Building consensus for police oversight: A case study of the reform process in the Madison Police Department

(Construyendo consenso para la supervisión de la policía: Un estudio de caso sobre el proceso de reforma al Departamento de Policía de Madison)

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Abstract

This article examines how civilian oversight reform emerges and gains legitimacy through a case study of Madison, Wisconsin, where the 2015 police killing of Tony Robinson catalyzed a wide-ranging reform process. Focusing on the Madison Police Department Policy & Procedure Review Ad Hoc Committee, the article introduces the concept of collaborative institutionalization to explain how inclusive and procedurally fair institutional design can foster consensus and enable sustained reform within stable democratic settings. Drawing on interviews, documentary analysis, and meeting observations, the study traces the creation of a dual civilian oversight model: an Independent Monitor's Office and a Civilian Oversight Board. Madison's experience shows how proactive political leadership, community engagement, and constructive police participation can support negotiated institutional change, even amid resistance. The article argues that collaborative institutionalization offers a viable alternative to top-down reforms, which often provoke institutional resistance, and bottom-up efforts, which may lack institutional traction.

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Resumen

El artículo examina cómo se origina y gana legitimidad una reforma de supervisión civil de la policía a través del estudio de caso de Madison, Wisconsin, donde el asesinato de Tony Robinson en 2015 a manos de la policía de la ciudad, catalizó un amplio proceso de reforma. Centrándose en el trabajo del Comité Ad Hoc de Revisión de Políticas y Procedimientos del Departamento de Policía de Madison, el artículo introduce el concepto de institucionalización colaborativa para explicar cómo un diseño institucional inclusivo y procedimentalmente justo puede favorecer el consenso y permitir reformas en contextos democráticos estables. Basado en entrevistas, análisis documental y observación de reuniones, el estudio rastrea el desarrollo de un modelo dual de supervisión civil: una Oficina del Monitor Independiente y una Junta de Supervisión Civil. La experiencia de Madison muestra cómo el liderazgo político proactivo, la participación de la comunidad y la colaboración constructiva de la policía pueden viabilizar un cambio institucional negociado, incluso frente a resistencias. El artículo sostiene que la institucionalización colaborativa ofrece una alternativa viable frente a reformas impuestas desde arriba, que suelen generar resistencia institucional, como a los movimientos de reformas desde abajo, que pueden carecer de arraigo institucional.

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1. Introduction

In the aftermath of high-profile incidents of police use of deadly force—from Ferguson (2014) to Minneapolis (2020)—U.S. cities have increasingly turned to civilian oversight mechanisms as a primary response to restore police legitimacy and community trust. Thus, this "post-Ferguson" era[1] has witnessed an unprecedented proliferation of civilian oversight bodies across the United States. With over 200 agencies now operating across the U.S. (Walker 2001, De Angelis *et al.* 2016a and 2016b) and a growing body of literature studying them (Wilson 2013, Hope 2020, Keyes and Keyes 2023), they are now present in countries such as Australia, New Zealand, Canada (den Heyer and Beckley 2013, Mugari 2021, Puddister and McNabb 2024), with increasing presence in Europe and Africa (Mugari 2021, Varaine and Roché 2023).

Reform processes typically emerge from specific triggering events that create opportunities for institutional change. Research identifies several common catalysts: excessive police violence against specific communities, corruption scandals, rising crime rates, regime transitions, or post-conflict situations (Frühling 2007, González 2019, Marat 2021, Fuentes 2024). Madison's reform process exemplifies the violence-triggered pathway, where Tony Robinson's death generated the crisis conditions that research identifies as necessary—though not sufficient—for reform initiation. In this context, this paper introduces the concept of *collaborative institutionalization* to describe how institutional design can foster reform through inclusive, structured deliberation—especially in democratic.

Civilian oversight mechanisms vary considerably in their design, powers, and institutional arrangements,[2] reflecting the diverse local contexts and political dynamics in which they emerge. While civilian oversight represents one dimension of police reform, it is important to recognize that police reform encompasses a broader spectrum of institutional changes. Following Fuentes (2024), police reform may include: (1) formal changes in laws and institutional arrangements, (2) procedural modifications in operational practices, (3) measurable impacts on outcomes, and (4) deeper cultural transformations in police organizations. Despite this broader scope, existing scholarship has primarily focused on institutional design features rather than implementation processes.

Indeed, existing scholarship has extensively documented the types and structures of such mechanisms (Sen 2010, De Angelis *et al.* 2016a, Stephens *et al.* 2018, Beltrán 2020), emphasizing factors such as investigatory powers, community access, and institutional independence (Walker 2001, De Angelis and Kupchik 2007, Sen 2010, De Angelis *et al.* 2016b). However, comparatively less attention has been devoted to the political and institutional processes through which these mechanisms emerge, achieve stakeholder

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[1] The so called "Ferguson Effect" or "post-Ferguson" era refers to the period following the 2014 police killing of Michael Brown in Ferguson, Missouri, which sparked nationwide protests and catalyzed a renewed focus on police accountability and racial justice. This moment marked a shift in public discourse and policymaking, leading many U.S. cities to adopt or expand civilian oversight of law enforcement. Also, the "Ferguson Effect" has been studied from different perspectives, for example, see: Dobrin *et al.* (2021); Deuchar *et al.* (2018); Fields (2019).

[2] I will not address the theory of civilian oversight of law enforcement. For a broad understanding and an overview of civilian oversight, *see*: De Angelis *et al.* (2016a, 2016b), Ferdik *et al.* (2013), Miller (2002), Walker (2001, 2006), Stone and Bobb (2002), Stephens *et al.* (2018).

acceptance, and operate in practice. This study focuses primarily on how formal institutional processes can generate consensus around oversight mechanisms, while acknowledging that implementation and cultural change represent subsequent stages requiring different analytical approaches (see *infra* at 2.5.).

Scholarship has developed theoretical frameworks to explain when and how police reform occurs. In particular, two contributions illuminate the political and societal conditions that enable successful police accountability initiatives. On the one hand, analyzing police reform in transitional democracies, González (2019, 2020) argues that meaningful reform requires the convergence of two conditions: political competition and aligned societal preferences. Based on case studies from Latin America, she shows that each factor alone is insufficient—competitive elections without unified public demand produce only superficial reforms, while widespread societal pressure without electoral threat fails to move politicians to action. Only when both elements align do political leaders gain the incentive and legitimacy to confront entrenched police resistance and implement substantial accountability measures. On the other hand, examining post-authoritarian regimes in post-Soviet Eurasia, Marat (2021) finds that reform tends to follow crises of state violence, particularly incidents of transformative police abuse that provoke mass mobilization. However, the likelihood and depth of reform vary by context. Thus, reforms would be more likely when such incidents occur in urban areas, where civil society is denser and better positioned to sustain pressure through institutional channels. In contrast, rural protests often result in "police refurbishment"—i.e., cosmetic changes that reinforce existing structures without real accountability.

These frameworks are supplemental and highlight the central role of organized societal action in catalyzing reform. However, they are primarily grounded in contexts of regime transition or consolidation, where questions of state authority and democratic legitimacy remain contested. In contrast, subnational reform efforts in established democracies—such as cities within the United States—require theoretical adaptation. In these settings, the challenge lies not in dismantling authoritarian legacies but in embedding oversight mechanisms within already-professionalized police institutions. Electoral pressures may be less acute, and civil society actors typically engage through formalized institutional channels rather than confronting systemic regime instability.

The City of Madison, Wisconsin, offers a compelling case through which to examine how these dynamics unfold at the municipal level in a stable democratic context. Following the fatal shooting of Tony Robinson by a Madison Police Department (MPD) officer in March 2015, the city embarked on an extensive four-year reform process led by the Madison Police Department Policy & Procedure Review Ad Hoc Committee. This process culminated in 177 recommendations and the proposed creation of a dual civilian oversight system: an Independent Monitor's Office overseen by a Civilian Oversight Board. What makes Madison particularly noteworthy is not only the scope of its reform effort, but also the relatively collaborative nature of the process and the apparent legitimacy achieved by the oversight mechanism—outcomes that contrast sharply with the contentious battles observed in many other jurisdictions.[3]

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[3] As will be describe in section 3, the decision to create a civilian oversight mechanism was made through citizen participation, giving them a leading role in shaping the specific mechanism, following the President's Task Force recommendations (Findley *et al.* 2019, p. 29; President's Task Force on 21st Century Policing 2015,

However, this reform process did not emerge spontaneously. Rather, it was catalyzed by a series of incidents involving the Madison Police Department, most notably, the fatal shooting of Tony Robinson on March 6, 2015. The incident, which involved a police officer who had previously been involved in another fatal shooting, intensified longstanding tensions between the MPD and Madison's communities of color (Laughland and Sullivan 2015, Findley *et al.* 2019). This landmark incident brought the issue of excessive use of force to the forefront and marked a turning point after years of recurring controversies. Demands to hold the MPD accountable posed a significant challenge to local authorities.

In the United States, high-profile incidents like the Robinson case have often served as inflection points for institutional reform, as police departments seek to restore moral authority, integrity, and public confidence. Among the various responses, civilian oversight has emerged as the most common and normatively accepted mechanism to promote police accountability across the country (Sen 2010, p. 138, De Angelis *et al.* 2016a, p. 3). The City of Madison is no exception.

This study examines the path toward reforming the MPD, with a particular focus on the role of the Ad Hoc Committee responsible for leading such a process which ended up recommending a civilian oversight mechanism. The central aim is to analyze the origins and execution of the reform process. I address the following research question: What enabled the Ad Hoc Committee to sustain a collaborative reform process and build sufficient consensus to produce comprehensive oversight recommendations despite initial resistance?

To answer this question, I employ qualitative research methods and provide a process-oriented analysis of the Committee's work. Also, the study traces the rationale behind the decision to implement a dual civilian oversight structure and the factors that facilitated its adoption.

In this study, I argue that what I call collaborative institutionalization approach—combining proactive political leadership, structured community engagement, and sustained police participation—offers a replicable model for civilian oversight implementation in stable democratic contexts. In contrast to top-down reforms efforts that often provoke institutional resistance, or bottom-up movements that may lack institutional support, Madison's approach combined proactive political leadership with genuine community empowerment and structured police engagement. This experience offers valuable insights into the conditions under which civilian oversight can be both politically feasible and institutionally sustainable.

The remainder of this paper proceeds as follows. Section 2 outlines the study's methodological approach and data sources. Section 3 presents the empirical findings, tracing the trajectory from the initial crisis through the formation of the Ad Hoc Committee, stakeholder engagement, and the issuance of final recommendations. Section 4 offers an analytical examination of Madison's collaborative reform strategy, highlighting institutional design features and interactional dynamics that facilitated

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p. 26). See Recommendation 2.8.: "Some form of civilian oversight of law enforcement is important in order to strengthen trust with the community. Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community."

consensus-building across diverse stakeholders. Section 5 situates the case within broader theoretical debates on police reform and civilian oversight, drawing implications for understanding the conditions under which successful reform implementation becomes possible.

2. Current study

This study adopts an exploratory-descriptive approach to examine the process through which the Madison Police Department (MPD) reform initiative—particularly the decision to implement a civilian oversight mechanism—took shape. I focus on the role and work of the Ad Hoc Committee and the broader political and institutional dynamics surrounding the process.

The core of the research is based on semi-structured interviews, complemented by documentary analysis and non-participant observations. I triangulated these sources to enhance the validity of the findings.

This study is grounded in a constructivist-interpretivist epistemology, which assumes that institutional practices and meanings are socially constructed and context-dependent. Rather than aiming for generalizable truths, the research seeks to develop situated understanding through engagement with the perspectives of participants and public documents. This approach acknowledges that knowledge is partial and shaped by the researcher's interpretive lens (Schwartz-Shea and Yanow 2012).

2.1. Interviews as primary data source

Interviews served as the primary source of empirical data, offering firsthand accounts of the Committee's internal processes, stakeholder interactions, and decision-making dynamics. Between January and April 2020, I conducted five semi-structured interviews with individuals who either directly participated in the Committee's work or were closely involved in its observation or facilitation.

I initially contacted ten individuals by email to invite them to participate in this research. Only five replied and gave their informed consent to participate. They were advised of the use of the information and the research's purpose. No retribution was provided to participants, but I assured them of anonymity.

Participants were interviewed via FaceTime or Facebook Video Chat, given COVID-19 restrictions. Interviews, lasting between 40 and 60 minutes, were audio-recorded with permission, and subsequently transcribed verbatim to facilitate analysis.

Participants were selected through purposive sampling, attempting to ensure a diversity of perspectives. Persons A and B were members of the Ad Hoc Committee. Person A assumed the role of Committee Member and served as co-chair during the initial two years. Additionally, this individual possesses extensive experience in the field of policing, having previously served as a police officer and being recognized as the first MPD Latinx officer. Person B actively attended the Committee's meeting as a community member. Then, based on their active engagement, B was eventually appointed as Committee member in 2016.

Persons C, D and E were not committee members. Person C participated in the process acting on behalf of the Madison authorities. In this capacity, C provided legal advice and

logistic support to the Committee. Person D actively participated in the process by attending Committee's meetings to observe them, representing a non-profit organization called The League of Women Voters with mandate to monitor process transparency. Person E, a distinguished high-ranking police officer, actively participated in the Committee's meetings as the MPD representative, duly appointed by the Chief of Police to participate in deliberations.

The purposive sampling strategy ensured representation of key stakeholder categories: committee members (internal perspective), legal/administrative support (institutional perspective), community oversight (external monitoring), and police participation (organizational perspective). This approach prioritizes depth and diversity of viewpoints over sample size, consistent with interpretivist methodology that values rich, contextual understanding over statistical generalization. Although small, this sample enables capturing both internal and external perspectives on the reform process, cross-verification of narratives and identification of institutional tensions.

2.2. Documentary review and observations as complementary sources

To complement and contextualize the interviews, following Webley (2010), I reviewed public documents, including the Committee's final report, meeting agendas and minutes, city government publications, local news coverage, and other open records.

Additionally, I observed approximately 12 hours of video recordings of Committee meetings.[4] These observations – selected based on the thematic index included in the Committee's final report aligning with the research's interests – provided insights into discussion dynamics, participant roles, debates and decision-making.

Moreover, to further contextualize the institutional environment of the Madison Police Department, I was part of the ride along program, completing an 8-hours ride-along with police officers. While not directly tied to the Committee's work, this observational experience offered background on the organizational culture and community-facing aspects of the department under reform.

2.3. Triangulation as analytical strategy

Triangulation was a central strategy, used to enhance the trustworthiness of the research and compensate for the limitations inherent in relying on a small number of interviews (Taekema 2021). Thus, I did not merely use documentary sources and observations as background materials but as active tools for cross-checking, corroborating, or complicating interview accounts. This multi-source design allowed for a more nuanced analysis of how stakeholders interpreted events and how decisions were framed publicly and internally.

2.4. Limitations

In addition to the inherent limitations of the methods, I anticipate other limitations given the circumstances surrounding this research. As noted in Section 2, the study is grounded in a constructivist-interpretivist epistemology, which entails both strengths

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[4] See the Madison City Channel: https://media.cityofmadison.com/Mediasite/Showcase/madison-city-channel/VideoSearch#VideoSearch/

and trade-offs. First, the interpretivist approach and focus on process dynamics may not capture all dimensions of reform implementation or long-term outcomes. Second, while the five interviews provide diverse stakeholder perspectives, they represent a small subset of all participants and may not reflect the full range of community views, particularly among less organizationally connected residents. However, the extensive documentary record and meeting observations help mitigate this limitation through triangulation. Third, as noted, conducting research in a second language and foreign institutional context may have influenced interpretation of certain interactions, though this was addressed through systematic member-checking and document verification.

Additionally, as anticipated, this study examines what Fuentes (2024) characterizes as the first two dimensions of reform: formal institutional changes and procedural modifications. The analysis does not assess outcome effectiveness or cultural transformation, which represent deeper levels of reform requiring longitudinal research and different methodological approaches. This limitation is particularly important given comparative research suggesting that many reform processes fail at implementation stages despite achieving formal consensus (Dammert 2020).

3. Findings

This section presents the main findings, structured around seven thematic areas. First, it traces the sequence of high-profile incidents that catalyzed the reform process. Second, it examines the formation and composition of the Ad Hoc Committee. Third, it reviews the committee's strategies for stakeholder engagement and information gathering. Fourth, it describes and evaluates the pre-existing landscape of police oversight in Madison. Fifth, it addresses patterns of police cooperation and resistance. Sixth, it describes the proposed dual oversight model. Finally, it explores the rationale articulated by the committee for implementing this new civilian oversight structure. These findings provide the factual foundation for the subsequent analytical discussion in Section 4.

3.1. From crisis to control: An ideal scenario to reform

The Madison Police Department reform process emerged from a series of tragic incidents that crystallized long-standing community concerns about police accountability. Person B characterized the initial context as "undeniably tragic and regrettable," yet simultaneously recognized it as positioning the MPD and authorities in an ideal scenario to embark on meaningful reform.

Three incidents particularly shaped the pre-reform landscape. On November 9, 2012, Paul Heenan, in an intoxicated state, mistakenly entered a neighboring house and was fatally shot by police while unarmed (Isthmus 2012, Lueders 2013). In 2014, Ashley DiPiazza was killed during a mental health crisis, with her family expressing dissatisfaction with the police response to what they characterized as a "suicidal person having a mental health crisis" (Derby 2017, García 2019). Most significantly, on March 6, 2015, Tony Robinson was shot and killed following an altercation on Williamson Street.

The Dane County District Attorney cleared the officer involved, and the MPD determined the shooting was within policy.[5]

Robinson's death served as the catalyst for reform. Community members marched in protest, collectively demanding meetings with the Mayor and Police Chief and emphasizing the importance of civilian control over police.[6] Person A highlighted how new technologies amplified the impact of these incidents, noting "the ease with which incidents of this nature can now be exposed through social media, video recordings, internet accessibility, and mass communication technology, turning these types of movements massive."

The MPD's perspective differed markedly from community perceptions. Person E contended that the department maintained "a positive reputation as a highly professional and responsive police department." This assessment was supported by observations during ride-along with MPD, which revealed well-prepared officers demonstrating thorough understanding of policing procedures and legal precedents.[7] The department had also established various community-responsive units, including the Mental Health Unit and programs such as "Coffee with a Cop," "Restorative Justice," and "Amigos en Azul."

However, Person D acknowledged that while the MPD was "overall, a commendable department," the handling of Robinson's case was "unacceptable," particularly given the District Attorney's decision not to prosecute and the MPD's determination that the shooting was within policy. These circumstances exacerbated tensions between the MPD and certain Madison communities, particularly communities of color.

3.2. Origin of the Ad Hoc Committee: Creating a collaborative structure and challenges

The City's response to the crisis involved establishing the Madison Police Department Policy & Procedure Review Ad Hoc Committee, officially mandated by Resolution 37863. Persons A and B agreed that the committee received "a very broad assignment," necessitating immediate efforts to limit and focus the task.

The Committee was designed to represent Madison's diverse composition, including African American, Asian, Latino, Native American, and LGBTQ communities (Res. 37863). The mayor initially appointed 15 civilian members from various backgrounds, ensuring perspectives that encompassed racial, ethnic, economic, sexual orientation, and gender identity diversity. The Assistant City Attorney provided legal guidance throughout the process, while a high-ranking MPD representative collaborated with the

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[5] See Robinson's incident video, available at Guardian News 2015.

[6] See Police Chief's Reflections about protests: Chief Koval 2015. Photos of the movement available at State Journal Staff 2015.

[7] During the ride-along, I observed that the officer assigned to the program was notably well-prepared. He demonstrated a strong command of legal standards such as stop-and-frisk, probable cause, and relevant jurisprudence from both the U.S. and Wisconsin Supreme Courts, which we discussed throughout the shift. As a researcher unfamiliar with the operational language of American policing, I was struck by the clarity and fluency with which he articulated these legal concepts. It remains unclear whether this level of legal proficiency is typical among patrol officers or whether the department intentionally selected a particularly capable officer for this public-facing role.

Committee, offering insights into departmental positions and operational realities (Findley *et al.* 2019, p. 27).

The Committee first convened in December 2015 and promptly adopted Robert's Rules to facilitate effective meeting management. Person C also provided training on legal matters to Committee members. However, community members immediately raised concerns about funding and timeline constraints. Person B identified these as problematic from the outset: "funding and time." The initial resolution allocated only $50,000, deemed insufficient for hiring experts and supporting committee operations. Additionally, the resolution set a July 2016 deadline, providing merely four months for comprehensive work.

Community advocacy proved crucial in addressing these limitations.[8] Persons B and C acknowledged the essential role played by community members, external to the Committee, in advocating for increased budget and revised timeline. The resolution was eventually amended in response to this feedback, demonstrating early community influence on the process.

3.3. Stakeholder engagement and information gathering

The Committee adopted a comprehensive approach to information gathering, hearing presentations from diverse sources both within and outside the Madison Police Department. Presentations came from organizations including the Latino Consortium for Action, Black Lives Matter, the Madison Urban League, and the MPD's Violent Crime Unit. Notable academics such as Professors Herman Goldstein, Cecelia Klingele, Michael Scott, and Sam Walker also contributed expertise (Findley *et al.* 2019, pp. 172-179). Importantly, the Committee actively solicited direct input from Madison residents, with community submissions received in December 2018 and registered speakers given opportunities to provide input at each meeting.[9]

Following a vendor selection process, the Committee chose the OIR Group, a specialized consulting firm in external police practice reviews, beginning work in November 2016. The OIR Group conducted extensive research, meeting with MPD personnel, public officials, community members, activists, and leaders while examining departmental documents including policy manuals, training curricula, use-of-force cases, and civil court transcripts. Their final report was completed in December 2017, followed by a supplement addressing concerns raised by the MPD, police union, and City Attorney (Gennaco *et al.* 2017, Madison Police Department 2018a and 2018b).

Community organizations played particularly significant roles throughout the process. Person A emphasized that "it was common for a large number of registered individuals to attend meetings." The Community Response Team (CRT),[10] established following the 2012 Heenan shooting, was described by Person A as "a sort of informal member of the Committee." Person B noted that the CRT "conducted independent investigations and produced information to contribute to support the Committee's work."

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[8] For instance, The League of Women Voters (2019). *Email to City of Madison mayor and all alders concerning Police Policy and Procedure Review Ad Hoc Committee*, on file with author.

[9] Community submitted recommendations, available at Findley 2018.

[10] CRT's Facebook Group, available at https://www.facebook.com/groups/1709951672589807/

The League of Women Voters of Dane County provided crucial oversight functions, with Person D bringing "vast experience observing the work of different types of Committees." The organization exposed transparency and publicity issues through various statements, particularly highlighting the absence of systematic record-keeping of Committee decisions. Person D noted that despite valuable tools like Legistar[11] facilitating public engagement, "sometimes it was difficult to get access to the agenda as it was late published." This created challenges where community comments during open mic sessions "just remain in the air, without being discussed later," either due to delayed agenda publication or meeting structures lacking space for addressing public input.

3.4. The existing police oversight landscape

Before the reform, MPD oversight involved two bodies: the Police and Fire Commission (PFC) and the Public Safety Review Committee (PSRC), both of which the Committee found inadequate for effective accountability.

The Police and Fire Commission is an independent body mandated by state law, comprising five citizens responsible for overseeing the hiring, promotion, discipline, and terminations of police personnel within the City of Madison. Additionally, the PFC plays a role in the appointment of the Chief of Police (Wis. Stat. sec. § 62.13 (2017-18)).

Within complaint processes, the PFC serves as a factfinder in public hearings where charges can be filed by the Chief of Police, a board member, the board itself, or any aggrieved person. The hearing allows for the accused and the complainant to be represented by attorneys and call witnesses through subpoena power (Wis. Stat. sec. § 62.13(5)(d) (2017-18)). If the PFC finds "just cause" to sustain the charges, it determines appropriate sanctions for the subordinate. Decisions made by the PFC can be appealed to the circuit court (Wis. Stat. sec. § 62.13(5)(d)(em) (2017-18)).

The PFC is valuable but insufficient as an effective oversight mechanism. First, it lacks investigative authority, resulting in a passive role during investigations and a lack of evidence production. Second, the PFC is only partially accessible to the community, with limited time for citizen input and barriers for disadvantaged individuals to litigate cases. Third, concerns exist regarding fairness and impartiality in adjudicative proceedings, as charges can be filed by individuals who also make final decisions. Finally, the PFC is reactive and does not monitor activities, identify trends, conduct audits, make policy recommendations, or provide public reporting.

The Public Safety Review Committee (PSRC), which also oversees the MPD, was established by the Madison authorities through a general ordinance (Madison, General Ordinances 33.22) and consists of mayoral appointees, three Common Council members, and five community members. Its primary role involves providing advisory functions regarding Police and Fire departments, including reviewing service and budget priorities and acting as liaison between community and city authorities. However, the PSRC cannot receive or investigate complaints, lacks subpoena power, and cannot

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[11] City of Madison, Legislative Information Center, available at http://madison.legistar.com

conduct internal audits or produce public reports, rendering it ineffective as a genuine oversight mechanism.

Thus, a review of the PFC and PSRC revealed significant gaps in Madison's existing oversight arrangement. Given these oversight limitations, the Committee's reform discussions inevitably encountered resistance from police stakeholders.

3.5. Police cooperation and resistance

The MPD maintained active participation despite fundamental disagreements with the reform process. Person D observed that while "a significant portion of the attendees at the Committee's meetings expressed criticism towards the MPD," the police representative, despite "having differing opinions, were reasonable and open to dialogue." This assessment was shared by Persons A and B, who acknowledged the MPD representative's constructive engagement.

During the meetings, the department consistently maintained that it was not facing a crisis and questioned the necessity of the Ad Hoc Committee. The Police Chief stated that the MPD "constantly works to build trust through transparency and accountability" (Blaska 2019). From the MPD's perspective, many recommendations merely aimed to continue existing practices, though they expressed willingness to implement others while noting that some required additional discussion or financial resources.

The most significant area of disagreement centered on civilian oversight. The MPD deemed such mechanisms unnecessary, with Person E concurring that the existing Police and Fire Commission (PFC) already performed civilian oversight functions. The Madison Professional Police Officers Association (MPPOA, the police union) formally opposed the independent monitor proposal, arguing it would create "costly and redundant duplication" of existing PFC oversight and suggesting that enhanced oversight could be achieved by amending state laws to grant the PFC additional powers (Wis. Stat. § 62.13(6)). The MPPOA further contended that the proposed independent monitor model was untested and unwarranted, cautioning against experimenting in such a manner in Madison (Wis. Stat. § 62.13(6).

Despite this opposition, the MPD demonstrated what could be characterized as grudging cooperation. Person E highlighted the value of including the police union in meetings, and throughout the process, the department produced responsive reports. In January 2018, the MPD submitted a comprehensive response to the OIR Report, followed by an update in November 2018 and a response to community recommendations in January 2019.

3.6. The proposed Civilian Oversight framework

The Ad Hoc Committee proposed a dual system, consisting of an Independent Monitor's Office (IMO) overseen by a Civilian Oversight Board (COB).[12]

The Monitor, requiring background in civil rights and equity plus extensive knowledge of civilian oversight and policing best practices, would operate independently of the MPD while entitled to full cooperation from the department, gaining access to all

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[12] I have priorly described these features in: Beltrán (2020).

necessary records, policies, data, and other relevant information. The Monitor also has subpoena power to compel testimonies and the production of pertinent documents, as permitted by law. The IMO's responsibilities include actively monitoring compliance with governing rules and recommendations, conducting audits of departmental activities and use-of-force incidents, and independently investigating personnel misconduct based on discretion, staffing, and funding capabilities.

The Monitor would facilitate community complaint processes, appoint counsel for legal representation before the PFC, engage with community members about police policies, and make recommendations on discipline, policy changes, and other concerns. Transparency obligations include submitting annual public reports detailing trends in complaints, investigations, disciplinary actions, and assessments of departmental progress.

The Civilian Oversight Board would enhance police accountability while representing community diversity, with appointment criteria considering race, ethnicity, gender, sexual orientation, geographic location, socioeconomic status, and prior MPD experiences. The COB would oversee the IMO's performance, receive regular reports, provide input on Monitor evaluation, and conduct annual Chief of Police reviews. Additionally, the Board would make policy-level recommendations and produce annual public reports assessing the IMO's work and community concerns.

3.7. The rationale for civilian oversight

Having proposed this dual oversight structure and in response to the oversight gaps identified in the PFC and PSRC, the Committee articulated three primary reasons for implementing civilian oversight. First, ensuring MPD responsiveness to all community segments, given perceptions among some Madison communities that the department was unresponsive. Second, recognizing that in democratic societies, "the policing function must be controlled directly by the people as much as possible." Third, establishing the Independent Monitor would ensure ongoing reform implementation, as "all recommendations have civilian oversight as thread" (Findley *et al.* 2019).

Persons A and B acknowledged that the main objective involved constantly evaluating MPD procedures and policies while improving departmental communication and transparency with the public. Person D asserted that this decision was necessary to "establish an ongoing structure to ensure that MPD's policies and procedures are consistent with the community's values." The League of Women Voters supported this position, submitting statements to the Common Council requesting funding for both Independent Monitor and Civilian Oversight Board.

The Committee drew particular influence from the Denver Office of the Independent Monitor model, with presentations from the OIR Group and Dr. Sam Walker informing their decision. Person C suggested that "there may be a lot to gain in terms of public trust in the MPD if a truly independent and professional auditor could provide some outside review of incidents."

Conversely, the MPD and police union viewed civilian oversight as unnecessary duplication of existing PFC functions. Person D offers a nuanced view, noting that while the MPD partially agreed with oversight mechanisms, accepting the independent

monitor concept but opposing the civilian oversight board, as the Chief of Police expressed doubts about the oversight board's problem-solving capabilities. Person C disagreed with this assessment, arguing that while the PFC has authority over hiring, firing, and discipline, "it does not have supervision of the operation or policies of the MPD."

The proposed mechanism offered significant advantages over existing structures. The Monitor represents a highly trained professional specifically equipped for systematic examination of policies, patterns, and practices facilitating lasting transformation, while serving as catalyst for ongoing MPD reform. On the other hand, the Board provides democratic significance by enabling direct citizen control over policing functions, ensuring departmental responsiveness to all community segments' needs and concerns.

Overall, these findings reveal a process characterized by institutional innovation, stakeholder inclusion, and adaptive design that enabled sustained engagement despite resistance. The following section analyzes these dynamics through theoretical frameworks to understand how Madison's collaborative approach differs from typical reform patterns.

4. Discussion: Understanding Madison's collaborative approach to police reform

The establishment of civilian oversight mechanisms has rarely been straightforward, typically involving tough debates and compromises between competing stakeholders (Terrill 1996, Finn 2001, Walker 2001, Bobb 2003). Madison initiated a complex reform process that required bringing divergent positions together and reaching agreements across fundamentally different perspectives. This case study offers important insights for understanding how civilian oversight mechanisms can emerge and gain acceptance in established democratic contexts. While existing theoretical frameworks provide valuable foundations for analysis, the Madison case reveals both the applicability and limitations of current scholarship when applied to subnational or local reform processes within stable democratic institutions.

4.1. Crisis, opportunity and institutional response

Madison's experience both confirms and extends existing scholarship on political opportunity structures in police reform. Tony Robinson's death clearly created what Kingdon (1995) terms a "policy window", i.e., a window of opportunity, elevating police accountability to high public salience and compelling official response. However, the Madison case shows that opportunity or policy windows alone are insufficient without institutional mechanisms to channel crisis energy into sustained reform processes.

González's (2020) framework proves partially applicable to Madison's dynamics. While Robinson's killing certainly galvanized community opinion, creating what González terms "societal preference convergence" around accountability concerns (González 2020), the political dynamics differed significantly from her Latin American cases, where electoral competition primarily drove reform initiatives.

Instead, Madison shows how proactive political leadership can initiate reform processes when combined with institutional mechanisms that facilitate sustained stakeholder

engagement. The mayor's establishment of the Ad Hoc Committee represented anticipatory political entrepreneurship—proactive reform initiation before electoral pressure—in response to community pressure rather than reactive electoral positioning. This suggests that in established democratic contexts with stable institutional frameworks, political leaders may have different incentives and greater capacity for proactive crisis response than González's framework, developed for transitional democracies, anticipates.

Similarly, Marat's (2021) concept of "transformative violence" applies to Madison's experience. Robinson's death constituted extreme police abuse that generated protest and compelled official response, crucial for reform initiation (Marat 2021, p. 78). Madison's urban setting provided the civil society advantages that Marat (2021) emphasizes: citizens with greater leverage over officials, better information access, and denser activist networks capable of sustained engagement (p. 156). Thus, especially those organized groups like the Community Response Team, League of Women Voters, and the Latino Consortium for Action that could sustain engagement beyond initial protests.

Nevertheless, Madison's institutional context differed significantly from Marat's post-Soviet cases. Rather than weak or contested state, Madison operated within established democratic frameworks. This context, both constrained and enabled reform possibilities: providing institutional stability for sustained deliberation while also creating more sophisticated resistance capabilities among police organizations.

4.2. Collaborative institutionalization and the dynamics of consensus-building

Madison's primary contribution lies in showing how formal institutional processes can facilitate sustained multi-stakeholder engagement around contested reforms through what I term "collaborative institutionalization"—the strategic use of legal frameworks to create structured opportunities for diverse stakeholder participation while building consensus around specific solutions, especially in contested reform processes. This approach draws directly on Ansell and Gash's (2008) definition of collaborative governance as "a governing arrangement where one or more public agencies directly engage non-state stakeholders in a collective decision-making process that is formal, consensus-oriented, and deliberative and that aims to make or implement public policy or manage public programs or assets" (p. 544).

The Ad Hoc Committee created under Resolution 37863 provides a vivid example of this process, fulfilling the six core features of collaborative governance identified by Ansell and Gash (2008): it was initiated by public authorities; included non-state stakeholders such as advocacy organizations and community groups; involved participants directly in decision-making; was formally structured with regular meetings; aimed for consensus on civilian oversight recommendations; and focused explicitly on public policy development.

Importantly, the committee's structure helped manage asymmetries in power and capacity that often undermine collaborative efforts. Inclusive membership criteria and professional facilitation addressed what Ansell and Gash describe as a key vulnerability: when weaker actors lack the organization, resources, or status to meaningfully participate, the process risks being dominated by more powerful stakeholders (Ansell

and Gash 2008, p. 550). Madison's approach—particularly its attention to procedural fairness—allowed for what González (2019, 2020) calls "societal preference convergence", achieved not through electoral competition but through structured deliberation.

This convergence was supported by a deliberate information-gathering process. The committee heard presentations from diverse community representatives, oversight experts, and academic researchers. One critical component was the professional review provided by the OIR Group, whose empirical findings and policy recommendations lent credibility and neutrality to the discussions. By grounding debate in evidence rather than ideology, the OIR report helped bridge polarized positions and facilitated informed dialogue around complex technical questions—a direct response to Marat's (2021) concern about sustaining civil society engagement beyond initial protest phases and channeling it into concrete reform proposals.

Yet, important limitations emerged. Despite broad outreach, most active participation was concentrated among established advocacy organizations rather than reflecting a wider cross-section of the community, raising concerns about representational inclusivity. Moreover, while procedural consensus was achieved on oversight recommendations, deep substantive disagreements persisted—particularly from the Madison Police Department and police union, which maintained opposition to the creation of civilian oversight. This reflects a broader tension in collaborative governance: the ability to produce legitimate process outcomes even in the absence of agreement on core policy objectives.

Notably, the perceived fairness and transparency of the process itself played a crucial role in maintaining engagement among stakeholders with divergent interests. This aligns with Tyler's (2006) procedural justice framework, which emphasizes that individuals are more likely to view institutional outcomes as legitimate—and comply with them—when they perceive the process as respectful, neutral, and inclusive. Madison's design choices—such as inclusive representation, public hearings, and responsiveness to feedback—contributed to this perception of procedural fairness, even when substantive consensus was lacking. This suggests that procedural legitimacy may serve as a stabilizing force in contested reform environments, enhancing institutional resilience even amid persistent policy or values disagreements.

Finally, the reform scope remained bounded. By focusing on oversight mechanisms rather than more structural reforms, the process gravitated toward incremental change—likely reflecting what was politically viable rather than the full breadth of demands emerging from grassroots mobilization. This outcome illustrates a common critique of collaborative processes: their tendency to converge on solutions that are broadly acceptable to institutional stakeholders, sometimes at the expense of more transformative agendas.

4.3. Scope conditions and comparative insights

Having examined Madison's collaborative approach and its achievements, I can now situate these findings within broader comparative frameworks to assess their generalizability and scope conditions.

While Madison's approach to collaborative institutionalization offers valuable insights, comparative research highlights key scope conditions that limit its generalizability across reform contexts. Drawing from Ansell and Gash's (2008) model of collaborative governance and Fuentes' (2024) review of police reform efforts in 27 countries, four critical conditions emerge as determinants of reform success: (1) high-level political leadership, (2) civilian–police alliance formation, (3) procedural inclusiveness and expertise, and (4) resilience against counter-reform.

Madison largely affirms these conditions, though it also shows how they function specifically in established democratic contexts. The mayor's initiation of the Ad Hoc Committee, backed by City Council's Resolution 37863, exemplifies what Ansell and Gash identify as the necessary institutional design: formal, consensus-oriented, and participatory. It also reflects what Fuentes (2024) and Milanesi (2021) describe as indispensable: leadership from the executive capable of leveraging political capital to create reform venues. Yet unlike contexts such as Georgia or post-conflict Latin America, Madison's leadership did not emerge from a struggle to subordinate autonomous security forces. Instead, it operated within a context where the challenge was to expand institutional participation, not reassert state control.

A second condition relates to civil society capacity. Marat (2021) emphasizes the importance of "dense networks" of civic actors capable of sustaining engagement beyond moments of crisis. Madison benefited from such infrastructure, including experienced advocacy groups. These organizations had the organizational maturity and experience to navigate deliberative forums and advocate policy positions—resources often absent in reform contexts where civil society is nascent or fragmented. Ansell and Gash's framework similarly warns that without such capacity, collaborative forums risk being captured by stronger institutional actors or becoming symbolic.

Third, institutional design fosters legitimacy, but it may also constrain the ambition of reform outcomes. As González (2020) notes, societal preference convergence in deliberative processes often defaults to least-resistance solutions, especially when the goal is consensus over confrontation. Madison's focus on civilian oversight mechanisms—rather than comprehensive restructuring of policing institutions—reflects this tendency toward what might be called incremental convergence. Ansell and Gash (2008) caution that while trust-building and small wins are important, such iterative collaboration may fall short in addressing structural injustice or power asymmetries unless accompanied by broader mandates for transformation.

Finally, durability remains an open question. As Fuentes (2024) notes, reform experiences globally are often vulnerable to counter-reform dynamics when short-term political incentives shift. Institutionalized forums, while important, do not guarantee sustained implementation unless supported by stable coalitions and legal safeguards. In this regard, Madison's effort to formalize its reform agenda through ordinance and budget allocations aligns with what Ansell and Gash call "process transparency and shared ownership", potentially increasing its resilience. However, as Dammert (2020) underscores, such stability must be tested over time, especially in contexts where political turnover or crisis reactivates securitizing logics.

Madison's experience underscores the promise of collaborative governance in stable democracies, while also reinforcing the insight that its success remains highly dependent on specific institutional, political, and societal conditions

Without strong leadership, empowered civil society actors, inclusive design, and long-term institutional backing, collaborative models may produce legitimacy without transformation. Future research should examine how these scope conditions interact across different institutional contexts and whether collaborative approaches can be designed to achieve more transformative outcomes while maintaining democratic legitimacy.

5. Conclusion

This study has examined how the City of Madison, Wisconsin, responded to a high-profile incident of police violence by initiating a civilian oversight reform through a process I have described as *collaborative institutionalization*. Rather than emerging from regime transition or national crisis, Madison's reform unfolded within a stable democratic context, thus offering a valuable opportunity to analyze how inclusive, legally grounded institutional design can generate legitimacy and enable multi-stakeholder engagement even in the face of institutional resistance.

The Madison case shows that sustained reform is possible when political leadership is willing to share authority, when civil society actors possess the organizational capacity to participate meaningfully, and when procedural design promotes fairness, transparency, and inclusion. While the process fell short of delivering transformative restructuring, it successfully institutionalized a dual oversight mechanism that reflects negotiated consensus among diverse stakeholders.

Comparative insights help clarify the scope conditions that shape reform trajectories: the presence of civil–police alliances, the strength of community networks, and the nature of political incentives. Madison confirms these as enabling conditions, while also showing how they manifest differently in subnational micro-level, democratic settings. In this regard, the case challenges traditional top-down or bottom-up reform binaries and instead illustrates how collaborative governance can operate as a third path—deliberative, negotiated, and procedurally anchored.

Ultimately, Madison's experience contributes to broader debates on police accountability by highlighting the importance of institutional process—not just institutional design—in shaping reform outcomes. While the long-term impact of the Independent Monitor and Civilian Oversight Board remains to be seen, the legitimacy of their creation process offers a key lesson: democratic reform is not only about *what* institutions are created, but *how* they come into being.

Yet despite these process-oriented strengths, it is important to acknowledge the limitations and contextual constraints of collaborative institutionalization. The Madison case benefited from a progressive local government, a mobilized civil society, and institutional pathways open to deliberation. In more adversarial environments—characterized by rigid hierarchies, political polarization, or civic fragmentation—replicating such a model may prove far more difficult. Thus, while collaborative institutionalization offers a promising normative and strategic framework, its viability

depends on enabling conditions that are not always present. Future research should examine how this approach can be adapted or modified in settings where consensus-building faces sharper structural and ideological barriers.

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