

April 21, 2016

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:34 P.M.

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

EXECUSED: Ann Wilson

ALSO PRESENT: Mark Rohlfing, Chief, Milwaukee Fire Department; and Edward Flynn, Chief, Milwaukee Police Department.

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

1. PUBLIC COMMENT:

Ms. Mary Watkins spoke about the recently released 2015 Use of Force Report concerning the Milwaukee Police Department and noted that one officer was listed as having 12 incidents of use of force during the year. She is not satisfied with the correlation made in the report that the more arrests that are made, the more likely an incidence of use of force would occur. She asserts it is clear the MPD targets young black males for arrest and that data provided by the police department is unreliable because it is self-reported and does not take into account unreported uses of force or citizen complaints. She asked for follow-up regarding the reports and asked for updated annual reports. She wants to compare the data from the FPC's reports with the data collected by the police department. She complains that the same figures are released with each use of force report and there is no follow-up, no comparison or consequences. She states a better job of accountability needs to be made and that the goal needs to be "no use of force" and "way fewer" arrests.

Ms. Beth Meyer was pleased to receive the report but could not locate the 2014 report on the FPC's website. She also noticed that in the last three reports, the preparer of the report has recommended that changes be made to the Police Department's Administrative Investigations Management (AIM) database to provide more usable data. One number that concerned her from the report is that the percentage of officers using force has increased to 33% in 2015 from 23% in 2014 (although the number of incidents has declined). She believes this change is in the wrong direction. She also urged the Commissioners to remember that every data point involves real people and has a huge impact on the community.

Mr. Chris Ahmuty, Executive Director of ACLU of Wisconsin, does not believe the Commissioners have ever had a follow-up discussion with the public about the comments they received about the 2013 and 2014 reports. He would like a more thorough discussion by the Commissioners when Dr. Brandl presents the 2015 Use of Force report. The Director assured Mr. Ahmuty that conversation would take place this evening.

Mr. Samuel Alford, a local student activist, described being a young black male in this community as a "Catch-22" situation because black skin is criminalized, yet there is no opportunity for upward mobility since there is a lack of transportation and no urban city jobs. He believes that local law officers have a preconceived notion when they see a young black male because their only interaction with black males is responding to a call and dealing with criminal behavior. He wants a more genuine, earnest response to the violence. He believes there is an epidemic of violence and we are inured to it, but the reality is the level of violence is not normal and is "crazy." He encouraged the Commissioners to get to know black youth and to provide justice.

2. CONSENT AGENDA:

The Director presented the following items for approval on the consent agenda. (Detailed information concerning the items can be found under the appropriate regular meeting agenda heading in the minutes.)

- A. Regular Meeting Minutes – April 7, 2016.
- B. Promotion: Office Assistant IV (Police Department).
- C. Request for Voluntary Demotion of Police Dispatcher (2 requests).

There being no objections, all of the items were approved for adoption.

3. NEW BUSINESS:

a) The Director introduced Dr. Steven Brandl, a professor in the Criminal Justice Department at the University of Wisconsin-Milwaukee, who presented the 2015 Use of Force Report regarding the use of force by Milwaukee Police Department members. The Director noted that the 2013 and 2014 Use of Force reports are on the welcoming page of the FPC website. She also noted that the 2015 report was being presented in April 2016, as opposed to the November 2015 presentation of the 2014 report, which was delayed because of staffing issues.

This is the seventh year Dr. Brandl has produced this report. The study has two primary objectives: 1) to provide information on the number and nature of use of force incidents in the MPD in 2015; and 2) to compare the 2015 data with prior year data, when appropriate. Prior to 2013, incidents that involved "bodily force only" which did not result in injury or complaint of injury were not documented; therefore, "total number of use of force" incidents and "bodily force only" incidents in 2015 cannot be compared to corresponding data fields prior to 2013. A Use of Force report is completed whenever a Department member discharges a firearm, uses a baton, discharges an irritant, deploys an Electronic Control Device, obtains a forcible blood draw, uses bodily force or when a Department canine bites a person.

In this report, 682 incidents were analyzed, and some patterns and trends can now be detected. Since 2013, the total number of use of force incidents has declined. In 2015, 629 use of force incidents occurred when a subject was being arrested. In 2015, the MPD recorded 23,061 arrests; meaning that only 2.73% of all arrests involved the use of force. Sixty-seven percent (67%) of the 1,900 sworn officers were not involved in a use of force incident. The most common type of force used in 2015 was "bodily force only," which was involved in 72.1% of the incidents. There were 12 incidents involving the use of a firearm against a person (1 fatal, 7 non-fatal, and 4 with no gunshot injuries). The number of incidents involving a firearm was higher than in 2014 (8 incidents), but about the same as 2013 (14 incidents).

Since 2009, District 7 has had the greatest number of use of force incidents of all the districts. However, the occurrence of incidents continues to decline, with 152 incidents in 2015, making it more in line with District 3 (129) and District 5 (124). District 7 has experienced a 37.2% decline in number of incidents from 2013 to 2015. Dr. Brandl can only speculate as to the reason for the decline in use of force incidents in District 7, but he knows the captain of District 7 was trying innovative things to reduce the number of incidents.

Commissioner O'Hear noted that in several of Dr. Brandl's more recent reports, he has made recommendations regarding documenting use of force incidents in the AIM system. Commissioner O'Hear requested that an appropriate member of the Department provide a presentation to the Board and members of the public on what data is routinely collected from traffic stops, field interviews, arrests and use of force reports and recorded in the AIM system, and what upgrades or changes are being made to improve the database.

Commissioner Cabrera requested clarification regarding Dr. Brandl's recommendation that attention should be given to consistently recording the arrest charges against the subject. As a result of feedback that Dr. Brandl received from the 2014 report, he paid special attention to the charges that were associated with the arrest. He found there were differences between what was reported in the Use of Force narrative and what was included in the AIM system. The charge information in the AIM system was not complete, so Dr. Brandl was not confident about analyzing the charge data. It appeared that not all of the charges were recorded in the AIM system that was documented in the narrative.

Commissioner Cabrera questioned Chief Flynn about a Department member who had 10 incidents of use of force in 2015. Chief Flynn indicated that these incidents involved responses to four armed robberies and a "weapons fired" call, and six were from resisting arrest. In all cases, only bodily force was used by the officer, usually after a foot pursuit. No citizen complaints have been filed against the officer. The officer is a young African American male who works in some of the highest crime and dangerous neighborhoods of the City and makes a lot of gun arrests. As Professor Brandl noted in his report, the biggest predictor of uses of force is the number of arrests, and this officer makes a lot of arrests. Assistant Chief Carianne Yerkes further explained that the Early Intervention Program (EIP) flags individuals who have three or more incidents in a certain time period. When an individual is flagged, the supervisor has an intervention with the officer and reviews what is happening. The Use of Force Committee also meets on a regular basis and reviews use of force outliers and analyzes what is occurring, why it is occurring and what needs to be done. The Committee knows this officer and has discussed him because they became aware of him through EIP. This officer's use of force is directly tied to his work assignment, location and success at apprehending criminals.

Commissioner Cabrera was concerned that the percentage of officers using force has increased to 33%, which is up from 23% last year. However, Chief Flynn pointed out that the actual number of incidents has decreased. He also highlighted that last year there were 146 homicides, 639 shootings and more than 25,000 guns seized in Milwaukee. He noted that Milwaukee seized more guns than Chicago and 600 guns less than New York City. He emphasized that officers are working in some extremely violent neighborhoods and in the context of increased violent acts last year, he would not be surprised that an increasing percentage of officers had to use some force to effectuate an arrest. However, despite that backdrop, the use of force by an officer was an extremely rare event.

Commissioner Cabrera had a question about the "other" category listed in Table 11 of the report. Professor Brandl explained that was a category he created as a convention to be able to compare data in a meaningful, reasonable way. It is a common convention to collapse categories; and there being at least 100 different categories, to report that many categories would make the report nonsensical.

The Director reiterated that the Commission only just received the report and wanted to timely present the information. In addition, she indicated that FPC staff is working on discussion points and Dr. Brandl's recommendations, and the plan is to circle back through the Commission committees and report to the full board. The public is encouraged to submit questions and comments by e-mail.

4. FIRE DEPARTMENT:

a) The Director invited Chief Rohlfing to present the Milwaukee Fire Department's Community Paramedic Program to the Board. The Chief informed the Commissioners that the Department is involved in a Mobile Integrated Health (MIH) Program with several community partners to provide a path to health care for Milwaukee's at-risk populations. MIH programs began in a few places across the country where it was noticed that certain segments of the population's health care needs were not being served very well and there were gaps in the system. Many EMS calls were not necessarily calls that needed to be taken care of at the hospital and were costing communities millions of dollars. The Department wanted to find out how to better serve at-risk populations in a proactive way with its paramedics here in Milwaukee. It looked at various MIH programs across the country and decided to implement the program model used in Minnesota.

The Department partnered with the University of Wisconsin-Milwaukee Department of Nursing who is providing 120 hours of training to twenty-five paramedics who volunteered to participate in the MIH Program. Some of the training is didactic, but a lot of it is hands-on, learning the skills nurses use in assessing patients in the field. The aim of the program is to provide better health, better care, and at a lower cost. Chief Rohlfing noted that the U.S. Department of Health and Human Services has identified ambulance service as one of the biggest areas of overuse and abuse in Medicare at a cost of \$5 billion dollars. In addition, having a patient treated in the emergency department of a hospital costs hundreds of dollars more than receiving the same treatment at a doctor's office. The Department is focusing on "high-utilizers," who are individuals transported to the hospital by the Med Unit 25-60 times a month to receive treatment. High utilizers use the emergency room as their first stop for health care. It costs the Department around \$1,000 per trip to provide this type of transport service, yet the Department is only reimbursed \$130-150 by Medicaid or Medicare. The Department, in conjunction with its community partners, collaboratively assesses and determines a subgroup of patients that do not need to be transported to the Emergency Department, and then intervenes to provide treatment or set up care for chronic conditions such as congestive heart failure, asthma, diabetes and hypertension. As paramedics visit and intervene with high utilizers, they conduct other community risk assessments, such as checking for and installing smoke detectors, educating about project Sleep Safe and pre-natal care, talking about firearm safety, and informing patients of the importance of advanced directives. In December 2015, the Department completed its high-utilizer pilot program and in March 2016 began visiting city-wide high-utilizer patients out of Station 4, where the MIH program is based.

The Department has a Memorandum of Understanding with the American Lung Association and a grant to assess patients with respiratory ailments. It has also received a \$10,000 grant from the Wisconsin Asthma Coalition to engage asthma patients and collect data. The Hayat Pharmacy has also provided a \$10,000 grant to the Department to partner with the Homeless Taskforce and deliver MIH services to the most vulnerable citizens residing in homeless shelters. The Department is currently in discussions with five or six other hospitals and insurers to discuss how they can help them and expand the MIH program by creating partnerships with them. The Fire Department has a unique position within the community. It is a trusted member of the community and has access to any neighborhood in the City. It can locate individuals who have fallen off of the medical grid and hook them back up with their insurers or other healthcare organizations within Milwaukee County. It is expected that the MIH program will reduce unnecessary ambulance transportation to Emergency Departments, will utilize current resources, save millions of healthcare dollars, and create a healthier community by becoming a part of the "Healthcare" system before it is an emergency situation.

5. POLICE DEPARTMENT:

a) The following promotion, as presented by Chief Flynn, was approved by the Board under the Consent Agenda, Item B:

TO OFFICE ASSISTANT IV, from Administrative Assistant I, effective May 8, 2016:

ANISSA M. PARKER.

b) The following requests were previously approved by the Board under the Consent Agenda, Item C:

A letter dated April 15, 2016, from Chief Flynn, wherein he notifies the Board that Emergency Communications Operator II David J. Lussier voluntarily requests that he be demoted to the position of Emergency Communications Operator I, effective April 24, 2016, with a one-year probationary period.

A letter dated April 15, 2016, from Chief Flynn, wherein he notifies the Board that Emergency Communications Operator II Sarah A. Stock, voluntarily requests that she be demoted to the position of Emergency Communications Operator I, effective April 24, 2016, with a one-year probationary period.

c) The Director presented three requests dated April 12, 2016, from Chief Flynn, to extend probationary periods as follows: Police Sergeant Vynetta S. Norberg be extended for a period of 43 consecutive days until June 22, 2016; Detective Gary G. Cole be extended for a period of 112 consecutive days until August 20, 2016; and Police Officer Israel M. Rivera be extended for a period of 104 consecutive days until July 25, 2016. Commissioner O'Hear moved approval of all three requests, seconded by Commissioner Hein. The motion carried unanimously.

6. ADJOURNMENT:

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

The meeting concluded at 6:45 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "MaryNell Regan".

MaryNell Regan
Executive Director

MNR:JCS:js