responses to Council queries; only the Data Analyst from the OIM was available. Once relevant items are voted on, either through the Consent Agenda or during a larger discussion,

related staff may leave. We were pleased to see the IM was in attendance at the most recent Council meeting on September 2 when this item was returned to Council for final action.

4. General Compliance with APM 2-33 and Managerial Duties

The OIM, like all City staff, must comply with all requirements outlined in Administrative Procedure Memorandum (APM) 2-33, including but not limited to: confidentiality; coordination with city staff and officials as necessary; proper training of staff on public records compliance and timely reporting of any potential breaches; completion of assignments and duties in a timely manner with attention, care, and efficiency; truthful and accurate recording of timesheets, including vacation and sick leave; and maintaining up-to-date internal procedures aligned with city policy.

Staff who report to the IM have provided information to Council leadership that the IM has not herself provided (see emails provided under separate cover). It is unclear whether the IM has the training and expertise to properly manage staff, if the staff feel they are in the position to have to "manage up" to get her to accomplish key tasks that are within her scope of responsibility. While we recognize staff/manager relationships can be complicated and one side of the story is generally only a fraction of the reality, the fact the staff felt the need to reach out to Council leadership to report on the situation is telling.

In conclusion, while the OIM is independent of standard City managerial oversight, the IM remains a City employee, and must adhere to City requirements and policies. These measures are not only requirements, but also part of our shared commitment to transparency and accountability.

While we certainly hope the deficiencies outlined herein can be addressed, we remain concerned about past performance of the IM and want to ensure the PCOB Executive Committee has all relevant information as they determine next steps.

Sincerely,

Regina Vidaver
President, Common Council

MGR Govindarajan
Vice President, Common Council