

5.19 OFFICE OF THE INDEPENDENT MONITOR (OIM) DUTIES AND RESPONSIBILITIES

As Directed by Ordinance MGO 5.19 - Section (7)

(a) MONITOR POLICY COMPLIANCE

Actively and on an ongoing basis monitor MPD compliance with:

- SOPs
- Governing laws
- Lawful orders from the Common Council
- Adopted recommendations from the 2019 Policy & Procedure Review Ad Hoc Committee Report
- Adopted recommendations from the OIR Report
- MPD's stated goals and mission statement

(c) MAKE POLICY RECOMMENDATIONS

Make recommendations regarding policy issues and address any other issues of concern to:

- The community, Board members
- The Chief of Police, MPD personnel
- The Mayor, Common Council

(d) ASSIST IN THE BOARD'S ANNUAL REVIEW OF THE CHIEF OF POLICE

Provide input to the Board for its annual review of the Chief of Police.

(e) PROCESS COMPLAINTS

Create and support a process to receive and investigate complaints from community members regarding the MPD, the Chief of Police, or any MPD personnel.

(f) CONDUCT COMMUNITY OUTREACH

- Engage in community outreach, including:
- Discussing police policies, procedures, and training
- Gathering input from a range of community members and groups
- Reaching underserved and marginalized communities
- Publicizing complaint-handling processes

(g) STAFF THE POLICE CIVILIAN OVERSIGHT BOARD

In conjunction with the Office of the Mayor and Common Council, ensure the Board has the resources it needs to fulfill its duties.
Serve as Executive Secretary to the Board.

(k) DEVELOP AND ISSUE REPORTS AND POLICY RECOMMENDATIONS

Develop and issue reports and policy recommendations to relevant entities as described above.

(b) MONITOR MPD PROGRAMS, ACTIVITIES, INVESTIGATIONS, AND USE-OF-FORCE INCIDENTS

1-Monitor Activities and Conduct Independent Investigations

- Actively **monitor audits of MPD programs and activities, use-of-force incidents, and personnel investigations.**
- Submit requests to the MPD and Chief of Police **to investigate or further investigate matters under review.** MPD must respond in writing stating whether a further investigation will be conducted and, if not, the reasons why.
- Undertake independent investigations of MPD personnel, including the Chief of Police and all represented and non-represented personnel in response to external or internally generated complaints of misconduct.

2-Make recommendations to the Chief of Police regarding administrative action, including possible discipline, based on reviews of MPD programs, activities, investigations, and use-of-force incidents.

3-MAKE REFERRALS TO THE POLICE AND FIRE COMMISSION

Refer appropriate cases to the Police and Fire Commission (PFC) so that PFC members may consider initiating disciplinary action.

4-APPOINT COUNSEL FOR AGGRIEVED INDIVIDUALS

- Appoint counsel when complaints have arguable merit.
- Individual selects attorney from Board's approved list.
- Attorneys must have experience with PFC cases and charge a reasonable rate.
- Attorney fees not to exceed \$15,000 per complaint.

5-OTHER MONITORING REQUESTED BY THE BOARD

Monitor other internal investigations into possible misconduct, or undertake independent investigations into possible misconduct by personnel, when requested by the Board.

(h) HIRE OIM STAFF AND ENGAGE INDEPENDENT CONTRACTORS

Hire OIM Staff

Recruit and hire all OIM staff in collaboration with the Human Resources Department.

Minimum Staffing (anticipated)

- Monitor
- Administrative support employee
- Data analyst

Engage Independent Contractors

May engage independent contractors (eg, investigators) from time to time to assist in fulfilling OIM duties.

Contracting Requirements

- **Follow all City of Madison contracting requirements.**

Ensure contractors meet the same requirements as OIM staff.

Requirements for Staff

No OIM employee shall:

- Have ever been employed by the MPD
- Be an immediate family member of current or former MPD employees
- Have served as a Wisconsin law enforcement officer within the previous ten (10) years

(i) ACCESS MPD RECORDS

Have, **to the extent permitted by law,** unfettered access to MPD records, policies, SOPs, data, computer databases, and other information necessary to fulfill OIM duties.

(j) ISSUE SUBPOENAS

Issue subpoenas, **to the extent permitted by law,** to compel:

- Testimony
- Production of documents necessary to fulfill OIM duties.

(l) RETAIN INDEPENDENT LEGAL COUNSEL

Retain independent legal counsel **when necessary** to fulfill the duties of the OIM.

(m) ISSUE PUBLIC REPORTS

Issue public reports as described in Section (8).

5.20 POLICE CIVILIAN OVERSIGHT BOARD

(1) Creation

A Police Civilian Oversight Board ("Board") is hereby created for the City of Madison.

(2) Purpose

The purpose of the Board is therefore:

to provide within the City of Madison a body that is independent from the MPD

authorized to hire and supervise the Independent Police Monitor ("Monitor"), and required to work collaboratively with the Office of the Independent Police Monitor ("OIM") and the community to review & make recommendations regarding police discipline, use of force, and other policies and activities, including related to rules, hiring, training, community relations, and complaint processes.

(3) Board Composition

The Board shall have eleven (11) voting members and two (2) alternate members

(5) Executive Secretary

OIM shall serve as the Board's executive secretary.
Staff from **MPD** and the Office of the **City Attorney** shall attend each Board meeting

(9) Powers and Duties

- (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).
- (b) Evaluate Effectiveness of the Monitor's Office. The Board shall provide input to the Mayor and Common Council regarding the effectiveness of the Office of the Independent Monitor.
- (c) Conduct Annual Review of the Chief of Police. With input from the Monitor, the Board shall conduct an annual review of the Chief of Police to assess their performance in office, and submit a report to the Mayor and PFC for completion of the annual performance review of the Chief. . .
- (d) Conduct Community Outreach. The Board shall engage in community outreach, including holding public hearings to receive community input regarding police policies, procedures, training, and processes for handling complaints.
- (e) Make Policy Recommendations. The Board shall make policy-level recommendations regarding discipline, use of force, and other policies, including those related to rules, hiring, training, and community relations, and address any other issues of concern to the community, Board, Monitor, Chief of Police, Mayor, or Common Council.
- (f) Annual Public Report. The Board shall furnish an Annual Public Report ("Annual Report") to the Mayor and Common Council.
- (g) Issue Subpoenas. The Board may, to the extent permitted by law, issue subpoenas for the purpose of compelling testimony or receiving documents necessary to fulfill the duties of the Board.

(10) Relationship between the Board and the Police and Fire Commission

The Board's various duties give it the **authority** to review disciplinary decisions and process, evaluate MPD standard operating procedures, and conduct formal public inquiries to fulfill the duties specified in Sec. 5.20(9), but does not give the Board the authority to impose discipline, reverse disciplinary decisions, or mandate any other action or decision by the PFC.