



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved ALDER WORKGROUP TO DEVELOP LOGISTICS & OPERATIONAL DETAILS FOR MPD INDEPENDENT CIVILIAN OVERSIGHT

*Consider: Who benefits? Who is burdened?
Who does not have a voice at the table?
How can policymakers mitigate unintended consequences?*

Monday, July 13, 2020

6:30 PM

Via virtual meeting

Note: Quorum of the Common Council may be present at this meeting.

***You must register before your item is considered by the workgroup.**

Watch a recording of the 7/13/2020 meeting here:

<https://media.cityofmadison.com/Mediasite/Showcase/madison-city-channel/Presentation/6aa0fe6c4913423d884a1ea844f5b3241d>

1. CALL TO ORDER / ROLL CALL

The meeting was called to order at 6:33 PM

Present: 3 - Shiva Bidar; Rebecca Kemble and Donna V. Moreland

Others present:

Assistant City Attorney John Strange, Assistant City Attorney Marci Paulsen, City Attorney Mike Haas, Alder Keith Furman, Alder Tag Evers, Alder Syed Abbas, Finance Director Dave Schmiedicke

2. APPROVAL OF MINUTES

A motion was made by Kemble, seconded by Bidar, to Approve the Minutes of the 7/11/2020 meeting. The motion passed by voice vote/other.

3. [61348](#)

PUBLIC COMMENT FOR THE 7/13/2020 MEETING OF THE ALDER WORKGROUP TO DEVELOP LOGISTICAL AND OPERATIONAL DETAILS FOR MPD INDEPENDENT CIVILIAN OVERSIGHT

Three registrants spoke on this item.

4. DISCLOSURES AND RECUSALS

None

DISCUSSION ITEMS/POSSIBLE ACTION ITEMS

5. [61260](#) Update on communication with community organizations

One (1) registrant spoke on this item. Alder Moreland requested that staff send out the agenda to the community organization contacts on the list to notify them about the next meeting.

Committee members clarified that the attached list is a list of organizations who the committee is interested in reaching out to, not a definitive list of Civilian Oversight Board nominating organizations.

6. [61323](#) Discussion of legal points of consideration

Items #6 and #9 were taken up by the committee together.

Attorney Haas raised the issue of competing recommendations, for example, if Internal Affairs clears an officer, but the Independent Monitor Office determines a different result. Haas offered two broad approaches to the issue of issuing subpoena power: 1) Keep the language as it is in the draft ordinance, 2) give more specific direction in the ordinance on which areas the monitor may issue a subpoena.

Bidar asked ACA Strange to be explicit in the draft ordinance that the Civilian Oversight Board can direct the Independent Monitor to issue a subpoena. Bidar also noted that in the case that the Police and Fire Commission receives two differing recommendations, they can decide what action to take. Kemble requested that the ordinance give the Civilian Oversight Board the power to take testimony and hold public hearings. Bidar mentioned that hearings are different than outreach. Kemble affirmed that she was thinking about public hearings rather than legal proceedings. Keith Findley, co-chair of the MPD Ad Hoc committee, offered that he thought the independent monitor should have subpoena power, as well as the Civilian Oversight Board. Greg Gelembuik from the MPD Ad Hoc committee agreed.

The committee discussed giving the direction to the COB that they create guidelines for how they conduct public hearings and rules for operating.

7. [61320](#) Discussion regarding independent monitor placement in organization

No discussion

8. [61318](#) Discussion on relationship among Madison Police Department, Independent Monitor, and Civilian Oversight Board

ACA Strange presented the language he had updated in the draft ordinance that addresses the relationship of the Independent Monitor to MPD and the COB. Chair Moreland requested the the relationship to the Police and Fire Commission also be discussed. The committee discussed how to word the requirement for MPD to review and respond to IMO findings.

9. [61319](#) Discussion of subpoena power

Item #9 was taken up by the committee in tandem with item #6.

No additional comments.

10. [61321](#) Discussion of the staffing of the Independent Monitor Office

No discussion

11. [61322](#) Discussion on budgeting/cost of independent monitor position

City Finance Director Dave Schmiedicke was present to discuss this item. The committee would like to budget for the Independent Monitor's Office to start with the monitor, an administrative assistant, and a data analyst. The Mayor put \$200,000 into the 2020 budget for the monitor position. Schmiedicke estimated approximately \$330,000 for the salaries and fringe benefits for these three positions. He estimates about \$30,000 for supplies, space, and etc. based on the model of the City EAP program, which is a similar sized agency. Beyond that \$360,000 estimate, there are a number of possible additional items to cost out, such as investigation costs, costs for contracting out investigators, cost of hearings, attorney reimbursements for complainant, and stipend for the Civilian Oversight Board, the regular agency shared costs of IT, accounting, payroll.

The Committee discussed where the cost of complainant reimbursement of attorney's fees could be taken out and the issue of stipend for members of the Civilian Oversight Board. Schmiedicke will research models for stipend. The committee also discussed adding in the cost of providing a tablet or internet access for board members who do not have access to those things, along the model of how these items are provided to alders.

12. [61326](#) Discussion of Civilian Oversight Board training, technology, and financial support

The committee discussed training, technological, and financial support for the Civilian Oversight Board. Greg Gelembuik mentioned the training offered through the NACOLE network, the District Attorney's Office, and legal procedure training. Anna Moffit stated that it is important to offer stipend to COB members, especially if the community organizations are not to be putting their staff on the COB. The committee then discussed the possibility of offering stipend or other remuneration to COB members, while not making them into City employees or contractors. Kathy from the League of Women Voters offered the model of City poll workers: they are paid \$13/hr, do not receive benefits. They receive a W-2 from the City for tax reporting. She also mentioned the training available through the City Attorney's Office on ethics and Roberts' rules.

13. [61172](#) Staff update on progress of ordinance draft

The committee discussed the draft ordinance. Bidar requested that ACA Strange add specifics about the terms of the executive subcommittee of the Civilian Oversight Board. Kemble requested that "shall" language be placed into the ordinance regarding the requirement for COB member training. Alder Abbas requested that the COB meetings be required to be broadcast by Madison City Channel. ACA Strange would check on the implications of putting such a requirement into ordinance.

14. UPCOMING SCHEDULED MEETINGS:

7/23 @ 5PM
7/27 @ 12PM
7/29 @ 5PM

Chair called attention to the fact that the meeting on 7/27/2020 is a noon meeting.

15. ADJOURNMENT

A motion was made by Bidar, seconded by Kemble, to Adjourn. The motion passed by voice vote/other.
The meeting was adjourned at 8:59 PM.

[61152](#) Documents related to the Alder Workgroup to Develop Logistics & Operational Details of MPD Civilian Oversight