

December 21, 2017

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:36 P.M.

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

ALSO PRESENT: Terry Lintonen, Deputy Chief, representing the Milwaukee Fire Department; and James Harpole, Assistant Chief, representing the Milwaukee Police Department.

The Chair reconvened the Board in Regular Session, having previously met in Executive Session from 4:11 p.m. to 5:32 p.m. pursuant to Section 19.85 (1) (g) Wis. Stats. to confer with a representative of the City Attorney's Office who will render oral or written advice concerning strategy to be adopted by the Board with respect to litigation in which it is or is likely to become involved, to wit: Gomez disciplinary appeal; 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: promotion of nominees to Police Lieutenant and Police Sergeant and Chief review planning; and pursuant to Section 19.85 (1)(d) Wis. Stats. to consider strategy for crime detection or prevention, to wit: Department of Justice Collaborative Reform (MKE CR update).

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

1. PUBLIC COMMENT:

Mary Watkins expressed her "vigorous" opposition to Standard Operating Procedure (SOP) 910. She stated her belief is that SOP 910 is an attack on citizens' civil liberties, right to assemble and free speech based on her review of the un-redacted portions of the document. Her chief concern is that SOP 910 is greatly redacted from public view and the public cannot review the document in its entirety. Ms. Watkins stated if SOP 910 is approved on December 21, 2017, it would send a negative message about the City of Milwaukee.

Deb Langkau was concerned about the loss of the Milwaukee Fire Department's (MFD) Engine 6 on December 18, 2017. Ms. Langkau further expressed her frustration with how Chief Rohlfing dealt with the citizens during the process of closing Engine 6. She asserts that Chief Rohlfing claimed citizens were "picking on him" whenever the citizens expressed their disapproval of the closing of Engine 6. Ms. Langkau, along with other members of the neighborhood, feel their concerns/voices were not being heard regarding their disapproval and accused Chief Rohlfing of misleading them.

Milwaukee Police Association President, Detective Michael Crivello, expressed his disagreement with the Fire and Police Commission (FPC) disciplinary appeal hearing decision regarding Police Officers Bradley Johnson and Brian Young. Additionally, concerning SOP 085 as it relates to improperly failing to identify themselves to a citizen during a field interview, Detective Crivello stated the charge incorrectly asserts that officers must "immediately" identify themselves. Detective Crivello stated the due process rights of Officers Johnson and Young were violated. Further, Detective Crivello asserted the actions of Officers Johnson and Young were "absolutely just and in accordance with the training and the directive of the Chief." Following Detective Crivello's comment, he hand-delivered an original letter dated December 21, 2017, setting forth, in detail, his concerns regarding the appeal hearing decision for Officers Johnson and Young.

Vaun Mayes of Community Task Force-Milwaukee expressed his opposition to SOP 910. He stated SOP 910 is an attempt to interfere with a citizen's right to protest, assemble and free speech. He further stated while the MPD is seeking to add new SOPs, there are changes that remain to be made concerning the Department of Justice reports which reflect a gross and dangerous negligence on behalf of MPD and how MPD polices the community. Mr. Mayes claimed that during protests and demonstrations, the people who were causing disturbances were not the ones being arrested. Instead it was the people who are "acting on their safety and the safety of the community" who were targeted and arrested by the MPD.

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 – December 7, 2017

B. Appointments:

1. Office Assistant III (2 letters, 2 positions) (Police Dept.)

2. Office Assistant II (4 positions) (Police Dept.)

3. School Crossing Guard (2 letters, 3 positions)

C. Request to Rescind Police Officer Appointment (2 letters, 11 positions)

D. Correspondence regarding Police Officer Appointments (12 positions)

E. Request for Voluntary Demotion of Health & Safety Officer (Police Dept.)

F. Request for Crime Analyst Recruitment

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

3. UNFINISHED BUSINESS:

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

TO LATENT PRINT EXAMINER, from Forensic Investigator, contingent upon successful completion of a drug screening, effective December 31, 2017:

CHET A. ST. CLAIR.

TO COMMUNITY SERVICE OFFICER, from Community Education Assistant, effective December 31, 2017:

ALINA CHA, ALICE JONES, ANTHONY RODRIGUEZ and MONICA SOSA.

4. NEW BUSINESS:

a) The Director presented to the Board a request from staff to amend FPC Rule V-Classifications, Section 2, by adding the emergency personnel designation "(EP)" to the following titles: Fire Dispatch Assistant Manager, Fire Dispatcher-Senior and Fire Fleet and Equipment Manager. Commissioner McKenzie moved approval of the amendment, seconded by Commissioner Hein. The motion carried unanimously.

5. FIRE DEPARTMENT:

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

TO FIRE DISPATCHER-SENIOR, from Fire Dispatcher, on a temporary basis for a 60-day period, effective December 31, 2017:

JASMINE T. SALLEY and ELIZA A. ORTIZ.

6. POLICE DEPARTMENT:

a) 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 January 14, 2018:

#43 – JEFFREY A. SUNN.

TO POLICE SERGEANT, on a waiver basis, from eligible list established May 5, 2016, contingent upon successful completion of a drug screening, effective January 14, 2018:

#51 – GREGORY D. HUNTER, SR.

Note: The promotion of #50 – Brian A. Shull to Police Sergeant was held over for interview at the next meeting.

TO OFFICE ASSISTANT IV, from Office Assistant II, a promotion without competitive exam, effective January 14, 2018:

NANCIE A. BAKER and JOANNA J. MCGILL.

b) The following appointments, as presented by Chief Flynn, were approved by the Board under the Consent Agenda, Items B1-3:

TO OFFICE ASSISTANT III, from Department of Employee Relations transfer list, contingent upon successful completion of a medical exam and drug screening, effective January 2, 2018:

ELAINE C. KING.

TO OFFICE ASSISTANT III, from Department of Employee Relations transfer list, contingent upon successful completion of a medical exam and drug screening, effective January 2, 2018:

TE'NESE N. TOLBERT.

TO OFFICE ASSISTANT II, from Department of Employee Relations eligible list, contingent upon successful completion of a medical exam and drug screening, effective January 2, 2018:

LINDA D. MARTIN, DIONNE M. RANSAW, TIARA J. MARTIN and LANISHA M. HALE.

TO SCHOOL CROSSING GUARD OPERATOR, effective October 26, 2017:

UNEEDA FOSTER.

TO SCHOOL CROSSING GUARD, with effective dates:

CHARLES E. BROWN (12/4/17) and EDDY RODRIGUEZ REYES (11/28/17).

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

A letter dated December 8, 2017, from Chief Flynn, wherein he requests that the appointment of Police Aide Logan Robbins to the position of Police Officer at the November 16, 2017 meeting be rescinded.

A letter dated December 12, 2017, from Chief Flynn, wherein he requests that the appointments to the position of Police Officer at the November 16, 2017 meeting of the following people be rescinded:

#9 – STEVE XIONG; #21 – THOMAS SWIECIAK; #31 – KURT SURDYK; #36 – MATTHEW RZEPKOWSKI; #45 – JAVONTE POWELL; #56 – NATHAN SEEBY; #73 – KYLE HIGGINS; #92 – JOANNA MAGILL; #96 – KEYANDRE CLAYTON; and #101 – JOSEPH WEBER.

d) The following communication was previously received by the Board under the Consent Agenda, Item D:

A letter dated December 2, 2017, from Chief Flynn, wherein he notifies the Board that the contingency appointments to Police Officer of the following people, approved at the November 16, 2017 meeting, were utilized:

#105 – ROBERT LLOYD; #108 – RASHAD STEWART; #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; and #125 – KEVIN HANSEN.

e) The following requests were previously approved by the Board under the Consent Agenda, Items E-F:

A letter dated December 11, 2017, from Chief Flynn, wherein he presents a request from Health & Safety Officer Cathy Walker-Harris for voluntary demotion to Human Resources Analyst-Senior, to be effective December 31, 2017.

A letter dated December 13, 2017, from Chief Flynn, wherein he requests that a recruitment be conducted for the position of Crime Analyst by the Department of Employee Relations as soon as possible. Director Regan stated for clarification that the request to refer the Crime Analyst recruitment to the Department of Employee Relations is not appropriate, and that the FPC will handle this recruitment and posting.

f) The Director presented for approval Milwaukee Police Department (MPD) Standard Operating Procedure (SOP) 910, a newly drafted SOP which addresses Civil Disturbance and Crowd Management. It should be noted that the Commissioners were provided with un-redacted versions of SOP 910. The Chair called for an explanation/discussion of SOP 910 and the need for it.

Assistant Chief Harpole explained how SOP 910 was developed to provide the MPD with a more comprehensive policy relative to the department's response to civil unrest situations, or situations where there are civil disturbances. The determination to develop SOP 910 was made following the 2016 riots experienced in Milwaukee. Information from other MPD policies and from a review of other cities' policies were incorporated into SOP 910. The policy is to provide supervisors with a step-by-step process in which they can deploy resources when there are situations of civil unrest. The policy is also designed to protect the free speech of individuals who engage in lawful demonstrations and to protect civil liberties as well.

Concerns/questions of the Commissioners were as follows:

Commissioner Wilson ("Wilson") questioned what MPD practices were in place before SOP 910 was developed. Assistant Chief Harpole responded that MPD has a Major Incident Response Team who received training on this, and there is a set of instructions that guide this team. Every police officer has received training and takes whatever necessary steps are needed to regain control of a situation as reflected in various policies. SOP 910 brings all instructions into one single policy. Wilson was concerned that there are "policies on top of policies" and wants MPD to be careful that the policies that are adopted and implemented do not create an "us and them" mentality between MPD and community civilians. Wilson further asserted the need for preventative measures to be taken rather than responsive measures. Assistant Chief Harpole responded he is aware that prevention is key and advised that police

officers receive training in de-escalating situations and communication training, which is overseen by Inspector Gordon. Assistant Chief Harpole also stated that in SOP 910 there are instructions on positive engagement with key community leaders, community stakeholders, faith-based leaders, elected officials and others with a vested interest in the neighborhood in a collaborative manner. Wilson questioned the need for SOP 910 in view of Assistant Chief Harpole's explanation of the many positive steps already being taken. Assistant Chief Harpole responded, to pass the complete policy from one generation of officers to the next with a good understanding of the policy's history and purposes.

Commissioner Cabrera ("Cabrera") questioned why the SOP 910 document released to the public had redacted language. Assistant Chief Harpole responded that: 1) The policy has a lot of law enforcement sensitive material; 2) Police tactical information is sensitive; and 3) Police response information and deployment of resource information regarding specific situations is also sensitive. Assistant Chief Harpole discussed the importance of MPD being able to deploy resources in a manner that is unknown to civilians for effectiveness in policing situations and the safety of civilians and police officers. Cabrera stated there is a pattern being set with MPD making certain changes in policies and procedures following receipt of many citizen complaints or an order from the FPC to do so. Cabrera asserted that the CIT training was not developed by way of MPD's own volition, but in fact, was derived from people in the community who advocated for action and involved the Mayor as well. Cabrera stated Assistant Chief Harpole should refrain from taking credit for developments/progress/reduction in crimes and traffic accidents that were mandated by the FPC Board. Commissioner Cabrera suggested SOP 910 needs further review and moved to hold this item over for follow-up at the next meeting.

Chairman DeVougas ("DeVougas") stated that he is in agreement with Assistant Chief Harpole that a policy is needed. However, because of the civil rights implications there is definitely a need to have the City Attorney review SOP 910. He agreed with holding the matter over to the next meeting as well. DeVougas further stated that the SOP should be considered for review by the Policies and Standards Sub-Committee as well.

Commissioner Hein ("Hein") brought up the fact that if SOP 910 goes before the Policies and Standards Sub-Committee, the issue would be open to the public for public comment which means the public would need access to an un-redacted SOP 910 to make fully informed comments and responses. Hein suggested finding some way for the public to be able to review SOP 910 in its entirety with minimal redacted information. DeVougas referenced open records exemptions and suggested that if SOP 910 is reviewed by the Policies and Standards Sub-Committee, the Committee could meet in closed session and continue to take comments from the public and not jeopardize any sensitive information relating to MPD practices.

The motion was seconded by Commissioner Wilson. The motion carried unanimously. This item was held over for additional review and further discussion at the next meeting on January 11, 2018.

g) The Director presented for approval a Standard Operating Instruction regarding Evidence Vehicle Processing. The Chair called upon Assistant Chief James Harpole to provide background regarding said Standard Operating Instruction. Assistant Chief Harpole advised the Board that the City's tow lot is in the area of 37th and Lincoln Avenue and holds police evidence vehicles. This instruction provides guidance to command officers on the steps to use in determining if the vehicle is evidence, held for safe keeping, and how to return the vehicle to the owner. The goal is to hold the vehicle for the shortest amount of time as possible. Commissioner Crouther moved to adopt Standard Operating Instruction regarding Evidence Vehicle Processing, seconded by Commissioner Soler. The motion carried unanimously.

h) The Director introduced an update on Operational Expansion of the Gang Unit relating to Milwaukee's South Side. Assistant Chief Harpole stated the MPD is currently involved with the FBI Gang Crime Task Force which is a Regional Task Force that has been in this area for many years between the cities of Racine and Milwaukee. The FBI Task Force has been assigned to Districts #4 and #5 in the past. Currently the FBI Task Force is working with MPD in the Center Street area and other parts of Milwaukee. With the increase of crime on the South side, the FBI Task Force offered to expand to include the South side. It doesn't increase the number of MPD officers assigned to District #2. Instead, it dedicates the

officers in District #2 that are already working on gang investigations to this task force, and the FBI will provide additional resources to staff the unit as well. Statistics of homicides/non-fatal shootings/ robbery/drugs/soliciting prostitution in District #2 were presented via PowerPoint presentation. Assistant Chief Harpole stated the FBI will fund four Task Force Officer (TFO) positions: One Detective (South Investigations Division), one Detective/Police Officer (Intelligence Fusion Center [IFC]); and two Police Officers in District #2. District #2 will commit a patrol sergeant and AGU assets. The Task Force will be housed in District #2 and supervised by a District #2 Patrol Sergeant. IFC will commit a dedicated analyst who will remain at IFC. Also, the FBI funding includes \$18,000 overtime per TFO per year, take home vehicle and specialized training. This would offer MPD some relief on their overtime budget.

Commissioner Crouther ("Crouther") questioned whether the data on the PowerPoint is the same data that was presented to and reviewed by the U.S. Attorney General. Assistant Chief Harpole responded that he was not sure if this is the exact data reviewed by the Attorney General and believes he may have reviewed more aggregate data for Milwaukee. Crouther questioned whether the Attorney General offered a recommendation for funding in this instance. Assistant Chief Harpole stated there was no mention of additional funding; however, the Attorney General did indicate that his office would receive two additional prosecutors.

Commissioner Cabrera questioned to what extent or estimated time that the Task Force will exist on the South Side. Assistant Chief Harpole stated there is no set timeframe. It is all based on the data collected, level of investigation put forth concerning the active crimes in District #2, and results that are being sought. Commissioner Cabrera questioned the financial budget parameters of the FBI for the funding of the Task Force. Assistant Chief Harpole advised the Board that the Task Force is a permanent Task Force, but he cannot speak definitively as to the FBI financial budget parameters relative to the Task Force.

i) The Director introduced discussion of the Creation of the Overdose Task Force. Assistant Chief Harpole provided the history/background of HIDTA (High Intensity Drug Trafficking Agency) along with their role in crime prevention. Assistant Chief Harpole went on to describe the opioid overdose epidemic in Milwaukee and provided details regarding the creation of the Overdose Task Force. Assistant Chief Harpole presented data via PowerPoint presentation which reflected the following: 1) Diversity in gender and race associated with opioid deaths; 2) Increase in opioid deaths from 588 in 2013 to 827 in 2016; 3) Data for Milwaukee County Opioid Overdoses; 4) Comparison of opioid deaths (194) greater than both homicide (108) and traffic deaths (58) from January 1st through November 30, 2017; and 5) Mapped data of opioid related overdose deaths in various districts in Milwaukee. Assistant Chief Harpole advised the Board that Detectives from MPD's Investigations and Intelligence Bureau are currently investigating crimes including overdoses. MPD officers are equipped with Naloxone (Narcan) per SOP, and members are trained in the administration of Narcan to persons suspected of overdose. Also, Officers have received additional guidance/instruction on fentanyl and safety measures involving same. It should be noted that they are prosecuting the drug dealers of the opioids, not the drug users. Assistant Chief Harpole concluded by discussing the benefits of this Task Force and reviewing the contribution to new technology at the Medical Examiner's Office with use of a new machine named Liquid Chromatograph/Mass Spectrometer with Time of Flight Detector. Lastly, Assistant Chief Harpole discussed funding.

Commissioner Crouther questioned how officers will know if a person has overdosed. Assistant Chief Harpole replied the Medical Examiner will make that determination and the use of the Liquid Chromatograph/Mass Spectrometer with Time of Flight Detector will also help identify overdoses and what specific drug was used. Commissioner Crouther questioned how Narcan is administered to a person and when it is administered. Assistant Chief Harpole responded Narcan is a nasal administration, and officers will provide same if officers believe the person is overdosing on an opioid.

Chairman DeVougas questioned how does and will the MPD and Milwaukee Fire Department (MFD) collaborate their efforts regarding opioid overdoses. Assistant Chief Harpole introduced MPD Inspector Terrance Gordon who is responsible for developing the Narcan Program for MPD. Gordon stated he and the training director of the MFD have an excellent relationship. Regarding response time, MFD has a

rapid response so there is no conflict regarding response times between the departments. This is due to extensive training efforts of both departments.

j) The Director presented to the Board an update on MPD Traffic Enforcement Surge. Assistant Chief Harpole via PowerPoint presentation discussed how research and data driven approaches assist with crime and traffic safety efforts. The Board was advised that the operation began October 16, 2017 and will continue through January 1, 2018. MPD has identified locations where high crime and crashes intersect, and the goal is to provide traffic enforcement at key crash and crime locations, as well as responding to Aldermanic and citizen requests for traffic enforcement. Assistant Chief Harpole discussed Pre and Post Surge Comparison Data which showed favorable results.

7. ADJOURNMENT:

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

The meeting concluded at 7:02 P.M.

Respectfully submitted,


Mary Nell Regan
Executive Director

MNR/nmt