

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.