

November 16, 2017

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:42 P.M.

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

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 5:15 p.m. to 5:38 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 and to consider strategy for crime detection or prevention, to wit: promotion of nominee to Forensic Ballistics Specialist; and pursuant to Section 19.85 (1)(d) Wis. Stats. to consider strategy for crime detection or prevention, to wit: Department of Justice Collaborative Review.

The meeting was staffed by Executive Director MaryNell Regan. The Chair opened the meeting with Public Comment but no members of the public came forward.

1. 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 – November 2, 2017
- B. Promotions: 1. Emergency Communications Operator II (Police Dept.)  
2. Police Records Specialist II (Police Dept.)
- C. Correspondence regarding Reversion to Previous Rank of Fire Personnel (8 positions)
- D. Correspondence regarding Fire Department Organizational and Personnel Changes
- E. Request for Human Resources Analyst – Sr. Examination (Police Dept.)
- F. Request for Building Maintenance Mechanic II Recruitment

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

2. UNFINISHED BUSINESS:

a) The Director returned to the Board a request from the Police Department to conduct a classification study of one position of Accountant III in the Budget and Finance Division. Sarah Trotter of the Department of Employee Relations (DER) presented the reclassification report. Due to changes in the position leading to a greater level of responsibility and oversight, DER recommends the position be reclassified to Accounting and Grant Specialist. Commissioner McKenzie moved to approve the recommendation, seconded by Commissioner Hein. The motion carried unanimously.

b) The Director returned to the Board review of Milwaukee Police Department (MPD) Standard Operating Procedure 580 regarding the ride-along program and the BBC documentary film about homicide in Milwaukee.

Commissioner Wilson asked who authorized the ride-along. Assistant Chief Jessup answered that the ride-along program is administered out of the Public Information Office, adhering to the spirit of transparency in policing. A person requesting a ride-along must be over 18 years of age, and if the request meets with the MPD's safety criteria, the department will approve it. Upon approval, the requestor must sign a waiver of liability and provide proof of insurance. In regard to the BBC, the MPD has worked with a number of national and international media entities and, when said entities apply for ride-alongs, they have typically been interested in the subject of what MPD is doing to handle violent crime, to improve community relations, and to implement new technology. In this case, the BBC contacted the U.S. Attorney's office two years ago and indicated they wanted to come to Milwaukee. The MPD took the U.S. Attorney's recommendation, met with the BBC, and communicated with the BBC via email. The BBC made some promises to the MPD regarding the content of the story, assuring that it would be positive, sensitive, and focused on what the MPD is doing to handle violent crime. After these discussions, the MPD felt this could be a positive story on Milwaukee and approved the request.

Commissioner Crouther asked if a requestor is denied a ride-along if they do not have insurance or sign the waiver. Assistant Chief Jessup confirmed they would be denied if those criteria of the SOP are not met.

Commissioner Hein asked who specifically signs off the approval of a ride-along request. Assistant Chief Jessup answered that the Chief and the assistant chiefs receive a summary of the request from the Public Information Office and make the decision. Commissioner Hein asked how many requests are made for the purpose of making documentaries and are such requests unique. Assistant Chief Jessup answered that such requests are rare, and the BBC request of ten days was longer than the usual requests for one to three days, but this was not overly burdensome. Commissioner Hein commented that, if the documentary request was so unique, the Board and the Mayor's office should have been made aware of it. Assistant Chief Jessup noted the MPD is unhappy with the final product of the documentary and will revisit how it approves requests for ride-alongs.

Commissioner Wilson asked if anybody thought to tell the Board about the request. Assistant Chief Jessup answered that the Board was not notified. With the large number of ride-alongs conducted regularly, the negative outcome was unexpected.

Commissioner Cabrera noted that Chief Flynn is not present at this meeting to answer questions from the Board, then asked when the MPD first saw the documentary. Assistant Chief Jessup answered that the ride-along took place in August and September of 2016, and the MPD was sent a link to a draft of the documentary in January of 2017. MPD members that reviewed the draft expressed their concerns over a lack of context in the documentary to the BBC via email. Commissioner Cabrera asked if, even after watching the draft, no one thought to contact the Board despite the political issues of gun control and the chronological proximity to the Sherman Park protests. Assistant Chief Jessup answered that, according to the emails between the BBC and the MPD, the topic of gun control was unexpected. Commissioner Cabrera expressed concern with the implied lack of any positive relationships between MPD members and the community shown in the documentary. Assistant Chief Jessup stated that hundreds of hours of film, including film of positive relations, were apparently edited out of the documentary. Commissioner Cabrera expressed that since the MPD would have known this documentary was not going to have a positive portrayal of the city and the MPD, some notice should have been given to the Board.

Commissioner Cabrera also asked about the circumstances surrounding the journalists entering the active crime scene of a home invasion shown in the documentary. Assistant Chief Jessup answered that the homeowner consented to the journalists entering the home and the crime scene was entered carefully and under the supervision of MPD members. Commissioner Cabrera directed Assistant Chief Jessup's attention to a scene with a car accident where a MPD member tells the journalists that he does not feel safe in the area of the accident and questioned why the journalists were not asked to leave the area for their safety. Assistant Chief Jessup expressed that mistakes were made in trusting how the documentary would look when it was completed but noted that he has to trust in the judgment of officers regarding the safety of a

crime scene. Although there was footage in the documentary, he cannot be certain how close to the smoking car the journalist was at the scene. Commissioner Cabrera expressed her concern over a possible need to retrain some of the officers shown in the documentary. Assistant Chief Jessup expressed that many officers shown in the documentary have various levels of experience, and what was observed was likely the officers' different coping mechanisms. Commissioner Cabrera drew Assistant Chief Jessup's attention to the scene with a detective being asked what he believes are the reasons for high crime levels and expressed her dissatisfaction with his responses. Assistant Chief Jessup agreed with Commissioner Cabrera but was unsure if his comments rose to the level of requiring disciplinary action. Commissioner Cabrera clarified that she does not think disciplinary action is needed but perhaps retraining. She then asked what the BBC's response was to the MPD's dissatisfaction with the documentary. Assistant Chief Jessup answered that the BBC stated they feel the documentary is accurate and are standing by it.

The Director asked when the MPD learned of the documentary's title, "Dark States: Murder in Milwaukee." Assistant Chief Jessup answered that they learned of the title when it was released in October of this year, and that the MPD was told the title of the documentary would simply be "Milwaukee."

The Chair asked what directives were given to the officers that took part in the documentary. Assistant Chief Jessup answered that the officers were given the usual directives of being mindful of safety considerations and of how they express their opinions to the media. The Chair asked if there was any research done on the reporter or the documentary series before granting the request. Assistant Chief Jessup could not answer this question because when the request was made, another MPD member who has since retired was in charge. The Chair asked what plan the MPD has to keep this from happening again, such as proposed changes to the SOP. Assistant Chief Jessup answered that a change to the SOP would not have prevented the MPD from being misled by the BBC. He expects that, going forward, the MPD will have to do more background investigation before granting requests, to ensure that the journalist requester is reputable. The Chair asked if the MPD reached out to the City Attorney after the BBC responded that they intend to stand by their story, despite some editorial control that the MPD retained. Assistant Chief Jessup answered that he was unaware of any such conversation with the City Attorney's office, and their own review of the contract led them to believe the BBC had the authority to release the documentary if it was accurate, even if it lacked contextual content.

Commissioner Cabrera stated that the correspondence from the BBC explicitly stated they would be looking into gun crime in Milwaukee and asked how the MPD could read that to mean a positive documentary would result from their investigation considering this correspondence was a mere week after the Sherman Park protests. Assistant Chief Jessup stated the MPD knew the documentary would be about violent crime and expected that there would be accurate context included within the final product. Namely, that there are pockets within the city with high crime, and the MPD works with many groups on a daily basis to reduce crime in these areas. Commissioner Cabrera asked if the Chief specifically thought it was a good idea to proceed with the documentary so soon after the Sherman Park protests. Assistant Chief Jessup answered that the MPD felt it would be fine if the documentary provided the necessary context. Commissioner Cabrera chastised this decision and stated it was "ridiculous" to believe a positive story would come out of a neighborhood that had been the site of large protests so recently. Assistant Chief Jessup answered that the MPD has a duty to work with the press. Commissioner Cabrera stated that it is not the MPD's job to work with the press, and this documentary should have been put off until after community relations had been mended somewhat.

Commissioner Wilson asked what the MPD is going to do to make sure this does not happen again because the documentary was not good for the city and did not accurately portray the city or its police officers. Assistant Chief Jessup answered that better research on the agenda of the reporter or agency would be conducted. Additionally, the MPD will speak with the City Attorney to alter the language of the agreement the reporter signs.

The Director noted that she had spoken with the City Attorney and, other than a rejected request to change the indemnification agreement, all that the City Attorney did was review the contract between the BBC and the MPD. Assistant Chief Jessup stated he was not involved in those discussions and only knows that the City Attorney weighed in on the agreement and signed off on the language of the contract. However, the MPD is taking responsibility for the agreement and is looking for the proper way to move forward and do better in the future.

Commissioner McKenzie stated that the MPD could have come to the Board when they received the request. She expressed that the Board not only has the proper authority to advise the MPD on such a request but is also comprised of multiple attorneys. Commissioner Cabrera stated that, as an attorney, she would not have advised signing a contract that surrenders all editorial rights. Commissioner McKenzie suggested that the MPD come to the Board in the future as the Board serves as representatives of the community. She recognized that Assistant Chief Jessup is not personally at fault but suggested that her statement be taken back to Chief Flynn.

The Chair recommended moving to submit this subject to the Policy and Standards Committee to find answers in what changes, if any, need to be made to the current protocol. Commissioner Cabrera so moved, seconded by Commissioner McKenzie. The motion passed unanimously.

c) The Director responded to questions raised at the last meeting. She noted that the general focus of the public comments was traffic safety and asked Assistant Chief Jessup for an update on the MPD traffic surge. Assistant Chief Jessup stated that the department has conducted a traffic surge in 56 designated areas, including Fond du Lac and Good Hope, which has led to an 87% increase in citations, a 17% reduction in automobile accidents, and a 12% reduction in overall crime in these designated areas. The MPD plans to continue the traffic surge over the coming weeks.

d) The Chair provided an update on the Department of Justice (DOJ) Collaborative Reform Initiative. The Fire and Police Commission (FPC) is committed to continuing the community conversation started during the DOJ collaborative review process that will help our law enforcement professionals develop effective strategies to build trust with the community they serve. In September of 2017, the DOJ halted Milwaukee's federal review. Regardless, the FPC recognizes the significance of the work performed during the original process including the public input gathered. The collaborative reform process should not be left unresolved. Therefore the FPC, in partnership with the MPD, is honored to announce the Milwaukee Collaborative Reform process, abbreviated as "MKECR." To assist the community in understanding the focus of the 273 page draft report, the FPC will post on its website a summarized document listing the draft's 55 findings and 110 recommendations. It should be noted that although there are inaccuracies in the fact findings and recommendations, they are presented as written, in the spirit of transparency, in order to help our city move forward on the conversation surrounding this topic. FPC staff is further developing an online portal to provide the current and future status related to each of the 110 recommendations. This portal will provide the public with the necessary accurate context for each recommendation and will be developed to allow the public to post their comments, feedback, and suggestions for each recommendation. It is hoped this functionality will allow the portal to become an open forum where the community can voice their feedback on current practices relating to the recommendations and also put forth potential solutions. FPC staff will also make available a community forum toolkit that will provide critical information and suggested approaches to engage citizens in a focused and effective discussion around the 110 recommendations, review MPD and FPC responses, and also allow an opportunity for citizen feedback. This toolkit will also help community groups organize and summarize the results of their public meetings in a format which they can easily submit to the FPC for review. Being committed to this MKECR process, the FPC plans to have both the online portal and community forum toolkit ready for public use before the end of the year. After the community has had its opportunity to review and respond to the 110 recommendations, the FPC intends to respond to the MKECR process via the Policy and Standards Committee, which is committed to vetting any and all MPD and FPC policies, and then submit final recommendations to the FPC Board.

3. EXAMINATIONS:

a) The Director presented for adoption an eligible list for the position of Emergency Vehicle Equipment Installer in the Police Department, consisting of seven names. Emily Keeley of DER explained the position's responsibilities, minimum requirements, and summarized the recruitment process. Commissioner Hein moved approval of the list, seconded by Commissioner McKenzie. The motion carried unanimously.

b) The Director presented for approval a job announcement bulletin for the position of Communications Facilities Coordinator in the Police Department. Marti Cargile of DER explained the position's responsibilities, minimum requirements, and stated the application period would run from November 17, 2017, through December 15, 2017. Commissioner McKenzie moved approval of the list, seconded by Commissioner Hein. The motion carried unanimously.

4. FIRE DEPARTMENT:

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

TO PROGRAM ASSISTANT III, from the current Program Assistant III Transfer/Promotional List, effective December 3, 2017:

AMANDA M. LEWIS.

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

A letter dated November 9, 2017, from Chief Rohlfing, wherein he notifies the Board that seven Fire Lieutenants and one Fire Captain will be reverted to their previous ranks due to the decommissioning of five apparatus. The personnel will be re-promoted when there is a vacancy in their respective rank, in order of their ranking on the current eligibility list.

A letter dated November 9, 2017, from Chief Rohlfing, wherein he notifies the Board of organizational and personnel changes being made to the MFD to reflect the 2018 City of Milwaukee Budget. The changes include decommissioning and recommissioning of apparatus, the closing of six fire stations, shifting Battalion Chiefs to different stations, and repurposing some of the closed stations to other functions.

5. POLICE DEPARTMENT:

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

TO FORENSIC BALLISTICS SPECIALIST, from eligible list established September 21, 2017, contingent upon successful completion of a background investigation, effective December 18, 2017:

#1 – MICHAEL PEREZ.

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

TO EMERGENCY COMMUNICATIONS OPERATOR II, from Emergency Communications Operator I, effective December 3, 2017:

ISRAEL M. RIVERA

TO POLICE RECORDS SPECIALIST II, from Police Records Specialist I, effective retroactive to July 2, 2017:

JAMES KIRSCHLING.

c) The following appointments, as presented by Chief Flynn, were approved by the Board:

TO POLICE OFFICER, from Police Aide, contingent upon successful completion of a medical examination, psychological evaluation, background update, and drug screen, effective December 3, 2017:

JONATHAN CRUZ, LEVOUR DAWSON, ALEXANDER EWEND, ANGEL GALLEGOS, TYLER GNAS, NICHOLAS KUCHTA, JUWON MADLOCK, SHEMAR MOORE, LOGAN ROBBINS, JONATHAN SCHROEDER, and JUSTIN YOUNG.

Police Aide Moore was recognized for a statement, thanking the Commission and the MPD for the opportunity to serve as Police Aides.

TO POLICE OFFICER, from eligible list adopted June 2, 2016, contingent upon successful completion of a medical examination, psychological evaluation, background update, and drug screen, effective December 4, 2017:

#211 – NATHAN LOCICERO.

TO POLICE OFFICER, from eligible list adopted September 7, 2017, contingent upon successful completion of a medical examination, psychological evaluation, background update, and drug screen, effective December 4, 2017:

#1 – BRADLEY RICHARDSON; #2 – LUCIANO ROGERS; #3 – DEVIN WHITFIELD; #7 – JEREMIE GAINER; #9 – STEVE XIONG; #11 – ADAM JEZIORSKI; #12 – AYOTUNDE BELLO; #13 – JOHN PARLIER; #14 – SHANA DORSEY; #17 – JESUS RODRIGUEZ; #18 – RODNEY ABERNATHY; #20 – DOMINIQUE THOMPSON; #21 – THOMAS SWIECIAK; #22 – BRONSON MOORE; #25 – KEVIN BECKER; #26 – STEPHANIE SCHAEFER; #31 – KURT SURDYK; #36 – MATTHEW RZEPKOWSKI; #37 – ROBERT RUTH; #39 – FRANK HEEG; #44 – MATTHEW PAGELSDORF; #45 – JAVONTE POWELL; #47 – MORGAN KLIPP; #48 – TYLER WALTER; #51 – JOSHUA HERMANN; #53 – RYAN WEBB; #55 – ALBERT DAMMONS; #56 – NATHAN SEEBY; #57 – TERRY BELL; #61 – NATHAN GRAP; #64 – EIAN WEST; #67 – DEVIN O'DONNELL; #68 – DORIAN MOORE; #69 – BENJAMIN WRIGHT; #72 – TIFFANY BROWN; #73 – KYLE HIGGINS; #78 – JOSUE AYALA; #80 – DECORIE SMITH; #81 – KYLE VELOZ; #82 – RALPH ROBY; #83 – EFRAIN TONER; #84 – STEVE RABINOVICH; #87 – NICHOLAS WILCKENS; #90 – NIKOLAS ZENS; #92 – JOANNA MAGILL; #93 – JOEL LIERMAN; #94 – LORENZO HERNANDEZ; #96 – KEYANDRE CLAYTON; #97 – MELISSA JACOBS; #99 – FIDAH MUSTAFA; #101 – JOSEPH WEBER; #103 – ANDY HERNANDEZ and #104 – LYDIA RIVERA-HOLEY.

TO POLICE OFFICER, on a contingency basis, from eligible list adopted September 7, 2017, also contingent upon successful completion of a medical examination, psychological evaluation, background update, drug screen, and the number of regularly appointed Probationary Police Officers reporting for duty on December 4, 2017, effective December 4, 2017:

#105 – ROBERT LLOYD; #108 – RASHAD STEWART; #111 – RANDI WIEGAND; #112 – JASON FINLEY; #113 – JACOB BRYANT-POVLETICH; #114 – CHRISTIAN SANCHEZ-ALCANTAR; #115 – CHARLES LASKEY-CASTLE; #117 – SHAUNDAE MCINTOSH; #119 – CHELSEA MILLER; #120 – SHAWN SWITZER; #123 – MICHAEL WAGNER; #125 – KEVIN HANSEN; #127 – BRENDAN KULCINSKI; #128 – CHUESHIE XIONG; #130 – TYLER LAST; #131 – ZACHARIAH WILBER; #132 – DYLAN FULLER; #134 – CHARLES WORTHINGTON; #135 – MITCHELL SLATTON; #137 – QUIANNA MCBRIDE; #140 – ERIC

SMITH; #141 – ADAM MARITATO; #142 – JUSTIN MARZELLO; #143 – ANDREW JACOBSEN; #144 – TIM ZORNOW; #146 – ANNA QUINTERO; #147 – PATRICK DONALDSON; #149 – TIMOTHY NEUREUTHER; #151 – ROSS LAUTENBACH; #152 – DANIEL GOODCHILD; #153 – ANTONIO DORSEY; #161 – ELMER MONTANO and #164 – JACOB ROECKER.

d) The Director presented a letter dated November 8, 2017, from Chief Flynn, wherein he requests that the probationary period of Police Sergeant Cassandra L. Benitez be extended for a period of 30 days, until January 3, 2018. Commissioner McKenzie moved approval of the request, seconded by Commissioner Cabrera. The motion carried unanimously.

e) The Director presented a letter dated November 9, 2017, from Chief Flynn, wherein he requests that the probationary period of Detective Robert F. Wenger be extended for a period of 50 days commencing January 21, 2018, until March 11, 2018. Commissioner McKenzie moved approval of the request, seconded by Commissioner Hein. The motion carried unanimously.

f) The Director presented a letter dated November 8, 2017, from Chief Flynn, wherein he requests that the probationary period of Emergency Communications Operator I Lisa Thierry be extended for a period of six months, until May 29, 2018. Commissioner McKenzie moved approval of the request, seconded by Commissioner Cabrera. The motion carried unanimously.

g) The following communications were previously received by the Board under the Consent Agenda, Items E and F:

A letter dated November 8, 2017, from Chief Flynn, wherein he requests the Board to conduct a recruitment, administer an examination, and provide an eligibility list for the position of Human Resources Analyst –Sr. The Board referred the request to DER.

A letter dated November 8, 2017, from Chief Flynn, wherein he requests the Board to conduct a recruitment, administer an examination and provide an eligibility list for the position of Building Maintenance Mechanic II. The Board referred the request to DER.

#### 6. ADJOURNMENT:

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

The meeting concluded at 6:38 P.M.

Respectfully submitted,



MaryNell Regan  
Executive Director