November 3, 2016

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:30 P.M.

PRESENT: Commissioners: Steven M. DeVougas (Chair)
Kathryn Hein
Marisabel Cabrera
Ann Wilson
Fred Crouther
Angela McKenzie
Nelson Soler

ALSO PRESENT: Mark Rohlfing, Chief, Milwaukee Fire Department; and Terrance Gordon, Inspector of Police, representing the Milwaukee Police Department.

The meeting was staffed by FPC Operations Manager Clifton Crump. The Chair opened the meeting with Public Comment.

1. PUBLIC COMMENT:

Ms. Mary Watkins expressed her concern about transparency with the Memorandum of Understanding (MOU) between the Milwaukee Police Department and suburban police agencies regarding investigating critical incidents. In the past, the Department of Justice (DOJ) has posted their findings on its website, and she wants to know if the findings from the investigations will continue to be posted under the MOU.

Mr. Daniel Crowley expressed anger at the police for not arresting a tenant he evicted, who he believes burned down his house on October 31, 2016 and left him homeless. He was critical of the police investigation and believes that if the police had responded to earlier complaints from him, the arson would not have occurred. He also criticized district stations for not answering their phones and the length of time it takes police to respond to 911 calls.

Mr. Christopher Ahmuty, Executive Director of the ACLU of Wisconsin, also expressed concerns about the MOU. He stated that the MOU is silent about whether or not former Milwaukee police department officers are part of the suburban investigatory team and whether officers are able to view their body camera or squad camera video footage prior to being questioned. He surmises that perhaps this information is contained in the investigatory protocol. He is concerned that the state law setting forth investigations of critical incidents by outside law enforcement agencies did not establish standards to be followed, and he is concerned that the protocol may not have credible investigatory standards. He believes the protocol should not allow officers a waiting period prior to being questioned and that officers should not be allowed to view any video or audio evidence prior to being questioned. However, once the officer and key witnesses are interviewed, he believes the video should be immediately released to the public. He hopes the Board reviews the protocol to make sure these issues are addressed before approving the MOU.

Mr. Samuel Alford, Black Student Union-UWM, expressed his dissatisfaction with the current leadership of the Mayor, Chief, Sheriff and District Attorney's offices and stated the FPC has to do more. He wants the FPC to release the videos from the officer involved shootings. He complained that $300 million is being provided to the police department's budget by one of the poorest and disenfranchised communities in the nation, and the police are now able to live outside of the city and come in and "police" the community. He stated the community is suffering and "stuck" and the FPC has to decide whose side they are on because the community has no other recourse as to who will defend and protect them.

Ms. Cynthia Greenwood spoke in representation of all unarmed people of color killed by police and demanded justice for them.

2. CONSENT AGENDA:

Mr. Crump 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 – October 20, 2016
B. Promotion: Office Assistant II
C. Correspondence regarding Appointment of Police Planning and Policy Director
D. Correspondence regarding Discharge of Police Officer
E. Correspondence regarding Termination of Emergency Communications Operator I

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

3. UNFINISHED BUSINESS:

a) Mr. Crump returned to the Board a letter dated October 11, 2016, from Chief Flynn, wherein he requests approval of a policy change concerning investigations of critical incidents, allowing the Milwaukee County Investigative Team to be the primary outside investigator for critical incidents involving Milwaukee police officers, as outlined in a Memorandum of Understanding with regional law enforcement agencies. Since initially being presented to the Board on October 20, 2016, the Board has been provided a copy of the Memorandum of Understanding, a breakdown of the demographic profile of the Milwaukee County Investigative Team, and an opportunity to review the protocol for investigating critical incidents. However, Commissioner Cabrera was the only Commissioner who had reviewed the protocol and had questions regarding it. It is not clear to her how the protocol remedies the concern that former MPD officers are involved in investigations of current MPD officers. It appears to her that the "involved agency" continues to play a large role in the investigation of the officer under investigation. She believes that is contrary to the spirit of the state law and suggested tabling the matter until the other Commissioners have reviewed the protocol.

Inspector Gordon responded that the protocol does not have the involved agency investigating the matter; however, the involved agency does need to respond to and secure the scene and provide medical attention until the outside investigatory agency arrives. He pointed out that another issue with having the State of Wisconsin Department of Criminal Investigations (DCI) respond as the outside investigatory agency to incidents in Milwaukee is that DCI agents are spread across the state, and it has sometimes taken them two hours to respond to a scene. Commissioner Cabrera is concerned that from her brief reading of the protocol, the involved agency has the discretion to provide its personnel as support staff in the investigation and has other decision-making authority. Commissioner Cabrera moved to table the matter until the Commissioners have reviewed the protocol. Commissioner Soler seconded the motion. Additional discussion was held after the motion was made.

Commissioner Hein requested that the protocol be emailed to the Commissioners and was in favor of the motion. Commissioner Wilson asked what the difference is between this protocol and what is currently being done, and whether there is an alternative to do something else. The Chair requested the Police Department 1) have the protocol and any reference documents emailed or delivered to the Board, 2) have a discussion with the Board on whether DOJ approves of the agreement, and 3) have this discussion with the Board in Executive Session after all the relevant documents have been received. The Chair also suggested that the Board might want to have a representative of the City Attorney's office available for the Executive Session as well. Commissioner Cabrera requested that a summary be provided outlining the differences between the current procedures and what is being proposed under the

MOU and the new protocol, and indicating what is being improved upon. Commissioner McKenzie commented that it was her understanding that the whole purpose of the MOU was to expedite the process and that nothing has really changed. Inspector Gordon confirmed that the reason to have a regional investigatory team was to increase efficiency and also to address community concerns about DCI being comprised of retired Milwaukee police officers, as well as not overburdening the DCI with requests for outside investigations. A vote was taken on the pending motion and it carried unanimously.

4. NEW BUSINESS:

a) Mr. Crump introduced Mr. Fred Royal from the NAACP Milwaukee Branch and Mr. Darryl Morin from the League of United Latin American Citizens (LULAC), both of whom are members of the Community Coalition for Quality Policing (CC4QP). They gave a presentation on an alternative model of policing called Community Problem-Oriented Policing (CPOP). Mr. Morin explained that the CC4QP is comprised of over 20 different faith and community organizations concerned about the relationship between the police and community. It first came together about two weeks before the shooting incident in Sherman Park because they recognized that across the city the community was in crisis. One of the coalition's first objectives was to meet with the FPC because they quickly realized the FPC has tremendous statutory authority over policing in the city. The mission of the coalition is to improve police-community relations, reduce crime and improve the lives of the officers and the people they protect. Mr. Morin stated that in spite of increased police professionalism, the data driven model of policing has not resulted in healthy, productive police-community relations. He pointed out that Milwaukee has the highest incarceration rate in the country, yet the neighborhoods are not safer. He stated incarceration alone will not make the city safer.

When the coalition looked at other cities and municipalities across the country and at the President's Task Force on 21st Century Policing, it found that the cities that had adopted a problem-oriented policing approach had the greatest reduction in crime. The problem-oriented policing model requires the officers and community members to interact and work together to resolve the underlying problem for the crime. It changes the role of the police officer from being a "warrior" to being a "guardian." The need for problem-oriented policing is that you have inherent trust when everyone is involved in the process; and because everyone is involved, there is inherent transparency. There is not an assumption that information is being withheld. Community problem-oriented policing requires a complete organizational transformation of the police culture and includes bringing the police union to the table as well. Many officers may already be doing problem-oriented policing but are not getting credit for it, because they are evaluated by the number of tickets they write or the number of arrests they make.

The steps to a successful implementation are: 1) forming community partnerships with a wide range of community partners; 2) increasing the Department's accessibility to the residents it serves; 3) training personnel at every level in CPOP; 4) working at increasing officer buy-in of the benefits of CPOP (such as a dramatic increase in job satisfaction); and 5) prioritizing and sustaining meaningful commitment by the Department's leadership to the community policing policy by creating performance and evaluation systems and continuing to develop schematic and standardized problem-oriented approaches. Mr. Morin stated it will not be easy to implement and will take time because you have to bring all different parties to the table, but once you do that, you have inherent trust.

Mr. Royal pointed out that 45% of the City's budget goes to the Police Department, yet the community is not receiving the safer outcomes it feels it should have, nor does it have better police–community relationships. He stated that throwing more money at the problem is not the answer, so we need to look at different ways of building a public safety plan for the community, and the community should be a part of developing the safety plan because it is their community, collectively with the "brothers in blue." Mr. Morin concluded by quoting the Director of the Department of Justice, "We don't need police reform; we need to reform the police."

5. EXAMINATIONS:

a) Mr. Crump presented a request from FPC staff dated November 3, 2016, to amend the May 5, 2016 Police Sergeant Eligible List. Toni Vanderboom, Human Resources Representative, provided an explanation for the request, stating that two candidates were unable to participate in the selection process earlier this year due to military obligations. The two candidates have recently completed the remaining steps in the selection process, and their rankings of "2A" and "87A" are reflected in the amended eligibility list. Commissioner Crouther moved to approve the amended eligibility list, seconded by Commissioner McKenzie. The motion carried unanimously.

b) Mr. Crump presented for approval an examination announcement bulletin for the position of Police Fleet Supervisor in the Police Department. Jeff Harvey, of the Department of Employee Relations Staffing Services Division, provided a presentation to the Board and explained this is a civilian position responsible for keeping an automotive fleet of more than 250 vehicles in good working condition and supervising associated staff. The minimum requirements are five years of experience in automotive fleet maintenance, including at least two years of supervisory responsibility. Applications will be accepted beginning on December 3, 2016. Commissioner Crouther moved approval of the bulletin, seconded by Commissioner Hein. The motion carried unanimously.

6. 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 dated December 17, 2015, contingent upon successful completion of a drug screening, to be effective November 20, 2016:

#21 – BRIAN P. MACIEJEWSKI and #22 – EFRAIN CORNEJO, JR.

TO POLICE SERGEANT, on a waiver basis, from eligible list dated May 5, 2016, as amended on November 3, 2016, contingent upon successful completion of a drug screening, effective retroactive to July 31, 2016:

#2A – LISA M. SAFFOLD.

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

TO OFFICE ASSISTANT II, from Office Assistant I, effective November 20, 2016:

ESTELLE L. WILLIAMS.

c) The following communications, as presented by Mr. Crump, were received by the Board under the Consent Agenda, Items C-E:

A letter dated October 25, 2016, from Chief Flynn, wherein he advises the Board that the appointment of Leslie C. Silletti to Police Planning and Policy Director will be effective October 31, 2016, instead of October 24, 2016, as previously approved at the October 20, 2016 Board meeting.

A letter dated October 31, 2016, from Chief Flynn, wherein he notifies the Board that Police Officer Dominique L. Heaggan has been discharged from the Department for violating department Core Values, under Personnel Order No. 2016-139.

An order dated October 24, 2016, from Chief Flynn, wherein Probationary Emergency Communications Operator I Liana M. Harsh has been terminated from the Department consistent with Fire and Police Commission Rule XI, Section 7, under Personnel Order No. 2016-138.

d) Mr. Crump presented a letter dated October 26, 2016, from Chief Flynn, wherein he requests that the probationary period of Detective Lori M. Rom be extended for a period of 90 consecutive days, until February 6, 2017. Commissioner Wilson moved approval of the request, seconded by Commissioner Crouther. The motion carried unanimously.

e) Mr. Crump presented a letter dated October 25, 2016, from Chief Flynn, wherein he requests that the probationary period of Police Officer Justino Rodriguez Jr. be extended for a period of 59 consecutive days, until January 17, 2017. Commissioner Wilson moved approval of the request, seconded by Commissioner McKenzie. The motion carried unanimously.

f) Mr. Crump presented a letter dated October 25, 2016, from Chief Flynn, wherein he requests that the probationary period of Police Officer Natalie Cruz be extended for a period of 44 consecutive days, until January 3, 2017. Commissioner Hein moved approval of the request, seconded by Commissioner McKenzie. The motion carried unanimously.

g) Mr. Crump presented a letter dated October 25, 2016, from Chief Flynn, wherein he requests that the probationary period of Officer Patricia L. Moody be extended for a period of 50 consecutive days, until January 9, 2017. Commissioner Crouther moved approval of the request, seconded by Commissioner Hein. The motion carried unanimously.

7. ADJOURNMENT:

Commissioner Cabrera moved to adjourn the meeting, seconded by Commissioner McKenzie. The motion carried unanimously.

The meeting concluded at 6:39 P.M.

Respectfully submitted,

MaryNell Regan
Executive Director

MNR:JCS:js