

February 18, 2016

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:50 P.M.

PRESENT: Commissioners: Steven M. DeVougas, Chair
Michael M. O'Hear
Ann Wilson
Marisabel Cabrera
Fred Crouther

ABSENT: Commissioner: Kathryn A. Hein (Excused)

ALSO PRESENT: Mark Rohlfing, Chief, 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 4:41 p.m. to 5:40 p.m. pursuant to Sections 19.85 (1) (c) and (f) Wis. Stats., to consider the promotions of Milwaukee Police Department members to the rank of Detective, Sergeant, Lieutenant and Captain of Police.

The meeting was staffed by Executive Director MaryNell Regan. The Chair opened the meeting with Public Comment.

1. PUBLIC COMMENT:

Ms. Mary Watkins expressed her disapproval that Officer Richard Ticcioni was being considered for promotion to Detective. She felt that his involvement in the arrest of Derek Williams and an inquest jury's finding of "guilty" meant he had no place in the Milwaukee Police Department (MPD). She also alleged that it took the MPD a year to release the video of Derek Williams in the back of a squad car.

Mr. Abdul Mateen echoed Ms. Watkins' opinion and stated that Officer Ticcioni should not be promoted just because he escaped criminal prosecution. He stated that the community does not support the officer's promotion, let alone his continued employment with the MPD. Mr. Mateen also complained about the alleged harassment by Milwaukee police officers of the owner of a BP gas station. He also suggested that the two most "troublesome" police districts should receive body-worn cameras first. He also complained about the MPD and the District Attorney allegedly using a serial rapist as a confidential informant and not criminally prosecuting the rapist.

Ms. Angela Bergmann, along with Amy Touefle and Tenine Fleck, presented a letter dated February 17, 2016 to the Board signed by twenty-two Police Dispatchers, Lead Police Telecommunicators and Police Telecommunicators expressing their support for a new classification of the Technical Communications Division and implementation of Phase One of the reclassification plan as outlined in the Department of Employee Relations (DER) Job Evaluation Report to be considered by the Board at this meeting.

Ms. Patricia Belmontes spoke on behalf of Police Dispatchers opposed to the approval of the DER Job Evaluation Report. These Police Dispatchers are in opposition to the report because they believe it is unfair that probationary and less experienced dispatchers would receive higher percentage wage increases than senior dispatchers with more experience.

2. MINUTES:

a) The Director presented for adoption minutes of the Regular Meeting of February 4, 2016. Commissioner O'Hear moved approval of the minutes as presented, seconded by Commissioner Crouther. The motion carried unanimously.

3. UNFINISHED BUSINESS:

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

TO CAPTAIN OF POLICE, contingent upon successful completion of a drug screening, effective February 28, 2016:

RAYMOND E. BANKS; BORIS TURCINOVIC; and STEVEN A. CABALLERO.

Note: Commissioner Cabrera abstained from voting on these nominations as she was not present during the Executive Session.

b) The Director presented two classification reports concerning positions in the Fire Department dated February 15, 2016, from Maria Monteagudo, Director of Employee Relations. The first report concerned the classification of a new position of Athletic Trainer in the Fire Department. Ms. Monteagudo recommends that the Salary Ordinance be amended under Pay Range 2EN to add the title "Athletic Trainer"; and that the Position Ordinance be amended, under the Fire Department, EMS/Training/Education Bureau Decision Unit, Health and Safety Division, to delete one position of "Athletic Trainer/Injury Prevention Coach" and add one position of "Athletic Trainer."

The second report concerned the reclassification of the Health and Safety Officer in the Fire Department. Ms. Monteagudo recommends that the Salary Ordinance be amended under Pay Range 2GX to delete the title "Health and Safety Officer", and under Pay Range 2IX, add the title "Fire Health and Safety Manager." She also recommends that the Position Ordinance be amended, under the Fire Department, EMS/Training/Education Bureau Decision Unit, Health and Safety Division, to delete one position of "Health and Safety Officer" and add one position of "Fire Health and Safety Manager." Andrea Knickerbocker, Human Resources Manager, was present and spoke regarding both reports. Commissioner O'Hear moved approval of both recommendations, seconded by Commissioner Crouther. The motion carried unanimously.

c) The Director returned to the Board a request from the Police Department to classify three new positions of Inspector of Police as part of his reorganization plan. In a classification report dated February 15, 2016, from Maria Monteagudo, Director of Employee Relations, she indicated that a new job description was provided for the positions. She recommends that the positions be classified as "Inspector of Police (1)" in Pay Range 4QX (\$85,757 - \$120,064), with footnote (1) providing that "Recruitment may be at any rate in the pay range with the approval of the Employee Relations Director and the Chair of the Committee on Finance and Personnel." Commissioner Crouther moved approval of the recommendation, seconded by Commissioner O'Hear. The motion carried unanimously.

d) The Director presented a classification report dated February 15, 2016, from Maria Monteagudo, Director of Employee Relations, concerning the position of Information Systems Manager in the Police Department. Ms. Monteagudo recommends that the Salary Ordinance be amended under Pay Range 2LX to delete the title "Information Systems Manager-Milwaukee Police Department" and add the title "Information Services Manager – Milwaukee Police Department (2)" to Pay Range 1IX with footnote designation "2" attached. She also recommends the Position Ordinance be amended, under the Police Department, Administration Decision Unit, Information Technology Division, to delete one position of "Information Systems Manager-MPD", and add one position of "Information Services Manager-Milwaukee Police Department." Commissioner Crouther moved approval of the recommendations, seconded by Commissioner O'Hear. The motion carried unanimously.

e) The Director presented a classification report dated February 15, 2016, from Maria Monteagudo, Director of Employee Relations (DER), concerning the reclassification of three communication positions in the Police Department. Andrea Knickerbocker from DER spoke extensively on the proposed recommendations. Ms. Knickerbocker indicated that DER is recommending the creation of two new civilian job classifications, Emergency Communications Operator I (ECO I) and Emergency Communications

Operator II (ECO II) in the Technical Communications Division of the Milwaukee Police Department, in lieu of the current classification of Police Telecommunicator and Police Dispatcher. The Police Telecommunicator position would be reclassified into the ECO I position, and the Police Dispatcher and Lead Police Telecommunicator positions would be rolled into the ECO II position. DER also recommends changing the designation of these positions from "clerical" to "paraprofessional" and amending the Salary Ordinance to place them in Pay Range 5EN for ECO I and Pay Range 5IN for ECO II. It is anticipated that changes will also need to be made to the minimum experience and skills requirements of these positions, and it is highly recommended that entry level civilian supervisory positions with career paths be developed to provide direct oversight of the Emergency Communications Operators. In order to implement the changes recommended in the report, several amendments need to be made to the Salary and Positions Ordinances as delineated in the report.

In addition, Ms. Knickerbocker referenced a letter from Ms. Monteagudo to the Fire and Police Commission dated February 17, 2016, requesting that employees in the current titles of Police Telecommunicator, Lead Police Telecommunicator, and Police Dispatcher who would be promoted into the new titles of Emergency Communications Operator I and II not serve a new probationary period, as the employees would be performing essentially the same duties and responsibilities in the new titles. Commissioner O'Hear inquired when Phase II of the reclassification would occur. Ms. Knickerbocker stated that they would begin working on the job description for civilian supervisors within a month; however, a report with recommendations for the Commission would probably not come before the Board until late 2016 or early 2017. Commissioner O'Hear asked if the market rate for dispatchers meant that the minimum rate offered by the City had to go up to a much higher level and that less experienced employees were further away from market norms than more experienced employees. Ms. Knickerbocker confirmed that this was the case and that they had to change the minimum level because of the difficulty in hiring. The Chair requested a motion approving the report and the recommendation that an additional probation period not be imposed on the current workers. Commissioner Crouther moved approval, seconded by Commissioner O'Hear. The motion carried unanimously.

4. NEW BUSINESS:

a) The Director presented the following proposed change to Fire and Police Commission Rule III, Section 7 to implement a consent agenda for board meetings: Renummer existing Section 7 to Section 8. Insert new Section 7 to read as follows: "A consent agenda may be presented by the Executive Director as an item on the regular meeting agenda. Items may be removed from the consent agenda upon the request of any one Commissioner. Items not removed may be adopted by general consent without debate. Removed items may be taken up either immediately after the consent agenda or placed later on the regular meeting agenda at the discretion of the Chair." The Chair directed that the proposal be laid over for final approval pursuant to FPC Rule IV, Section 1.

b) The Director announced the hiring of new staff to the Commission, including Office Assistant Angela Matti, Research and Policy Analyst David Gelting, and Operations Manager Clifton Crump.

5. EXAMINATIONS:

a) The Director presented for adoption an eligible list for the position of Fire Lieutenant in the Fire Department, consisting of 53 names. Jason Stenglein, FPC Human Resources Representative, made a presentation regarding the testing process used to arrive at the final list of eligible names. Commissioner O'Hear moved approval of the list, seconded by Commissioner Crouther. The motion carried unanimously.

b) The Director presented for adoption an eligible list for the position of Server Administrator in the Police Department, consisting of nine names. Jeff Harvey, Human Resources Representative from DER, gave a short presentation and indicated that there was only one vacancy for this position. Commissioner Crouther moved approval of the list, seconded by Commissioner O'Hear. The motion carried unanimously.

6. FIRE DEPARTMENT:

a) The Director presented a letter dated February 11, 2016, from Chief Mark Rohlfing, wherein he requests that one position of Fire Paramedic Field Lieutenant be reclassified to Fire Lieutenant due to a retirement, in accordance with the Salary Ordinance. Commissioner O'Hear moved approval of the request, seconded by Commissioner Crouther. The motion carried unanimously.

b) The Director presented a letter dated February 11, 2016, from Chief Rohlfing, wherein he requests that four positions of Battalion Chief, Fire that oversee the EMS Division, the Training Division, the Special Operations Division, and the Construction and Maintenance Division be reclassified to Deputy Chief, Fire. The Chair referred the request to the Department of Employee Relations for study and report.

7. POLICE DEPARTMENT:

a) The Director presented a letter dated February 4, 2016, from Chief Edward Flynn, wherein he nominates Police Sergeant Willie O. Murphy to the rank of Police Lieutenant. Upon a motion by Commissioner O'Hear, seconded by Commissioner Crouther, final action on this nomination was laid over to permit the nominee to be interviewed. The motion carried unanimously.

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

TO POLICE LIEUTENANT, on a waiver basis, from eligible list established July 16, 2015, contingent upon successful completion of a drug screening, effective February 28, 2016:

#13 – WINFRID T. FINKLEY and #15 – TROY K. JANKOWSKI.

Note: Commissioner Cabrera abstained from voting on these nominations as she was not present during the Executive Session.

TO POLICE SERGEANT, from eligible list established December 19, 2013, contingent upon successful completion of a drug screening, effective February 28, 2016:

#40 – SCOTT FREIBURGER* and #63 – LAURA CAPTAIN.**

*Promotion was previously deferred.

**Promoted on a waiver basis.

Note: Commissioner Cabrera abstained from voting on these nominations as she was not present during the Executive Session.

TO DETECTIVE, on a waiver basis, from eligible list established December 17, 2015, contingent upon successful completion of a drug screening, effective February 28, 2016:

#3 – RICHARD A. FREDERICKS and #4 – RICHARD TICCONI.

Note: Commissioner Cabrera abstained from voting on these nominations as she was not present during the Executive Session.

TO VEHICLE SERVICES ASSISTANT, from Garage Attendant, effective March 13, 2016:

OMAR R. REYES.

c) The following appointment, as presented by Chief Flynn, was approved by the Board:

TO HELP DESK SPECIALIST II, from eligible list established October 1, 2015, contingent upon successful completion of a medical examination and drug screening, effective March 14, 2016:

#4 – KRIS KOZUB.

d) The Director presented a letter dated January 12, 2016 from Chief Flynn, wherein he notifies the Board of the termination of Crime Analyst Maurita R. Holmes, an exempt at-will employee, under Personnel Order No. 2016-06, effective immediately.

e) The Director presented a letter dated February 16, 2016, from Chief Flynn, wherein he presents a request from Police Dispatcher Bonnie A. Muzia for voluntary demotion to the position of Police Telecommunicator, to be effective February 28, 2016. The department believes Ms. Muzia is qualified for this position, which includes a probationary period of 12 months. Commissioner Crouther moved approval of the request, seconded by Commissioner O'Hear. The motion carried unanimously.

f) The Director presented a letter dated February 5, 2016, from Chief Flynn, wherein he requests that the probationary period of Police Officer Cameron R. Scott be extended for a period of 208 consecutive days until September 20, 2016. Commissioner O'Hear moved approval of the request, seconded by Commissioner Crouther. The motion carried unanimously.

g) The Director presented a letter dated February 10, 2016, from Chief Flynn, wherein he requests that the probationary period of Police Dispatcher Nakesha Jackson be extended for a period of 90 consecutive days until June 14, 2016. Commissioner Crouther moved approval of the request, seconded by Commissioner O'Hear. The motion carried unanimously.

h) The Director presented a letter dated February 9, 2016, from Chief Flynn, wherein he requests classification of three new positions of Inspector of Police. The report generated by the Department of Employee Relations in response to this request was handled above under Unfinished Business.

i) The Chair opened the floor to Chief Flynn to provide a status report on Phase I of the implementation of body-worn cameras. Chief Flynn reintroduced Sergeant Douglas Wiorek who has been in charge of the deployment of the cameras, and he provided the following information in a presentation. Phase I began on October 21, 2015 with the deployment of 179 cameras to Districts 2 and 5 and the Neighborhood Task Force. Phase 2 will go live with the distribution of 300 cameras on March 22, 2016. An additional 300 cameras will be deployed in May and June 2016, with the distribution of the final 400 cameras in October 2016.

After 120 days and 179 cameras, the department has already uploaded 6.4 Terabytes of video to storage. This means that approximately 75 hours or 56 GB of video have been uploaded every day during Phase I. During feedback sessions, officers have indicated that the cameras are a great tool. The video evidence has provided the District Attorney's office with more solid prosecutions and less court time for the officers, and the officers believe the cameras have or will protect them from false allegations of misconduct. However, there have been some problems. The camera mounts do not work well with the winter uniform because of the bulky coats and hats, and officers have had to improvise to keep their cameras mounted. The department is working with TASER to develop a solution to this problem. In addition, there has been a huge demand from the District Attorney's office for the department to burn DVDs for them. This has been quite challenging because of the time considerations that need to be devoted to this task. To address this issue, additional personnel have been trained to be "Super Users" and have supervisory authority to download video.

Officers still forget sometimes to turn their cameras on in a timely fashion. This is expected to diminish as the officers develop muscle memory and the department stresses compliance. Tagging video and matching it with CAD reports has proven to be extremely time-consuming and cumbersome. The department is looking into purchasing software from TASER that will automate this process. This will be an additional expense but it is hoped it will reduce the tagging error rate to 1-2%. The department has also added another retention hold category. Whenever there is an open record request for a video, the video will be retained for an additional three years after the date of the record request. This retention hold will supersede any shorter retention holds. Sergeant Wiorek indicated that during Phase I, there were nine known camera malfunctions, and those cameras were replaced.

Inspector Mary Hoerig announced that the department was awarded a federal grant of \$660,000 over the next three years to participate in an independent study being jointly conducted by the Smart Policing Initiative, Bureau of Justice Assistance and the Urban Institute, to study how beneficial body-worn cameras are in terms of both improved desired outcomes (fewer use-of-force reports and citizen complaints, stronger prosecutions) and costs. Two-hundred fifty Milwaukee police officers have been randomly selected and will not be issued body-worn cameras. These officers will be the control group for the study. Inspector Hoerig indicated that part of the reason the grant was awarded was because the department was so far along in deploying the cameras in comparison to other cities across the country. The grant partners intend to disseminate a report to law enforcement agencies nationwide on methods of camera use and deployment that achieve intended outcomes.

Commissioner O'Hear indicated that he would like an audit of when the camera is being turned off and for what reason. Sergeant Wiorek indicated that this has to be self-reported because of the sheer volume of video that would have to be viewed to determine when a camera was turned off. Sergeant Wiorek also confirmed that officers would be disciplined for failing to turn on a camera after the cameras had been in use for a while. At this stage, he said, officers are still getting used to them and developing muscle memory. Commissioner Cabrera wanted to confirm that video would not be accidentally deleted during any review or auditing. Sergeant Wiorek confirmed that this could not happen and that the video would still be stored in Evidence.com until the retention date had expired. Furthermore, even after the video is deleted, the department still has access to the metadata, which includes when the video was created, by whom, how long the video was, and what the title was. Commissioner Cabrera also inquired about the nine camera failures, three of which were listed as "unknown". Sergeant Wiorek explained that TASER could not identify why the camera failed, whereas with the others they could identify a software, hardware or element failure. All of the failed cameras were replaced.

j) Chief Flynn gave a brief presentation on his participation in the President's Task Force on 21st Century Policing and the final report they generated. The Task Force met several times across the country to receive testimony from interested parties and nationally respected police experts. In February 2015, Chief Flynn testified before the Task Force on training and education. The Task Force created a report making recommendations and action items for law enforcement agencies across the country to voluntarily implement. The department took the 119 action items the Task Force recommended and immediately began comparing it against current department policy to confirm compliance. In any area in which the department did not conform, the department looked at what needed to be done and took steps to conform. Chief Flynn distributed a color-coded chart the department created listing all of the recommendations and action items with a status bar indicating degree of compliance. This chart is available on the Commission's website at http://www.city.milwaukee.gov/ImageLibrary/Groups/cityFPC/agendas5/160218_VIII_1.pdf. A green-colored status bar indicates the department is in compliance; yellow indicates the action item is in progress by the MPD; salmon indicates possible action needed by the department; and tan indicates the item is applicable to another governmental agency and not the police department. Chief Flynn stated that 48 of the recommendations applied to the federal government and 71 applied to local government, 60 of which were already implemented by the department. The department is in the process of implementing six more recommendations, and there are five recommendations which the department is reviewing that are ambiguously defined and not easily turned into a specific action. He is presenting this information to the

(Police Department:)

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Commissioners for their review and will gladly return to answer any questions they may have after they have had time to absorb all of the information.

8. ADJOURNMENT:

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

The meeting concluded at 7:10 P.M.

Respectfully submitted,



MaryNell Regan
Executive Director

MNR:JCS:js