

October 5, 2017

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:38 P.M.

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

ABSENT: Commissioners: Fred Crouther (Excused)
Angela McKenzie (Excused)

ALSO PRESENT: Mark Rohlfing, Chief, 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 4:42 p.m. to 5:32 p.m. pursuant to Section 19.85 (1) (f) Wis. Stats. to consider financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations, to wit: review of residency exemption request; and pursuant to Section 19.85 (1) (d) Wis. Stats. to consider strategy for crime detection or prevention, to wit: FPC Directive regarding Vehicle Pursuits and Department of Justice Collaborative Review.

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

1. PUBLIC COMMENT:

No members of the public approached the Board to comment.

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 – September 7, 2017
- B. Regular Meeting Minutes – September 21, 2017
- C. Appointments: 1. Fire Equipment Repairer II (Upholsterer)
2. Building Maintenance Mechanic II (Police Dept.)
3. Office Assistant II (3 positions) (Police Dept.)

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

3. UNFINISHED BUSINESS:

a) The Chair announced that there are no changes to the Board's committee assignments, which are: Committee on Complaints and Discipline – Commissioners DeVougas, Wilson and Cabrera; Committee on Policies and Standards – Commissioners McKenzie, Soler and DeVougas; Committee on Testing and Recruiting – Commissioners Cabrera and McKenzie as co-chairs, and Commissioners Hein and Soler; and the Research Committee – Commissioners Cabrera, Wilson and DeVougas.

b) The Director returned to the Board a request to reclassify one position of Document Examiner in the Police Department. Andrea Knickerbocker, Department of Employee Relations (DER) Human Resources Manager, presented a report that recommends, based on the position's duties, that the position title be changed to Latent Print Examiner with no change in salary. Commissioner Hein moved approval of the recommendation, seconded by Commissioner Soler. The motion carried unanimously.

c) The Director returned to the Board the Milwaukee Police Department's (MPD) response to the Fire and Police Commission (FPC) Directive regarding non-vehicle pursuits. Assistant Chief Harpole stated that, upon analyzing the data relating to pursuits and non-pursuits, the MPD recognized it needed to do more to make sure those that flee from the police are held accountable. As a result, the MPD has created a new license plate-based computer report specific to non-pursuits. The Chair asked when this system would go live. Assistant Chief Harpole theorized it would be implemented the week of October 9th if no technical issues remain.

Lieutenant Shannon Seymer-Tabaska, MPD Office of Management and Planning, gave a presentation on the crime data relating to non-pursuits. The data comes from between May 1, 2017, through July 31, 2017. The MPD looked at the number of non-pursuit vehicles (and their license plates), the number of non-pursuit vehicles that were stolen, and the number of non-pursuit vehicle owners cited under Wis. Stat. § 346.175(1)(a) (hereafter "owner's liability statute"). Out of all the recorded non-pursuits, 81 involved stolen cars; 867 total license plates were involved; 29 owner liability statute citations were issued in compliance with the 96 hour statutory investigative limitation; and one of those citations resulted in state charges after 48 hours of investigation. More details of the statistical findings and identified problems with the program were explained, including the short statutory timeframe in which to issue a citation after a non-pursuit, limits of jurisdiction, and the occasional presence of dealer plates and stolen license plates.

Commissioner Wilson asked what role license plate readers are playing in this program. Assistant Chief Harpole answered that when the license plate reader scans a plate, the officer in the squad car will be made aware if the plate is flagged within the system as being involved in a non-pursuit or some other area of interest. However, these license plate readers are expensive, and each neighborhood task force only has one.

Commissioner Hein asked what type of citation was issued to those involved in non-pursuits and what the fine of such a citation would be. Lt. Seymer-Tabaska answered the citations were in accordance with the owner's liability statute but could not recall how high the fine actually was. Assistant Chief Harpole also noted that with the owner's liability statute, if the owner can tell the police who was driving the car at the time, the owner would not be cited.

The Chair asked what the investigative process was under the owner's liability statute. Assistant Chief Harpole answered that an officer will first consult the MPD databases for any information on file in regard to the vehicle, plate, and driver. Second, field interviews and follow up interviews will be conducted. Finally, citations will be issued either to the owner or to the driver if the owner refuses to cooperate.

Commissioner Cabrera asked about the previous comment that the owner would not be issued a citation if they cooperate with the police. Assistant Chief Harpole answered that cooperation is quite common and helpful. Commissioner Cabrera then noted the MPD's apparent position that the statute's time limitation makes the investigations futile. Assistant Chief Harpole answered that the investigations are indeed being conducted and, although the time limitation is stringent, the officers continue their investigations and owner cooperation is welcomed. Commissioner Cabrera stated she is concerned by the small number of citations that have come from the large number of non-pursuits and asked if the squad cameras are useful at all in capturing the license plate numbers. Assistant Chief Harpole answered that sometimes the squad cameras are very useful and sometimes they are not. He noted he has personally watched pursuit footage and the camera did not capture the plate at all due to a variety of variable factors such as the speed at which the vehicle flees and the position of the squad car. Additionally, sometimes license plates have been altered

which prevent follow-up based on identification of the plate. Commissioner Cabrera asked when an officer checks a license plate with the system. Assistant Chief Harpole answered that they check when they can but, in non-pursuits, the priorities of the officer include safely stopping the suspect's car, watching the driver and contacting the driver, so checking the plate with the system is not always something that can be done before a car would flee from the police. Commissioner Cabrera recommended checking the license plates before stopping or in the process of stopping the cars and noted that the number of non-pursuits seemed very high compared to the very low number of citations. Assistant Chief Harpole answered that the historical crime data presented comes from a time before the pursuit policy was amended, so he hopes those numbers of non-pursuits will go down in the future. Further, the small number of citations led the MPD to put the license plate-based computer report tool into use.

The Chair asked how the MPD plans to lower the non-pursuit numbers. Assistant Chief Harpole answered that tracking of those vehicles would improve. He explained the process by which the computer report tool would be used and how it streamlines the process from the officer's observation of the fleeing car to generating an incident number and the following investigation. The Chair asked if it is possible for police aides to assist with the investigations into non-pursuits. Assistant Chief Harpole answered that this would be possible and something they would look into. The Chair noted the MPD finds the 96 hour limitation on investigation to be too short and thus asked how long the MPD would need per non-pursuit. Assistant Chief Harpole answered that due to the population density of Milwaukee as well as the variances in officers' shift schedules, a couple of weeks would be more reasonable for the investigation to take place. The Chair noted that Chief Flynn is lobbying at the state capitol to get the law changed and asked if Assistant Chief Harpole knew of any progress in that regard. Assistant Chief Harpole answered he was not aware of any progress but would follow up on that. The Chair then asked if the Department of Transportation (DOT) database is user-friendly for the officers. Assistant Chief Harpole answered that the DOT database is helpful but the problem is that its data is only as accurate as the information that is updated by vehicle owners. So if the owner doesn't update the information with the DOT, then the database will be inaccurate in that regard.

Commissioner Cabrera asked for clarification on the officer who conducted the 48 hours of investigation that resulted in the state charge if the limitation is 96 hours and it's unlikely he spent 48 investigative hours within that timeframe. Assistant Chief Harpole noted that the timeframe didn't apply to this investigation as this was investigating a state criminal charge, not an investigation in furtherance of the owner's liability statute.

The Chair thanked Assistant Chief Harpole and Lt. Seymer-Tabaska for the report and invited them to come back to the Board with updates.

d) The Chair announced the Board has already placed into the record two letters on the topic of the Department of Justice Collaborative Review, the first being a letter from the U.S. Department of Justice dated September 19, 2017, and the second being a letter from Alderman Perez dated September 21, 2017. In addition, the Board has received information from Fred Royal at the Community Coalition for Quality Policing. New to the record is a September 24, 2017 communication from Markasa Tucker, Director of the African American Civic- Engagement Round Table and a September 22, 2017, letter from Sheronda Grant, President of the League of Martin. Also received and accepted into the record is a September 29, 2017, letter from Patricia Roberts of the Dominican Center. The Board appreciates this correspondence and invites the public to continue sending in its input to the Board for its consideration.

e) The Director issued a response to some of the questions raised in the Public Comment section of the agenda at the last meeting. First, the Director stated that all sworn members up for promotion are vetted by the MPD who then sends a vetting memo to the FPC which also conducts its own investigation. The outcome of those investigations is shared with the Board in closed session. The Board reserves the right to call any member up for promotion to appear before the Board for an interview. Due to the concern voiced at the last meeting, the Board will be looking into tweaking its rules so this is more clear to the public or the Board will issue a written procedure to the public outlining the process. Finally, concerning a specific complaint made

by Mr. Jones at the last meeting, the FPC's lead investigator is trying to contact him to get to the bottom of the issue.

4. NEW BUSINESS:

a) Andrea Knickerbocker, DER Human Resources Manager, presented a report regarding the classification of the new position of Safety and Civic Coordinator in the Police Department, anticipated to be created in 2018. Ms. Knickerbocker recommended using an Auxiliary Resource position in DER for this position until 2018, and that it be classified in Pay Range 2EX. Commissioner Wilson moved approval of the recommendation, seconded by Commissioner Hein. The motion carried unanimously.

b) The Director presented a second request for a six-month residency extension from Detective Thomas Guthrie to relocate and move within the 15-mile jurisdictional boundary for emergency personnel. FPC staff recommended granting a temporary extension for good cause until April 1, 2018. Commissioner Hein moved approval of the recommendation, seconded by Commissioner Soler. The motion carried unanimously.

c) The Director presented to the Board a request from staff to amend Fire and Police Commission Rule XI, Section 12 (a), regarding vacancies in exempt positions. Per FPC rules, this item was held over until the next meeting.

d) Alderman Tony Zielinski and State Senator Lena Taylor gave a presentation to the Board on the subject of the "COP House" model. Under this policing model, community oriented policing is conducted by building a "house" within a high-crime area, forming a social "hub" for both the community and the police. The hub would be equipped with computers and a playground free for use by the community. The model was implemented with success in Racine, and the Alderman suggested that Milwaukee build its own COP House.

Commissioner Hein asked if there was any significant cost that Racine incurred in building their COP House. Ald. Zielinski stated that Racine was able to take advantage of grants, and it would be relatively easy to take a foreclosed house in the city and fix it with grant dollars. Additionally, private partners are likely to contribute. Senator Taylor noted that the only cost to Racine's Police Department was staffing, according to Racine's former Chief of Police. In the area of the COP House, crime was reduced by 67% in the targeted area. Finally, when an area has been made safe, the COP House property could be sold.

Commissioner Wilson asked what impact the people in the community have on the front end in the development process. Ald. Zielinski answered that the Common Council is identifying community stakeholders but would add local residents of the targeted area to the group they would consult during development. Senator Taylor noted that this would be a community hub where residents would meet, children would play, and community events would be organized.

The Chair asked if the police staffing this house would need any extra training. Ald. Zielinski answered that the focus would be on getting the right type of officers, ready and eager to engage with the community, to be staffed at the COP House. Senator Taylor answered that officers at the previous COP Houses initially were not excited about staffing the houses but, as time went on, became very comfortable; and the community would occasionally petition to keep some of the officers there longer. The training is on-the-job, and the experience they get would be the foundation of community policing.

Commissioner Wilson commented that she knows of many officers who are active in the community and would be excited to do this. Senator Taylor commented that Assistant Chief Harpole is one such example.

Senator Taylor made a comment that there is current legislation working its way through the capitol that would change the make-up of the Fire and Police Commission. It would give authority to the police and fire unions to choose one individual from each union to be appointed as commissioners, and the unions would also be allowed to approve the list of people who would be considered for appointment as commissioners.

The bill will also make other changes that Senator Taylor felt would gut the Board's powers. The Senator also asked the Board to look at the resource houses that were set up as an alternative to COP Houses, and to seriously consider models that are hubs in the community in order to set up collaborations for resources and other issues.

Commissioner Cabrera asked if the Alderman or Senator had any documents that the Board could review concerning the implementation in Racine. Ald. Zielinski answered that documentation exists and would be forwarded to the Board. Senator Taylor recommended scheduling a trip to Racine to see the project and its effects first-hand.

e) Two presentations were given on community outreach programs held during the summer.

1) Brandon Culpepper of PeppNation gave a presentation of the sport-based community outreach program he created and the activities it organized this summer in the Sherman and Moody Parks. In addition to athletic-based projects, multiple meal-serving events were conducted in the parks, and trips were organized to take kids downtown to Discovery World and an ice cream parlor. Multiple other events that PeppNation conducted were explained and summarized as well as the thought process behind these programs, including "trauma response sport training" and integrative engagement with the children and the city's various neighborhoods. PeppNation is planning to expand its presence to Pulaski and McGovern Park in 2018 while still continuing events in Sherman and Moody Parks.

Commissioner Wilson asked how much media attention PeppNation received. Mr. Culpepper answered that there was no media coverage with the sole exception of Channel 4 coming out once to cover an event. Captain Turcinovic noted that these programs deserve more coverage because they expand the kids' perspective, engage their skills, and open up opportunities. The Chair commended PeppNation for its efforts in the community.

2) Trusus Wright of the Lindsay Street Neighborhood Association gave a presentation on the Lindsay Heights Outreach Project which focused on community meetings and engaged the community through a regularly-scheduled neighborhood walk. They surveyed the community residents about how police relations can be improved, and those surveys will be turned over to the Board shortly. Additional surveys and polling focused on the pursuit policy. A positive and effective aspect of the outreach program was that it was consistently taking place and was not responsive to incidents such as shootings. The program's consistent nature allowed the discussions to continue and have an ongoing positive effect on the community.

The Chair noted that he and Commissioner McKenzie participated in the neighborhood walk and really appreciated the organization's spreading of knowledge within the community about the process in building policing policy. Commissioner Wilson noted that she had also attended and was appreciative of the teaching aspect including helping teach young men how to fix and take care of things in their community.

5. EXAMINATIONS:

a) Katrina Whittle, MPD Human Resources Analyst – Sr., presented for approval an examination announcement bulletin for the position of Systems Security Administrator in the Police Department. The position's duties and requirements were explained. The position is scheduled to be open for applications between October 6, 2017, and October 27, 2017. Commissioner Wilson moved approval of the bulletin, seconded by Commissioner Hein. The motion carried unanimously.

b) Ms. Whittle then presented for approval an examination announcement bulletin for the exempt position of IT Support Specialist - Senior in the Police Department. The position's duties and requirements were

explained. The position is scheduled to be open for applications between October 6, 2017, and October 27, 2017. Commissioner Hein moved approval of the bulletin, seconded by Commissioner Soler. The motion carried unanimously

6. FIRE DEPARTMENT:

a) The following appointment, as presented by Chief Rohlfing, was approved by the Board under the Consent Agenda, Item C-1:

TO FIRE EQUIPMENT REPAIRER II (Upholsterer), from the eligible list established July 13, 2017, contingent upon successful completion of a medical examination and drug screen, effective October 9, 2017:

#3 – JOHN L. STAHL.

7. POLICE DEPARTMENT:

a) The Director presented a letter dated September 28, 2017, from Chief Flynn, wherein he nominates Forensic Investigator Bridget J. Schuster to the exempt position of Identification Systems Specialist in the Police Department, to be effective October 22, 2017. Pursuant to Rules of the Board, final action on this nomination was laid over to the next meeting of the Board.

b) The following appointments, as presented by Chief Flynn, were approved by the Board under the Consent Agenda, Items C-2 and C-3:

TO BUILDING MAINTENANCE MECHANIC II, from eligible list established June 1, 2017, contingent upon successful completion of a medical examination and drug screen, effective October 9, 2017:

#4 - WILLIAM A. DOLL

TO OFFICE ASSISTANT II, from Department of Employee Relations eligible list, contingent upon successful completion of a medical examination and drug screen, effective October 9, 2017:

REBECCA BIERNAT, LATANYA JEFFERIES, and HAYNIE SMITH.

c) The Director presented a letter dated September 29, 2017, from Chief Flynn, requesting that the position of Safety and Civic Coordinator be exempt from competitive examination. Commissioner Wilson moved approval of the request, seconded by Commissioner Soler. The motion carried unanimously.

8. ADJOURNMENT:

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

The meeting concluded at 7:26 P.M.

Respectfully submitted,


MaryNell Regan
Executive Director