

October 19, 2017

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:40 P.M.

PRESENT: Commissioners: Steven M. DeVougas, Chair
Kathryn A. Hein
Ann Wilson
Marisabel Cabrera
Angela McKenzie
Nelson Soler

ABSENT: Commissioner: Fred Crouther (Excused)

ALSO PRESENT: Mark Rohlfing, Chief, Milwaukee Fire Department; and William Jessup, Assistant Chief, representing the Milwaukee Police Department.

The Chair reconvened the Board in Regular Session, having previously met in Executive Session from 4:50 p.m. to 5:32 p.m. pursuant to Section 19.85 (1) (c) Wis. Stats. to consider employment, promotion, compensation or performance evaluation data of any public employee over whom the Board has jurisdiction or exercises responsibility, to wit: promotions to Police Lieutenant, Police Sergeant, Detective and Latent Print Examiner; and pursuant to Section 19.85 (1) (d) to consider strategy for crime detection or prevention, to wit: proposed legislation concerning FPC oversight authority of public safety departments.

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

1. PUBLIC COMMENT:

Father Jose Gonzalez, St. Adalbert Parish, stated that many of the immigrant families represented in his parish are the victims of violence. Being immigrant families, many feel victimized by their quality of life as easy targets of crime. The parish has been working with the police, especially District 2, and would like to work with the Board to solve unpunished crimes and to increase the quality of life by reducing the presence of prostitution in the neighborhood.

Allie Gardner, organizer of Common Ground, expressed her concern over the correlation of immigrant status and criminal violence. Having conducted surveys of the parishes, over 60% of the parishioners are afraid to contact the police. She is grateful that Chief Flynn came out to speak on the issue, assuring immigrants that they may contact the police without fear of deportation. However, more can be done to alleviate the fear of deportation and retaliation by those that have been reported for crimes. She would like to work with the Board to find policy solutions to these problems. Additionally, she would like to work on policy changes regarding visas and any other means by which the police interact with immigration. Finally, there have been issues with a language barrier between families and the police. She invited the Board to come to St. Adalbert Parish to speak with the parish on these issues. The Chair invited Ms. Gardner and Fr. Gonzalez to address the Board as an agenda item.

Cynthia Greenwood stated there is fear in the south side among the Hispanic community regarding deportation, questioning, and arrest. She stated there is a major problem with prostitution in the south side. She stated that a pastor recently resigned from Christ Lutheran Church, at 24th and Greenfield, because of the prostitution problem. She expressed fear in walking around her home at night. Finally, she called for a recall of Mayor Barrett and for more police officers.

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 – October 5, 2017
- B. Promotions:
 - 1. Office Assistant IV (Police Dept.)
 - 2. Office Assistant II (2 positions – Police Dept.)
- C. Correspondence regarding Termination of Probationary Police Officer
- D. Correspondence regarding Suspension of Police Officer (3 letters)
- E. Request to be Removed from Detective Eligible List

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

3. UNFINISHED BUSINESS:

a) The following promotion, as presented by Chief Flynn, was approved by the Board:

TO IDENTIFICATION SYSTEMS SPECIALIST, from Forensic Investigator, contingent upon successful completion of a drug screening, effective October 22, 2017:

BRIDGET J. SCHUSTER.

b) The Director returned to the Board a request from staff to amend Fire and Police Commission Rule XI, Section 12 (a) by requiring a request from the applicable department that a newly vacant exempt position remain exempt. Commissioner Soler moved approval of the request, seconded by Commissioner Hein. The motion carried unanimously.

c) Sergeant Douglas Wiorek gave a presentation on the MPD's Body Worn Camera deployment. He detailed that all MPD officers are equipped with cameras and how the daily 207 hours of video, approximately 157 gigabytes, are stored. Challenges with the body cameras over the last two years include camera mount fragility, officers tagging the video with CAD numbers, and officers developing the muscle memory to start their cameras. To resolve these issues, an arrangement has been made with the camera developer so that an officer merely needs to return a broken mount and a new one will be given to them and an automatic tagging system has been put into place to tag the videos. Additionally, revisions to the SOP are forthcoming and Sgt. Wiorek summarized some of the major policy changes including an auditing process by supervisors, a mandate requiring the officers to turn their videos on, and the integration of body cam videos and squad car videos into an online database.

Commissioner Hein asked if the storage cost of the videos is still as expensive as it was when the body camera system began. Sgt. Wiorek noted the cost has come down somewhat but has stabilized with cloud storage. Assistant Chief Jessup noted that he expects the costs to continue to decrease. Commissioner Hein asked if the MPD is in charge of protecting the database from hacking. Sgt. Wiorek answered that the database security is maintained by the body cam developer.

The Chair asked what the reaction to the cameras has been within the ranks of the MPD. Assistant Chief Jessup noted that there had been no significant difference in citizen complaints or use of force between officers equipped with cameras and those without. He suggested that this means the officers are comfortable with the technology and with the way they conduct their work. He contrasted this with the example of Las Vegas's police officers receiving less complaints after being issued body cameras, which suggested they changed their behavior. The Chair asked when the study on the cameras will be completed. Assistant Chief Jessup hypothesized sometime in 2018, and Sgt. Wiorek noted that information is still being supplied to the study.

Commissioner Cabrera asked for "no significant difference in use of force" to be expanded upon. Assistant Chief Jessup answered that this was the terminology of the researcher who had told them that there was no statistical difference between the officers with cameras and those without. Commissioner Cabrera asked if these statistics are based on the 240 officers used in the study or the department as a whole. Sgt. Wiorek answered that they are based on the department as a whole. Commissioner Cabrera asked how the

automated tagging system works. Sgt. Wiorek noted that the officers have a choice of inputting the tags manually if they are uncomfortable with the automation but, later if the system picks up an error in the tagging of the CAD number, the system will make the correction. Commissioner Cabrera asked when the study actually began. Sgt. Wiorek answered the study was proposed in August of 2015 but began in February 2016. Commissioner Cabrera asked, if the cameras have been deployed since February 2016, how can officers still be having difficulty with their muscle memory in turning the cameras on. Sgt. Wiorek answered that was a problem at the beginning of deployment, in the first few weeks of an officer being given the camera, but it has been resolved as of now. Commissioner Cabrera asked about the mounting options of the cameras. Sgt. Wiorek gave a demonstration of the three different mounts the officers have available and how, if one mount breaks, the camera can be moved to another mount. Commissioner Cabrera asked what the specific process for uploading video is. Sgt. Wiorek answered that there are docking stations at the station where the officers plug them in. A problem that arose was when officers were sent to public events like Miller Park, where they would typically go directly home afterward. A compromise was made where the officers may take their camera home with them unless they were involved in a use of force incident, whereby they would need to return to the station to upload the video before going home. Commissioner Cabrera asked if there was a better way to upload the video from the camera to the database, such as Bluetooth or Wifi. Sgt. Wiorek answered that in-car cameras will have the capability to upload through the cellular network, but the body cameras do not have that yet. Commissioner Cabrera asked how they use their cellphones in the process. Sgt. Wiorek explained that, through a Bluetooth connection, nothing is saved to the phone but the officers can tag and review the video on their phones.

Commissioner Wilson asked if the officers are using their own personal cell phones and when the cameras are being used. Sgt. Wiorek answered that they do use their own cell phones, and the cameras are only on when the officers are on duty or working in the capacity as an officer.

4. NEW BUSINESS:

a) The Director thanked Assistant Chief Jessup for placing her on the Milwaukee Police Department's (MPD) media list and noted that the Commissioners would also like to be on this list. Assistant Chief Jessup then gave an update on the traffic enforcement surge. There has been an increase in reckless driving and accidents. To combat this, the MPD has increased its enforcement over the last six months and has doubled the amount of citations it issues. The surge will continue through the end of the year in specific traffic hot spots. Certain officers have been designated as surge officers and have conducted 1,500 stops and given 600-700 citations. Commissioner Cabrera asked how high risk areas for accidents are determined. Assistant Chief Jessup answered they are determined based on crime and traffic data.

b) Captain Aimee Obregon gave a presentation on the creation of a Sexual Assault Standard Operating Instruction. She noted this was something the MPD has been reviewing and has identified protocol regarding officers' duties in sexual assault incidents and trauma training for officers to better engage with victims.

Commissioner Wilson moved to create the Standard Operating Instruction, seconded by Commissioner Hein. The motion carried unanimously.

c) Captain Aimee Obregon presented proposed changes to Standard Operating Procedure (SOP) 112 – Sexual Assault. She noted the changes are relatively minor, adding an instruction to the SOP that requires the taking of a sexual assault report regardless of the length of time that has passed since the occurrence of the incident.

Commissioner McKenzie asked why the protocol is to take a child victim to an advocacy center rather than a hospital. Capt. Obregon clarified that the advocacy center is a hospital and can conduct a medical examination while also conducting a forensic examination. Commissioner McKenzie asked if the parents preferred the child see their primary care physician. Capt. Obregon stated that is an option, but the officer will explain the benefits of taking the child to the advocacy center.

Commissioner Cabrera asked what is being done to inform victims of the procedural process, who to contact, and to provide them with documentation concerning their report. Capt. Obregon explained that much care is being taken in describing the legal process to the victims. Additionally, the department is giving the victims documentation of the incident, including who to contact for more assistance, which they plan to make into a booklet to make things easier for the victim to hold on to all the relevant documents. Commissioner Cabrera asked if the advocacy center is bilingual. Capt. Obregon answered that it is not, but they have separate services for bilingual needs.

Commissioner Wilson asked if the department needs more areas for victims to go to. Capt. Obregon answered that the locations are adequate but the department could always use more advocates and resources.

Commissioner Wilson moved to approve changes to SOP 112 – Sexual Assault, seconded by Commissioner McKenzie. The motion carried unanimously.

d) The Director presented a memo dated October 17, 2017 she had written to the Board regarding FPC access to MPD data. She reported that MPD is making available to FPC employees the Computer Aided Dispatch (CAD) database and the Record Management System (RMS). Access to these databases will allow the FPC staff access to critical data to advise the Board on policy directions. Additionally, an Aldermanic crime data report is being put together by the MPD, and it is anticipated to be rolled out in the next few weeks. The Director noted that, although the FPC investigators have access to evidence.com, they do not have the ability to search or download footage to audit. Thus, the Director recommended the Board ask for that. The Director asked if there has been any update on the additional database made for non-pursuit vehicles. Assistant Chief Jessup answered that it will be contained within the RMS. Finally, the Director recommended that the Chair ask for a report on the extent of data systems within MPD. Assistant Chief Jessup noted that putting together such an inventory should only take a couple weeks. The Chair stated he will send over a formal written request.

Commissioner McKenzie moved that FPC investigators have access to evidence.com for both searching and auditing purposes, seconded by Commissioner Soler. The motion carried unanimously.

5. EXAMINATIONS:

a) Marti Cargile, Human Resources Representative in the Department of Employee Relations (DER), presented for adoption an eligible list for the position of Information Services Manager – MPD in the Milwaukee Police Department, consisting of 14 names. Commissioner McKenzie moved approval of the list, seconded by Commissioner Hein. The motion carried unanimously.

b) Ms. Cargile then presented for adoption an eligible list for the position of Office Assistant II - MPD in the Milwaukee Police Department, consisting of 48 names. Commissioner Hein moved approval of the list, seconded by Commissioner Cabrera. The motion carried unanimously.

6. FIRE DEPARTMENT:

a) The following promotion, as presented by Chief Rohlfing, was approved by the Board:

TO FIRE LIEUTENANT, from eligible list established February 18, 2016, contingent upon successful completion of a drug screen, effective October 22, 2017:

#12A—JASON L. LEISTIKO.

7. POLICE DEPARTMENT:

a) The following promotions, as presented by Chief Edward 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 screen, effective November 5, 2017:

#41 - WILLIAM C. WALSH and #42 - STEVEN JOHNSON.

TO POLICE SERGEANT, on a waiver basis, from eligible list established May 5, 2016, contingent upon successful completion of a drug screen, effective November 5, 2017:

#41 - CARRIE A. POCERNICH; #42 - JUSTIN M. JOLLIFF; #43 - JUAN A. LOPEZ; #44 - ROBERT R. SMITH; #45 - DEBBIE ALLEN and #46 - WILLIAM P. SCHMITZ.

TO DETECTIVE, from eligible list established December 17, 2015, contingent upon successful completion of a drug screen, effective November 5, 2017:

#51 - MICHAEL J. FLANNERY; #52 - ANDREW D. MARX; #53 - THADDEUS J. SCHIMMELS; #55 - MATTHEW J. BUGHMAN and #56 - ANDREW S. BELL.

b) The Director presented a letter dated October 12, 2017, from Chief Flynn, wherein he nominates Forensic Investigator Benjamin D. Hurley to the exempt position of Latent Print Examiner in the Police Department, to be effective November 5, 2017. Pursuant to Rules of the Board, final action on this nomination was laid over to permit the nominee to be interviewed.

c) The following promotions, as presented by Chief Flynn, were approved by the Board under the Consent Agenda, Items B1-2:

TO OFFICE ASSISTANT IV, from Office Assistant II, a promotion without competitive examination, effective November 5, 2017:

INGRID CUEVAS.

TO OFFICE ASSISTANT II, from Office Assistant I, effective November 5, 2017:

KELLY J. CARR and PHILICIA K. MCHENRY.

d) The Director presented a letter dated October 11, 2017, from Chief Flynn, wherein he nominates Michael Masick to the exempt position of Database Analyst in the Police Department, to be effective November 6, 2017. Pursuant to Rules of the Board, final action on this nomination was laid over to permit the nominee to be interviewed.

e) The following communications were previously received by the Board under the Consent Agenda, Items C-D:

Personnel Order 2017-98 dated October 2, 2017, from Chief Flynn, terminating Probationary Police Officer Joseph Medina pursuant to Core Value 1.00 and Guiding Principle 1.01.

A letter dated September 26, 2017, from Chief Flynn, wherein he notifies the Board that Police Officer Donald S. Antoniak has been suspended for six days for violation of Department Rules and Code of Conduct under Personnel Order 2017-101 dated September 26, 2017.

A letter dated September 26, 2017, from Chief Flynn, wherein he notifies the Board that Police Officer Eric C. Ratzmann has been suspended for 33 days for violation of Department Rules and Code of Conduct under Personnel Order 2017-103 dated September 26, 2017.

A letter dated September 26, 2017, from Chief Flynn, wherein he notifies the Board that Police Officer August J. Farkas has been suspended for six days for violation of Department Rules and Code of Conduct under Personnel Order 2017-102 dated September 26, 2017.

f) The following communication was previously approved by the Board under the Consent Agenda, Item E:

The Director presented a letter dated October 12, 2017, from Chief Flynn, wherein he notifies the Board that #54 – Kenneth Justus requests to have his name removed from the Detective Eligible List.

8. ADJOURNMENT:

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

The meeting concluded at 6:50 P.M.

Respectfully submitted,



MaryNell Regan
Executive Director

MNR:REK:rc