

October 15, 2015

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:35 P.M.

PRESENT: Commissioners: Steven M. DeVougas, Chair
Kathryn A. Hein
Michael M. O'Hear
Marisabel Cabrera
Fred Crouther

ABSENT: Commissioner: Ann Wilson (Excused)

ALSO PRESENT: Assistant Fire Chief Gerard Washington, representing the Milwaukee Fire Department; and Edward Flynn, Chief, Milwaukee Police Department.

The Chair reconvened the Board in Regular Session, having previously met in Executive Session from 5:21 p.m. to 5:27 p.m. pursuant to Section 19.85 (1) (c) Wis. Stats., to consider the promotion of three positions of Police Officer to the rank of Detective.

The meeting was staffed by Executive Director MaryNell Regan. The Director presented for adoption minutes of the Regular Meeting of October 1, 2015. Commissioner O'Hear moved approval of the minutes as presented, seconded by Commissioner Hein. The motion carried unanimously.

1. UNFINISHED BUSINESS:

a) The Director returned to the Board a request from the Milwaukee Police Department for *preliminary* approval of revised MPD Standard Operating Procedure 747 – Body Worn Cameras *for the initial roll-out stage*. She indicated that a FAQ document regarding the body worn cameras was posted on the Fire and Police Commission's (FPC) website. Commissioner O'Hear moved to approve the request, and Commissioner Crouther seconded it. Prior to taking a vote on the matter, each of the Commissioners made a statement.

Commissioner O'Hear appreciated all of the public's input on the policy and indicated that changes had been made to the policy to clarify and improve some things. He supports the policy so that the roll-out of the body worn cameras can move forward and experience can be gained with the use of them. He reminded everyone that the policy as it is now, is not set in stone and improvements or changes will be made to the policy as experience warrants. He emphasized that the Commission will continue to monitor the implementation of body worn cameras and expects that everyone will learn from mistakes, and improvements to the policy will be made accordingly. He does request, however, that the Department report back to the Commission on a regular basis, and provide a thorough report at the end of each phase of the rollout. The report should indicate the status of the rollout and describe and enumerate any problems encountered, and suggest any potential changes that may need to be made to the policy.

Although Commissioner Cabrera appreciates the revisions that have been made, and the openness of the Department in accepting comments, this is not an operating procedure she would prefer. She is still confused about when a camera should be turned on and off. She feels the cameras should be turned on any time an officer has contact with the public. She is concerned that an officer will find him/herself in a situation that starts out simple and then ratchets up very quickly, and the officer has no opportunity to turn on his/her camera. She feels this could lead to a cloud of suspicion hanging over the officer's head because there is no video to support what happened. She is also concerned that a citizen will not realize a camera is on and recording, and therefore not know to request it be turned off. Although officers are encouraged to tell the public they are recording, it is not mandatory. She is also concerned about video being incorrectly tagged and deleted when it should not be. For these reasons, she is going to vote against the policy.

Commissioner Crouther stated he takes a positive approach to the body worn cameras. He believes that with proper training the program will be a success. In addition, with monitoring from the Commission, any unforeseen problems can be corrected and the program can move forward. He feels that using the cameras will work favorably for both the police department and the citizens of the community. It is his belief that body worn cameras are something that is needed and should have been done long ago. He believes the use of the cameras will be positive and successful and supports implementing the program.

Commissioner Hein also expressed her thanks to the police department for working with the Commission. She believes this is a good start, but wants to reiterate that there needs to be continual review and reporting back to the Commission regarding this program. She stated that problems need to be reported to the Commission so that the policy can be adjusted or changed to address any defects. She also indicated that this program would be aggressively monitored and audited by the FPC to ensure that this is the best possible policy for both the police and the public. With those caveats, she will support the program.

Commissioner DeVougas also wants to thank everyone's involvement and engagement in crafting this policy. He indicated that this was the first time the Commission was able to have a dialogue with the public and obtain feedback. He believes this SOP is a solid start, and once feedback is obtained from the field from officers as well as the public, this will be a "living" document and something that is visited regularly. He supports the roll out of the program.

A roll call vote was taken on the motion. Commissioners O'Hear, Crouther, Hein and DeVougas voted aye and Commissioner Cabrera voted nay. The motion passed 4:1.

b) The Director provided responses to questions and issues raised during the public comment period at the prior regular meeting. In response to several questions about why specifications concerning fire and police department members are not published when the Board is advised of discipline by the Chiefs, the Director indicated that until the appeal time has expired for the member to appeal his or her discipline, the Commissioners are not informed of the specifications so that they can remain impartial in the event they are required to preside over the matter. The Commissioners can review the complaint after the appeal time has expired, and citizens can obtain a copy of the complaint from the FPC through a Public Records Request.

In response to a question regarding the number of officers that have received critical incident training, the Director indicated that 650 officers have received the 40-hour course training. Critical incident training focuses on fair and impartial policing, de-escalation and mental health. An additional 1,450 police officers have received the 16-hour intensive course training, but the goal is to have all members receive the 40-hour training within the next 1½ to 2 years. Monthly classes are conducted ongoing.

2. NEW BUSINESS:

a) The Director announced that the FPC's 2014 Use of Force Report would be posted on its website next week and that Professor Steven Brandl, the author of the report, would be making a presentation about it at the next public meeting on November 5, 2015. Any questions regarding the report should be submitted by e-mail to fpc@milwaukee.gov, and Dr. Brandl will try to incorporate the questions into his presentation.

3. EXAMINATIONS:

a) The Director presented for adoption an eligible list for the position of Sensitive Crimes Project Coordinator in the Milwaukee Police Department. A presentation was made by Jeff Harvey, Department of Employee Relations Staffing Services. Mr. Harvey explained that the Coordinator in this position would be responsible for managing the Sex Offender Registry by monitoring, tracking, and registering sex offenders who reside in the City of Milwaukee. There is one vacancy for this position. Thirty-four applicants applied for the position, of which sixteen (16) were rejected for failing to meet the minimum qualifications. The remaining eighteen (18) applicants were reviewed through a training and experience assessment. Two of

the applicants failed the assessment, resulting in an eligible list consisting of sixteen (16) candidates. Commissioner Crouther moved approval of the list, seconded by Commissioner O'Hear. The motion carried unanimously.

b) The Director presented for approval an examination announcement bulletin for the position of Crime Analyst in the Milwaukee Police Department. The Department would like to have the announcement bulletin approved so that they can post the position. Commissioner O'Hear moved approval of the bulletin, seconded by Commissioner Hein. The motion carried unanimously.

4. FIRE DEPARTMENT:

a) The following promotions, as presented by Chief Rohlfing, were approved by the Board:

TO HEAVY EQUIPMENT OPERATOR, on a waiver basis, from eligible list established July 27, 2014, contingent upon successful completion of a drug screening, effective October 25, 2015:

#19 – JOHNSON M. DOLLY.

5. POLICE DEPARTMENT:

a) The following promotions, as presented by Chief Flynn, were approved by the Board:

TO DETECTIVE, on a waiver basis, from eligible list established December 19, 2013, contingent upon successful completion of a drug screening, effective November 8, 2015:

#71 – STEVEN N. JEGEN; #72 – LORI M. KOWALEFSKI; and #73 – DANIEL E. PRIEWE.

TO OFFICE ASSISTANT III, from Office Assistant II, effective November 8, 2015:

TYRONDA L. WILLIAMS.

b) The Director presented a letter dated October 5, 2015, from Chief Flynn, wherein he requests that the probationary period of Police Officer Letitia L. Holloway be extended for 160 consecutive days, until March 31, 2016. Commissioner O'Hear moved approval of the request, seconded by Commissioner Crouther. The motion carried unanimously.

c) The Director presented a letter dated October 5, 2015, from Chief Flynn, wherein he requests that the extension of the probationary period for Police Sergeant Amy C. Rivera, previously approved at the Board meeting on October 1, 2015, be rescinded. If approved, the probation period now ends on October 12, 2015. Commissioner O'Hear moved approval of the request, seconded by Commissioner Hein. The motion carried unanimously.

d) The Director presented a letter dated October 13, 2015, from Chief Flynn, wherein he requests that the position of Community Service Officer (CSO) be exempt from competitive examination, so that the ten positions can be filled as soon as practicable. The Commissioners requested clarification on the process for selecting the CSOs. The Director explained that there will be a job announcement that will be approved by the Board prior to posting, and a recruiting period. Selection criteria will be established by the FPC and the MPD, and candidates will be interviewed by the MPD. This is a pilot program and if it is successful, this position can be brought under Civil Service and the ten individuals can take a civil service exam at that time. The CSOs will be unarmed and respond to non-emergency, non-life threatening property damage claims, help with traffic control, and assist community liaison officers. They will not be involved in any felony related investigations. Commissioner Crouther moved approval of the request, seconded by Commissioner O'Hear. The motion carried unanimously.

6. PUBLIC COMMENT:

The Chair opened the floor to public comment, indicating that there is a two-minute limit for comments, and commentators are to be respectful of their fellow citizens who also wish to speak. He reminded the public to address their comments to the Commissioners and not to anyone else. He encouraged anyone who feels limited by the two-minute time limit to submit their comments by e-mail or by phone to the FPC office, or by any other appropriate means.

Ms. Mary Watkins was disappointed by the passing of the body worn camera standard operating procedure (SOP). She believes the Commission has lost sight of what the people are looking for. She asserts that they marched on the streets because they were demanding accountability from the Police Department and general scrutiny of the department. She feels the cameras will be used as a prop to mitigate civil liability of the City of Milwaukee, rather than as a tool to facilitate accountability and consequences for the department and scrutiny of the department. She believes the entire process of implementing the SOP was flawed because the public was not involved at the outset and original version of the SOP. She complains that only a few minor changes have been made to the policy as a result of the September 29, 2015 special meeting. She cannot understand why the body worn cameras are being "shoved down their throat." She argues "rushing" into implementing body cameras is not going to resolve anything.

Ms. Jennifer Hazard is also confused by the "rush" to use cameras. She reiterates that the community's primary concern is accountability. She complains that no disciplinary policy was added to the SOP. She believes that there will be a camera malfunction and no one knows how the officer will be held accountable, because they don't know what the disciplinary policy is. Ms. Hazard also discussed the killing of children by police officers in other cities which were found to be justified. She questions through what lens these incidents are being reviewed. She maintains that those killings would not have been found justified if they had been reviewed by the community.

Mr. Chris Ahmuty, Executive Director of the ACLU of Wisconsin, states he is concerned about the evaluation of the rollout of the cameras. He claims that the compliance rates are horrendous in other cities. He believes the Commission should set standards for the evaluation process and report deadlines for the MPD to report to the Commission. He questions why the Commission should wait 3-4 months for a report on each phase of the rollout. He is particularly concerned about evaluating the accuracy of tagging video right away, and not waiting a few months for an evaluation. He believes the Commission should be more proactive and should be setting the benchmarks.

Ms. Maria Hamilton accuses the FPC of not being transparent and not responding to the community. She also claims that the MPD has never released the video footage of six business cameras around or near Red Arrow Park. She is appalled that the FPC released the SOP on body worn cameras. She believes the camera is another tool and "bias" for the police to use against the community. She accuses the FPC of being part of the system that continues to fail the community. She states that it is appalling for the Commissioners to sit there and not ask questions. She does not want the police to have control of the cameras or the video footage because she does not trust them. She believes the FPC needs to play a bigger part and stand up for the community.

Ms. Cynthia Greenwood is not happy that the SOP was approved and characterizes it as despicable. She believes that the police need to be on leashes to control them, just like dogs. She too believes the cameras are being "shoved down their throat" without any questions being asked. She too can't understand why the Commissioners don't have any questions about matters brought before them. She bemoans that all the children are in jail or graveyards, and discussed a teenager's death that occurred in West Allis. Ms. Greenwood repeats that she is outraged and not happy about the cameras, and complains about how much money they are going to cost. She believes this matter was already decided on before the meeting and perhaps the matter should have been put on a ballot.

Mr. Jared English of the ACLU thanked the Director for setting the release date of the 2014 Use of Force Report. He wants to know if there will be a link for questions regarding the report, as there was for the 2013 Use of Force Report. However, he points out that no one has ever responded back to the community's questions about the 2013 report, and wants to know when that will occur. He admonished the Commissioners that they need to be more timely in responding to the community. He thought the FAQ on body worn cameras was interesting and helpful for the most part. He reminded the Commission that the purpose of the body cameras is to ensure the public trust. He suggests that the body camera on an officer should be thought of as a citizen sitting on the officer's shoulder. He indicated that part of the mistrust that is present is because the community does not feel "connected" to the oversight board – the Commission. He contends that the people need to see the Commissioners in action exercising their statutory authority as the "defacto" leaders or overseers of the MPD.

Mr. Marty Wahl agreed with everyone else's comments and believes it is a waste of time coming to these meetings. He cannot believe how badly the Commission treats everyone and how poorly it reflects on the City. Mr. Wahl wants a plan to address the (traffic) carnage on the streets of Milwaukee. He complains that an officer told him that only \$25,000 out of a \$260 million budget is invested in traffic safety. He just wants to know what the "traffic plan" is and if there isn't one, what needs to be done to have one.

7. ADJOURNMENT:

Commissioner O'Hear moved to adjourn the meeting, seconded by Commissioner Crouther. The motion carried unanimously.

The meeting concluded at 6:10 P.M.

Respectfully submitted,



MaryNell Regan
Executive Director

MNR:jcs