



# 2025 ANNUAL REPORT

Office of the  
Independent Monitor



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## **Annual Report of the Office of the Independent Monitor**

**2023-2024**

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## Introduction

Civilian oversight of police is necessary for accountability, ensuring police officers and departments are held to high standards of conduct which are updated dynamically between police departments and the communities they serve. There has always been a need for civilian oversight of the police and its absence has been felt disproportionately by marginalized communities. The State of Wisconsin has long recognized the need for police oversight, although with historically limited capacity in providing it. In 1885, the Milwaukee Board of Fire and Police Commissioners was established by state law. The City of Madison followed by establishing its Police and Fire Commission to separate staffing matters from local politics. Now, the City of Madison has the Office of the Independent Monitor (OIM) to separate audits of the Department, the Chief, and the Department's policies from local politics.

The purpose of civilian oversight is not only to foster the building of public trust and confidence in law enforcement. It also serves as an independent means of ensuring administrative practices within the Police Department meet the standards and expectations of the community. The OIM is open to all members of the Madison community, including MPD staff. The independence of the OIM allows it to be a secure destination for whistleblowers within MPD, protecting those whistleblowers' identities and applying their input to departmental audits and investigations.

The enduring goal of the Office of the Independent Monitor is to give the community a voice in discussing their expectations of law enforcement. Transparency of police activities and decisions helps to demystify police work and builds a foundation for mutual understanding and cooperation, fostering an environment where the community can learn the rationale behind certain police actions and have an informed discussion of how the community wants its police department to act.

The purpose of this report, prepared and delivered in accordance with Madison General Ordinance 5.19(8), is to summarize the founding of the City of Madison Office of the Independent Police Monitor. The history of the founding of the Police Civilian Oversight Board (PCOB), which oversees the OIM, and its years of tireless work is an important one to

memorialize as well. The PCOB's history will be memorialized through its own Annual Report, prepared by the PCOB itself. Therefore, this history will begin from the point at which the Monitor's knowledge is first-hand, when they started their position in December of 2022. Please note that any absence of detail in mentions of the PCOB's work is not intended to ignore the PCOB's contributions but rather to allow the PCOB to speak for itself. As this is the first annual report of the OIM, this report will also mainly serve as a blueprint for regular reporting to come.

At a minimum, the OIM Annual Report aims to:

1. Set forth the work of the OIM during the prior calendar year;
2. Identify trends regarding complaints, investigations, and discipline of MPD personnel, including, but without identifying specific persons, information regarding personnel who were the subject of multiple complaints, complainants who filed multiple complaints, and issues that were raised by multiple complaints;
3. Make recommendations regarding the sufficiency of investigations and the appropriateness of disciplinary actions, if any, and changes to policies, rules, and training;
4. Provide other pattern and practice analysis as needed; and
5. Assess the MPD's progress in complying with its own SOPs, governing laws, and lawful orders from the Mayor or Common Council, including compliance with or progress toward meeting any recommendations or directives emanating from the work of the Ad Hoc Committee to Review the MPD's Policies and Procedures and the OIR Report, to the extent they are adopted and approved by the Common Council, as well as the MPD's own stated goals and mission statement.

This inaugural OIM annual report will be unique in several ways from future reports. These key differences are presented here to avoid confusion.

First, as there was no annual report published by the OIM up to this point, the first item's retrospective scope will cover both 2023 and 2024. Future annual reports are expected to be presented each spring covering the previous year.

Second, as the OIM did not begin receiving complaints until late in 2024, any "trends" regarding complaints received by the OIM would not be statistically significant and should be considered anecdotal at best.

Third, regarding the first item again, the OIM has maintained only one employee throughout the entirety of 2023 and 2024. In the spirit of the OIM's purpose, to be a personable connection to community-lead policing reform, the usual decorum of professional third person writing will be relaxed in this section of the report to provide a more accessible and honest retelling of the OIM's first two years. This will not be a pattern for this item in future annual reports. Rather, a "Letter from the Monitor" will serve this purpose in future reports and the "work of the OIM during the prior calendar year" item will be entirely summarized in the usual decorum of the third person. The "Letter from the Monitor" will aim to succinctly and plainly summarize the Annual Report and the OIM's findings. This report will not contain a "Letter from the Monitor" because it would be a redundant retelling of the work in building the OIM in the past two years.

Finally, no portion of the following report is a statement of support of any political party. This disclaimer is unfortunately only made necessary by those that would seek to conflate a recitation of basic and long-established Constitutional Law as a political bias. Statements of the President are presented for purely contextual purposes.

## **I. What can PCOB and OIM do for you?**

The Police Civilian Oversight Board (PCOB) and the Office of the Independent Monitor (OIM) aim to serve as a bridge between the community and law enforcement in Madison. The goal is to empower the community by allowing them to actively participate in shaping and assessing local policing policies and standards. Through their oversight functions, the PCOB and

OIM ensure that the voices of the community are heard and considered in the decision-making processes that affect public safety, policy changes, and policing strategies.

The PCOB is composed of community members who bring diverse perspectives and experiences to the discussion, representing local community-based organizations. Their primary role is to review and provide input on police practices, policies, and incidents of misconduct, through their city staff in the Office of the Independent Monitor. By doing so, they help ensure that police are operating in a manner consistent with community values and expectations. The Board also engages in outreach efforts to educate the public about their rights, potential policy changes, and City services and administrative mechanisms available to them.

The OIM, on the other hand, functions as an independent body tasked with monitoring and evaluating the police department's adherence to established policies, standards, and benchmarks in adopting the recommendations of the Ad Hoc Committee. The OIM conducts thorough investigations into complaints, reviews police procedures, and recommends improvements to enhance accountability and transparency between the public and the Department and between MPD staff and MPD command. By working in tandem, the PCOB and OIM create a comprehensive oversight framework that fosters trust, accountability, and continuous improvement within the police department.

When a member of the public submits a complaint or concern, the PCOB and OIM ensure that it is taken seriously and addressed appropriately. This process not only helps resolve individual issues but also identifies broader patterns and areas for systemic reform. Through public meetings, reports, and direct engagement, the PCOB and OIM keep the community informed and involved in the ongoing efforts to improve policing practices in Madison.

The OIM and PCOB need your voices. If you have witnessed an incident of police misconduct, wish to highlight a positive interaction, have suggestions for policy changes or focuses, or just wish to learn more about how policing policies are developed and implemented, the OIM and the PCOB are listening.



## Policy, not Discipline

Neither the OIM nor PCOB maintain any disciplinary authority over MPD staff. The City's Police and Fire Commission maintains that disciplinary authority which it does not share with PCOB and OIM. Rather, the most notable work product of the OIM and PCOB will be policy recommendations, reviews of MPD policy, and community discussions or OIM investigations into policies. Similarly, there may also be recommendations on MPD training, technology, etc.

In explaining the purpose of such a role, consider the following example: Say you go to a restaurant and you read "sandwich" on the menu and order a "sandwich" from the waiter. Later you are confused to find the waiter bringing you a soup. Now, there can be an investigation into whether the waiter was listening, or whether you misread the item you ordered, or whether the menu itself poorly communicated the nature of the dish. However, if this is a misunderstanding that happens over and over, across different waiters and different confused diners, then we know there is a deeper problem going on. Rather than the error being the fault of just one bad waiter, perhaps the waiters are being trained differently than the diners expect. Perhaps "sandwich" is a term of art that the waiters at this restaurant understand to mean "soup." Whatever the cause, the restaurant needs to find a lasting solution. Firing all the waiters or chastising the diners will not resolve this confusion. Instead, someone should look at the menu a bit closer, talk to the diners and waiters, and determine if there's a problem with the menu, what the diner thinks the menu says, or what the waiter thinks a "sandwich" is.

This is an example of the role the OIM and PCOB play in policing reform in Madison. Rather than disciplining officers for following their policies as taught or dismissing complaints as unfounded without curiosity as to where the misunderstanding is, the OIM seeks to facilitate these difficult discussions. The father of the Quality Management Movement, Dr. Edward Deming, once noted that 94 percent of problems in work settings belong to the system and thus lie beyond the power of individual employees. The purpose of the OIM is to investigate what the Police department provides, what the public expects, and how to resolve both in a way that is sustainable and just.



public and MPD staff, providing clear expectations of officers and accountability for their actions, and maintaining public trust in law enforcement and the internal oversight process.

On occasion, OIM investigations may produce findings, given new evidence or analyses, that inform disciplinary decisions by others (e.g. the Chief of Police or the Police & Fire Commission). And in appropriate cases, the Monitor has the power to make referrals to the Police and Fire Commission and, for complaints that the Monitor concludes have arguable merit, may appoint counsel for aggrieved individuals appearing before the Police and Fire Commission. However, to the extent that the work of the OIM will overlap with discipline, it will often be in the context of comparing the level of discipline imposed for the severity of the misconduct. It is worth stressing here again that the role of the OIM is not to impose discipline on MPD staff but rather to facilitate changes in MPD policy to better serve the Madison community. That said, part of the OIM's role is to determine the adequacy of imposed discipline and corrective action plans. Thus, MPD's discipline matrix is a critical tool in evaluating the consistency and severity of MPD's disciplinary decisions.

The scope of the OIM's analysis of discipline imposed on officers is not limited to this matrix. Rather, the matrices of other jurisdictions and those jurisdictions' varying standard operating procedures can serve as a comparison of Madison but not necessarily a standard. Evaluation of the discipline matrix itself can be done by the PCOB if it so chooses. To stay consistent in its measuring of MPD however, the OIM will rely on the current MPD discipline matrix, contained in Appendix #2, to evaluate the consistency and fairness of the Chief's disciplinary decisions. The OIM aims to identify outliers and areas for improvement or clarification within the Matrix and its application.

## **II. A Summary of the OIM in 2023 and 2024**

The Office of the Independent Monitor (OIM) was established in 2023, overcoming significant challenges during its formation. As Wisconsin's first civilian oversight mechanism of its kind, these challenges were anticipated. This summary will highlight the Office's efforts to

address and overcome these obstacles, showcasing the lessons learned and the solutions implemented. This summary will be a retrospective account of Madison's first Independent Police Monitor, hired December 2022, providing insight into the work they have done.

Within my first weeks, I welcomed several new Police Civilian Oversight Board (PCOB) members with a change in Board leadership. Within my first month, I spent time familiarizing myself with the Board, the City, and community members who had previous engagement with the PCOB, as well as the Madison Police Department (MPD). This led to MPD initiating the negotiation of a Memorandum of Understanding between the Office and MPD. A year later, an agreement was crafted, with most of the negotiations occurring in the third and fourth quarter of 2023.

Training would be essential for success. As I was getting started in this role alongside new PCOB members, I spent the first quarter of 2023 curating trainings through the National Association of Civilian Oversight of Law Enforcement (NACOLE) and Chicago Office of Police Academy (COPA) for the OIM and PCOB members to attend, resulting in an increase of PCOB regular and subcommittee meetings. These curated trainings were designed to deepen the understanding of civilian oversight and navigating the City. During this time, in collaboration with the PCOB, I expanded and created new subcommittees: Policy and Procedure subcommittee, Community Engagement subcommittee, and Complaint Process subcommittee. These newly formed subcommittees would give the OIM and PCOB a convenient way for the Board to meet and tackle specific projects while the Office was getting set up. However, I did not expect how frequently the subcommittees would need to meet, nor the extent to which this would impact the formation of the OIM.

On average, at least one meeting of either the Board or its subcommittees was scheduled each week throughout 2023. At this time, as the sole full-time executive staff of the PCOB, I was presented a real challenge in time-management and providing projections of project completions. Recognizing the need for full time support, I sought to hire the office's first Office Manager. Unfortunately, the initial hire, beginning their employment in the third quarter of 2023, was unsuccessful and the position remained vacant. In response to this setback, I

thoroughly reviewed the Ad Hoc Committee's recommendations to define the OIM's strategic focus and laid the groundwork for moving forward to fully staffing the office.

In the first half of 2023, I worked with the Complaint Process subcommittee and presented complaint process materials from civilian oversight agencies in other states as well as NACOLE public materials (See Appendix #7). We finalized our first attempt of an intake process and form. During the review of this first attempt of the intake process, we found that more work was needed, and therefore it was premature to distribute the intake form without further development of the process. The updating of the complaint process was put on hold until the summer, once the Office could hire an Office Manager. Although the OIM was almost fully staffed in Q3 2023, due to a lack of quorum of the Complaint Process subcommittee, I turned to the community directly for input on the complaint process. Community listening sessions on the complaint process were scheduled and held in the last quarter of 2023. Unfortunately, at that time, the first Office Manager's employment was terminated. This further delayed the completion and practical application of a complaint process like the one in place today.

In 2024, the OIM achieved a significant amount of success despite several challenges. One early notable achievement was the successful the signing of the Memorandum of Understanding between MPD and the OIM (See Appendix #3). Police records often contain sensitive or legally protected information, which is not disclosable to other government agencies by law. As a result, the negotiation process was lengthy and complex, requiring close collaboration between the OIM, MPD, and invaluable support from the City's Attorney's Office.

In Q1 2024, in collaboration with the PCOB, a calendar for the Board and Office was established and the Data Analyst position was posted, as well as the recently vacant Office Manager position. Unexpectedly, my health declined, halting the OIM's operational abilities. My effectiveness as a public employee was critically impacted and the situation required an extended medical leave. My leave began in March 2024, and I returned in June. Upon return, I recognized that my absence left the OIM and, to some extent, the PCOB almost entirely without support or assistance. Upon returning in June, I set my focus on fully staffing the OIM, supporting the PCOB recruitment effort to fill its open seats, reopening the complaint process

project, completing the investigation process, and forming a Continuation of Operations Plan (COOP) for the OIM. The COOP was presented to the Policy and Procedure Subcommittee for comment and adopted by the OIM immediately.

Next, Chioma Njoku was hired as the OIM's Office Manager and became an invaluable addition to the Office. Through her efforts, the OIM has reconnected with the community-based organizations, and began receiving applications of nominees to fill the board vacancies. These sustained efforts of the Office Manager resulted in the fully filled and mostly new PCOB that first met in December 2024 and January 2025. After concluding the search for an Office Manager with the hire of Chioma, I turned to hiring the Data Analyst 2 position. After interviews for the position concluded, I received notification that the funding for the position was expected to be cut in 2025 and thus I could not make an offer of full-time employment to the candidates. After an immense and inspiring amount of outpouring of community support and the work of Alders Rummel and Madison, funding was partially restored to the OIM, lowering the Data Analyst position from a 1.0 FTE (i.e. 38.75 hours a week) to a 0.6 FTE (i.e. 23.25 hours a week). In the last weeks of December 2024, Greg Gelembiuk was hired to fill this position and facilitated a collaboration with University of California Los Angeles. After finishing the work needed for the complaint intake process in Q3 2024, the intake form was published to the OIM website at the end of October. The investigative process was tentatively finalized but future edits were made to the complaint prioritization algorithm in December with Greg's assistance.

The PCOB, OIM, and I are committed to ensuring that this oversight mechanism, the first of its kind in the state, lives up to its high expectations. The work that has been done has no ego attached to it and is presented to the Madison community for its satisfaction. OIM seeks to be collaborative with the community and is open to constructive feedback. We are an extremely small office, but we have big goals, and our work is made more effective the closer we are to the community. I encourage the public to attend Community Listening Sessions hosted by the OIM, in person and virtual, to share their thoughts with us and help us better understand the community's needs.

With my official summary complete, I would like to share my personal thoughts with the community. As this year begins, many of our neighbors live in a state of uncertainty. Regardless what the Trump administration's official goals or plans are, before taking power it manufactured<sup>1</sup> hateful narratives about immigrants.<sup>2</sup> Supporters waved signs reading "Mass Deportation Now!" and the administration promised "the largest deportation operation in the history of our country."<sup>3</sup> Already, there are horrifying stories of arrests made through plain clothes Immigration and Customs Enforcement (ICE) agents and unmarked vans,<sup>4</sup> families being separated and detained,<sup>5</sup> and the emboldening of white supremacists.<sup>6</sup> There are stories of ICE agents hiding in grocery store parking lots and near after-school facilities, putting families in fear of leaving their homes.<sup>7</sup> Regardless of whether you agree or disagree with the administration's policies and actions, I want to leave space here for the pain and fear being felt here in our community and I want to personally encourage stronger community cohesion and the formation of mutual aid networks.

To stand in solidarity is to be willing to undertake radical acts of empathy. We, as a community, should support our noncitizen neighbors, students, friends, and loved ones. It is important to remember in these times that, as long as there has been fascism in the world, communities have come together in anti-fascist movements to protect each other.<sup>8</sup> As anyone familiar with Martin Niemöller's 1946 poem "First They Came" already knows, it might be easier for some to pretend this does not impact them, but we ignore our neighbors' suffering at our own peril. This all sounds daunting, but the work starts small. It begins with learning your

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<sup>1</sup> Madeline Halpert . "Vance doubles down on false 'pet-eating' claims." BBC.

<https://www.bbc.com/news/articles/cgj447j5711o>

<sup>2</sup> Jordan Liles. Trump Baselessly Claimed Migrants Had 'Massive Machine Gun-Type Equipment' in Aurora, Colorado. Snopes. <https://www.snopes.com/news/2024/09/25/trump-aurora-massive-machine-gun/>

<sup>3</sup> Joel Rose, Sergio Martínez-Beltrán. Trump touts historic deportation plans, but his own record reveals big obstacles. <https://www.npr.org/2024/08/14/nx-s1-5037992/trump-immigrants-border-mass-deportation-presidential-race-migrants>

<sup>4</sup> <https://www.theguardian.com/us-news/2025/mar/12/trump-immigration-family-detention-children>

<sup>5</sup> <https://www.hawaiinewsnow.com/2025/01/28/concern-grows-immigration-crackdown-begins-hawaii/>

<sup>6</sup> <https://www.theguardian.com/us-news/2025/feb/22/white-supremacist-groups-emboldened-trump-immigration>

<sup>7</sup> <https://www.teenvogue.com/story/ice-watch-programs-immigrants-how-to-start>

<sup>8</sup> James Stout. A Brief History of Anti-Fascism. <https://www.smithsonianmag.com/history/brief-history-anti-fascism-180975152/> Smithsonian Magazine.

neighbor's name, taking the time to learn about their needs, and showing the courage to share your own.

Together, we are more resilient than we are alone. I have been immensely impressed with the approachability, transparency, and thoughtfulness of MPD's current leadership, led by Acting Chief John Patterson. If you take nothing else away from this report, please know that MPD is sitting at the table right now and the community has a seat. We can build our own safety. Despite the national uncertainty and fear, we can be a beacon of local government progress, communal safety, and mutual trust. A better world is always possible and, here in our little corner of it, I am excited to play my part.

### **III. MPD's Compliance with the Recommendations of the MPD Policy and Procedure Review Ad Hoc Committee and OIR**

As stated earlier, the OIM has only recently been fully staffed and now aims to assist MPD in complying with the recommendations of the Ad Hoc Committee and the OIR Report. Up to this point, MPD's compliance was self-reported. Notably, MPD presented its 2023-2028 Strategic Plan to the PCOB Policy and Procedure Subcommittee in 2023 and 2024. The purpose of the report is to lay out the various actions MPD plans to take to comply with the recommendations. Although the PCOB's Policy and Procedure Subcommittee was the initial subcommittee to receive the Strategic Plan, it is expected that further analysis of the Strategic Plan will occur in the PCOB Reporting and Analysis Subcommittee.

MPD's compliance with Ad Hoc Committee recommendations will be assessed using a list of all the Ad Hoc Committee recommendations, with a key focus on the action steps MPD has taken or is taking in its strategic planning to adopt those recommendations, as well as an assignment of an implementation score to each recommendation. In evaluating MPD's efforts to comply with the recommendations, the score issued will be reflective of a combination of the consistency of a recommendations practice or implementation, adjusted or contextualized by articulable reasons for non-compliance. For example, noncompliance with mere technicalities



or a temporary or isolated failure to comply with a recommendation that is otherwise consistently followed will not be deemed to be a “complete noncompliance.” And likewise, instances of occasional compliance among a pattern of general noncompliance will not be deemed “complete compliance.”

The OIM seeks to establish a readily accessible rubric to communicate MPD’s compliance quickly and effectively. However, neither a wide spectrum of points (e.g. “2 out of 5 compliance points”) nor a binary determination (e.g. “complies” vs “does not comply”) will suffice. To offer a complete picture each year of MPD’s compliance, the OIM will utilize a four-choice model. For each recommendation, MPD will be scored in one of the following ways:

- “Regularly compliant / Practice fully implemented,”
- “Regularly working towards compliance / Practice actively being implemented,”
- “Irregularly working towards compliance / Practice is inconsistent.”
- “Not working towards compliance / Practice is not established”

Additional context and input from MPD concerning these evaluations will be gathered and included in the appendix of the OIM Annual Report or otherwise included in the explanation of the reasoning behind the assigned score. The aim of this Office is not simply to chastise MPD leadership into complying with recommendations. Rather this Office seeks to assist MPD and PCOB in collaboratively forming effective and sustainable policies that comply with the recommendations. Therefore, context will be provided with each score as to why the score was assigned and suggestions OIM has for assisting MPD’s compliance. MPD and OIM are unified in this goal and seek to work collaboratively to ensure MPD’s compliance with the recommendations and to evaluate and adjust MPD policies to facilitate regular compliance and improvement.

## IV. OIM Procedures and Policies

### OIM Complaint Process

The OIM's complaint process begins with the receipt of a completed intake form submitted by anyone (the public, MPD staff, etc.) that communicates a complaint about MPD. The OIM receives these intake forms through its webpage, email, in-person visits, or mail. Once a complaint is received, it is logged into a historical workbook of complaints received by the Office and assigned a unique case number. An algorithm factoring the category, severity, urgency, and age of a complaint assigns its place in a queue. The Independent Monitor reviews the complaints as they arrive at the top of this queue. It will be standard practice for the Monitor to contact the person who submitted the complaint, unless instructed not to within the intake form itself. The purpose of this communication is to provide a preliminary assessment of the complaint to ensure the complainant is fully understood. The purpose and scope of the OIM and PCOB will be explained to the complainant and methods for pursuing administrative remedies will be provided.

At times, a complaint may lead to an independent investigation of the OIM into an area of data-based analysis. At other times, a complaint may lead to an independent audit of MPD's investigations, including those of the Professional Standards & Internal Affairs (PS&IA). The best method for pursuing positive change in policy and accountability will be decided by the Monitor and complainant at this initial meeting. A statement may be taken and recorded at this meeting, but it is highly likely that an additional statement may be needed later in the investigation.

In an audit of MPD's investigations and conduct, the Monitor will gather relevant evidence. This evidence will be obtained from MPD's Records Custodian in accordance with the protections and procedures detailed in the Memorandum of Understanding Between the OIM and MPD. Additionally, where necessary and in ways intended to minimize revictimization, the Monitor may conduct their own interviews of witnesses and MPD staff. The Monitor will compile a report with their findings and recommendations. It will be extremely likely that these reports will contain information that would not be permissible to release under Wisconsin state law, such as information on minors. Therefore, when the report is completed, a partially

redacted version of the report will be prepared by the Monitor for public publishing, in coordination with those with a legally defined privacy interest in the case. Examples of such information that would need to be redacted will be most present in sections of reports describing medical, personally identifiable, and otherwise sensitive information. The unredacted version will remain in the custody of the OIM unless it is lawfully requested via subpoena with potential privacy conditions requested of the court. The findings are reviewed by PCOB leadership and may be brought to the attention of one of the PCOB's subcommittees or to the next meeting of the full Board. Following this review by the PCOB, the complainant will be invited to attend a closed session of the PCOB to provide feedback on their experience with the OIM and where improvements can be made.

It is important to again stress here that the purpose of such a review is not to impose discipline but to identify specific problems and provide specific recommendations. The purpose of this Office and Board is to facilitate the transparent exchange of information, data, problems, and solutions between MPD and the community.

### *Stories of Good Policing in Shaping Policy Reform*

Stories of good policing are beneficial both in providing examples to other officers and in monitoring the success of existing MPD initiatives, policies, and procedures. This process anticipates that some incidents may involve simultaneous examples of good and bad policing. To ensure that successes are not overlooked in analyzing failures, such examples of good policing will be tracked separately and noted by unique indicators (see "Complaint Tracking Number and Categorization").

Positive interactions between the public and their police department can serve as powerful catalysts for policing policy reform. Stories of commendable conduct by officers can highlight effective practices that foster trust and cooperation within the community. When these positive experiences are shared, they can provide valuable insights into the benefits of certain approaches, such as community policing initiatives, de-escalation techniques, and

respectful engagement. By documenting and analyzing these stories, the OIM can identify successful strategies that merit wider implementation.

Furthermore, these narratives can inform recommendations for policy changes by demonstrating effective public safety and community relations. Integrating public commendations into policy discussions helps create a more balanced and comprehensive view of policing, emphasizing the significance of empathy, respect, and collaboration in law enforcement.

### *Legal Requirements for Disclosure of Complaints to MPD*

The Monitor, MPD, and Chief of Police shall provide each other with notice of complaints, investigations, appeals, and findings involving MPD and MPD police officers as soon as possible, including with such information and cooperation as is appropriate and necessary for the receiving party to take meaningful action or conduct a meaningful review of the matter.<sup>9</sup>

### **Intake Procedure and Policies**

In the PCOB's discussions over the OIM's Complaint Process, two subjects arose consistently: the accessibility of the process to the public and the possibility of an anonymous complaint. This intake process aims to address both concerns to the best extent possible.

### *Submitting a Complaint*

The public may submit a complaint in one of two ways:

#### *In Person Intake*

The Office of the Independent Monitor is located on the fifth floor of the City Council Building, next to the Common Council and Department of Public Health Offices. Members of the

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<sup>9</sup> MGO § 5.19(10)(b)

public may come to the Office during business hours to submit a complaint. To ensure the complaint is understood and to establish a reliable foundation for any potential investigations or audits that may arise, every complaint must be written. Oral complaints cannot be processed or tracked. OIM staff will be available to assist complainants in writing their complaints.

Translations of the Complaint Form and in-person translation services can be arranged in collaboration with the Department of Civil Rights. Intake forms are currently available in English, Spanish, and Hmong.

Complainants may be concerned about being seen entering or leaving the Office, especially if they want to maintain their anonymity. To accommodate these complainants, a meeting outside of the Office can be arranged over the phone. It is the Office's position that there is an extreme public interest in members of the public being able to access the services of the OIM without fear of public identification. This position will bear weight in the balancing test detailed within the Wisconsin Public Records laws, in the event of a records request that would identify such callers.

### *Mailing a completed form to the Office*

During business hours, completed complaint forms will be accepted at the front desk of the Office of the Independent Monitor. The form may also be mailed to the Office at 210 Martin Luther King Jr Blvd, Room 501, Madison, WI 53703. Finally, an electronic version of a completed form may be emailed as an attachment to [oim@cityofmadison.com](mailto:oim@cityofmadison.com). A fillable form is available online on the OIM's homepage. This fillable form is a duplicate of the hardcopy form available at the OIM front desk and can be filled out and emailed to the OIM without needing to print it. Please note that you do not have to include a return address if you are seeking to mail your complaint anonymously.

If you wish to email your complaint anonymously, please note that the email address you send from will be present in a public record. It is the Office's position that there is an extreme public interest in members of the public being able to access the services of the OIM without fear of public identification. This position will bear weight in the balancing test detailed

within the Wisconsin Public Records laws, in the event of a records request that would identify such email addresses. However, anonymity will not be assumed! If you are emailing your complaint and wish for your identifying information to be kept anonymous, you must state this in your email.

### **Need for a Complete Complaint**

While all input from the public is beneficial to the Office and its goals, there is a minimum level of information necessary to follow up on a complaint. At the very least, for a complaint to be added to the queue, it needs to have the following: (1) Some relation to the Madison Police Department's policies or staff, (2) a clear description of the issue or incident, (3) relevant details of issue or incident such as dates, times, locations, (4) what the desired resolution is, and (5) information of at least one witness (sworn or otherwise).

Complaints or other input from the public that does not meet these requirements will still be recorded in the Office's system. All information useful for monitoring the public's interactions with law enforcement is welcome. However, without a starting point for an investigation and without a goal, there is little more the Office can do with an incomplete complaint beyond recording it for statistical purposes.

### **Initial Screening**

An Initial Screening will be conducted by an OIM staff member within 2 business days of receiving a complaint. Complaints received in person will be screened immediately if possible. The purpose of the Initial Screening is to ensure that the complainant has provided enough information for the complaint to be considered "complete," as detailed above.

If a complaint is found to be incomplete in this Initial Screening, then Office staff will attempt to contact the complainant (if possible) to clarify if there is additional relevant information to make the complaint actionable and identifiable. Office staff will explain that an incomplete complaint will not be investigated, what additional information is needed to deem

the complaint complete, jurisdictional questions if they arise, and absent any additional clarification, the complainant's input will still be recorded and is appreciated by the Office.

### **Trauma-informed Service**

All OIM staff will provide trauma-informed service in carrying out their duties. Being cognizant of trauma is a high priority of the OIM and is necessary for creating a compassionate and supportive environment for complainants to share their stories. Complainants may have experienced significant trauma, either directly from the incident in question or from other past experiences. By showing empathy and understanding, the Office can make individuals feel heard and respected.

The Office prioritizes, to its best possible ability, ensuring that this complaint process does not exacerbate the distress of the complainant. Procedures, tracking numbers, and databases are necessary for the Office's duties, but the Office's purpose is to facilitate communal healing through transparency and reform. Unique and case-by-case accommodations and assistance for complainants is to be expected to ensure that the risk of re-traumatization is minimized.

Accommodations and other notes concerning a complainant's potential exposure to trauma will be maintained within the Office's tracking system. There will be several cases being actively investigated at a time. To ensure that the Office can provide trauma-informed service, OIM staff will need to be able to refer to this information before speaking to a potentially traumatized individual. These accommodation and trauma notes are public records, but the Office will consider the strong public interest in not retraumatizing victims and in encouraging complainants' trust and candor with the OIM if such records are requested.

### **Complaint Tracking Number and Categorization**

All complaint forms will be assigned a tracking number which will be shared with the complainant. Tracking numbers will contain three separate pieces of information. First, the year

the complaint was received. Second, a categorization code. Third, the sequential order in which the complaint was received. The categories will appear as a three-digit number, assigned with a specific category. Those categories are: 010 – Use of Force, 020 – Racial Profiling, 030 - Discrimination, 040 – Ethical/Procedural Misconduct, 050 – Discourtesy, 060 – Policy Failure, 070 - Policy Success, 080 – MPD Staff Praise, and 090 – General Public Input.

Naturally, complaints can include details which would fall under multiple categories. This redundancy is expected, and the category assigned in the Initial Screening will be the lowest numbered category that would apply. For example, if an MPD staff member was observed inebriated in uniform and verbally accosted a member of the public, this complaint would be assigned category 040. The same scenario but the MPD staff member is off duty would be assigned category 050. As more categories are created, they will follow this severity scale.

The third part of the tracking number will be a five-digit sequential number for the complaint. This number can be duplicated if more than one category needs to be assigned to a complaint. Revisiting the earlier example of the inebriated off-duty MPD staff member, if the complainant reports that another MPD staff member was present and effectively de-escalated the situation, then two tracking numbers should be created reflecting both categories but retaining the same sequential number (e.g. 24-050-12345 and 24-080-12345).

### **Prioritization of case investigations**

Among cases for which there has been an intake, investigations are initiated according to a prioritization formula, the basic form of which is:

$$\text{Priority} = \text{Importance} * \text{Time\_Since\_Intake/Urgency\_in\_Maximum\_Days}$$

Importance is a compilation of three factors, each assigned a numerical score – allegation category (e.g., an excessive force allegation is given more importance than a discourtesy allegation), age of case (e.g., an incident from five years ago is assigned less importance than one from a day ago), and public interest, with these three importance factors respectively weighted 2:1:1.



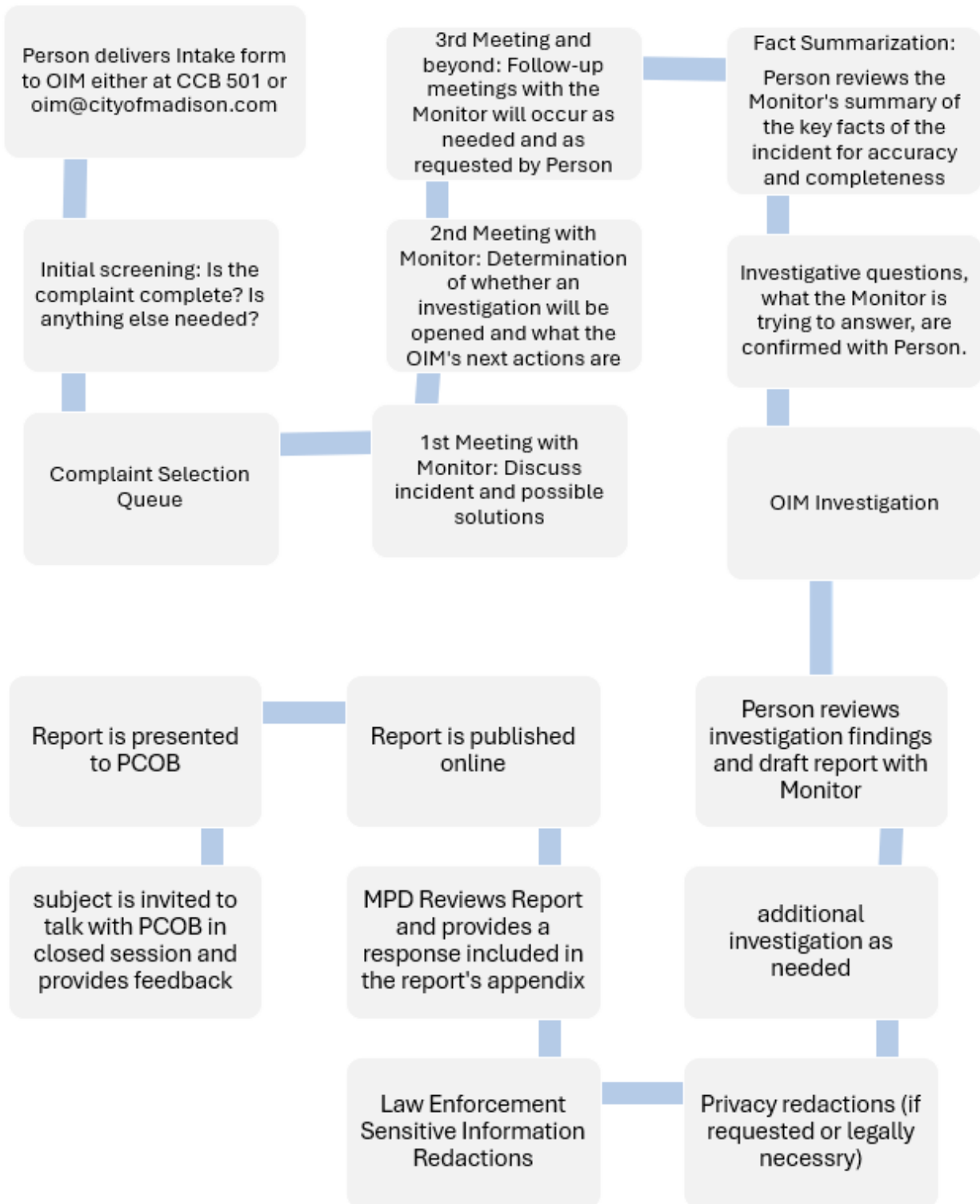
Urgency reflects factors that make investigations more or less urgent and is expressed in the maximum number of days allowed before initiating investigation. For example, some forms of evidence degrade rapidly, necessitating immediate investigation of the case. Evidence perishability and miscellaneous urgency factors (e.g., an imminent legal proceeding) are each given in days, and these are combined in the form  $-\ln(\text{EXP}(-A)+\text{EXP}(-B))$ , where a short deadline for either of these factors would result in an overall short deadline.

The maximum number of waiting list days allowed for any case (i.e., one with the lowest possible urgency) is 200. As the time since intake approaches the maximum days permitted for a case, the priority of the case increases, ultimately bringing it to the front of the queue, such that low importance cases do not linger forever uninvestigated. Meanwhile, a case wherein immediate action is needed to preserve evidence would jump to the top of the queue, leapfrogging cases with higher importance scores. This same basic approach and formula has been applied to manage surgical waiting lists.<sup>10</sup>

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<sup>10</sup> Powers, J., McGree, J.M., Grieve, D., Aseervatham, R., Ryan, S. & P. Corry (2023) Managing surgical waiting lists through dynamic priority scoring. *Health Care Management Science* 26:533–557. <https://doi.org/10.1007/s10729-023-09648-1>

## OIM Complaint Investigation Process



## **V. Recommendations**

“Policy” refers to the set of rules, regulations, and guidelines established by an organization to govern its actions and decisions. In the context of policing, policies are the rules by which officers conduct themselves, interact with the public, and enforce the law. Policing policies can either protect or harm vulnerable populations. For instance, policies that prioritize community engagement and de-escalation techniques can build trust. The OIM and PCOB seek to ensure that Madison’s policing policies enhance accountability, increase transparency, improve community relations, and counteract systemic biases present in policing.

The Recommendations section of the OIM’s Annual Report will include suggestions and recommendations for improving police policies and practices to ensure they are fair, just, and equitable. Further, these recommendations would seek to assist MPD in meeting its own high standards of conduct and improvement. These recommendations will be based on the findings from the OIM's intake reviews and investigations, data-based analysis, and input from the community and the PCOB. A primary focus of the OIM currently lies with the recommendations detailed in the Ad Hoc Committee Report. The OIM and PCOB will seek to coordinate with each other, MPD, other agencies as needed, and, most importantly, with the community in crafting their final recommendations to MPD, the Common Council and the Mayor. The OIM reserves the right to submit its own recommendations independently to MPD, the Common Council and the Mayor, as such recommendations may arise from individual complaints investigated by the OIM or from data-driven investigations conducted by the OIM. However, the vision of the OIM is to facilitate a publicly accessible and collaborative means to turn these recommendations into actionable policy for MPD, the Common Council, and the Mayor to enact.

### **Generating Policy Recommendations**

The system for generating policy recommendations by the Police Civilian Oversight Board and the Office of the Independent Monitor is designed to ensure that the city's policing policies are fair, just, and equitable. This system involves a series of steps and interactions between the PCOB, its subcommittees, and the OIM to create, review, and approve finalized

policy recommendations. What follows is an explanation of how finalized policy recommendations will be developed by the OIM and the PCOB. At the end of this report, the OIM has presented several recommendations. The PCOB may wish to discuss these in 2025.

The OIM holds the independent authority to issue recommendations based on the results of its investigations and reviews. These recommendations are often expected to be in response to individual incidents, addressing individual issues within the broader scope of policing in Madison. This focused approach ensures that the OIM's recommendations are data-driven and evidence-based.

The PCOB also has the authority to provide policy recommendations. The PCOB aims to facilitate public conversations regarding these recommendations through its subcommittee meetings. The PCOB's structure includes several subcommittees, each with specific roles in the policy recommendation process.

### **PCOB Policy and Procedure Subcommittee**

This subcommittee is responsible for crafting and analyzing internal policies impacting the PCOB and OIM themselves. In the course of these duties, the subcommittee may discuss, draft, and share a potential policy recommendation with the Executive Subcommittee and, when possible, the Reporting and Analysis Subcommittee.

### **PCOB Reporting and Analysis Subcommittee**

The Reporting and Analysis Subcommittee is responsible for generating PCOB reports and reviewing reports coming from outside the PCOB and OIM. Like the Policy and Procedure Subcommittee, in the course of these duties, the subcommittee may discuss, draft, and share a potential policy recommendation with the Executive Subcommittee and, when possible, the Policy and Procedure Subcommittee. Through collaboration between these subcommittees to review and refine the proposed policy recommendations, the PCOB can ensure that its

recommendations are comprehensive, well-considered, and have had the opportunity for public input, before the recommendation is presented to the broader PCOB.

### **PCOB Community Engagement Subcommittee**

As the draft policy recommendations are discussed in the Policy & Procedure and Reporting & Analysis subcommittees, the Community Engagement Subcommittee works with the OIM to ensure that effective messaging is communicated to the Madison public. Messaging is deemed “effective” if it results in the PCOB and OIM receiving feedback and public input into discussions of Madison’s policing policy. The goal is to invite community input on the recommendations, fostering transparency and inclusivity in the policy-making process. The OIM and the PCOB Community Engagement Subcommittee will make concerted efforts to communicate the topic of proposed recommendations to the public, inviting feedback and suggestions. This input is valuable in refining the recommendations of the PCOB to ensure they address community needs and concerns.

### **Support from the OIM**

As the executive staff of the PCOB, the OIM supports the Board in creating policy recommendations. This includes providing logistical and administrative assistance, as well as facilitating communication between the subcommittees. The OIM also ensures that the recommendations are based on the findings from its investigations, data-based analysis, and community input.

### **Approval Process**

Once the draft PCOB recommendations have been reviewed and refined in the Board’s subcommittees, they will be brought to a meeting of the full PCOB for approval to be submitted to MPD, the Common Council, and the Mayor. This step ensures that the PCOB’s

recommendations have been thoroughly vetted by the Board and opportunities have been available to receive and synthesize input from all relevant stakeholders, including the public.

The system for generating policy recommendations by the PCOB and the OIM is a collaborative and inclusive process aimed at enhancing the accountability, transparency, and effectiveness of policing policies in Madison. By involving various subcommittees, the OIM, and the community, the system ensures that the recommendations are well-informed, comprehensive, and responsive to the needs of the community

### **Federal Immigration Policing and Madison**

The OIM encourages everyone to familiarize themselves and others with their legal rights. Please follow this link to a summary prepared by the American Civil Liberties Union:

<https://www.aclu.org/know-your-rights/derechos-de-los-inmigrantes>

<https://www.aclu.org/know-your-rights/immigrants-rights>

Madison's Police Department recognizes what is happening and is prioritizing serving its community. As stated in its "Enforcement of Immigration Laws" Standard Operating Procedure, "MPD will not undertake any immigration-related investigation unless said operation involves an individual who has committed serious crimes directly related to public safety." Whereas the Lanken Riley Act would see a child facing deportation for shoplifting, the MPD policy is to only cooperate with a lawful request of ICE in the following limited circumstances:

1. The individual is engaged in or is suspected of terrorism or espionage; or
2. The individual is reasonably suspected of participating in a criminal street gang; or
3. The individual is arrested for any violent felony; or
4. The individual is a previously deported felon, under circumstances for which there is an independent basis for officers to detain or arrest the individual.

Your citizenship or immigration status is not a determining factor in whether MPD officers are available to assist you. MPD's policy states its officers will not routinely question

people on their immigration status and will not ask any individual to produce a passport, Green Card, or other immigration documentation in the normal course of business. These documents can be used to identify oneself but showing them to MPD is voluntary. MPD has promised to not to enter into new agreements with ICE that are not consistent with its existing mission, vision, and policies. "Section 287(g) agreements under 8 U.S.C. § 1357 are voluntary agreements which require local consent. MPD will refrain from entering into Section 287(g) agreements as they are not consistent with furthering MPD's policing philosophy."<sup>11</sup>

MPD also pledges to maintain this promise to the community through section 8 of its Code of Conduct: "MPD will not self-initiate contact, detain, arrest, or investigate any person(s) solely for a suspected violation of immigration status laws . . . MPD will not participate in coordinated operations or raids where the chief objective is to arrest individuals who are suspected to be in violation of immigration laws."<sup>12</sup>

**Recommendation: Officers should remain cognizant of the fact that undocumented individuals, immigrants on advance parole who leave and re-enter the United States while they have a pending application for an immigration benefit, DACA recipients, and asylees are subject to mandatory detention and deportation by ICE following an arrest or charge for shoplifting, burglary, theft, or larceny, or admission of having committed the essential elements of one of these acts. Officers should consider the potential suitability of an alternative resolution, rather than arrest, for individuals who may be in this circumstance, and should consider the potential detrimental implications of statements recorded in case reports.**

The Laken Riley Act was the first bill signed by Trump in his second Presidency. It mandates indefinite detention until deportation for anyone who "is inadmissible under paragraph (6)(A), (6)(C), or (7) of section 212(a)" of the Immigration and Nationality Act, and who is "charged with, is arrested for, is convicted of, admits having committed, or admits committing acts which constitute the essential elements of any burglary, theft, larceny, or

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<sup>11</sup> <https://www.cityofmadison.com/police/documents/sop/EnforcementofImmigrationLaws.pdf>

<sup>12</sup> <https://www.cityofmadison.com/police/documents/codeconduct.pdf>

shoplifting" offense. An individual does not need to be convicted or plead guilty for the indefinite detention to be applied, merely an arrest or charge is sufficient. This means that even if a charge is not proved through due process, the Act can still trigger an indefinite detention until deportation.

Moreover, the Laken Riley Act applies not only to undocumented individuals, but also to anyone who has entered the country without inspection. According to the Board of Immigration Appeals, this includes, for example, people who have been granted asylum.<sup>13</sup> It is also worth noting what information that would be accessible to ICE already. For example, Dane County jail resident details, including charges, are publicly available on the internet, police incident reports can be obtained through open records requests or federal subpoena, and police charging recommendations may be reflected in the publicly visible information found through Wisconsin Circuit Court Access (i.e. CCAP).

Subjecting Madison residents to the treatment specified in the Laken Riley Act should be avoided at all costs. Although some have used immigration policy as a political rallying cry, Madison should not dismiss the horrifying effects of this Administration's lack of respect for Due Process. An accusation of minor theft, recorded and processed through the proper procedure by MPD staff, should not subject a Madison resident to indefinite detention and deportation. This recent federal policy may cause Madison residents to fear being forthright with MPD officers, which can have a severe negative impact on MPD's ability to solve crimes.

Officers should remain cognizant of the dangers this federal policy exposes Madison's noncitizen residents to. Under the Trump administration's policies, these people can be subject to mandatory indefinite detention in Guantanamo Bay<sup>14</sup> and deportation by Immigration and Customs Enforcement (ICE) following an arrest for non-violent crimes such as various forms of

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<sup>13</sup> Isaacson, D. April 9, 2024. The Proposed Laken Riley Act Is Even Worse Than It Seems. <https://www.lexisnexis.com/community/insights/legal/immigration/b/insidenews/posts/the-proposed-laken-riley-act-is-even-worse-than-it-seems>

<sup>14</sup> Mason, J., Ali, I., Hesson, T. Trump to prepare facility at Guantanamo for 30,000 migrants. Reuters. <https://www.reuters.com/world/us/trump-says-he-will-instruct-homeland-security-pentagon-prepare-migrant-facility-2025-01-29/>



theft. Additionally, a confession by a noncitizen satisfying the essential elements of one of those acts of theft can trigger the same effect. In a landmark case fifteen years ago, the Supreme Court of the United States recognized the need for noncitizen defendants to be aware of the potential immigration consequences they face in criminal court. *Padilla v. Kentucky*, 559 U.S. 356 (2010). Likewise, MPD officers should be aware of these potential consequences and how their official actions can impact our noncitizen neighbors. Officers should consider what other potential alternative resolutions, rather than arrest, may be available, particularly for people in this position. The OIM strongly recommends that MPD review and modify its procedures and training to minimize the potential impact of the Laken Riley Act on Madison’s residents.

## Other Policy Recommendations

### Situational Decision-Making (Sit-D) training

**Recommendation: Implement Situational Decision-Making (Sit-D) training for all MPD officers. Following the initial training, officers should receive annual refresher trainings.**

This recommendation emerged from the review of resident complaints regarding MPD officers.<sup>15 16</sup> In reviewing complaints, it became clear that adverse outcomes might often be the result of particular “cognitive distortions,” also called “thinking traps,” experienced by officers in ambiguous, stressful situations. In seeking an approach to mitigate this issue, OIM discovered Sit-D training.

An officer's decision-making while handling the complex and nuanced situations can drastically impact the outcome of a law enforcement encounter. The OIM recommends Sit-D training be provided to MPD officers to improve such outcomes. This is a behavioral science-informed police training program, designed and implemented by the University of Chicago Crime Lab, which helps improve officer decision-making when handling complex and ambiguous

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<sup>15</sup> Banting, R. Dec 6, 2024. Arrest at Willaby’s Cafe prompts questions, social media backlash. Madison 365. <https://madison365.com/arrest-at-willabys-cafe-prompts-questions-social-media-backlash/>

<sup>16</sup> E.g. 2022PSIA-0138, 2022PSIA-0150, 2024PSIA-0035, 2024PSIA-0048

high-stress situations. A large rigorous randomized controlled trial of Sit-D training provided strong evidence of multiple benefits:

[T]he cognitive demands inherent in policing can undermine officer decision-making. Unless officers are prepared for these demands, they may jump to conclusions too quickly without fully considering alternative ways of seeing a situation. This can lead to adverse policing outcomes. To test this perspective, we created a training program that teaches officers to more deliberately consider different ways of interpreting the situations they encounter. We evaluated this training using a randomized controlled trial with 2,070 officers from the Chicago Police Department. In a series of lab assessments, we find that treated officers were significantly more likely to consider a wider range of evidence and develop more explanations for subjects' actions. Critically, we also find that trained officers performed differently in the field: They used force less often, made fewer discretionary arrests, and were less likely to arrest black civilians, while their overall activity levels remained unchanged. Moreover, trained officers were less likely to be injured on duty.<sup>17</sup>

The magnitude of the observed beneficial effects was substantial:

Sit-D trained officers were 23% less likely to use force. The training also led to a 23% reduction in discretionary arrests, a category that includes charges such as disorderly conduct and obstructing an officer – minor offenses that can be viewed as unnecessary and arbitrary, while holding little public safety value... Sit-D reduced overall arrests of Black individuals by 11%. In other words, teaching officers to recognize and avoid cognitive biases has the potential to reduce racial disparities in policing.... Sit-D also led to a 49% reduction in days off officers took due to injuries. In fact, the cost savings from this reduction in injuries alone more than offsets the cost of the training... Officers who completed the training reported greater confidence and demonstrated changes in how they regulate emotions and the strategies they use to cope with stress.<sup>18</sup>

Sit-D is delivered in sessions over a period of several months to increase officers' retention of the material, using a mix of lectures, discussions, and simulator exercises. In part,

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<sup>17</sup> Dube, O., S.J. MacArthur, & A.K. Shah. (2025) A Cognitive View of Policing. *The Quarterly Journal of Economics*. 140: 745–791. <https://doi.org/10.1093/qje/qjae039>

<sup>18</sup> University of Chicago Crime Lab. Situational Decision-Making (Sit-D). <https://crimelab.uchicago.edu/projects/situational-decision-making/>

"officers learn about various 'cognitive biases' or 'thinking traps,' which are mental shortcuts that might constrain their perspective on a situation", including "catastrophizing (assuming the worst possible outcome will occur), minimizing (downplaying potential risks), personalization (assuming others' actions are meant to antagonize oneself), confirmation trap (focusing on information that supports one's assumptions), overgeneralization (basing interpretations too heavily on salient past experiences), all-or-none thinking (thinking in absolutes and ignoring nuances), and anchoring (failing to update one's impression as the situation changes)."<sup>19</sup>

In the Chicago Police Department randomized controlled trial, examination of data from up to a year after the training ended suggested that effects slowly diminish over time. The University of Chicago Crime Lab thus recommends regular refresher trainings to reinforce the effects over time.

Sit-D training can be viewed as complementary to the Police Executive Research Forum's Integrated Communications, Assessment, and Tactics (ICAT) de-escalation training, which MPD has already implemented in accordance with the recommendations of the MPD Policy & Procedure Review Ad Hoc Committee. Other law enforcement departments are moving toward implementing both. For example, Ohio's Blue Ribbon Task Force, charged with developing updated Ohio police officer training, recommended that "the references relied upon during the Task Force's work support requiring the ICAT model be incorporated into peace officer basic training and the Sit-D model into advanced training, approximately 16 training hours each."<sup>20</sup>

## Protections for Wearing Masks In Public

**Recommendation: The OIM recommends an addition to MPD's "Demonstrations and Assemblies" Standard Operating Procedure explicitly outlining that protestors have a right to wear facial coverings, regardless of religious or medical necessity, and police demands for a**

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<sup>19</sup> Dube, O., S.J. MacArthur, & A.K. Shah. (2025) A Cognitive View of Policing. The Quarterly Journal of Economics. 140: 745–791. <https://doi.org/10.1093/qje/qjae039>

<sup>20</sup> Ohio Peace Officer Training Commission. May 9, 2024. Meeting Minutes. <https://www.ohioattorneygeneral.gov/Files/Law-Enforcement/Ohio-Peace-Officer-Training-Academy/Meeting-Minutes/OPOTC-May-meeting-2024-final>

**masked person to remove their mask must be preceded by an articulable reasonable suspicion that the masked person is committing, is about to commit, or has committed a crime.**

In the wake of several student protests in 2024 of Israel's bombings of Gaza, a push for the enforcement of "mask bans" gained political traction.

Proponents of such bans argue that people wearing masks are emboldened to commit crimes and law enforcement's need to identify possible suspects. "A common theme among criminal elements has become 'no face, no case,'" said Ralph Ohland, a lieutenant in the Texas Department of Public Safety's criminal investigations division. "This shows us there's a criminal understanding that covering their faces drastically reduces the ability of law enforcement to identify and bring these persons to justice."<sup>21</sup> Where these bans have been implemented, such as Nassau County, New York, the determination of whether a mask is being worn for medical or religious reasons falls to the judgement of police officers.

Several states (at least 18) already have mask bans codified in their laws. Proponents of mask bans have eagerly recited a noble legislative history behind such laws' enactments as necessary to combat the Klu Klux Klan. There is some merit to this claim insofar that such laws have been tested by the KKK in court and have failed. *See, Church of the American Knights of the Ku Klux Klan v. Kerik* (2d Cir. 2004). Further, the language itself of these laws tended to be contextually limited in some way such as a recently repealed 1845 New York state law criminalizing the appearance of being "disguised and armed." However, to engage with this conversation in good faith, this argument needs to be addressed and dismissed.

First and foremost, the history of mask bans in America does not begin with states' attempts to combat the Klu Klux Klan. Consider the repealed 1845 New York law for example, enacted twenty years before the KKK was established in Tennessee. The New York law was passed at the end of the "Anti-Rent War" (or "the Helderberg War"), a massive protest of tens

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<sup>21</sup> Mason Rouser. "As lawmakers consider mask ban at protests, public expresses concerns about health, free speech." KUT News – Austin. <https://www.kut.org/crime-justice/2024-10-17/austin-tx-legislation-anti-mask-protests-free-speech-health-safety-texas-lawmakers>

of thousands of tenants. Protesting tenants utilized the tactic of a rent strike, where they collectively refused to pay their leases. When law enforcement was sent to evict the protestors, people wearing hoods and disguised as "calico Indians" blocked them and tarred and feathered those that tried to enter the property.<sup>22</sup> The oldest anti-mask law in the country was adopted to combat protestors and was used as recently as 2011 against those in the Occupy Wall Street protest. Rather than a weapon against the KKK, mask bans have been historically used to empower law enforcement to disrupt lawful protests.

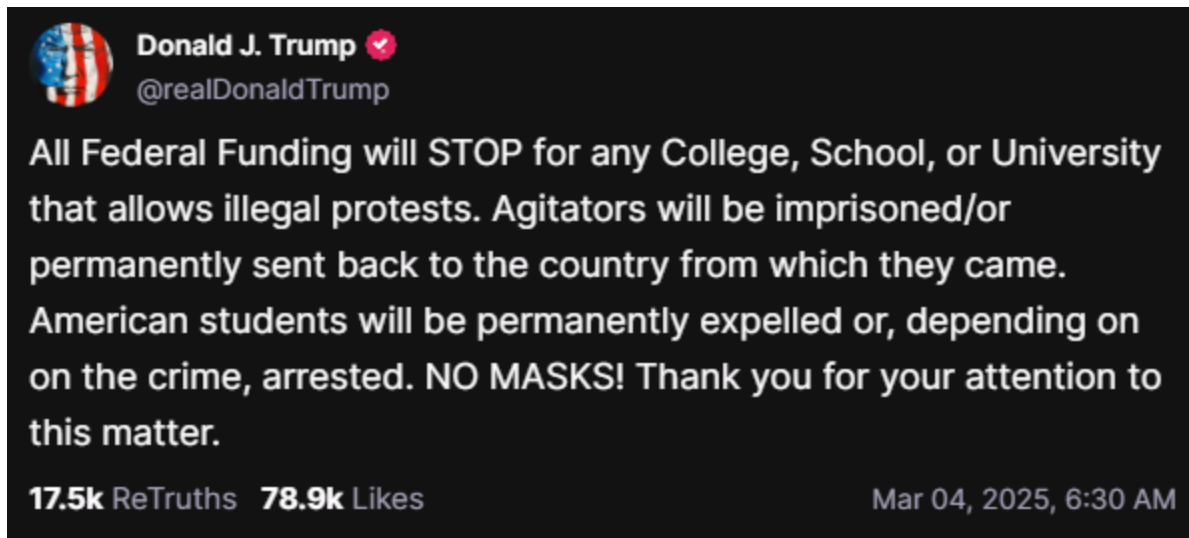
Second, there is a well-established legal understanding that anonymity can be necessary for the protection of our First and Fourteenth Amendment right to freedom of association. *See, NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958) (unanimous opinion ruled that the NAACP was not required to release its membership list to the state because of the danger to which losing their anonymity would expose the members); *Talley v. California*, 362 U.S. 60 (1960) (ruling a city ordinance void which forbade distribution, in any place under any circumstances, of any handbill which did not have printed thereon the name and address of the person who prepared, distributed or sponsored it); *McIntyre v. Ohio Elections Comm'n*, 514 U.S. (1995) (affirming individuals have the right to hand out anonymous leaflets on political issues).

Third, it is already the law that an officer may demand a person's identification, which may include a momentary removal of a mask, but only if they have reasonable suspicion that the person they stopped is committing, is about to commit, or has committed a crime. Wis. Stat. § 968.24; *Brown v. Texas*, 443 U.S. 47 (1979). And finally, a ban on masks in public, in any context, puts the members of the disabled community (particularly those with chronically compromised immune systems) at risk, both of illness and potential harassment for their wearing of a mask.

Nonetheless, there is a political push to stymie free expression through identification and retaliation against protestors. For example, on March 4, 2025, the President posted the following:

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<sup>22</sup> Thomas Summerhill, "Anti-Rent Wars (New York)", in *Encyclopedia of U.S. Labor and Working-class History* Vol. 1, Eric Arnesen, Routledge, 2007, pp. 118 - 120.



Currently, there is not a mask ban in Wisconsin state law. The last attempt to enact one was the failure of Assembly Bill 617 in 2020. However, Madison does not need to wait to protect the rights of protestors. Just as Nassau County, New York, reintroduced a mask ban after the 1845 state law was repealed, the City of Madison can control its own police conduct concerning the wearing of masks through policy.

### Dynamic Speed Bumps

**Recommendation: We recommend that the City of Madison explore the feasibility of using dynamic speed bumps (e.g., Actibump) to slow speeding traffic in lieu of speed enforcement cameras, which are illegal in WI, have disparate racial impacts, and impact the poor most heavily.**

Speeding on Madison streets is a common source of resident complaints. It has been suggested that Madison should lobby for a change in state law to allow for the installation of traffic cameras for the purpose of catching speeders. Such a discussion must begin with the

consideration of the disparate racial impact that traffic cameras have been shown to have,<sup>23 24</sup> and recognizing that traffic citations have a drastically more extreme impact on the poorest community members. One way to accomplish the task of slowing down traffic without increasing the number of officers making traffic stops would be through dynamic (smart) speed bumps. These devices dynamically respond to an approaching vehicle's speed, rising when a speeder is detected. Only vehicles traveling above the speed limit would experience a bump. To account for speeding ambulances or fire engines, dynamic speed bumps can be programmed to allow smooth passage of emergency vehicles (using transponders present within the vehicles). Problem-oriented policing emphasizes the preferability of design approaches to reduce the frequency of offenses, rather than sanctions-based approaches (such as speeding tickets). The OIM is not prepared to recommend the City adopt and directly deploy the technology currently, however. Instead, it is the OIM's recommendation for the City itself to explore its feasibility and cost.

Although dynamic speed bump technology is new, there are several manufacturers in the field. The most widespread devices are those manufactured by Actibump,<sup>26</sup> currently in use in Sweden, Norway, Denmark, Australia, and Iceland. The devices are fully compatible with winter conditions and plowing. From a cost perspective, Actibump claims that the cost of its system over 10 years is comparable to the cost of a speed camera. Currently, installation of two Actibumps costs about \$66,000. Radar or other technologies are used to measure vehicle speed in a lane, for activation of the device. Actibumps can be used on multilane highways, with a device in each lane.

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<sup>23</sup> Farrell, W. June 28, 2018. Predominantly black neighborhoods in D.C. bear the brunt of automated traffic enforcement. Fees and Fines Justice Center. <https://finesandfeesjusticecenter.org/articles/predominantly-black-neighborhoods-in-d-c-bear-the-brunt-of-automated-traffic-enforcement/>

<sup>24</sup> Sutton, S. and N. Tilahun. April 8, 2023. Red Light and Speed Cameras: Analyzing the Equity and Efficacy of Chicago's Automated Camera Enforcement Program. [https://indigo.uic.edu/articles/report/Red\\_Light\\_and\\_Speed\\_Cameras\\_Analyzing\\_the\\_Equity\\_and\\_Efficacy\\_of\\_Chicago\\_s\\_Automated\\_Camera\\_Enforcement\\_Program/22184059?file=39420766](https://indigo.uic.edu/articles/report/Red_Light_and_Speed_Cameras_Analyzing_the_Equity_and_Efficacy_of_Chicago_s_Automated_Camera_Enforcement_Program/22184059?file=39420766)

<sup>25</sup> Hopkins, E. and M. Sanchez. Jan 11, 2022. Chicago's "Race-Neutral" Traffic Cameras Ticket Black and Latino Drivers the Most. ProPublica. <https://www.propublica.org/article/chicagos-race-neutral-traffic-cameras-ticket-black-and-latino-drivers-the-most>

<sup>26</sup> Actibump Frequently Asked Questions. [https://files.edeva.se/brochures/english/faq\\_en.pdf](https://files.edeva.se/brochures/english/faq_en.pdf)

OIM thus recommends that the City of Madison explore the feasibility of using dynamic speed bumps (e.g., Actibump) to slow speeding traffic instead of seeking to change the state law, under which speed enforcement cameras are prohibited. Speed cameras result in an arbitrary enforcement of the law, absent the capacity for recognizing nuance or issuing a warning. Their adoption would likely result in a disparate impact on the City's poorest and non-white populations.

### **Diversify MPD staff, incentivizing the hiring of Black and women officers**

**Recommendation: Continue and intensify efforts to diversify MPD, especially with hiring of Black and women officers.**

The most rigorous study to date of the effects of officer race/ethnicity and gender on police-civilian interactions, conducted in Chicago, found that:

Relative to white officers, Black and Hispanic officers make far fewer stops and arrests, and they use force less often, especially against Black civilians. These effects are largest in majority-Black areas of Chicago and stem from reduced focus on enforcing low-level offenses, with greatest impact on Black civilians. Female officers also use less force than males, a result that holds within all racial groups. These results suggest that diversity reforms can improve police treatment of minority communities.<sup>27</sup>

For example, under fully comparable working conditions, the average stop, arrest, and use of force volume for Black officers is 29%, 21%, and 32% lower respectively than the average volume for white officers. Moreover, these disparities are largely driven by a reduction in such actions against Black civilians. For example, reduced use of force against Black civilians accounts for 83% of the overall force disparity between white and Black officers. Compared to white officers working in comparable places and times, Black officers show a reduced focus on

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<sup>27</sup> Ba, B., D. Knox, J. Mummolo, and Rivera, R. 2021. The role of officer race and gender in police-civilian interactions in Chicago. *Science* 371, 696-702.  
[https://jmummolo.scholar.princeton.edu/sites/g/files/toruqf3341/files/ba\\_knox\\_mummolo\\_rivera\\_2021.pdf](https://jmummolo.scholar.princeton.edu/sites/g/files/toruqf3341/files/ba_knox_mummolo_rivera_2021.pdf)



discretionary enforcement activities. Female officers in general show similar patterns, albeit smaller in magnitude.

Madison has among the highest racial disparities in arrest and incarceration rates in the nation.<sup>28 29</sup> Furthering diversity initiatives in MPD's hiring could assist in reducing racial disparities in policing outcomes and could potentially help reduce detrimental impacts of policing in all of Madison's communities.

### **Expand restorative justice diversion programs**

**Recommendation: Greatly expand diversion to restorative justice or other such programs to additional offenses, including lower-level felonies (inclusive of violent offenses), and to a much wider age range.**

The Community Restorative Court admits 17- to 25-year-olds who are cited for disorderly conduct, simple battery, obstructing an officer, damage to property, or theft (including retail theft). Youth aged 12 to 16 can be referred to YWCA or Briarpatch restorative justice programs in lieu of any municipal citation. The Madison Area Addiction Recovery Initiative (MAARI) admits people living with substance use disorders who have committed certain nonviolent offenses – eligible charges include possession of drug paraphernalia, possession of a controlled substance, retail theft, prostitution, and theft/burglary if the victim of the theft/burglary agrees to the MAARI program being offered.

MPD is justifiably proud of its utilization of diversion and deflection programs. However, the criteria for application of these options currently are very narrow, encompassing only a relatively small number of cases. MPD notes that in 2022, there were 178 referrals to the Community Restorative Court. Research indicates that society benefits when diversion is used across a wider spectrum of cases. It is important to recognize that people being processed

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<sup>28</sup> Savidge, N. April 31, 2015. Analysis: Blacks in Madison arrested at more than 10 times rate of whites. Wisconsin State Journal. <https://archive.ph/DFMLg>

<sup>29</sup> Potter, S. July 2, 2015. The people's court. Dane County hopes new program will reduce justice. disparities. Isthmus. <https://isthmus.com/news/news/restorative-justice-court/>

through the criminal justice system and the resulting increase in incarceration levels, tends to be criminogenic – setting individuals on a trajectory of committing more offenses in the future. This can be caused through a combination of the stigmatization of having an arrest or criminal record making it more difficult to find gainful employment and housing, the development of detrimental behaviors learned while incarcerated, and other adverse impacts on mental wellness.

Here are some examples of findings from relevant studies examining alternative resolutions:

We exploit two natural experiments in Harris County, Texas where first-time felony defendants faced abrupt changes in the probability of diversion. Using administrative data and regression discontinuity methods, we find robust evidence across both experiments that diversion cuts reoffending rates in half and grows quarterly employment rates by nearly 50% over 10 years. The change in trajectory persists even 20 years out and is concentrated among young black men. An investigation of mechanisms strongly suggests that stigma associated with a felony conviction plays a key role in generating these results.<sup>30</sup>

This paper studies the effect of a restorative justice intervention targeted at 143 youth ages 13 to 17 facing felony charges of medium severity (e.g., burglary, assault). Eligible youths were randomly assigned to participate in the Make-it-Right (MIR) restorative justice program or a control group where they faced standard criminal prosecution. We estimate the effects of MIR on the likelihood that a youth will be rearrested in the four years following randomization. Assignment to MIR reduces the probability of a rearrest within six months by 19 percentage points, a 44 percent reduction relative to the control group. Moreover, the reduction in recidivism persists even four years after randomization. Thus, our estimates show that restorative justice conferencing can reduce recidivism among youth charged with

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<sup>30</sup> Mueller-Smith, M & K. T. Schnepel (2021) Diversion in the Criminal Justice System. *The Review of Economic Studies*. 88, 883–936. <https://academic.oup.com/restud/article-abstract/88/2/883/5856753>

relatively serious offenses and can be an effective alternative to traditional criminal justice practices.<sup>31</sup>

The City and County of San Francisco operates a network of diversion programs whereby defendants who are referred may have their criminal cases diverted from traditional case processing.... we estimate the impact of a referral to felony pretrial diversion programs on case outcomes and subsequent criminal justice contact....We find consistent evidence of a sizable and statistically significant negative effect of diversion on the likelihood of future arrests that lead to a new conviction. These findings hold for at least five years post-arraignment, suggesting that the impact of a diversion outlasts the program's duration, which is typically between one and two years.... we see the largest negative effects of diversion on future convictions for those defendants initially charged with drug offenses and offenses against a person. In addition, diversion reduces felony re-arrest rates for transitional age youth and individuals with no prior felony conviction. By gender, we observe large significant effects for women . . .<sup>32</sup>

The macro studies consistently find no evidence that electing a reform prosecutor leads to more violent crime (although studies are not always looking at the same violent offenses). One study finds a non-trivial increase in property crimes (of about 7%), but most other studies seem to find little to no impact on property crimes either.... The micro studies indicate that less aggressive responses tend to lead to lower rates of recidivism, and this happens both in studies that limit themselves to lower-level misdemeanors and those that include more-serious felonies.<sup>33</sup>

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<sup>31</sup> Shem-Tov, Y., S. Raphael, & A. Skog (2024) Can Restorative Justice Conferencing Reduce Recidivism? Evidence From the Make-it-Right Program. *Econometrica*. Online ISSN: 1468-0262.  
<https://www.econometricsociety.org/publications/econometrica/2024/01/01/Can-Restorative-Justice-Conferencing-Reduce-Recidivism-Evidence-From-the-Make-it-Right-Program>

<sup>32</sup> Augustine, E., J. Lacoë, S. Raphael, & A. Skog (2022) The Impact of Felony Diversion in San Francisco. *Journal of Policy Analysis and Management*. 41: 683-709.  
<https://onlinelibrary.wiley.com/doi/abs/10.1002/pam.22371>

<sup>33</sup> Pfaff, J. (2024) Prisons, Prosecutors, and the Politics of Punishment.  
<https://johnpfaff.com/2024/12/10/reform-prosecutors-do-not-increase-crime-what-the-data-tells-us/>

We find that, for the marginal defendant, nonprosecution of a nonviolent misdemeanor offense leads to a 53% reduction in the likelihood of a new criminal complaint, and to a 60% reduction in the number of new criminal complaints, over the next two years. These local average treatment effects are largest for defendants without prior criminal records, suggesting that averting criminal record acquisition is an important mechanism driving our findings. We also present evidence that a recent policy change in Suffolk County imposing a presumption of nonprosecution for nonviolent misdemeanor offenses had similar beneficial effects, decreasing the likelihood of subsequent criminal justice involvement.<sup>34</sup>

Across studies, the patterns are consistent. Reducing prosecution of minor offenses and using diversion techniques for even lower-level felonies appears to result in significantly better outcomes for those involved as well as their communities. In expanding MPD's available diversion/deflection programs, priority should first be given to diverting/deflecting cases with demographics, criminal offense histories, and offense types for which diversion/deflection shows the greatest benefit. Further study of the effectiveness of Madison's diversion/deflection programs can be undertaken by the OIM in the near future; however relevant research on this topic suggests that expanding the criteria for diversion/deflection programs will have a clear positive impact in a very short amount of time.

## Foot Pursuits

**Recommendation: OIM encourages MPD to fully implement the MPD Policy & Procedure Review Ad Hoc Committee recommendations #119 and #120 on foot pursuits, including all the sub-recommendations of both. Current MPD policy leaves much more to officer discretion than recommended by OIR. Moreover, per recommendation #120, it would be beneficial to re-emphasize the need for active ongoing decision-making on whether to continue a pursuit (for example, if it enters hazardous terrain). A notable sub-recommendation in #120 specifies that, whenever possible, the first officer to reach the suspect following a foot pursuit should**

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<sup>34</sup> Agan A.Y., J.L. Doleac, & A. Harvey (2022) Misdemeanor Prosecution. NBER Working Paper Series. [https://www.nber.org/system/files/working\\_papers/w28600/w28600.pdf](https://www.nber.org/system/files/working_papers/w28600/w28600.pdf)

**not go “hands on” with them. Instead, the officer should wait for backup to take that role. Such a provision could be implemented through adjustments to MPD training and its Standard Operating Procedure on Foot Pursuits.**

The death of Richard Johnson in police custody, after a foot pursuit by MPD officers on December 30, 2024, has brought renewed focus to the dangers of foot pursuits. MPD has a well-articulated foot pursuit policy, but the OIM recommends that the standard operating procedure could benefit from some additions.

Foot pursuits are among the most hazardous police interactions, both for officers and the subject being pursued. In major cities, a quarter to half of all officer-involved shootings appear to occur in the context of foot pursuits.<sup>35 36</sup> Foot pursuits can often enter hazardous terrain and dangerous structures or occur in low visibility conditions. This can lead to injuries by both the officers and pursuit subjects resulting from falls and serious accidents. Foot pursuits account for a disproportionate number of officer injuries and injuries to subjects who are chased (for example, in Austin, TX, one fifth of subjects involved in a police foot pursuit were reportedly injured).<sup>37</sup> Moreover, pursuing officers typically become highly adrenalized and may become angered, such that disproportionate use of force frequently occurs after foot pursuits.

*Principles of Law, Policing*, by the American Law Institute, notes:

Pursuits can be immensely frustrating and stressful experiences for the officers involved...Sometimes, this frustration and stress can lead officers to seek retribution or use disproportionate force against fleeing suspects once they have been apprehended...Retribution can take the form of verbal insults, threats of physical or deadly force—even when no use of force is warranted or legally permitted—or acts of omission like delayed administration of medical care. Further, even when no retribution

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<sup>35</sup> Rodriguez, E. October 4, 2022. The Dangers of Police Foot Pursuits. Stanford Law School - The Stanford Center for Racial Justice. <https://law.stanford.edu/2022/10/04/the-dangers-of-police-foot-pursuits/>

<sup>36</sup> American Law Institute. Principles of Law, Policing. <https://www.policingprinciples.org/chapter-4/4-0x-police-involved-pursuits/>

<sup>37</sup> Plohetski, T. Sept. 8, 2013. Dangerous Pursuit: Austin Police Foot Chases Can Lead to Injuries, Shootings. Austin American-Statesman. <https://www.statesman.com/story/news/2013/09/08/dangerous-pursuit-austin-police-foot-chases-can-lead-to-injuries-shootings/10050883007/>

is intended by an officer, high stress during and after a pursuit can severely impair judgment and motor-skill performance, increasing the likelihood that officers will miscalculate the force necessary to apprehend and detain a fleeing person. This conduct obviously is harmful to the apprehended person, but it also may lead to disciplinary or even criminal process against the officer, even when the pursuit otherwise was conducted appropriately and for a legitimate safety purpose.<sup>20</sup>

Per a recommendation from the Center for Policing Equity, the Las Vegas Metropolitan Police Department implemented an approach<sup>38</sup> that MPD may wish to emulate:

In Las Vegas, the police department requested assistance from the Center for Policing Equity as well as the U.S. Justice Department in reviewing its procedures to reduce use of force and officer-involved shootings. As a result, the Las Vegas Police Department made a number of changes to reduce the risk of using unnecessary or excessive force, including a new strategy called "No Hands On" that prohibits an officer pursuing a suspect from being the officer to physically apprehend the suspect. According to Lt. John Farrell (retired), the manager of quality assurance for the Vegas police and one of the architects of the policy: "The assumption is that the officer in pursuit is more likely to be out of breath, angry, or otherwise not in a good place to use force wisely—his heart rate is pumping, he's tired, everything... We train our officers to slow the situation down and create distance, and distance allows you time. It allows you time to communicate. It allows you time to think about what you're going to do. And it allows you time for other officers to join you—and for them to be the ones applying handcuffs... And, quite frankly, a suspect is less likely to fight five or six guys than he is one. Fewer officer injuries, less use of force."<sup>39</sup>

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<sup>38</sup> Goff, P. A. (2016). Identity traps: How to think about race & policing. *Behavioral Science & Policy* 2(2): 11–22. <https://behavioralpolicy.org/wp-content/uploads/2017/05/Goff-web.pdf>

<sup>39</sup> Policy Link & Advancement Project. October, 2014. Limiting Police Use of Force: Promising Community Centered Strategies. [https://www.policylink.org/sites/default/files/pl\\_police\\_use%20of%20force\\_111914\\_a.pdf](https://www.policylink.org/sites/default/files/pl_police_use%20of%20force_111914_a.pdf)

## **VI. Measuring and Addressing Trends in Complaints, Investigations, and Discipline**

### **Complaints**

Various metrics are present in the OIM intake process. However, statistically significant trends are not expected to be identifiable for some time as more data is collected. Complaint metrics can include the number of complaints received by OIM and PS&IA, the nature of the complaints, the demographics of the complainants, and the time taken to resolve complaints. Analyzing these metrics, trends, and patterns can be isolated and explored. For example, a high number of complaints related to a specific policy may indicate a need for a review of that policy, or additional training for officers, or more communication with the public on a particular topic. Additionally, tracking the demographics of complainants can help highlight any disparities that arise across different communities in Madison.

In future annual reports and more frequent updates, the OIM plans to provide at a minimum the number of unique incidents reported to the OIM. As flow of needed MPD data makes its way to the OIM, further analysis can be done into the more generalized crime data in Madison, allowing more in-depth analysis of trends in types of complaints recorded by MPD, trends in MPD's investigation completion rate, and an analysis of trends in complaints received by PS&IA.

Concerning the scope of an investigation by the Monitor, borrowing from other similar jurisdictions such as New Orleans, a blank Investigative Report template was created by the OIM and is included in this report. See Appendix # 5. The template lays out the information the Monitor will be gathering in investigations such as records, interviews, and video and audio recordings. OIM's investigative reports will serve as a comprehensive and independent summary of a contested incident. Cross-references to related PS&IA, MPD, and PFC investigations and decisions will begin each report, followed by a detailed summary of the facts of the incident, followed by a visual timeline representation of the incident. Productive analysis and conversations start from a shared understanding and laying out a complete picture of the agreed upon and contested facts is necessary to begin that work. The investigative report will

summarize the actions taken by the public and MPD staff, followed by an evidentiary analysis and a summary of the allegations.

The OIM's analysis will be focused on four questions:

- (1) Are there any disciplinary charges not included in the PS&IA investigation which OIM asserts could have been brought?;
- (2) Does the investigation suggest policy, procedure, risk management or liability issues that were not adequately addressed by the Department?;
- (3) Should training or other programs have been required of the accused employee?; and
- (4) Were there any other OIM concerns with the investigation and, if so, what allegation do they pertain to?

The purpose of these investigations is first and foremost to identify failures of policy because the remedies that can be offered by an OIM investigation are MPD policy and/or training recommendations. Further, these investigations allow an opportunity to pull the curtain back on aspects of police policy that may seem ambiguous to the public. Through policy review and providing public explanations of existing MPD policy, the OIM aims to facilitate conversations with the community to ensure MPD meets the community's expectations and standards.

## **VII. Data-Based Investigations**

### **Use-of-Force Allegation Sustain Rate**

The first data-based analysis of the OIM was a review of how often MPD has sustained complaints against its officers for excessive use of force. Data released by MPD on excessive force complaints filed in 2008-2012 showed a comparatively low sustain rate of use-of-force complaints. Only 1 out of 108 use-of-force complaints filed between 2008 and 2012 was



sustained by MPD, a sustain rate 8.6 times lower than the national average.<sup>40</sup> That sustain rate suggests a potential problem with how MPD PS&IA had dealt with such complaints in those years, and this is reinforced by later critical coverage of use-of-force cases where the “not sustained” decision or completeness of PS&IA’s review was questioned,<sup>41 42</sup> its findings were inconsistent with community expectations,<sup>43 44</sup> or contradicted by a jury verdict.<sup>45</sup>

OIM wished to determine if use-of-force complaints were now being sustained at a higher rate. The Office obtained data on use-of-force allegations investigated by MPD PS&IA. For investigations completed from 2017 to the present, MPD sustained 3 out of 218 use-of-force allegations, for a sustain rate of 1.38%. This rate was not much higher than in the earlier period of 2008-2012. Eight years of data were used to ensure sufficient statistical power, but there were no indications of a higher sustain rate in excessive use of force complaints in the most recent years of that period from 2017 through 2024.

To more thoroughly examine MPD’s use-of-force allegation sustain rate in comparison to that of other U.S. municipal police departments, OIM performed statistical modelling, using data from the 2020 U.S. Law Enforcement Management and Administrative Statistics (LEMAS) dataset.<sup>46</sup> The Office compared MPD both to all other municipal police departments and to

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<sup>40</sup> Hickman, M.J. (June, 2006) Citizen Complaints about Police Use of Force. Bureau of Justice Statistics. <https://bjs.ojp.gov/content/pub/pdf/ccpuf.pdf>

<sup>41</sup> Lueders, B. (August 19, 2010) City of Madison paid off man injured by cops. Isthmus. <https://isthmus.com/news/news/city-of-madison-paid-off-man-injured-by-cops/>

<sup>42</sup> Lueders, B. (October 21, 2010) The inadequacy of rules. Isthmus. <https://isthmus.com/opinion/opinion/the-inadequacy-of-rules/>

<sup>43</sup> Brogan, D. (June 22, 2016) “It looks like excessive force was used” Public officials, family outraged over violent police arrest caught on video. Isthmus. <https://isthmus.com/news/news/public-officials-family-outraged-over-violent-arrest/>

<sup>44</sup> Becker, A. Sept 1, 2016. Actions of officers involved in Genele Laird arrest found within 'legal authority'. Capitol Times. [https://captimes.com/news/local/govt-and-politics/actions-of-officers-involved-in-genele-laird-arrest-found-within-legal-authority/article\\_6a156a69-9735-59d6-b6da-4f9d38d2b5a9.html](https://captimes.com/news/local/govt-and-politics/actions-of-officers-involved-in-genele-laird-arrest-found-within-legal-authority/article_6a156a69-9735-59d6-b6da-4f9d38d2b5a9.html)

<sup>45</sup> Schultz, R. July 14, 2017. Jury awards \$7 million in damages after finding 2 Madison police officers used unreasonable force in 2014 fatal shooting. Wisconsin State Journal. [https://madison.com/news/local/courts/jury-awards-7-million-in-damages-after-finding-2-madison-police-officers-used-unreasonable-force/article\\_7afa930b-feb3-50c2-aa75-be6b11580fff.html](https://madison.com/news/local/courts/jury-awards-7-million-in-damages-after-finding-2-madison-police-officers-used-unreasonable-force/article_7afa930b-feb3-50c2-aa75-be6b11580fff.html)

<sup>46</sup> Bureau of Justice Statistics. (March 7, 2023). Law Enforcement Management and Administrative Statistics (LEMAS), 2020 (ICPSR 38651). <https://www.icpsr.umich.edu/web/NACJD/studies/38651/publications>

what would be expected for a department with MPD's characteristics. See Appendix #4 for the detailed methodology employed and its results.

In short, MPD has a use-of-force allegation sustain rate that is far below the national average sustain rate, and below that expected for a department with its characteristics. However, though many departments with MPD's characteristics would exhibit far higher sustain rates, it appears that most would not. It is worth noting that municipal police departments show extreme variation in excessive force allegation sustain rates, possibly reflecting the lack of specificity in the *Graham v. Connor* "objective reasonableness" standard governing police use of force.<sup>47 48</sup>

Additionally, this may also reflect a lack of understanding amongst the complaints of what is and is not excessive force under existing MPD policy. If the community thinks MPD policy says "X" and complains after observing an officer do "Y," and then sees PS&IA conclude the officer was within policy, a fundamental misunderstanding of MPD's use of force policy exists and is ripe for mutual discussion, adjustment, and clarification.

One option the OIM is considering, to facilitate this policy adjustment and gain a clearer picture of PS&IA's historical reasoning, would be an audit of PS&IA files alleging excessive force to identify any patterns of method or conclusion that seem at odds with the public's understanding of the use of force policy. Further, as patterns emerge, the Office could contact contractors with sufficient experience working in internal affairs divisions in comparable law enforcement agencies with higher sustain rates for use-of-force investigations. This potentially could help determine whether there are MPD policies or practices when investigating use-of-force allegations which could be improved. Alternatively, the Office could facilitate community conversations about what the people of Madison expect of a use of force policy and

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<sup>47</sup> Millhiser, I. April 13, 2021. What the Supreme Court got wrong about homicides committed by cops. Vox. <https://www.vox.com/22373833/supreme-court-police-killings-homicide-derek-chauvin-graham-connor-shooting-fourth-amendment>

<sup>48</sup> Chang, J. (2022) Who is the reasonable police officer? A localized solution to a nationwide problem. Columbia Law Review 122(1): 87-124. [https://www.columbialawreview.org/wp-content/uploads/2022/01/Chang-Who\\_Is\\_The\\_Reasonable\\_Police\\_Officer-A\\_Localized\\_Solution\\_To\\_A\\_Nationwide\\_Problem.pdf](https://www.columbialawreview.org/wp-content/uploads/2022/01/Chang-Who_Is_The_Reasonable_Police_Officer-A_Localized_Solution_To_A_Nationwide_Problem.pdf)

explanations from MPD concerning the history and application of the policies as they are. A clear understanding of what limitations officers already operate under and what limitations or considerations the public wishes were present in the use of force policy should prove fertile soil for collaborative policy adjustment between the PCOB, MPD, and Common Council.

## Ongoing Data Investigations

### Racial disparities

Madison Police Department data show severe racial disparities in policing outcomes. In 2023, a Black individual was over 8 times more likely to be arrested at least once than a white individual in Madison. Benchmarked to population numbers, a disorderly conduct charge was over 13 times more likely to be against someone who was Black than someone who was white.<sup>49</sup> Madison appears to exhibit some of the highest such racial disparities among U.S. cities.<sup>50 51</sup>

It is important to better understand the sources of these disparities so that they can be addressed. In particular, to what extent these disparities are a consequence of discriminatory policing – occurring either at the level of individuals or the level of neighborhoods (studies in various U.S. cities have found that entire neighborhoods can be stigmatized and disproportionately policed based on racial predominance). We plan to perform several analyses to examine this matter, and two such projects are now ongoing.

In one project, we have set up a collaboration with a team of scientists led by M. Keith Chen at UCLA. This team has used anonymized data from smartphones (specifically, GPS data from pings of these phones) to show that across 23 major U.S. cities, police officers spent much more time in Black, Asian, and Hispanic neighborhoods than in other areas with similar

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<sup>49</sup> “Annual Report 2023.” Madison Police Department. Pgs. 34, 35, 37, 39.  
<https://www.cityofmadison.com/police/documents/annualReport2023.pdf>

<sup>50</sup> Savidge, N. April 31, 2015. Analysis: Blacks in Madison arrested at more than 10 times rate of whites. Wisconsin State Journal. <https://archive.ph/DFMLg>

<sup>51</sup> Potter, S. July 2, 2015. The people’s court. Dane County hopes new program will reduce justice. disparities. Isthmus. <https://isthmus.com/news/news/restorative-justice-court/>

socioeconomic demographics and crime-driven demand for police services.<sup>52</sup> Chen et al. calculated that this neighborhood-level disparity in police presence drove a substantial part of the racial disparity in arrest rates, accounting for 57% of the higher arrest rate in predominantly Black neighborhoods.

Their analysis is now being extended to Madison, using smartphone data from Veraset (a company that aggregates anonymized smartphone location data) along with census data and geofence data for police stations and police district boundaries. Whether this approach can be successfully applied in Madison will depend on whether a sufficient number of phones carried by MPD officers are captured in the Veraset data. We will also note that our collaborators are working on a large number of projects and appear somewhat overcommitted, such that we anticipate delays in completion.

A second ongoing project utilizes data from stops and searches of vehicles. A standard method by which discriminatory policing is established is through analysis of the rate at which contraband (e.g. weapons, drugs, etc.) is found when individuals or vehicles are stopped and searched by police. For example, if contraband is found more often when white individuals are searched than when BIPOC individuals are searched, this suggests that, all else equal, BIPOC individuals are more often stopped and searched (i.e., showing discriminatory policing). This is termed “hit rate” analysis.

However, it is now understood that hit rate analysis in itself can provide misleading results (indicating the presence of discrimination when there is none and failing to show discrimination when it exists) when different groups have different probability distributions for possessing contraband. This issue with hit rate analysis is termed “the problem of infra-marginality,” and it can be addressed using more sophisticated analyses. One method, originally

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<sup>52</sup> Chen, M.K., K.L. Christensen, E. John, E. Owens, & Y. Zhuo (2023) Smartphone Data Reveal Neighborhood-Level Racial Disparities in Police Presence. *The Review of Economics and Statistics* 1–29. [https://doi.org/10.1162/rest\\_a\\_01370](https://doi.org/10.1162/rest_a_01370)

developed by Simoiu et al. (2017)<sup>53</sup> and improved by Pierson et al. (2018)<sup>54</sup>, estimates the thresholds police use to initiate searches in different groups. Using this method, discriminatory policing is evidenced if the thresholds are found to differ across groups. A different approach for addressing the problem of infra-marginality, developed by Meyer & Gonzalez (2024),<sup>55</sup> utilizes a test that adjudicates whether or not discriminatory policing is occurring under all feasible rates of contraband (i.e., under all feasible contraband rates, do police officers have lower false alarm rates for white drivers than Black drivers). In addition, for vehicular searches, one can determine whether and to what extent the value of the vehicle (given the make and model) influenced the likelihood of police search, where police elsewhere have been found to search lower value vehicles more often, all else equal.<sup>56</sup> This could potentially allow one to begin to disentangle discrimination based on race and ethnicity from that based on the driver's socioeconomic class.

Currently, we are examining a month of traffic stop data provided by MPD's Data Team. We are starting with only a month of data to first adequately understand the details of the MPD data and to check if the approach being used is correctly capturing all relevant information, before requesting two full years of data.

These analyses will help fulfill MPA Policy & Procedure Review Ad Hoc Committee report recommendation #19:

MPD should seek a collaboration with statisticians from University of Wisconsin-Madison, or highly-qualified statisticians elsewhere who have researched policing and racial bias, to determine if communities of color in Madison are incurring differential policing. Specifically, analysis should be conducted to determine (a) if rates of stops, arrests, and citations by MPD are correlated with neighborhood racial composition after controlling for crime rates,

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<sup>53</sup> Simoiu, C., S. Corbett-Davies, & S. Goel (2017) The Problem of Infra-marginality in Outcome Tests for Discrimination. *The Annals of Applied Statistics* 11(3): 1193-1216.

<sup>54</sup> Pierson, E., S. Corbett-Davies & S. Goel (2018) Fast threshold tests for detecting discrimination. *Proceedings of the 21st International Conference on Artificial Intelligence and Statistics (AISTATS)*. PMLR 84. <https://5harad.com/papers/fasttt.pdf>

<sup>55</sup> Meyer, M.A. & R. Gonzalez (2024) Detecting Bias in Traffic Searches: Examining False Searches of Innocent Drivers. *Journal of Quantitative Criminology* 40(4):791-812. [https://www.researchgate.net/publication/380152891\\_Detecting\\_Bias\\_in\\_Traffic\\_Searches\\_Examining\\_False\\_Searches\\_of\\_Innocent\\_Drivers](https://www.researchgate.net/publication/380152891_Detecting_Bias_in_Traffic_Searches_Examining_False_Searches_of_Innocent_Drivers)

<sup>56</sup> Knode, J.L., T.M. Carter, & S.E. Wolfe (2024) Driving While Broke: The Role of Class Signals in Police Discretion. *Crimrxiv*. <https://doi.org/10.21428/cb6ab371.efc8b517>

and (b) if the proportion of stops resulting in arrests or citations (hit rates) differs across racial and ethnic groups. If analyses do show differential policing, MPD should consider measures such as reallocation of policing resources across neighborhoods and corrective training.

## Early Intervention System

Another ongoing investigation, unrelated to the above, is an examination of MPD's early intervention system (EIS). As the MPD Policy & Procedure Review Ad Hoc Committee report explains:

In most police departments, a small number of officers generate a disproportionate number of complaints and other risk-associated activities. This has led to widespread implementation of what is referred to as an Early Intervention System (EIS). The goal of an EIS is to identify and intervene to correct individual officers' potentially damaging behavior patterns. An EIS program uses agency-collected data such as uses of force, complaints, internal affairs investigations, lawsuits, and attendance records to identify officers in need. The EIPRO EIS implemented by MPD will flag officers when they exceed thresholds for one or more of a designated set of performance measures (e.g., number of complaints). The EIS program is not intended to be punitive but to provide the agency an early indication that an officer may be engaging in problematic conduct so the agency can intervene through mentoring, closer supervision, or additional training to get that officer's career on the right path.

MPD has an EIS SOP that integrates mentoring, check-ins, and human judgement (including input from first-level supervisors) with data-driven software output, as recommended by OIR (see MPD Policy & Procedure Review Ad Hoc Committee recommendations #171 and #172).

For this investigation, we are seeking to examine the factors, considerations, and decision-making used in MPD's EIS, and particularly its data-driven elements. We are interested in this given the possibility that it may be improved by the use of alternative metrics. For example, many law enforcement departments use the number of sustained complaints as one metric for their EIS, but the total number of complaints (regardless of the final determination)

has far superior predictive value for adverse events (Stoddard et al. 2024).<sup>57</sup> Simply ranking all officers in a department by total complaints, then flagging the top few percent, provides substantial predictive power. Meanwhile, models restricted to sustained complaints perform little better than random guessing. Furthermore, a number of infrequently used metrics, such as whether an officer has secondary employment,<sup>58 59</sup> have been found to provide substantial predictive value for adverse incidents and could potentially be incorporated. In addition, we note that, though IAPro (the software platform used by MPD) provides an excellent product for internal affairs management, their EIPro EIS is quite suboptimal for flagging officers at risk relative to a more sophisticated machine learning approach (see MPD Policy & Procedure Review Ad Hoc Committee recommendation #173).

### **VIII. Impediments and Acknowledgements**

We will note that overall, OIM data-based analyses are still at a relatively early stage. OIM's Data Analyst was retained at the end of October 2024. Hiring of the Data Analyst was temporarily halted by a potential lack of funding for the position in 2025. Funding for the position was partially restored finally at the end of 2024, but the position was reduced to a 0.6 Full Time Employment position (23.25 hours a week compared to the City's standard 38.75 hours a week). It has also taken time to arrange for data flow from MPD. In addition, budgetary and procedural difficulties have limited the Office's access to the computational resources needed for key analyses.

We wish to particularly thank the MPD Data Team and Chief John Patterson for their invaluable assistance to OIM in its data investigations. Their cooperation and assistance are

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<sup>57</sup> Stoddard, G., Fitzpatrick, D.J., & J. Ludwig (2024) Predicting Police Misconduct. National Bureau of Economic Research. Working Paper 32432. <https://www.nber.org/papers/w32432>

<sup>58</sup> Cubitt, T., K. Wooden, E. Kruger, & M. Kennedy (2020) A predictive model for serious police misconduct by variation of the theory of planned behavior. *The Journal of Forensic Practice*. 22(4): 251-263. <https://www.emerald.com/insight/content/doi/10.1108/jfp-08-2020-0033/full/html>

<sup>59</sup> Cubitt, T., K.R. Wooden, & K.A. Roberts (2020) A machine learning analysis of serious misconduct among Australian police. *Crime Science* 9:22. <https://doi.org/10.1186/s40163-020-00133-6>

reflective of the cooperative and collaborative relationship Madison Police Department and the Office of the Independent Monitor seek to build, utilize, and improve upon in the coming years.



# Appendix

## Appendix 1: OIM Intake Form

City of Madison  
Office of the Independent Police Monitor  
Intake Form

Date: \_\_\_\_\_

First Name		Middle		Last Name		
		<input type="checkbox"/>	<i>I wish to remain Anonymous</i>			

Contact Information								
Preferred mode of communication								
Mailing Address								
City, State			Zip					
Phone Number				Voicemail OK?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Secondary Phone				Voicemail OK?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Email Address				WhatsApp				
What are the best days/times to contact you?								

Incident Information (Please include as much information as possible)				
Did the incident involve a member of the Madison Police Department?	<input type="checkbox"/>	Yes	<p><small>Note: The Office of the Independent Monitor and the Police Civilian Oversight Board's jurisdiction is limited to the Madison Police Department. Complaints involving other law enforcement agencies will be forwarded to the appropriate agency, if known.</small></p>	
	<input type="checkbox"/>	No		
	<input type="checkbox"/>	Unknown		
How were you involved in the incident? <input type="checkbox"/> It happened to me <input type="checkbox"/> I witnessed it				
<input type="checkbox"/> I heard about it    AND <input type="checkbox"/> I do not wish to disclose where I heard about it				
<input type="checkbox"/> I wish to disclose where I heard about it:				
Incident Date(s)			Incident Time(s)	
Incident Location				
Names of Officers				
Badge Numbers				
If name or badge number is not known, please provide a physical description of the officer(s), include any distinguishing marks/tattoos as well as approximate age, weight, height, race, and gender:				
To the best of your knowledge, please list all the agencies/departments that were <b>present</b> at the incident (e.g. Madison Police, Dane County Sheriff's Office, Madison Fire Department, etc.)				

<p style="text-align: center;">Please describe the incident to the extent you feel comfortable. You may use additional paper or the back of the page if you would like to.</p>

OIM Reference Number: \_\_ - \_\_\_\_ - \_\_\_\_



**\*\*COVER SHEET\*\***

**Step 1: Complete this Form and Submit it to the Office of the Independent Monitor (OIM)**

Please provide as much information as possible when completing this form. If you do not feel comfortable sharing your identity, your Intake Form will continue to be processed regardless. Please note however that the Office may need to contact you to conduct a full investigation. Upon completing the form, please deliver it to Room 501 of the City County Building or email it to [oim@cityofmadison.com](mailto:oim@cityofmadison.com).

**Step 2: Meet with the Independent Monitor**

After the OIM has received and reviewed this completed form, you will be contacted by an OIM staff member to schedule a time to meet with the Independent Monitor. The purpose of this meeting will be to discuss your Intake Form, and any additional details needed to conduct an investigation. This meeting does not need to be attended alone. You may bring anyone with you that you wish for support or assistance.

**Step 3: Investigation of Complaint**

OIM will contact you to let you know if a full investigation is being opened for your complaint. OIM staff will schedule regular check-in meetings between you and the Independent Monitor at this time.

**Step 4 (if you wish): Mediation with MPD, accompanied by the Independent Monitor**

If you are comfortable doing so, a mediation with MPD can be arranged concerning your complaint. You would not need to be alone in such a mediation and may be accompanied by the Independent Monitor and/or your own legal counsel.

**Step 5: Meet again with Independent Monitor to review the OIM's conclusion of the investigation.**

Upon completion of the investigation, you will be invited to another meeting with the Independent Monitor. At this meeting, the Independent Monitor will detail their Final Report on your complaint. The purpose of this meeting is to ensure you are satisfied with the scope of the investigation. If needed, Steps 3 and 4 will be repeated after this step.

**Step 6: Publishing of the OIM's Final Report**

Once the Final Report is completed, it will be presented to the Police Civilian Oversight Board. You will be invited to meet with the PCOB in Closed Session to discuss the report privately with the Board and your feedback for the OIM.

Lub Nroog Madison Hnub Tim: \_\_\_\_\_  
 Lub Chaw Hauj Lwm Tub Ceev Xwm Saib Xyuas Kev Ncaj Ncees Hauv Teb Chaws  
 Daim Foos Txais Nkag

Lub Npe		Lub Npe Nruab Nrab		Lub Xeem	
		<input type="checkbox"/> Kuv xav kom tsis txhob Qhia Txog Kuv Tus Kheej			

Cov Ntaub Ntawv Tiv Tauj							
Qhov kev sib txuas lus uas xav tau							
Chaw Xa Ntawv							
NROOG, XEEV				Tus Zauv Zip			
Tus Naj Npawb Xov Tooj				Puas txais ua suab lus?		<input type="checkbox"/>	Yog <input type="checkbox"/> Tsis Yog
Tus Naj Npawb Xov Tooj Thib Ob				Puas txais ua suab lus?		<input type="checkbox"/>	Yog <input type="checkbox"/> Tsis Yog
Chaw Nyob Email				WhatsApp			
Hnub/lub sij hawm twg thiaj li yooj yim rau peb tiv tauj koj?							

Cov ntaub ntawv xwm txheej (Thov sau cov ntaub ntawv ntau li ntau tau rau)			
Qhov xwm txheej puas muaj feem cuam tshuam rau Madison Lub Tuam Tsev Hauj Lwm Tub Ceev Xwm (Madison Police Department)?	<input type="checkbox"/>	Yog	Cim tseg: Lub Chaw Hauj Lwm Saib Xyuas Kev Ncaj Ncees thiab Tub Ceev Xwm Saib Xyuas Kev Ncaj Ncees ntawm Pawg Saib Xyuas Kev Ncaj Ncees tsuas yog raug txwv nyob rau hauv Madison Lub Tuam Tsev Hauj Lwm Tub Ceev Xwm. Kev tsis txaus siab nrog rau lwm lub koom haum tub ceev xwm yuav raug muab xa mus rau lub koom haum uas tsim nyog, yog tias paub.
	<input type="checkbox"/>	Tsis Yog	
	<input type="checkbox"/>	Tsis Paub	
Koj cuam tshuam nrog qhov xwm txheej li cas? <input type="checkbox"/> Nws tshwm sim kiag rau kuv <input type="checkbox"/> Kuv yog tus ua pov thawj rau xwm txheej ntawd			
<input type="checkbox"/> Kuv tau hnov qhov no los xwb THIAB <input type="checkbox"/> Kuv tsis xav qhia tias kuv tau hnov qhov no los qhov twg los <input type="checkbox"/> Kuv xav qhia tias kuv tau hnov qhov no los ntawm qhov twg los:			
Hnub Tshwm Sim Qhov Xwm Txheej			Lub Sij Hawm Tshwm Sim Qhov Xwm Txheej
Qhov Chaw Tshwm Sim Qhov Xwm Txheej			
Tus Tub Ceev Xwm Lub Npe			
Tus Naj Npawb Daim Paib			
Yog tias tsis paub lub npe los sis tus naj npawb daim paib, ces thov muab cov lus piav qhia txog lub cev ntawm tus tub ceev xwm, suav nrog cov cim sib txawv/nkaug lais suav nrog qhia txog qhov tshwj xeeb los sis kwv yees hnub nyoog, qhov hnyav, qhov siab, haiv neeg, thiab poj niam los txiv neej:			
Raws li qhov koj paub zoo tshaj plaws, thov sau tag nrho cov koom haum/chaw hauj lwm <b>tam sim no</b> uas nyob rau hauv qhov xwm txheej (xws li Tub Ceev Xwm Madison, Lub Chaw Hauj Lwm Tub Ceev Xwm Hauv Cheeb Tsam nroog Dane, Madison Lub Tuam Tsev Hauj Lwm Saib Xyuas Hluav (Madison Fire Department) Taws Kub Hnyiab, thiab lwm yam.)			

Thov piav qhia txog qhov xwm txheej uas koj hnov tau tias muaj kev kaj siab. Koj tuaj yeem siv daim ntawv ntshaj los sis sab nraum qab ntawm nplooj ntawv yog tias koj xav tau.

Tus Naj Npawb Ua Pov Thawj OIM: \_\_ - \_\_\_\_ - \_\_\_\_



**\*\*DAIM NTAWV NPOG KHAUJ\*\***

**Kauj Ruam 1: Ua Kom Tiav Daim Foos No thiab Xa mus rau Lub Chaw Hauj Lwm Saib Xyuas Kev Ncaj Ncees (Office of the Independent Monitor, OIM)**

Thov qhia cov ntaub ntawv kom ntau li ntau tau thaum ua tiav daim foos no. Yog tias koj tsis sov siab yuav los qhia koj tus kheej, koj dDaim Foos Txais Nkag tseem yuav raug muab koj los ntsuam xyuas txuas mus ntxiv. Txawm li cas los xij, thov nco ntsoov tias Lub Chaw Hauj Lwm tseem yuav tiv tauj rau koj txhawm rau tshawb xyuas cov ntaub ntawv kom txhij txhua. Thaum ua daim foos tiav hlo lawm, thov xa mus rau Chav 501 ntawm Lub Nroog Lub Tuam Tsev (City County Building) los sis xa email mus rau oim@cityofmadison.com.

**Kauj Ruam 2: Ntsib Nrog Tus Taug Qab Xyuas Kev Ncaj Ncees**

Tom qab uas OIM tau txais thiab tshab xyuas daim foos no tiav hlo lawm, OIM yuav tiv tauj koj txhawm rau los teem caij ntsib nrog Tus Taug Qab Xyuas Kev Ncaj Ncees. Lub hom phiaj ntawm lub rooj sib tham no yuav yog los tham txog koj Daim Foos Thov Nkag, thiab cov ntsiab lus ntxiv uas xav tau los ua qhov kev tshawb xyuas. Lub rooj sib tham no tsis tas yuav tuaj koom ib leeg tuaj coob leeg los yeej tau. Koj tuaj yeem koj ib tus neeg twg nrog koj tuaj los tau yog tias koj xav tau kev txhawb nqa los sis kev pab.

**Kauj Ruam 3: Kev Ntsuam Xyuas txog Kev Ncaj Ncees**

OIM yuav tiv tauj koj txhawm rau los qhia rau koj paub tias tab tom yuav muaj kev tshawb xyuas txhij txhua rau koj qhov kev tsis txaus siab. OIM cov neeg ua hauj lwm yuav teem caij cov rooj sib tham tsis tu ncu ntawm koj thiab Tus Taug Qab Xyuas Kev Ncaj Ncees nyob rau lub sijhawm no.

**Kauj Ruam 4 (yog tias koj xav tau): Kev kho kev tsis haum xeeb nrog MPD, nrog rau Tus Taug Qab Xyuas Kev Ncaj Ncees**

Yog tias koj txaus siab yuav ua li ntawd, kev sib tham kho kev tsis sib haum xeeb nrog MPD tuaj yeem npaj los ua tau txog koj qhov kev tsis txaus siab. Koj tsis tas yuav nyob ib leeg hauv qhov kev sib kho kom haum xeeb thiab yuav muaj Tus Taug Qab Xyuas Kev Ncaj Ncees thiab/los sis koj tus kws lij choj nrog mus thiab.

**Kauj Ruam 5: Sib Ntsib dua ib zaug ntxiv nrog Tus Taug Qab Xyuas Kev Ncaj Ncees dua ib zaug ntxiv txhawm rau los tshab xyuas qhov xaus zaum kawg ntawm kev tshawb xyuas ntawm OIM.**

Tom qab ua tiav qhov kev tshawb xyuas lawm, koj yuav raug caw tuaj sib tham nrog Tus Taug Qab Xyuas Kev Ncaj Ncees ib zaug ntxiv. Hauv lub rooj sib tham no, Tus Taug Qab Xyuas Kev Ncaj Ncees yuav piav qhia ntxaws txog lawv Daim Ntawv Tshaj Qhia Zaum Kawg ntawm koj qhov kev tsis txaus siab. Lub hom phiaj ntawm lub rooj sib tham no yog kom ntseeg tau tias koj txaus siab rau qhov kev tshawb xyuas. Yog tsim nyog, ces Kauj Ruam 3 thiab 4 yuav rov muab los ua dua tom qab kauj ruam no.

**Kauj Ruam 6: Tshaj Tawm Daim Ntawv Tshaj Qhia Zaum Kawg Ntawm OIM**

Thaum Daim Ntawv Tshaj Qhia Kawg tau ua tiav hlo lawm, ces yuav raug muab nthuav tawm mus rau Tub Ceev Xwm Saib Xyuas Kev Ncaj Ncees ntawm Pawg Saib Xyuas Kev Ncaj Ncees. Koj yuav raug caw tuaj ntsib PCOB hauv Qhov Kev Sib Tham Uas Tsis Qhib Rau Lwm Tus Paub los

tham txog daim ntawv tshaj tawm ntiag tug nrog Pawg Thawj Coj thiab koj cov lus tawm tswv yim rau OIM.



Ciudad de Madison  
Oficina del Monitor Independiente de la Policía  
Formulario de admisión

Fecha: \_\_\_\_\_

Primer nombre		Segundo nombre		Apellido		
		<input type="checkbox"/>	<i>Quiero permanecer anónimo</i>			

Información de contacto							
Modo de comunicación preferido							
Dirección de correo							
Ciudad, estado				Código postal			
Número de teléfono			¿Podemos dejar un mensaje en su contestador?	<input type="checkbox"/>	Sí	<input type="checkbox"/>	No
Teléfono secundario			¿Podemos dejar un mensaje en su contestador?	<input type="checkbox"/>	Sí	<input type="checkbox"/>	No
Dirección de email				WhatsApp			
¿Cuáles son los mejores días/horarios para comunicarse con usted?							

Información del incidente (incluya la mayor cantidad de información posible)				
¿Participó en el incidente un miembro del Departamento de Policía de Madison (Madison Police Department)?	<input type="checkbox"/>	Sí	Nota: La jurisdicción de la Oficina del Monitor Independiente (Office of the Independent Monitor) y de la Junta de Supervisión Civil de la Policía (Police Civilian Oversight Board) se limita al Departamento de Policía de Madison. Las quejas sobre otros organismos de seguridad se enviarán al organismo correspondiente, si se conoce.	
	<input type="checkbox"/>	No		
	<input type="checkbox"/>	No se sabe		
¿Qué participación tuvo usted en el incidente? <input type="checkbox"/> Me pasó a mí <input type="checkbox"/> Yo lo presencié				
<input type="checkbox"/> Me enteré de él    Y <input type="checkbox"/> No quiero revelar dónde me enteré de él				
<input type="checkbox"/> Quiero revelar dónde me enteré de él:				
Fechas del incidente			Horas del incidente	
Lugar del incidente				
Nombres de los oficiales				
Números de placa				
Si no conoce el nombre o el número de placa, escriba una descripción física de los oficiales, incluya cualquier marca distintiva/tatuaje, edad aproximada, peso, altura, raza y sexo:				
Según su conocimiento, indique todos los organismos/departamentos que estuvieron <b>presentes</b> en el incidente (p. ej., Policía de Madison, Oficina del Sheriff del Condado de Dane [Dane County Sheriff's Office], Departamento de Bomberos de Madison [Madison Fire Department], etc.)				

Describa el incidente de la manera en que se sienta cómodo. Si quiere, puede usar más papel o la parte de atrás de la página.

Número de referencia de la OIM: \_\_ - \_\_\_\_ - \_\_\_\_ - \_\_\_\_



**\*\*PORTADA\*\***

**Paso 1: Complete este formulario y envíelo a la Oficina del Monitor Independiente (OIM)**

Dé la mayor cantidad de información posible cuando complete este formulario. Si no se siente cómodo revelando su identidad, su formulario de admisión continuará procesándose de todos modos. Sin embargo, tenga en cuenta que es posible que la Oficina necesite comunicarse con usted para hacer una investigación completa. Cuando complete el formulario, entréguelo en la sala 501 del City County Building o envíelo por email a [oim@cityofmadison.com](mailto:oim@cityofmadison.com).

**Paso 2: Reunión con el monitor independiente**

Una vez que la OIM haya recibido y revisado este formulario completado, un miembro del personal de la OIM se comunicará con usted para programar una reunión con el monitor independiente. El propósito de esta reunión será hablar sobre su formulario de admisión y cualquier información adicional necesaria para hacer una investigación. No es necesario asistir solo a esta reunión. Puede venir acompañado de cualquier persona que quiera para recibir apoyo o ayuda.

**Paso 3: Investigación de la queja**

La OIM se comunicará con usted para informarle si se iniciará una investigación completa de su queja. En ese momento, el personal de la OIM programará reuniones periódicas de control entre usted y el monitor independiente.

**Paso 4 (si quiere): Mediación con el MPD, acompañado por el monitor independiente**

Si se siente cómodo haciéndolo, se puede organizar una mediación con el MPD por su queja. No sería necesario que estuviera solo en dicha mediación. Podría estar acompañado por el monitor independiente o por su propio asesor legal.

**Paso 5: Nueva reunión con el monitor independiente para revisar la conclusión de la OIM sobre la investigación.**

Una vez finalizada la investigación, lo invitarán a otra reunión con el monitor independiente. En esta reunión, el monitor independiente detallará su reporte final sobre su queja. El propósito de esta reunión es garantizar que esté satisfecho con el alcance de la investigación. Si es necesario, se repetirán los pasos 3 y 4 después de este paso.

**Paso 6: Publicación del reporte final de la OIM**

Una vez completado el reporte final, se presentará a la Junta de Supervisión Civil de la Policía. Lo invitarán a reunirse con la PCOB en una sesión a puertas cerradas para tratar el reporte en privado con la Junta y dar sus comentarios para la OIM.

## Appendix 2: Professional Standards and Internal Affairs Discipline Matrix



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Professional Standards and Internal Affairs Discipline Matrix

Eff. Date 10/26/2020

## Purpose

This procedure outlines the guidelines and expectations for the Madison Police Department's (MPD) response to complaints and the steps involved in the investigation of complaints. Investigatory responsibilities, the Police Bill of Rights, and the Seven Steps for Just Cause are also detailed. This procedure begins with a description of the Discipline Matrix. A police discipline matrix aims to achieve consistency in discipline and to eliminate the appearance of disparity. This matrix does not remove discretion; it provides a range of possible sanctions, thus providing clarity.

## Procedure

The matrix lists both code of conduct violations and Standard Operating Procedural (SOP) violations. It then provides sanction categories **A** through **E**. The least punitive sanctions are category **A**, with sanctions becoming more severe as the categories progress to category **E**.

In each category, there is a recommended guideline of sanctions. These guidelines are based on comparable sanctions for each violation from Professional Standards & Internal Affairs (PSIA) cases in years past.

This matrix captures most violation sanctions that have occurred in the past 25 years. There are code of conduct/procedural categories that are not covered in this matrix. There is the expectation that all policies and procedures will be followed. MPD understands that as times change, policies and expectations will change, and there will be violations that are not covered on the matrix. These violations shall be added to the matrix as deemed appropriate. For code of conduct violations not specified on the matrix, the sanction will be determined by the Chief of Police.

## Sanction Categories

Category A	Category B	Category C	Category D	Category E
<p>Conduct violation in a single incident that has a minimal negative impact on the operations or reputation of the MPD. Sanctions listed in the below categories are not considered discipline. Sanction guidelines may include:</p> <ul style="list-style-type: none"><li>• Verbal Counseling</li><li>• Mediation</li><li>• Documented Counseling</li></ul> <p>A single sanction or a combination of the above listed sanctions may be deemed appropriate. <b>Training and/or Work Rules</b> can also be ordered in conjunction with any sanctions listed above.</p>	<p>Violations that have more than minimal impact on the operations or reputation of the MPD or that negatively impacts relationships with other officers, agencies, or the public. This includes repeated acts from Category A within time frames listed below. Sanction guidelines may include:</p> <ul style="list-style-type: none"><li>• Verbal Counseling</li><li>• Mediation</li><li>• Documented Counseling</li><li>• Letter of Reprimand (First Level of Discipline)</li></ul> <p>A single sanction or a combination of the above listed sanctions may be deemed appropriate. <b>Training and/or Work Rules</b> can also be ordered in conjunction with any sanctions listed above.</p>	<p>Violations that have a pronounced negative impact on the operations or reputation of the MPD or on relationships with employees, other agencies, or the public. This includes repeated acts from Category B within time frames listed below. Sanction guidelines may include:</p> <ul style="list-style-type: none"><li>• Letter of Reprimand</li><li>• Suspension without pay for one to five days</li></ul> <p><b>A single sanction or a combination of the above listed sanctions may be deemed appropriate. Training and/or Work Rules</b> can also be ordered in conjunction with any sanctions listed above.</p>	<p>Violations that are contrary to the core values of the MPD or that involve a substantial risk of officer or public safety. This includes repeated acts from Category C within the time frames listed below. Sanctions guidelines may include:</p> <ul style="list-style-type: none"><li>• Suspension without pay for five to fifteen days</li></ul> <p><b>Training and/or Work Rules</b> can also be ordered in conjunction with any sanctions listed above.</p>	<p>Violations that are contrary to the core values of the MPD. This includes acts of serious misconduct or acts of criminal conduct. This also involves any conduct that will effectively disqualify an employee from continued employment as a law enforcement officer. Sanction guidelines may include:</p> <ul style="list-style-type: none"><li>• Suspension without pay for fifteen days or more</li><li>• Reduction in rank</li><li>• Separation from service</li></ul> <p><b>Training and/or Work Rules</b> can also be ordered in conjunction with any sanctions listed above.</p>

## Repeated Acts

Repeated acts of category **A** violations within **one year** will increase the repeated violation into category **B**.

Repeated acts of category **B** within **two years** will increase the violation to category **C**.

Repeated acts of category **C** within **three years** will increase the violation to category **D**.

Repeated acts of category **D** within **five years** will result in **separation of service**.

*This matrix does not apply to employees with a last chance agreement.*

*The matrix categories may not be sequentially followed in cases where there may be a number of violations or in cases where there are particularly egregious circumstances. The matrix is considered a guideline only and it is within the Chief of Police's discretion to deviate from the matrix based on the individual case.*

## Discipline Matrix

Corresponding Code of Conduct Manual Listing <i>Categories skipped have not had recent previous discipline associated.</i>		Category				
		A	B	C	D	E
<b>2.</b>	<b>Truthfulness</b>					
	Failure to be truthful.					X
	Employees shall not make false reports or knowingly enter false information into any record.					X
<b>3.</b>	<b>Performance of Duties</b>					
	Failure to respond to dispatch.		X			
	Failure to properly perform duties assigned.		X			
	Failure to meet expectations of special initiatives.	X				
	Failure to notify supervisor of custodial arrest.	X				
	Failure to obtain supervisor approval for strip search.			X		
	Failure to assist as backup officer(s).			X		
	Failure to make an effort to check email and mailbox once per shift and respond accordingly.		X			
	Failure to pursue flagrant law violations that they are aware of.		X			
	Engaging in activity on duty that does not pertain to MPD business.		X			
	Employees shall not sleep, idle, or loaf while on duty.		X			
	Supervisors shall not knowingly allow employees to violate any law, code of conduct, or procedure.			X		
	All employees shall report fit for duty.				X	
	All MPD members shall not be impaired as a result of any drug usage or alcohol. All employees are prohibited from having any measurable amount of alcohol in their system while on-duty. No MPD member shall consume or purchase any intoxicants while in uniform. No MPD member shall consume intoxicants while armed except with the approval of the Chief of Police. It is the responsibility of the employee to consult with their physician to determine their fitness for duty based on their medical condition and/or prescribed treatment.				X	
<b>4.</b>	<b>Absence from Duty</b>					
	Employees shall not be late or absent from duty without prior permission from a supervisor or the Officer in Charge (OIC).		X			
	Failure to respond to subpoena or scheduled training.		X			
<b>5.</b>	<b>Unlawful Conduct</b>					
	Employees shall not engage in conduct that constitutes a violation of criminal law, or ordinance corresponding to a state statute that constitutes a crime.				X	

Corresponding Code of Conduct Manual Listing <i>Categories skipped have not had recent previous discipline associated.</i>		Category				
		A	B	C	D	E
	Employees convicted of first offense OWI.			X		
	Failure to immediately notify a supervisor whenever investigating an incident involving a law enforcement officer who is a suspect in any criminal activity or OMVWI.			X		
<b>6.</b>	<b>Notification Required of Law Enforcement Contact</b>					
	Failure to notify of contact by any law enforcement agency regarding their involvement as a suspect, witness, victim, or contact in criminal conduct, or violation of municipal ordinance for which a corresponding state statute exists (ex. OWI or Hit and Run). The employee SHALL report the incident to their commanding officer or the OIC within 24 hours of the contact, or their return to duty, whichever comes first. This must be done in person or via telephone.		X			
<b>7.</b>	<b>Equal Protection</b>					
	Employees shall not show bias based on relationships in investigative decisions, or assist in investigations or enforcement decisions.		X			
	Employees are prohibited from interfering in the normal processing of traffic/parking citations or otherwise disrupting enforcement of the law by other members of the MPD. If a supervisor orders a change in an enforcement decision and a subordinate feels it is wrong, it should be reported to a commanding officer.		X			
<b>9.</b>	<b>Harassment</b>					
	Employees shall not engage in harassment or to retaliate against an employee who reports such harassment. (For definition of harassment, see APM 3-5.)			X		
	Supervisors shall not allow employees under their command to engage in harassment or permit retaliation against an employee who reports such harassment.			X		
	Employees shall not engage in sexual harassment; this includes unwanted sexual advances.			X		
<b>10.</b>	<b>Courtesy, Respect and Professional Conduct</b>					
	Failure to be courteous to the public and to coworkers and shall avoid the use of profane language or gestures. Employees shall also avoid actions that would cause disrespect to the MPD.		X			
	Employees shall not act so as to exhibit disrespect for a supervisor.		X			
	Employees shall not speak derogatorily to others about orders or instructions issued by supervisors.		X			
	Employees shall use police communications systems, email, and radios only for official police business and shall exhibit courtesy during the transmission of all messages.		X			
<b>11.</b>	<b>Public Criticism</b>					
	Employees shall not publicly criticize the operations or personnel of the MPD if such criticism undermines the discipline, morale, or efficiency of the MPD. This applies both on duty and off duty.		X			
<b>12.</b>	<b>Use of Force</b>					
	<b>9A</b> Employees shall not use deadly force when a lesser degree of force was reasonable.					X
	<b>9B</b> Employees shall not use excessive force when a lesser degree of force was objectively reasonable.				X	
<b>13.</b>	<b>Vehicle Operation</b>					
	Employees shall operate city vehicles with due regard for safety.			X		

Corresponding Code of Conduct Manual Listing <i>Categories skipped have not had recent previous discipline associated.</i>		Category				
		A	B	C	D	E
<b>14.</b>	<b>Insubordination</b> Failure to promptly obey lawful orders from any supervisor. This includes violations of work rules. If these orders conflict with code of conduct or procedure, the ordered member shall call attention to this conflict. Any unlawful orders shall be promptly reported to the Chief of Police.			X		
<b>16.</b>	<b>Criminal Association</b> Failure to avoid regular or continuous associations or dealings with persons known to be engaged in ongoing criminal activity, under indictment, on probation, parole, house arrest, or Huber. Association consists of more than a single occurrence.			X		
<b>20.</b>	<b>Cooperation with Investigations Required</b> Failure to cooperate in internal investigations of alleged misconduct, illegal activity, or code of conduct violations. This includes failure to answer questions or submit to proper investigative techniques.					X
<b>21.</b>	<b>Access to Police Records</b> Employees shall not access MPD official records for any reason inconsistent with their professional duties. Employees shall not release official records of the MPD for reasons inconsistent with their professional duties. Employees shall not tamper with any MPD records system.			X		
				X		
				X		
<b>STANDARD OPERATING PROCEDURES</b>						
<b>SOP</b>	<b>Transportation and Treatment of Prisoners</b> Failure to take all reasonable precautions necessary to secure and safely transport prisoners in accordance with SOP.		X			
<b>SOP</b>	<b>Status Changes</b> Failure to report changes in address or telephone number within 24 hours after making such changes by submitting in writing the changes to the Chief of Police's Office, their commanding officer, and the shift OIC. All employees shall maintain a working telephone number. Officers shall promptly notify their commanding officer if their drivers license status changes.	X				
<b>SOP</b>	<b>Search and Seizure</b> Failure to obtain Command Approval for search warrants for any building or dwelling. This does not include search warrants for property or vehicles that are already in MPD custody. Tactical execution of warrants will only be performed by personnel with appropriate training and who are in uniform or otherwise clearly identifiable as police officers.		X			
<b>SOP</b>	<b>Police Weaponry</b> Failure to adhere to the specifics of this procedure as described in the SOP.		X			
<b>SOP</b>	<b>Firearms Safety</b> Employees who have been trained in MPD firearms safety shall strictly adhere to all safety guidelines when handling firearms to prevent unintentional discharges. This applies both on and off duty. Unintentional discharge on the range line (no injury or horseplay). Failure to ensure the security and safe storage of MPD approved weapons. This applies both on and off duty.			X		
			X			
			X			



Corresponding Code of Conduct Manual Listing <i>Categories skipped have not had recent previous discipline associated.</i>		Category				
		A	B	C	D	E
<b>SOP</b>	<b>Use and Care of City-Owned Property</b>		X			
	Failure to adhere to prescribed procedures for check out and use of any MPD owned property. Members of the MPD are responsible for the good care of MPD property and shall promptly report to their supervisor in writing the loss of, damage to, or unserviceable condition of such property.					
	Unintentional discharge of electronic control device if it occurs in the armory during the check out process and no injuries.	X				
	Failure to drive city owned vehicles with due regard for safety at all times.			X		
	Employees shall not use any MPD property for private purposes unless permission is first obtained from the Chief of Police.		X			
<b>SOP</b>	<b>Property Handling</b>		X			
	Failure to take all precautions necessary to guarantee proper handling of evidence and any property seized, received, or found and shall conform to MPD procedure for handling and disposition; a written record of the property disposition shall be included in the employee's report.					
	Destruction of property without following normal tagging procedures.			X		
	Failure to adhere to the specifics listed in detail in this SOP.		X			
<b>SOP</b>	<b>Personal Appearance</b>					
	Failure to adhere to personal appearance code of conduct described in the SOP.	X				
<b>SOP</b>	<b>Identification of Employees</b>		X			
	Failure to identify with name, rank, and employee number when requested to do so. Plain clothes officers will ID themselves with badge and ID card.					
<b>SOP</b>	<b>Reporting</b>		X			
	Failure to write accurate and complete reports and reports shall be completed promptly.					
	Failure to complete reports in all arrests, use of force, stops, frisks, criminal investigations, property/evidence handling, and other cases outlined in SOPs.		X			
<b>SOP</b>	<b>TIME System Access</b>		X			
	TIME system access will be in strict compliance with their procedures and information gleaned shall be disseminated in accordance with the SOP.					
<b>SOP</b>	<b>Stop and Frisk</b>					
	Failure to adhere to the specifics listed in this SOP.	X				
<b>SOP</b>	<b>Searches</b>		X			
	Failure to adhere to the specifics listed in this SOP.					
<b>SOP</b>	<b>Handling of Evidence, Contraband, Found or Lost Property</b>					
	Failure to adhere to the specifics listed in this SOP.	X				
<b>SOP</b>	<b>Use of Mobile Data Computers</b>		X			
	Failure to adhere to the specifics listed in this SOP.					
<b>SOP</b>	<b>Off-Duty Officer Responsibilities</b>		X			
	Failure to adhere to the specifics found in the SOP.					
<b>SOP</b>	<b>Traffic/Parking Enforcement and Crash Investigation</b>		X			
	Failure to promptly report to an on-duty supervisor any accident with damage to any city owned motor vehicle operated by them or in their charge. An employee shall request a field supervisor be dispatched to supervise any accident investigation.					
<b>SOP</b>	<b>Outside Employment</b>					
	Failure to adhere to the specifics as described in the SOP.	X				
<b>SOP</b>	<b>In-Car Video System</b>		X			
	Failure to log into squad video system					
	Failure to sync in-car video microphone		X			
	Failure to wear microphone		X			

Corresponding Code of Conduct Manual Listing <i>Categories skipped have not had recent previous discipline associated.</i>		Category				
		A	B	C	D	E
<b>SOP</b>	<b>Social Media – Off Duty</b>		X			
	Failure of personnel to appropriately represent MPD honestly, respectfully, and/or legally while on- or off-duty through the use of social media. Personnel are expected to represent the Core Values of the MPD at all times even when using the internet for personal purposes.					
<b>SOP</b>	<b>Emergency Vehicle Operation</b>					
	Unauthorized Pursuit.		X			
	Improper Use of Warning Devices and Other Safety Equipment.		X			
	Failure to Operate With Due Regard.			X		
	Improper or unsafe routine vehicle operation maneuver.		X			
<b>SOP</b>	<b>Police Vehicle Parking</b>					
	Failure to adhere to the specifics listed in this SOP.		X			
<b>SOP</b>	<b>Domestic Abuse</b>					
	Failure to Complete a Required Report Where No Arrest.		X			

See Code of Conduct manual and SOPs for detailed description of code of conduct/procedures. The above-described policies/procedures are general summaries and are not meant to be all inclusive.

Not all policies are listed in the matrix; however, all code of conduct/procedural violations will be enforced.

## Sanction Options in Internal Investigations

These levels **are not considered formal discipline**:

1. Verbal Counseling.
2. Training.
3. Mediation: in minor complaints, if both parties are MPD employees and mutually agree, mediation will be arranged through Employee Assistance Program (EAP) using a professional mediator.
4. Work Rules.
5. Documented Counseling.

The levels covered below **are considered formal discipline** and are placed in the employee's personnel file:

1. Letter of Reprimand.
2. Suspension without Pay.
3. Reduction in Rank.
4. Separation of Service.

Employees receiving formal discipline are not eligible for promotion or selection to a closed position for a period of one year from the date of the incident leading to discipline.

## Restorative Performance Initiative

MPD employees who have received a Letter of Reprimand (considered discipline) may be eligible for Restorative Performance based on the Chief of Police's discretion. By taking part in Restorative Performance, the Letter of Discipline may be reduced to Documented Counseling (not considered discipline).

The following are requirements for successful completion of the Restorative Performance Initiative:

- No prior sustained cases resulting in discipline and no recent (last five years) sustained violations
- Offered at the Letter of Reprimand level of discipline.
- Officer will attend training in a field related to what Code of Conduct, Standard Operating Procedure, or City APM was violated.
- Officer will provide a written summary of the training attended and demonstrate knowledge learned.

- No additional Code of Conduct, Standard Operating Procedure, or City APM violations that result in discipline within one year from date of agreement.

An employee who is participating in the Restorative Performance Initiative will have the PSIA case held in “open” status for one year. If the above listed requirements are met after one year, the Letter of Reprimand is amended to Documented Counseling and the case status will be removed from the employee’s personnel file.

If the employee is unsuccessful in completing the program, the discipline will be maintained as a “Letter of Reprimand.”

## **Multiple Violations**

In cases where there may be multiple code of conduct/procedural violations involved with a single investigation, each violation may receive a separate and distinct sanction.

## **Police and Fire Commission (PFC)**

The PFC is established by Wis. Stats. Sec. 62.13. The PFC appoints all commissioned officers and establishes hiring guidelines. Charges may be filed against an officer by the Chief of Police, member of the PFC, or by any aggrieved party. These charges may request that an officer be reduced in rank, suspended, or removed. Under the statute, the PFC shall hold a hearing on the charges and evidence shall be presented. After the presentation of evidence, the PFC must determine that the seven just causes (outlined in Wis. Stats. Sec. 62.13(5)(3m)) have been met. If the PFC determines there is just cause to sustain the charges, the PFC may suspend, reduce in rank, suspend and reduce in rank, or remove the officer.

## **Rights of the Chief of Police/Right of Deviation**

The Chief of Police reserves the right of suspension, transfer of assignment and extension of probation, counseling, alcohol/drug assessment, psychiatric evaluation, fitness for duty evaluation, or any other training, treatment, or evaluation reasonably deemed necessary by the Chief of Police, in certain cases. The Chief of Police also reserves the right to file charges with the PFC as outlined above. The Chief of Police also reserves the right to terminate civilian employees with just cause.

The Chief of Police or designee will approve all discipline.

The Chief of Police reserves the right to hold suspension days in abeyance.

The Chief of Police reserves the right to deviate outside the recommended Matrix guidelines. If a deviation occurs, the factors leading to the deviation shall be addressed in the discipline notice to the employee. Deviation may be based on mitigating or aggravating factors.

The Chief of Police will make the final determination of disposition.

## **EXAMPLES OF MITIGATING AND AGGRAVATING FACTORS**

Mitigating factors include but are not limited to:

- Ordered by supervisor.
- Mistake of facts.
- Necessity.
- Unintentional.

Aggravating Factors include but are not limited to:

- Inappropriate use of force.
- Personal motive.
- Intoxication.
- Conspiracy.
- Criminal conduct.
- Deception.
- Intentional act.

Nothing in this code of conduct shall be construed to limit the management prerogative of the Chief of Police, nor any other supervisory officer, to take corrective action whenever appropriate.

The Chief of Police may file formal charges against an employee, with the appropriate authorities, irrespective of an internal investigation.

## **Civilian Employees**

All employees are expected to adhere to the MPD code of conduct, SOPs, city administrative procedural memoranda (APMs), and the City of Madison Employee Benefits Handbooks. This discipline matrix is not meant to cover civilian employees of the MPD. Discipline matters resulting from a sustained finding involving non-commissioned personnel follow the overall City of Madison Personnel Rules.

In situations where there is a conflict between the MPD Code of Conduct, SOP, APM or the Employee Benefit Handbook, the most stringent rule, code, guideline shall apply.

## **Probationary Police Officers**

This matrix SOP may not apply to probationary police officers whose employment status is subject to their probationary performance.

Original SOP: 02/27/2015

(Revised: 02/29/2016, 03/21/2016, 01/06/2017, 06/15/2017, 07/06/2017, 12/06/2017, 06/08/2018, 05/31/2019, 01/03/2020, 01/09/2020, 10/26/2020)

(Reviewed Only: 01/30/2019)

**Appendix 3: Memorandum of Understanding Between the Office of the Independent Monitor and the Madison Police Department and Addendum to the Memorandum of Understanding**

# Memorandum of Understanding between the Madison Police Department and the Office of the Independent Police Monitor regarding access to MPD Records and Information

## **A. THE OFFICE OF THE INDEPENDENT MONITOR**

The Office of the Independent Police Monitor ("OIM") was created for the purpose of providing civilian oversight of the Madison Police Department ("MPD") and ensuring that the MPD is accountable and responsive to the needs and concerns of all segments of the community, thereby building and strengthening trust in the MPD throughout the community. The OIM is managed and directed by the Independent Monitor ("the Monitor"), a full-time employee of the City of Madison, recruited and appointed by the Police Civilian Oversight Board ("PCOB") through a broad community-based outreach, and finally confirmed by the Common Council. The Monitor is responsible for ensuring that the duties of the OIM are fulfilled in consultation and collaboration with the Board, per MGO 5.19(2).

## **B. OIM AUTHORITY TO ACCESS TO MPD RECORDS**

The OIM's authority to access MPD records derives from Section 5.19(7)(i) of the Madison General Ordinances which states that "[t]he OIM shall, to the extent permitted by law, have unfettered access to all MPD records, policies, Standard Operating Procedures, data, computer databases, and other information necessary to fulfill the duties of the OIM." Additional authority comes from Wisconsin's Public Records Law. MPD agrees to provide a timely reply to the Office of the Independent Monitor (OIM) to requests for records held and created as public records by the MPD to advance the purpose of the OIM as enacted by Common Council. This timely reply may require the viewing of records in an office at an MPD designated area.

## **C. TYPES OF RECORDS HELD BY MPD**

Attached to this MOU is a list of records held by MPD so the OIM will know what records are available. This list may be updated and modified without having to amend the MOU.

## **D. RELEASE OF RECORDS BY CATEGORY**

### **Release For Public Disclosure with Or Without Redaction (Green Flag)**

Records permissible for immediate disclosure to the public, by the OIM, without further review or consultation with MPD. Records for immediate release may have redactions to the record and contain only such information that would, subject to MPD's custodial authority, be released to the public under the balancing test as set forth in Wisconsin law and/or in accordance with the Wisconsin Public Records laws, Wis. Stat. secs. 19.31-39 or any other applicable State or Federal law. These records may be shared freely amongst OIM staff, the PCOB, other government agencies, and the public through open records requests. The OIM agrees to accept the redactions to these records in order to expedite the duties and obligations of both city agencies. No "reply letter" will be provided to the OIM for these requests unless the OIM requests a letter.

EXAMPLES: arrest information (Newspapers v. Breier, 89 Wis. 2d 417), anonymous crime data, and MPD policies and agreements.

### **Confidential Records Released Only to The OIM (Red Flag)**

Confidential records are records where the information has not been publicly shared or records, in their entirety, that cannot be redacted to make them releasable to the public. This category includes cases that are open and active and under investigation by Madison Police Department. These records contain information that is explicitly barred from public disclosure by law under the balancing test as set forth in Wisconsin law and/or in accordance with the Wisconsin Public Records laws, Wis. Stat. secs. 19.31-39 or any other applicable State or Federal law. Confidential records will not, under any circumstance, be distributed, published, or presented to the PCOB, other government agencies, and/or the public through open records requests. Confidential records are for OIM use only and will be designated as such with a stamp prior to being released to OIM. If OIM finds it necessary to make portions of a confidential document public to fulfill its statutory duties, OIM agrees to provide the document to MPD for redactions such that it would become information the OIM could publicly share. The OIM understands that at the time of the request, some open and active cases may not be able to be redacted to allow public release by the OIM.

EXAMPLES: juvenile information, employee information identified in Wis. Stat. 19.36(10)(a), and records under the protection of a court order of confidentiality.

### **Personnel Records and Internal Investigations (PSIA)**

Release of Personnel Records and Internal Investigation (PSIA) records may be governed by other state and federal laws outside the public records law (including labor law) which may impact either the timing of the record release or the redactions made to the records. For example, in some cases, employee notice must be given before records may be legally released by MPD. In other cases, the discipline process may not be concluded which could impact the employee's rights under State labor law. When

OIM requests a personnel record, MPD agrees to inform OIM of the status of the investigation including any discipline or PFC process. MPD and OIM will work together in good faith to determine when the records can be released and whether they will be processed as confidential or released with or without redactions. In some cases, if other legal proceedings are pending that could be impacted by a public record release, MPD and the OIM agree to consult with the City Attorney's office to prevent any adverse legal consequences for the City. OIM agrees to contact MPD prior to any public (outside OIM) release of any part of an employee's personnel record to allow for discussion, review, appropriate statutory and common law redactions in protection of complainants or witnesses, and to provide the required statutory notice under Wis. Stat. §19.356 before public release. When the OIM requests a personnel record for internal use only with no public release, MPD will provide a courtesy notice to the subject of the personnel record request.

#### **E. ACCESS TO DATA**

MPD creates and keeps case and incident information in a records management system. This records management system contains confidential information regarding cases for MPD as well as all consortium members and information from the FBI and other federal law enforcement agencies. MPD cannot release other consortium members' data. To the extent the OIM is asking for MPD data, the release of this data will be governed by the agreement listed above. Confidential data will be released as confidential data and marked in some way in the database itself; this data may not be released by the OIM to anyone. If the OIM requests data that could be released as a public record, the MPD will release the data as a public records request.

#### **F. PROCEDURE OF RELEASE OF RECORDS TO THE OIM**

- Request from OIM to Executive Office or Records Custodian.
- MPD response acknowledging OIM request.
- MPD review and determination if the records can be a public release (with or without redaction) or whether they are released as confidential OIM use only in accordance with the public records laws and other laws that govern law enforcement records.
- Confidential records will be stamped stating CONFIDENTIAL RELEASE TO OIM ONLY
- In the interest of faster record processing, OIM and MPD agree to waive the standard reply letter unless either OIM or MPD determine one is necessary for a particular request.
- At any time, an individual may sign an informed consent form for release of records related to themselves that would not otherwise be released to the public. This includes parents or legal guardians for some records related to their children/ward. Wis. Stat. 48.396, 938.396(1)(c)2. To facilitate the release of these records, the OIM can provide MPD with a release from the individual.



- If there is a request made from the OIM that is extremely time sensitive as determined by the OIM, the MPD agrees to make all reasonable efforts to comply with the timeliness of the OIM request. MPD agrees to prioritize all records requested by the OIM.

## **G. PRIOR NOTIFICATION OF PUBLIC RELEASE OF ACTIVE INVESTIGATIONS AND PERSONNEL RECORDS**

### **Active Investigations.**

It is anticipated that some information regarding open and active investigations may be of critical interest to the public, particularly critical incidents, investigations with a high level of public interest, or investigations directly related to an independent investigation conducted by the OIM in accordance with MGO 5.19 (7)(b)1. In an effort to balance the public's need to know with MPD's duty to investigate crimes, to the extent MPD is the investigating agency, the release of information from the OIM may be handled jointly between the Monitor and MPD's Public Information Officer or Assistant Chief of Support & Community Outreach (or designee). Working together, the Independent Monitor and MPD will review the information released to the OIM and the OIM planned public release to determine what information may be publicly released in keeping with state or federal law governing law enforcement records release including release of active investigation information. A representative of the City Attorney's Office may be present at such meetings to provide insight and guidance.

### **Personnel Records.**

The OIM agrees to consult MPD prior to any release if the Independent Monitor decides to include an MPD personnel record as an attachment or exhibit in any investigation, report, or any other document the OIM is creating with the intent to publish, present, or distribute outside the OIM. Once contacted, OIM and MPD will discuss and review the records to determine if any statutory redactions should be made or if redactions should be made to protect those that provide information such as complainants, victims or witnesses.

## **H. DISPUTE RESOLUTION**

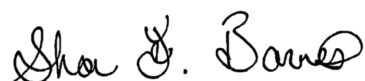
Recognizing that communication and understanding is the best way to resolve any disagreements, OIM and MPD agree to engage in regular discussions with the Assistant Chiefs of Investigative & Specialized Services and Field Operations, or their appointees, MPD Director of Data, Reform and Innovation, and the MPD Records Custodian on the matter of Law Enforcement Sensitive Information (LESI) and other information the Monitor may be exposed to which, if known to the public, could endanger officer and individuals' safety or jeopardize MPD's effectiveness in the detection and investigation of crimes. MPD and OIM agree to work cooperatively together, in good faith, to resolve

any disagreements regarding this MOU and/or the availability of MPD records to the OIM.

**I. AMENDMENTS AND ADDENDUMS**

This MOU may be modified or amended, or the provisions waived with the written consent of both the Chief and the Independent Monitor, witnessed by the City Attorney.

This MOU and any of its addendums, appendices, or indexes is a “record” under the Wisconsin Public Records Law and is subject to public disclosure. Wis. Stat. sec 19.32(2).



Shon F. Barnes, Chief of Police

01/04/2024

Date



Michael Haas, City of Madison Attorney

1/2/2024

Date



Robert Copley, Independent Police Monitor

1/4/2024

Date

## Appendix 4: Use of Force Allegation Sustain Rate Analysis

U.S. Law Enforcement Management and Administrative Statistics (LEMAS) datasets provide information on the number of use-of-force complaints that were sustained and not sustained across thousands of U.S. law enforcement departments. We note that municipal police departments show extreme variation in the rate at which use-of-force complaints are sustained, possibly because of the lack of specificity and room for subjective interpretation in the *Graham v Connor* Constitutional standard governing law enforcement use-of-force.<sup>7</sup> A very substantial fraction of U.S. police departments almost never sustain use-of-force complaints. Upon fitting a beta-binomial model to the number of use-of-force allegations that were sustained and not sustained across metropolitan police departments in the LEMAS 2020 data, using the VGAM package in R, and thereafter using the rmutil package of R to estimate tail probabilities, we found that 39.3% of the probability mass of the distribution fell at or below the level of MPD (representing departments with comparably low sustain rates).

Rather than merely comparing MPD's sustain rate to a national average (including many departments with very different characteristics), we wished to examine how it would compare to departments with MPD's characteristics. LEMAS datasets include a rich set of variables capturing law enforcement department characteristics. We used LEMAS 2020 data for municipal police departments to build a model predicting the expected use-of-force complaint sustain rate in a department with MPD's characteristics. Specifically, using R's caret and glmnet packages, we performed an elastic net regression (i.e., a method combining ridge and lasso regularization approaches), with 10-fold cross-validation, to fit a quasibinomial (over dispersed binomial) general linear model. The resulting model retained 25 out of 442 variables (i.e., with nonzero coefficients). Examples of some of the variables predictive of the sustain rate for use-of-force complaints were the proportion of Black officers in a department, the extent to which the department practiced community policing, hours of field training required for new officers, and whether the department used computer-aided dispatch on a regular basis. The predicted use-of-force allegation sustain rate for a department with MPD's characteristics was 8.99%. The overdispersion coefficient for the model was 0.174. We also fit a beta-binomial model with a

logit link function, using the retained predictor variables, which produced a similar overdispersion coefficient of 0.168.

Using the DFBA package of R with a beta-binomial model, we tested a null hypothesis that MPD had a true sustain rate at or above that expected for a department with its characteristics, versus an alternative hypothesis that MPD's true sustain rate was lower. The Bayes factor estimate for the alternative over the null hypothesis was 847,715, meaning that there was overwhelming evidence for the alternative hypothesis. However, in examining tail probabilities with the rmutl package of R, we also found that for our model of departments with MPD's characteristics, 70.6% of the probability mass fell at or below the level of MPD (i.e. representing comparable or lower sustain rates).

## Appendix # 5: Blank OIM Investigation Report Template



# OFFICE OF THE INDEPENDENT MONITOR

210 Martin Luther King Jr. Blvd, Room 501, Madison, WI 53703

[www.cityofmadison.com/independent-police-monitor](http://www.cityofmadison.com/independent-police-monitor)

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[DATE]

## **[TITLE]**

The Office of the Independent Police Monitor (OIM) was created for the purpose of providing civilian oversight of the Madison Police Department ("MPD") and ensuring that the MPD is accountable and responsive to the needs and concerns of all segments of the community, thereby building and strengthening trust in the MPD throughout the community. The OIM actively monitors the MPD's compliance with its own Standard Operating Procedures ("SOPs"), governing laws, and lawful orders from the Common Council. The Monitor may submit requests to the MPD and the Chief of Police to investigate or further investigate any matter the Monitor is reviewing. At any time, the Monitor may choose to undertake their own independent investigation of MPD personnel, including the Chief of Police and all represented and non-represented MPD personnel, in response to external or internally generated complaints of misconduct. Based on its review of MPD programs, activities, investigations, and use-of-force incidents, the OIM may make recommendations to the Chief of Police regarding administrative action, including possible discipline, for such personnel. Based on its review of MPD programs, activities, investigation, and use-of-force incidents, the OIM may refer appropriate cases to the Police and Fire Commission ("PFC") so that PFC members may consider initiating disciplinary action. Finally, the OIM may appoint counsel to provide representation to aggrieved individuals in presenting and litigating complaints against MPD personnel with the PFC, to the extent the Monitor concludes that those complaints have arguable merit.

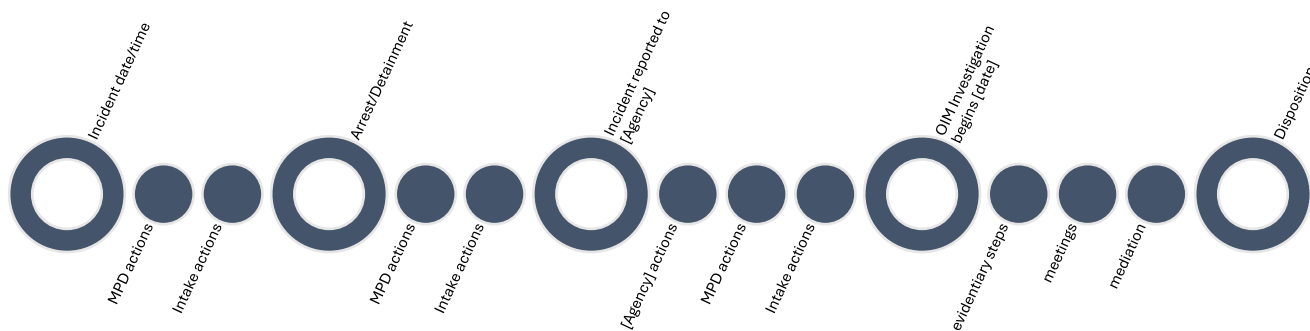
PS&IA	
MPD	
PFC	
OIM	
Other:	

Involved MPD Employees:

Allegation Findings by MPD			
MPD Employee	Allegation	PS&IA Recommendation	Chief Recommendation

## I. Summary of the Facts

## II. Timeline



### **III. Evidentiary Analysis**

- a. Interviews
- b. A/V Recordings
- c. Relevant Reports

### **IV. Summary of Allegations**

### **V. OIM Analysis**

- a. Are there any disciplinary charges not included in the PS&IA investigation which OIM asserts could have been brought?
- b. Does the investigation suggest policy, procedure, risk management or liability issues that were not adequately addressed by the Department?
- c. Should training or other programs have been required of the accused employee?
- d. Were there any other OIM concerns with the investigation and, if so, what allegation do they pertain to?

### **VI. Additional Concerns and Questions**

### **VII. Conclusion and OIM Recommendations**

Appendix 1: Policy Recommendations

Appendix 2: MPD Response to this Report

Appendix 3: [relevant publishable reports/exhibits]



## Appendix # 6: OIM Continuation of Operations Plan

# Continuation of Operations Policy of the City of Madison Office of the Independent Monitor

8/1/2024

The purpose of this Continuation Of Operations Policy (COOP) is to maintain the functionality of the Office of the Independent Monitor (OIM) in the event of an extended absence of one of the OIM's three staff members for one (1) to four (4) consecutive months.

## **Critical Operations of the OIM**

A "Critical Service" is a task or obligation of the OIM that cannot be stopped at any point without materially harming the OIM's ability to fulfill its duties. "Non-Critical Services" include any service that can be delayed or paused for 1 to 4 months without materially harming the OIM's ability to fulfill its duties.

The critical services anticipated by this COOP are as follows:

- Staffing of PCOB Meetings
- Receiving/Logging Complaints
- Continuing open investigations
- Finance/Payroll tasks
- Email correspondence with the Public and other Departments
- Facilitate coordination between Office and Board
- Appointing attorneys to represent complainants

## **Flow of Critical Responsibilities**

The OIM is a very small department of only three full-time positions. As a result, the best method for continuing operations is to establish training and experience redundancies for critical services. Each staff member is assigned a role as Primary, Secondary, or Tertiary for each critical service. If the Primary on a critical service is on an extended absence, the responsibility for that critical service falls to the Secondary. This system of cascading responsibilities will be followed by the OIM for the above listed critical services, except "Continuing open investigations" and "Appointing attorneys to represent complainants."

The Primary/Secondary/Tertiary roles of each staff member are outlined in the table below. "OM" refers to the OIM Office Manager. "IM" refers to the Independent Monitor. "DA" refers to the OIM Data Analyst.

Responsibilities	Primary	Secondary	Tertiary
Staffing the PCOB Meetings	OM	IM	DA
Receiving Complaints	OM	DA	IM
Continuing open investigations	IM	Board	Backup
Finance/Payroll	OM	IM	City Backup
Coordination between Office and Board	OM	IM	DA
Appointing attorneys	IM	Board	Backup
Email correspondence	OM	DA	IM

## Continuing Open Investigations and Appointing Attorneys

The critical services of “continuing open investigations” and “appointing attorneys” cannot be passed down to the Office Manager or Data Analyst. These are two services that are provided on a case-by-case basis and a great deal of discretion is involved. Therefore, in the event of the Independent Monitor’s extended absence of one (1) to four (4) months, the Police Civilian Oversight Board will make such decisions.

### *Continuing Open Investigations*

The absence of the Independent Monitor will effectively freeze any investigations the Monitor was conducting prior to their absence. If there is an exigent need to continue the investigation before the Monitor will return, the PCOB will have the opportunity to hire a Limited Term Employee (LTE) for the specific purpose of preserving the investigation. Final decisions and conclusions of an OIM investigation are reserved for the Independent Monitor and cannot be delegated to an LTE. The purpose of hiring an LTE is not to open new investigations or close existing investigations but to continue the work needed in an investigation that was ongoing at the time the Monitor’s absence began. The work needed in an investigation may be time-sensitive and this decision, whether an investigation can be paused during the Monitor’s absence, should be made on a case-by-case basis.

### *Appointing Attorneys*

Per MGO 5.19 and 5.20, the PCOB creates and maintains a list of attorneys the Monitor may appoint to represent a complainant in front of the PFC. In the event of the Monitor’s extended absence, the Chair of the PCOB may make such appointments on behalf of the Monitor.

## Training, Testing, and Revision

With the exception of “continuing open investigations” and “appointing attorneys,” all other critical services can be performed by more than one person in the OIM. Staff will be trained across all these critical services and will follow the Flow Order of Critical Responsibilities

on a daily basis with normal absences. For example, on a day that the Office Manager calls in sick, the Independent Monitor will take primary responsibility for that day in “staffing the PCOB meetings” and the Data Analyst will take primary responsibility for that day in “email correspondence” and “receiving complaints.”

These expected absences will provide opportunities to test Secondary and Tertiary staff members' familiarity with their respective critical services. If a Secondary is struggling to perform their critical service, the Tertiary is on hand to assist. The Secondary can then receive additional training in any critical service they need.

Revisions to this policy will be made by the Independent Monitor, as the department head of OIM, but presented to the next available meeting of the PCOB Policy and Procedure Subcommittee for review.

## **Appendix #7: Complaint Process Resource Packet**

# **Resource Packet for the City of Madison’s Office of Independent Monitor (OIM) and Police Civilian Oversight Board (PCOB) Citizen Complaint Process**

Prepared by Robert Copley, Independent Monitor

April 20, 2023

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## **Procedural Justice**

*NACOLE Written Testimony for the President's Task Force on 21st Century Policing (1/9/2015), page 4*

Central to police legitimacy is the idea of procedural justice: perceptions of fairness in the administration of justice and the fair and impartial exercise of police discretion. And, while officers have an obligation to be impartial and enforce the law fairly, procedural justice also calls upon officers to treat people with dignity and respect, as doing so is equally as important, if not more so. **Procedural justice encompasses not only the way an officer interacts with the public, but also requires that members of the public have an effective procedure to raise concerns about police conduct.**

Unfortunately, individuals who feel they have been wronged by a police officer are often hesitant to approach the department that employs the officer with their concerns. They may feel intimidated, or doubtful that the department will be interested in, or even capable of, taking a truly unbiased look at their concern. Without an alternative procedure to raise concerns about officer behavior, some members of the public are left to conclude that they have no trustworthy, legitimate avenue for such redress and, even more troublingly, view the entire law enforcement "system" as structured in a way for the police to avoid being held accountable.

Outside review of the police provides an opportunity for those who seek to complain against the police to raise their concerns with fellow citizens, who do not fall within the sworn chain of command of the police department. **Acknowledging that oversight agencies' authorities vary from place to place, it is often these agencies that skeptical complainants can turn to in order to feel that their concerns will truly be heard and responded to fairly.** Beyond providing procedural justice for specific complaints, overseers can also establish a procedure for review of critical and high profile incidents, such as officer-involved shootings, in-custody deaths, and uses of a TASER, all of which can leave a community clamoring for justice and, potentially, lacking faith in the involved police department's ability to remain unbiased. Furthermore, as civilian overseers look at individual complaints or critical incidents, they gain unique insights and perspectives that put them in a position to identify systemic issues that are

most effectively addressed through a change in department-wide policy or training. Ultimately, this impact on systemic issues can further improve police-public interactions and strengthen the community's belief that their police are procedurally just.

Finally, as law enforcement agencies work to adopt a culture of procedural justice, civilian oversight can help communicate to the public the steps being taken and why they are worthy of trust and will serve legitimacy. Police oversight also can audit such efforts to provide the community with reliable information about police agency progress. Law enforcement agencies that are proactively and genuinely striving to provide constitutional policing that is responsive to community needs can find that their own attempts to communicate their efforts to the public are futile because the agency has lost credibility with the public. However, when independent overseers who are charged with looking critically at the department communicate the same message about the department's reform efforts, the public may be more receptive to the message. This is one more illustration of how civilian oversight acts as a bridge connecting, or in some cases reconnecting, law enforcement agencies with the communities they serve.

### [Procedural Justice and Legitimacy](http://www.nacole.org/procedural_justice_and_legitimacy)

[www.nacole.org/procedural\\_justice\\_and\\_legitimacy](http://www.nacole.org/procedural_justice_and_legitimacy)

Procedural justice and legitimacy should serve as core principles guiding the work and processes of effective civilian oversight. Rooted in behavioral psychology, procedural justice typically centers on how authority is exercised. For entities whose authority is established by law, the recognition of their right to that authority and perceptions of how fairly that authority is exercised are crucial components of legitimacy. **Research has shown that procedurally-just interactions between law enforcement and the community positively impact the public's compliance with laws and willingness to assist in crime control efforts.**

The literature has also shown that **officer perceptions of a procedurally-just work environment is associated with reduced misconduct and corruption, as well as greater endorsement of policing reforms, reduced mistrust and cynicism with the community, willingness to obey supervisors, and increased officer well-being.** Though the literature on



procedural justice and civilian oversight is relatively sparse, there is research supporting the notion that **procedurally just complaint processes — where complainants report being satisfied with the quality of communication and the process — increase complainant satisfaction.**

### **How can we support victims of real or perceived police misconduct or criminal acts committed by police officers?**

*NACOLE Guidebook for the Implementation of New or Revitalized Police Oversight (2016), pg. 32*

It is very important to realize that a victim's reality is based on his or her own experience and not on an oversight practitioner's expertise. **It is generally not prudent for an oversight practitioner to listen to a complaint and immediately respond with a statement or conclusion that the police officer's action did or did not violate police department policy – even when that may appear to be the case.** Oversight agencies must honestly project themselves as caring places where people can expect a welcoming ear and a helpful response. One of the most crucial needs of someone who feels they have been mistreated by law enforcement is the need to have their concern genuinely heard and acknowledged, regardless of the eventual outcome of any forthcoming investigation.

One important way to ensure that victims of wrongdoing are being properly acknowledged by oversight is to train staff to become active listeners. Among other things, this requires training in withholding premature judgments or attempting to educate the complainant on police department policy before hearing the complainant's full concern.

**The initial intake of a complaint can often be the most important encounter the complainant will have with an oversight agency.** Complainants should be assured that their story will be heard as they want to state it, and that the information will be carefully screened to determine what action the agency may take within its established authority.

Some oversight agencies form screening committees to examine each new complaint and ensure that it is processed in accordance with the agency's duty and authority. Ideally, such

**screening committees should include multiple members with a goal of ensuring that any potential ethnic, race, gender or age-related bias be minimized as much as possible.**

Acknowledging victims can also help them understand what limitations exist in oversight's ability to respond to their concerns. It is deeply important not to create false expectations by overpromising what can be done. This requires every member of an oversight agency, staff at all levels included, to know what alternative external resources may be available for those cases that the agency is not allowed to take on itself. **Every discussion at a case screening should include where to refer the complainant if no action is possible by the agency on the complainant's behalf.**

### **Confidentiality, Anonymity, and Protection from Retaliation**

[www.nacole.org/confidentiality](http://www.nacole.org/confidentiality)

Effective civilian oversight must function with the same integrity, professionalism, and ethical standards it expects from and promotes for law enforcement. Stakeholders and the community must remain confident that civilian oversight will protect sensitive information as well as those who disclose it. **An oversight agency cannot maintain credibility, legitimacy, and public trust if it does not or cannot respect confidentiality agreements, maintain the anonymity of those who wish to share information anonymously, and work towards creating an environment where those involved with or contacting the oversight agency can do so without fear of retaliation or retribution.**

### **Managing Expectations of Complainants**

The complainants should, at the outset, be aware what limitations exist on their complaint. Further, they should understand where their complaint can lead to, who can view it, and how their safety will be protected. Finally, complainants should understand what actions the OIM can and cannot take in response to their complaint and what alternatives exist through different agencies such as the PFC, Common Council, or MPD itself.

The complainants should expect and experience, at all points in the complaint process, thoughtful and trauma-informed discussion and consideration. They should also understand the primary purpose of the complaint process is accountability, not punishment. The complainant may disagree with current policies or procedures and their complaint may open the door to review and reform of those policies and procedures. Positive change in the relationship between the public and law enforcement will not end with any single reform. Rather, positive change is a continuous process and we should expect any reforms to be scrutinized and continuously improved, before and after implementation.

Any limitations imposed on complaints should either be a practical necessity or a functional tool. For example, the identity of a complainant might be necessary for the effective and thorough investigation of an isolated incident but would not be necessary in an evaluation of a MPD policy. A time-based limitation may serve as a functional tool for filtering between incident investigations and policy analysis. An incident that occurred years in the past may be impossible to fully investigate due to deterioration of memory or destruction of evidence. A complaint regarding a since-amended policy would have little analytical value in auditing the current policy.

Regardless of the usefulness or actionability of a complaint, input from the public should always be valued and considered. Therefore, it is worth considering what additional or parallel alternatives to a formal complaint process can be created to ensure a historical record is made of the public's perspectives on its interactions with law enforcement.

### **What types of complaints should be accepted?**

*[www.nacole.org/complaints](http://www.nacole.org/complaints)*

**Filing a complaint against a police officer should be relatively easy with as many access points as possible.** The types of complaints that an agency chooses to accept will have major implications on staffing needs, system costs, and case processing delays. A lot will depend on the nature and level of distrust of police and/or a lack of confidence in the ability of

the police to treat complaints objectively and take their complaints seriously. When determining what complaints will be accepted, the following factors, along with the authority/jurisdiction of the oversight agency must be considered:

I. **Form**

A. Readily-accessible complaint forms will likely be available at the oversight agency, local police station, or online. The complaint process usually begins with the complainant submitting a complaint form or making a verbal complaint against an officer. Citizens can also call the agency and request that a form be mailed to them. Complaint forms can also be submitted via fax, hand delivery, or email.

B. Under some Investigative models, anonymous complaints are not always accepted where specific incidents are investigated and a complainant's identity can be crucial during the investigation. A complainant's identity may also be required at the conclusion of an investigation if the complainant is needed to testify at an adversarial hearing. **Anonymous complaints are more commonly accepted under the function of an Auditor/Monitor/Ombudsman model, where the identity of the complainant is not necessarily required to review broad policies and practices.**

C. Complaint forms may require a signature under the penalty of perjury. **This may have a chilling effect on a person's willingness to file a complaint.** The reason for the language is to deter false allegations against the police. One way to minimize the chilling effect while still minimizing the number of false allegations is to not have the language on the initial complaint form, but an agency might choose to include it if/when the complainant provides a sworn statement to the oversight agency.

**Caution:** It should be remembered that complainants and witnesses are usually not trained observers. What they observe and experience represents an individual, and therefore potentially limited, perspective on events. Statistically, most people do not like to complain and they should be encouraged to share what they experienced from their perspective without the

worry of being punished if a formal investigation results in a finding that they were mistaken as to some of the facts.

**D. Requiring complainants and witnesses to be Mirandized before submitting a formal complaint is discouraged because it is often associated with being in police custody and/or being arrested on the suspicion of committing a crime. Such a practice could have a chilling effect on individuals coming forward to file complaints.**

## II. Initial Intake

**A. Who Does the Civilian Complain to?** Civilian oversight agencies often foster a greater sense of trust among citizens with regards to how complaints against the police will be resolved. Some jurisdictions require that copies of all initial complaints (that fall within the agency's jurisdiction) are forwarded to the oversight agency, while other jurisdictions permit the law enforcement agency to receive and investigate complaints and forward their findings to the oversight agency for review. There are also jurisdictions where the police department and the oversight agency both independently investigate the same allegations of misconduct, sometimes concurrently.

**B. Thus, during the initial intake of a formal complaint form, the oversight agency will likely have a **classification process by which the subject matter jurisdiction of a complaint can be evaluated.** *This assessment may also include a determination of whether the nature of the complaint is suitable for mediation or other non-investigative options such as conciliation, or rapid resolution.***

1. What should an agency do when it receives information regarding allegations not within its jurisdiction?
  - 1) Refer the entire complaint to internal affairs?
  - 2) Only refer the allegations that are not within its jurisdiction and investigate the rest of the complaint?

- 3) Should the agency have authority to investigate the entire complaint if it has jurisdiction over at least one of the allegations?

Regardless of the particular intake process, oversight agencies are often required to notify the police department of the complaint when it is received and provide copies of materials gathered in the initial intake process.<sup>1</sup> Similarly, police departments are expected to forward complaint information to the oversight agency. **Protocols for sharing information and accessing data must be established to foster transparency and accountability. Professional data bases are recommended as they ensure data are collected and stored and can be analyzed efficiently.**

### III. Subject Matter

**A. The types of complaints that should be investigated include allegations that, if proven true, would represent misconduct under the police department's policies and procedures.** For example, this may include use of unnecessary or excessive force; unlawful arrests; searches and seizures; theft or destruction of property; first amendment violations; dishonesty; violation of local, state, or federal laws and police regulations; failure to provide identification; failure to provide a service or allegations that bias toward the complainant or suspect was evidenced through language or behavior demonstrating a bias based factors such as race, ethnicity, immigrant status, socio economic status, age, sex, sexual orientation, gender identification.

**B. Subject matter jurisdiction for each oversight agency will usually be defined in the ordinance/local statute that governs the oversight process.<sup>2</sup>**

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<sup>1</sup> Madison Ordinance 5.19(10)(b) reads: "The Monitor, MPD, and Chief of Police shall provide each other with notice of complaints, investigations, appeals and findings involving MPD and MPD police officers as soon as possible, including with such information and cooperation as is appropriate and necessary for the receiving party to take meaningful action or conduct a meaningful review of the matter."

<sup>2</sup> Madison Ordinance 5.20(10) reads: "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."

## 1. Standing (i.e. who can complain on behalf of whom?)

Depending on the jurisdiction and contingent upon the oversight agency's function, a number of parties may have standing to file a complaint. As mentioned, some jurisdictions accept anonymous complaints and third party complaints. Other jurisdictions require each victim of police misconduct to file his or her own complaint, while others allow witnesses to file on behalf of victims who do not file their own complaint. Often times, parents may file complaints on behalf of minor children. Furthermore, some agencies can self-initiate their own investigation.

## IV. Time Restrictions

### 1. Restrictions on **Complainants**

A statute of limitations is regularly put in place to ensure timely filing. **Without such a restriction, an agency's ability to acquire evidence decreases after a significant period of time and witness recollections of an incident are likely to diminish.** However, the need to preserve the quality of an investigation must be balanced with the need to ensure that complainants are not overly constricted in their ability to file a complaint. **Exceptions to the time restrictions may be made when a complainant has been incarcerated or hospitalized.**

Oversight agencies therefore may establish a reasonable timeline that clearly defines how long a citizen has to file a complaint, when the agency must complete the investigation, and when potential discipline of the officer must be imposed. **One year is commonly allowed for citizens to file complaints. However, oversight agencies may be granted discretion to extend the time frame for a complainant's non-availability based on circumstances beyond his/her control.**

### 2. Restrictions on the **OIM**

Many agencies have a 180-day rule for the time to complete an investigation. Exceptions for this rule may be given for factors such as a showing of "good cause," i.e., complexity, number of witnesses, staffing shortages, etc. Like jurisdiction, time

restrictions, if there are any, are usually written into the ordinance/local statute governing the oversight process.

### Key Questions for building a Complaint Process

1. What risks (physical, emotional, legal) do the complainants face by participating in the complaint process? How are such risks addressed and mitigated by the process?
2. Can the complaint process be readily explained, easily understood, and effectively executed?
3. Do the limitations placed on complainants serve a just, equitable, or otherwise necessary purpose?
4. What are situations where these limitations would have a chilling effect on, or an unjust exclusion of, a complainant? Can these situations be resolved by the process itself?
5. What specific information is needed at the start of a complaint and what information can be ascertained later? In other words, what information **must** be provided on a complaint form for it to be actionable?
6. Does the complaint process allow the complainant to tell their story, from their perspective, regardless of the complainant's familiarity with police procedures and policies? Does the complaint process encourage this?
7. What resources or assistance can be or should be provided to the complainant throughout their navigation of the complaint process?
8. Does the complaint process adequately justify itself on the merits of procedural and social justice?
9. Does or should the complaint process allow or encourage law enforcement cooperation and input in resolving grievances? To what extent?
10. **Does the complaint process meet the expectations of the public?**



## Forms from other Jurisdictions

### Atlanta, GA: Complaint form



## CITIZEN COMPLAINT FORM

### INSTRUCTIONS

The Atlanta Citizen Review Board (ACRB) accepts complaints against officers of the Atlanta Police Department (APD) and the Atlanta Corrections Department (ACD).

• By law, the following are the only types of complaints the ACRB is authorized to review: (1) abusive language; (2) false arrest; (3) false imprisonment; (4) harassment; (5) use of excessive force; (6) serious bodily injury; or (7) death which is alleged to be the result of the actions of a sworn employee of the APD or ACD.

• Your complaint will be reviewed and classified by the Investigation Manager of the ACRB. You will receive an acknowledgement by mail of the receipt of your complaint. If the incident is investigated, you may be asked to provide a more complete statement under oath.

• **IMPORTANT:** Fill in this form COMPLETELY. You must PRINT or TYPE all your answers.

• **IF YOU NEED HELP** filling out this form, please call us at 404-865-8622, or e-mail us at [acrb@atlantaga.gov](mailto:acrb@atlantaga.gov).

• You may also file a complaint online at [www.acrbgov.org](http://www.acrbgov.org).

RETURN THIS COMPLETED FORM in person, by fax or mail to the following address:

### COMPLAINANT INFORMATION

Name: First \_\_\_\_\_ Last \_\_\_\_\_  
Address: \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone: Home ( ) \_\_\_\_\_ Work ( ) \_\_\_\_\_  
Cell ( ) \_\_\_\_\_  
E-mail Address: \_\_\_\_\_  
Employer: \_\_\_\_\_  
Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Current Age: \_\_\_\_\_  
Gender: ☐ Male ☐ Female  
Race: African American ☐ Asian ☐ Hispanic ☐ White ☐ Other

### INCIDENT INFORMATION

Incident Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Incident Time: \_\_\_\_:\_\_\_\_ ☐ a.m. or ☐ p.m.  
Incident Location: \_\_\_\_\_

Name of Officer(s) Involved: \_\_\_\_\_

Badge Number(s) of Officer(s) Involved: \_\_\_\_\_

If you do not know the name or the badge number of the officer(s) please provide a physical description of the officer(s) \_\_\_\_\_

Officer(s) Employed by: ☐ Atlanta Police Department, **OR**,  
☐ Atlanta Corrections Department

Name(s) of Witness(es) to Incident: \_\_\_\_\_

Contact Information of Witness(es) to Incident: \_\_\_\_\_

Is there any evidence available about the incident, such as copies of traffic tickets, police reports, photographs, or medical records? ☐ Yes ☐ No

If "Yes," please describe and attach copies: \_\_\_\_\_

Please describe your complaint. You may use additional paper if necessary.

How did you hear about the ACRB? \_\_\_\_\_

I solemnly swear or affirm that the above statement is accurate. Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Signature of Complaining Party: \_\_\_\_\_

**Important Note!** This complaint cannot be processed without a signature.

### FOR OFFICE USE ONLY

Date Received: \_\_\_\_/\_\_\_\_/\_\_\_\_

Received by: \_\_\_\_\_

→ Atlanta Citizen Review Board | 55 Trinity Avenue, Suite 9100 | Atlanta GA 30303  
Office: 404-865-8622 | Fax: 404-546-8401 | [www.acrbgov.org](http://www.acrbgov.org)

## Los Angeles, CA: Brochure and Complaint form

### FILE A COMPLAINT OR COMMENDATION REGARDING AN EMPLOYEE OF THE LOS ANGELES POLICE DEPARTMENT (LAPD)

#### YOUR RIGHTS:

- You have the right to be treated with respect.
- You have the right to the involved officer's name and serial number.
- You have the right to speak with the officer's supervisor.

#### INFORMATION TO COLLECT:

- Where did the incident happen?  
Location: \_\_\_\_\_
- When did the incident happen?  
Date and Time: \_\_\_\_\_
- What was the officer(s) name and serial number?  
Name: \_\_\_\_\_  
Serial Number: \_\_\_\_\_

#### TO CONTACT THE OIG:

- Call: 213-893-6400
- Email: [communityrelationsoig@lacity.org](mailto:communityrelationsoig@lacity.org)
- Visit our office
- Use the OIG mobile app

#### TO CONTACT LAPD'S INTERNAL AFFAIRS:

- Call: 1-800-339-6868
- Email: [LAPDCMS@lapd.online](mailto:LAPDCMS@lapd.online)



### OFFICE OF THE INSPECTOR GENERAL LOS ANGELES POLICE COMMISSION

Phone: 213-893-6400

Fax: 213-687-7473

213-687-7487

TTY: 213-482-7002

Email: [communityrelationsoig@lacity.org](mailto:communityrelationsoig@lacity.org)

Website: [oig.lacity.org](http://oig.lacity.org)



Download the free OIG mobile app here:

Android:



iPhone:



### Office of the Inspector General Los Angeles Police Commission



350 S. Figueroa Street, Suite 1002

Los Angeles, CA 90071

213-893-6400

7 a.m. - 4 p.m., Monday-Friday

## ABOUT OUR OFFICE

### The Mission of the Office of the Inspector General (OIG) is to:

- Provide strong, independent, and effective oversight of the LAPD.
- Ensure that all LAPD employees act with honesty, dignity, and respect toward the public.
- Conduct community outreach to educate the public about the OIG, the Police Commission, and the LAPD.

### The OIG has substantial authority to conduct its work.

- We report directly to the Police Commission. As such, the Police Chief has no power or influence over our work.
- We can initiate an investigation on any topic. We have access to all of LAPD, including its facilities, documents, audio, and video evidence.
- We can compel any LAPD employee to cooperate with our investigations.

## WHAT WE DO

### We monitor and review all serious uses of force by LAPD officers.

- This includes all officer-involved shootings, discharges of firearms, or other uses of deadly force.
- We also review all in-custody deaths or uses of force resulting in hospitalization.
- We begin our investigation and review of each incident by responding to the scene within two hours of being informed of its occurrence.

### We oversee the LAPD's disciplinary process.

- We are a point of intake for any complaint of misconduct against an LAPD employee.
- We track and review internal investigations when they involve serious or high-profile incidents, or upon a request from the public.

### We conduct audits and systemic reviews.

- We can review any area of LAPD operations to ensure compliance with policy and the law.

## WHO WE ARE

### The OIG was established through a voter-approved amendment to the City Charter in 1995.

- The formation of our office was a recommendation of the Christopher Commission, which examined the LAPD's operations following the Rodney King incident.
- The OIG's authority was further strengthened following the 1998 Rampart incident and subsequent reforms.

### The OIG is staffed by approximately 35 civilian professionals with diverse backgrounds relevant to oversight of law enforcement.

- Staff experience includes investigations, audits, legal analysis, law enforcement, and policy writing.
- Certifications/degrees earned by various OIG staff members include Juris Doctorate and Master's, Certified Practitioner of Oversight, and Certified Law Enforcement Auditor, among others.

Philadelphia, PA: Complaint form



# COMPLAINT FORM

Date Received: \_\_\_\_\_  
Complaint #: \_\_\_\_\_

Name of Complainant:				Date of Birth:	
Complainant Address:					
City, State, Zip Code:					
Primary Phone:		Primary Email:			
<b>Complainant Demographics</b>					
<b>Gender</b>					
<input type="radio"/> Female	<input type="radio"/> Non-Binary/Third Gender	<input type="radio"/> Prefer to self-describe:			
<input type="radio"/> Male	<input type="radio"/> Trans Male	<input type="radio"/> Trans Female	<input type="radio"/> Prefer not to answer		
<b>Race</b>					
<input type="checkbox"/> White	<input type="checkbox"/> Black/African American	<input type="checkbox"/> American Indian/Alaska Native	<input type="checkbox"/> Other/Not listed:		
<input type="checkbox"/> Asian	<input type="checkbox"/> Native Hawaiian/Other Pacific Islander	<input type="checkbox"/> Prefer not to answer			
<b>Ethnicity</b>					
<input type="radio"/> Hispanic/Latinx	<input type="radio"/> Not Hispanic/Latinx				
<b>Disability</b>					
Do you have a disability?	<input type="radio"/> Yes	<input type="radio"/> No	Is your disability related to the incident?	<input type="radio"/> Yes	<input type="radio"/> No
If yes, please list disability here:					
<i>Note: CPOC only has jurisdiction over the Philadelphia Police Department. Complaints involving other police departments will be forwarded to the appropriate agency.</i>					
Did the incident involve a Philadelphia Police Officer?	<input type="radio"/> Yes	<input type="radio"/> No			
<b>Police Officer Involved Information</b>					
<b>Badge #</b>	<b>Name</b>	<b>Race/Gender</b>	<b>Identifying Features (e.g., hair, height, etc.)</b>		
Date and Time of incident:					
Location of incident:					
Were any injuries suffered?	<input type="radio"/> Yes	<input type="radio"/> No	If yes, please describe:		
Was medical treatment provided for injuries:	<input type="radio"/> Yes	<input type="radio"/> No	If yes, please describe:		
Were photos taken?	<input type="radio"/> Yes	<input type="radio"/> No	If yes, by whom?		
Was the event digitally recorded?	<input type="radio"/> Yes	<input type="radio"/> No	If yes, by whom? (e.g.: self, business surveillance, etc.)		

[illegible]

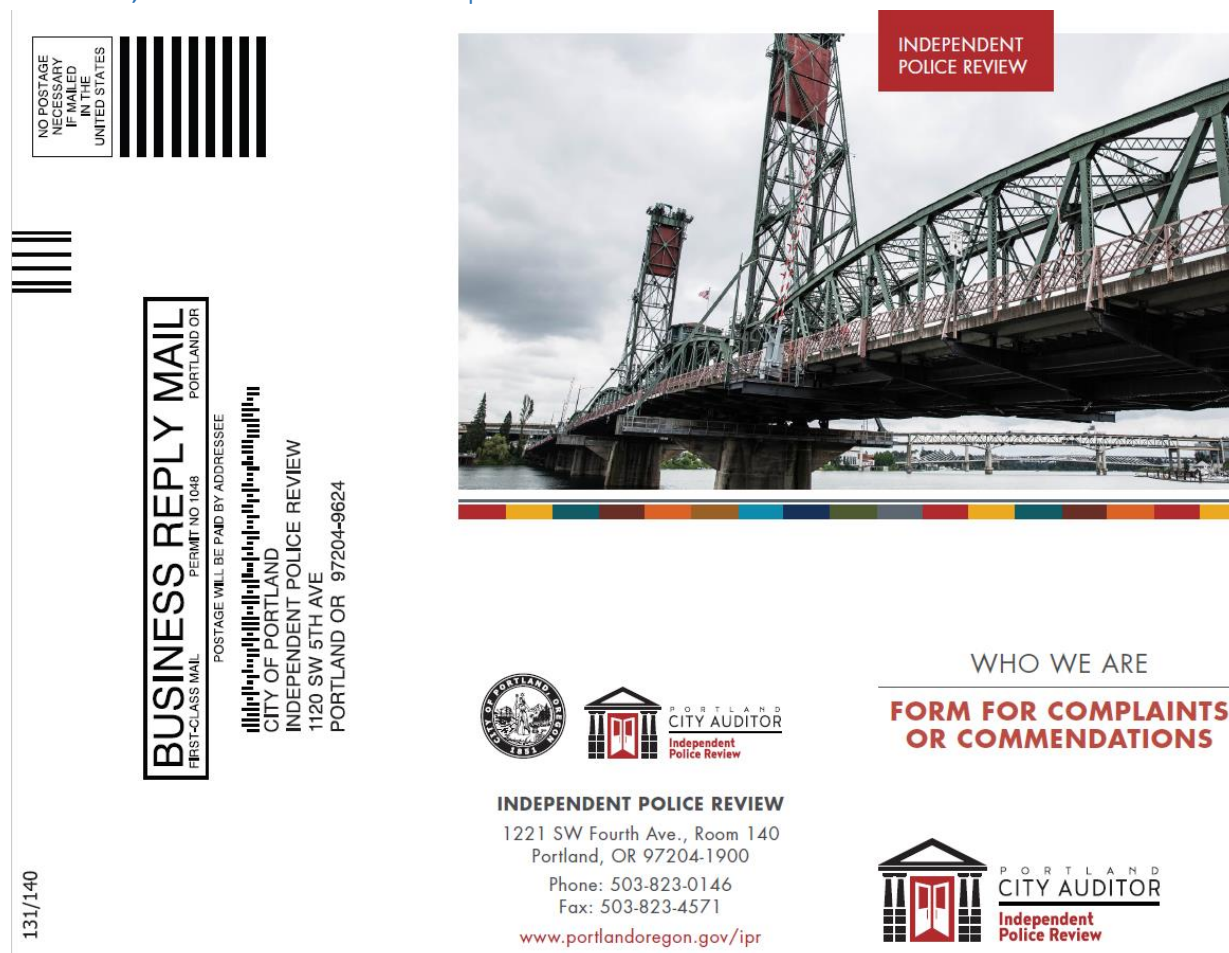
## Certification

*I hereby certify to the best of my knowledge, the statements made on this complaint are true.*

Signature of complainant \_\_\_\_\_ Date \_\_\_\_\_

How did you hear about the Philadelphia Citizens Police Oversight Commission?				
	Internet:			Publication:
	Referral:			Other:

## Portland, OR: Brochure and Complaint form





*Resource Packet for the City of Madison's Office of Independent Monitor (OIM) and Police Civilian Oversight Board (PCOB)  
Citizen Complaint Process*

## WHAT IS IPR?

Portland City Auditor's Independent Police Review (IPR) provides impartial oversight of police conduct, practices, and policies to increase accountability and trust. IPR is not part of the Portland Police Bureau (Police Bureau). We have three main goals:

- Improve police performance and public accountability
- Make sure public complaints about police are addressed properly and thoroughly
- Recommend policy changes to the Police Bureau

## HOW TO SUBMIT A COMPLAINT OR COMMENDATION:

Complaint/Commendation forms are available to pick up at the IPR office in City Hall or any Police Bureau precinct, or as a download on our website. There are many ways you can submit a complaint or commendation:

- Call the IPR office at 503-823-0146
- File online at [www.portlandoregon.gov/ipr](http://www.portlandoregon.gov/ipr)
- Mail in (the postage is prepaid)
- Bring to the IPR office
- Fax to 503-823-4571

The City of Portland operates on a policy of inclusion, regardless of race, color, national origin, religion, sex, sexual orientation, gender identity, marital status, age or disability. Any person may submit a complaint or commendation, regardless of legal status or citizenship.

## WHAT IPR DOES:

Here are the main functions of IPR:

- We receive complaints and commendations about Police Bureau officers from the community
- We conduct administrative investigations of Police Bureau officers accused of misconduct
- We issue reports about complaints and investigations, and recommend policy changes to improve policing
- We observe and participate in all investigations of officer-involved shootings and in-custody deaths
- We coordinate appeals filed by community members who are not satisfied with the outcome of administrative investigations

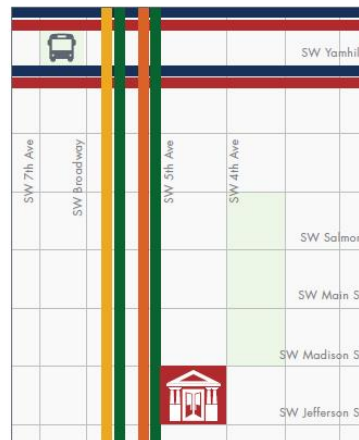
## WHAT IPR DOES NOT DO:

Here are some things that don't fall within our duties:

- We don't interfere with ongoing criminal and civil investigations or actions of the court
- We don't make payments to complainants for damages or losses of personal property
- We don't handle complaints against employees of any agency other than the Police Bureau

## WHERE IS IPR LOCATED?

- We're located inside Portland City Hall, at 1221 SW 4th Ave., Room 140.
- City Hall is close to stops on the Yellow, Orange and Green MAX lines.
- We're also within walking distance of the bus mall at Pioneer Courthouse Square.





## FORM FOR COMPLAINTS OR COMMENDATIONS ABOUT PORTLAND POLICE

- To submit electronically: [www.portlandoregon.gov/ipr](http://www.portlandoregon.gov/ipr)
- To submit by phone: 503-823-0146  
(language assistance available)
- To submit in writing: mail or deliver this postage-paid form to the IPR office, or fax to 503-823-4571
- TTY/TDD: 503-823-6868

Office Use Only:

I want to submit a: ☐ Complaint ☐ Commendation

☐ Interested in mediation?

### Information about you:

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Initial: \_\_\_\_\_

Primary Phone: \_\_\_\_\_ Secondary Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Gender Identity: \_\_\_\_\_ Race / Ethnicity: \_\_\_\_\_

Street: \_\_\_\_\_ Apt: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

### How were you involved in the incident?

☐ It happened to me ☐ I witnessed it ☐ I heard about it

Are you represented by an attorney in this matter? ☐ Yes ☐ No

Attorney's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

### Information about the incident:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ a.m. / p.m.

Address / Location: \_\_\_\_\_

### Information about the Portland Police Bureau officer(s) or Bureau employee(s) involved:

Name: \_\_\_\_\_ Badge Number: \_\_\_\_\_

Name: \_\_\_\_\_ Badge Number: \_\_\_\_\_

### If there were witnesses, please tell us about them (attach additional pages if needed):

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

### Briefly summarize what happened (attach additional pages or documents if needed):

\_\_\_\_\_

TEAR ALONG PERFORATION • FOLD AND TAPE CLOSED • NO POSTAGE NECESSARY

### WHEN WE RECEIVE A COMPLAINT:

When a community member submits a complaint, we assign one of our staff to investigate it. That investigator interviews the person who submitted the complaint and any other community witnesses, identifies the officer(s) involved, and locates records of the incident. Once the investigation is complete, we choose one of several ways to handle the complaint:

- Request additional investigation
- Arrange mediation, if both the community member and the officer agree to it
- Close the complaint

### WHEN WE RECEIVE A COMMENDATION:

When a community member submits a commendation, we forward it directly to the Chief of Police, and also send copies to the commended officer(s) and their supervisor.

### IPR COMMUNITY-POLICE MEDIATION PROGRAM:

IPR's mediation program is a voluntary, confidential process where a professional mediator helps community members and officers talk and listen to each other. It's a chance for community members and officers to express their thoughts and hear how their actions affect each other.

### WHY ARE SOME COMPLAINTS CLOSED?

Here are common reasons for closing a complaint after an initial investigation (reasons are not limited to this list):

- A lack of supporting evidence to prove officer misconduct
- An inability to identify the officer involved

## WE HEAR YOU

**Even if an individual complaint is closed or allegations of misconduct are not confirmed, we keep a record of every complaint in our IPR database. This lets us analyze and report on all the complaints received over time, and identify any patterns or common issues – which we use to make recommendations for how the Police Bureau can improve policies or training.**

### CITIZEN REVIEW COMMITTEE:

Portland has a Citizen Review Committee, which is composed of 11 volunteers from the community. Committee members are appointed by City Council, and they review community concerns about police services, develop and deliver policy recommendations to IPR and the Police Bureau, and hear appeals from both community members and officers.

### TAKE ADVANTAGE OF COMMUNITY OUTREACH:

If you'd like to learn more about IPR's duties, provide feedback about policing, host an educational session on police oversight, or find out more about the commendation or complaint process, please call our IPR Community Outreach Coordinator at 503-823-0146.



Phone: 503-823-0146  
Fax: 503-823-4571  
TTY/TDD: 503-823-6868

1221 SW Fourth Ave., Room 140  
Portland, OR 97204-1900  
[www.portlandoregon.gov/ipr](http://www.portlandoregon.gov/ipr)  
[ipr@portlandoregon.gov](mailto:ipr@portlandoregon.gov)





## Salt Lake City, UT: Request for Investigation Form

### Salt Lake City Police Civilian Review Board Request for an Investigation Form



Your name \_\_\_\_\_

Address \_\_\_\_\_

Home phone \_\_\_\_\_ Work phone \_\_\_\_\_ Cell phone \_\_\_\_\_

Email address \_\_\_\_\_

Date and time of incident \_\_\_\_\_

Location of incident \_\_\_\_\_

Officer's name and ID number \_\_\_\_\_

Date complaint filed with Police Department \_\_\_\_\_

Brief description of incident

Brief description of your specific complaint

Witness information, if available

Name \_\_\_\_\_

Address \_\_\_\_\_

Home phone \_\_\_\_\_ Work phone \_\_\_\_\_ Cell phone \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Home phone \_\_\_\_\_ Work phone \_\_\_\_\_ Cell phone \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Home phone \_\_\_\_\_ Work phone \_\_\_\_\_ Cell phone \_\_\_\_\_

Additional comments, if any

Board use only Date received \_\_\_\_\_ CRB number \_\_\_\_\_ LA number \_\_\_\_\_

## San Diego, CA: Complaint Form

### CITY OF SAN DIEGO



### COMPLAINT FORM

The Citizens' Review Board on Police Practices (CRB) encourages any person(s) who believe that they have experienced or observed police misconduct to file a complaint with the San Diego Police Department (SDPD) and/or with the CRB. The CRB recognizes that completing and submitting the Complaint Form may be intimidating and stressful. The CRB wishes to assure complainants and witnesses that they will be able to do so without fear of retaliation or adverse consequences.

The CRB takes all complaints seriously, but only reviews complaints containing one or more of the following serious allegations: (1) False Arrest – an officer allegedly knew, or should have known, that there was insufficient probable cause for an arrest or conducted a bad faith Fourth Amendment searches; (2) Criminal Conduct – an alleged violation of Federal, State, County, or Municipal law; (3) Discrimination – alleged unequal treatment due to a person's gender (including gender identity and gender expression), race, color, national origin, ancestry, religion, physical or mental disability, medical condition (including cancer, HIV, and AIDS), age, political beliefs or affiliation, marital status, sexual orientation, lifestyle, or similar personal characteristics; (4) Slur – an allegation of a derogatory term that a reasonable person would recognize as an inherent insult or degradation of another (based upon the same characteristics as listed for Discrimination); and (5) Force – an allegation that more force was used than reasonably necessary. If one of these serious violations is alleged, the CRB will also review less serious allegations, including poor service, discourtesy, failure to follow SDPD procedures, and conduct unbecoming an officer.

The CRB's primary goal is to ensure complaints against SDPD officers are investigated thoroughly, completely and fairly, giving equal consideration to citizens and officers alike. The CRB also reviews all officer involved shootings at a person and in-custody deaths. The CRB is also tasked with reviewing and evaluating the administration of discipline arising from sustained allegations. Subsequent to the review and evaluation process, the CRB may recommend improvements in policy, procedures or training of police officers to the Mayor and/or Chief of Police.

**Please note: The complaint form must be signed by the complainant himself/herself.**

The completed Complaint Form may be submitted in person or by mail to:

**Citizens' Review Board on Police Practices  
1010 Second Avenue, Suite 1325  
San Diego, CA 92101**

Copies of the Complaint Form may also be downloaded from the CRB's website:

<http://www.sandiego.gov/citizensreviewboard> . This form may also be submitted by e-mail to [citizensreviewboard@sandiego.gov](mailto:citizensreviewboard@sandiego.gov)

CITY OF SAN DIEGO  
CITIZENS' REVIEW BOARD ON POLICE PRACTICES

COMPLAINT FORM

OFFICE USE ONLY

CRB Case#: \_\_\_\_\_

I.A. Case #: \_\_\_\_\_

INSTRUCTIONS FOR COMPLETING COMPLAINT FORM:

Please describe the incident that led to this complaint, telling what happened from beginning to end. Be as clear and specific as you can be. What aspect(s) of the incident was improper (your specific complaint). How could it be resolved to your satisfaction?

COMPLAINANT NAME \_\_\_\_\_ HOME PHONE ( ) \_\_\_\_\_

ADDRESS \_\_\_\_\_ BUS. PHONE ( ) \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ DOB \_\_\_\_\_

Optional Information:

The following information is being collected for CRB statistical purposes and is entirely optional. The completion or not of this information will not in any way affect the outcome of the investigation.

Gender/ Gender Identity/Gender Expression \_\_\_\_\_ Race/Ethnicity \_\_\_\_\_

INCIDENT LOCATION:

\_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_

SDPD PERSONNEL INVOLVED:

NAME: \_\_\_\_\_ Gender: \_\_\_\_\_ Race: \_\_\_\_\_ Badge #: \_\_\_\_\_ ID # \_\_\_\_\_

NAME: \_\_\_\_\_ Gender: \_\_\_\_\_ Race: \_\_\_\_\_ Badge #: \_\_\_\_\_ ID # \_\_\_\_\_

NAME: \_\_\_\_\_ Gender: \_\_\_\_\_ Race: \_\_\_\_\_ Badge #: \_\_\_\_\_ ID # \_\_\_\_\_

NAME: \_\_\_\_\_ Gender: \_\_\_\_\_ Race: \_\_\_\_\_ Badge #: \_\_\_\_\_ ID # \_\_\_\_\_

WITNESS (ES):

NAME \_\_\_\_\_ HOME PHONE ( ) \_\_\_\_\_ BUS. PHONE ( ) \_\_\_\_\_

ADDRESS \_\_\_\_\_ DOB \_\_\_\_\_

NAME \_\_\_\_\_ HOME PHONE ( ) \_\_\_\_\_ BUS. PHONE ( ) \_\_\_\_\_

ADDRESS \_\_\_\_\_ DOB \_\_\_\_\_

NAME \_\_\_\_\_ HOME PHONE ( ) \_\_\_\_\_ BUS. PHONE ( ) \_\_\_\_\_

ADDRESS \_\_\_\_\_ DOB \_\_\_\_\_

Please answer Yes/No: Did you include the following with this complaint? \_\_\_\_\_Video(s) \_\_\_\_\_Photo(s)

INCIDENT DESCRIPTION/COMPLAINT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(USE BACK OF FORM IF MORE SPACE IS NEEDED)



## San Francisco Bay Area Rapid Transit District (BART): Web-based Complaint Form

### Office of the Independent Police Auditor Complaint Form

#### SERVICE ADVISORY:

Free buses replace trains between Rockridge and Orinda stations this Saturday and Sunday (4/1-2) for track replacement work. Expect delays of 30 minutes in the area

300 Lakeside Drive, 14th Floor, Oakland, CA 94612  
P.O. Box 12688, Oakland, CA 94604-2688  
Phone: (510) 874-7477 Fax: (510) 874-7475  
oipa@bart.gov | www.bart.gov/policeauditor

#### 1. About You

*If you wish to file your complaint anonymously, please leave the contact information fields blank. However, if you would like to receive communication about the status of your complaint, we suggest entering an email address or phone number. Alternatively, you may also call us at (510) 874-7477 regarding your complaint.*

First Name

Last Name

Middle Initial

City

State

California

Zip

Best Time to Contact You

E-mail Address

Primary Phone

Alternate Phone

Gender

Age

Are You

-Select-

Resource Packet for the City of Madison's Office of Independent Monitor (OIM) and Police Civilian Oversight Board (PCOB)  
Citizen Complaint Process

Location of Incident (Please be as descriptive as possible -- any information listed may prove helpful in investigating your complaint.)

Were you injured?

-Select-

If yes, please describe your injuries:

Were you treated by a medical professional?

-Select-

Were you arrested?

-Select-

Are criminal charges pending?

-Select-

Are you represented by legal counsel with regard to this incident?

-Select-

If yes, please supply contact information for your attorney:

### 3. Victim/Witness Information

Name	Status: (Victim or Witness)	Address	Phone
<div></div>	<div>-Select-</div>	<div></div>	<div></div>
<div></div>	<div>-Select-</div>	<div></div>	<div></div>
<div></div>	<div>-Select-</div>	<div></div>	<div></div>
<div></div>	<div>-Select-</div>	<div></div>	<div></div>

### 4. Involved Police Officer Information

Badge Number	Name	Sex	Race	Description
<div></div>	<div></div>	<div></div>	<div></div>	<div></div>
<div></div>	<div></div>	<div></div>	<div></div>	<div></div>
<div></div>	<div></div>	<div></div>	<div></div>	<div></div>

Were any of the officers in a police car?

-Select-

If yes, please provide any identifying information that you have about the car(s):

## 5. Incident Description

Please describe the incident that forms the basis of your complaint. The more detail you are able to supply, the better equipped an investigator will be to conduct a thorough investigation:

## 6. Verification

- ☐ In order to submit your complaint you must first check this box to verify that the information you are submitting is true, to the best of your knowledge.

## Washington, D.C.: Complaint Form

<p align="center"><b>COMPLAINT FORM</b></p> <p align="center"><b>GOVERNMENT OF THE DISTRICT OF COLUMBIA</b>  <b>OFFICE OF POLICE COMPLAINTS</b>  1400 I Street, NW, Suite 700  Washington, DC 20005  Tel: (202) 727-3838  Fax: (202) 727-9182  24-Hour Toll-Free Hotline: (866) 588-0569  <a href="http://www.policecomplaints.dc.gov">www.policecomplaints.dc.gov</a>  <a href="mailto:dcpolice.complaintsoffice@dc.gov">dcpolice.complaintsoffice@dc.gov</a></p>				<i>To Be Completed by MPD Staff</i> Name   Rank   CAD No.	
				Incident Summary (IS) Number	
				Date & Time Complaint Received	
				<i>To Be Completed by OPC Staff</i> OPC Control Number	
How Did You Hear About OPC (please specify):				Received: In Person   Fax   E-mail   U.S. Mail   MPD   Other (please specify below):	
Complainant's Name – Last, First, Middle		Date of Birth	Gender	Race or Ethnicity	
Home Address			Home Telephone Number		
Email Address		Cell Number	Alternate Contact Information		
Date of Incident	Location of Incident	Time of Incident	Day of Week Incident Occurred	Police Vehicle No. / Description	
Officers Involved (name, badge number, police district, if known)					
Physical Description of Officer(s) (hair and eye color, height, sex, race/ethnicity, etc.)					
Describe Injuries (if any)			Where Treated (name of hospital, doctor, etc.)		
Name(s), Telephone Number(s) or Contact Information for Other People Present During the Incident (including other police officers)				Preferred Language of Communication (if other than English)	

Form OPC-1 (09/17)

(Please continue on the reverse side)



*Resource Packet for the City of Madison's Office of Independent Monitor (OIM) and Police Civilian Oversight Board (PCOB)*  
*Citizen Complaint Process*

Form OPC-1 (09/17) (Reverse Side)

Complainant's Name – Last, First, Middle

OPC Control Number

*To Be Completed by OPC Staff*

Describe the Incident:

Attach Additional Pages if Necessary

Page of

Complainant's Certification

I hereby certify that to the best of my knowledge, and under penalty of perjury, the statements made herein are true.

Complainant's Signature

Date