

January 24, 2019

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:50 P.M.

PRESENT: Commissioners: Marisabel Cabrera-Chair  
Nelson Soler –Vice Chair  
Steven M. DeVougas,  
Ann Wilson  
Fred Crouther  
Angela McKenzie  
Everett Cocroft

ALSO PRESENT: Assistant Chief John Schwengel, Chief, Milwaukee Fire Department;  
and Alfonso Morales, Chief, Milwaukee Police Department.

The Chair reconvened the Board in Regular Session, having previously met in Executive Session from 5:00 p.m. to 5:47 p.m. pursuant to Section 19.85 (1)(f) Wis. Stats. to consider financial, medical, social or personal histories of specific candidates for employment 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. to wit; request for temporary request extension and pursuant to Section 19.85 (1) (g) Wis. Stats. for the purpose of conferring with the City Attorney who will render oral or written advice with respect to litigation in which the city is or is likely to become involved, to wit; advice from the City Attorney's Office.

The meeting was staffed by Executive Director La Keisha W. Butler. The Chair opened the meeting with Public Comment.

1. **PUBLIC COMMENT:**

Shawn Lauda: Mr. Lauda Milwaukee Police Association (MPA) President, is concerned the decision to refuse detectives from taking the lieutenants exam will cause officers to a show lack of interest in moving into the rank of detective. He provided statistics, after interviewing police officers which reflected their reactions to the decision made by the Board.

Jarrett English: Mr. English, who is from the American Civil Liberties Union of Wisconsin (ACLU), stated the following: "Sweeping implementations of domestic surveillance included in Standard Operating Procedure (SOP) 255, are frightening. He is more concerned the FPC Board approved the final SOP amendments without any discussion. The Technical Division and Fusion Division need to retain their separation and need strict oversight. The MPD used their Stingrays 579 times without FPC, Common Council, citizens of Milwaukee or warrant issuing judges approval, knowing they were able to intercept the data from every cell phone used within a mile and a half radius of their

Stingray System each time they used it. The MPD was able to intercept data, content stored in the phones, text messages and phone calls of tens of thousands of people without oversight. MPD officers knew this was going on but the MPD had signed contracts and agreements with private outside vendors and federal government which allowed them or directed them to not share this information. Why should the video recording of thousands of people conducting their regular business as anything less important? The Fusion Centers are notorious for blowing the minds of information sharing and storage. Although the MPD may claim they will delete their records after 120 days, while the Federal Agencies and private contractors, who is to say they do not have duplicate copies that they can share according to their contracts. It would not be surprising with the surveillance camera system since the SOP change was partially instigated with the input of the Federal Homeland Security Department. Countries like China, North Korea and England are more heavily surveilled than we are. Those implications are staggering. He invites everyone to Google the China Digital Surveillance Story in the Economist from a month ago. This system is used to profile and control the populations of China. Is this the system that we are going to be using in Milwaukee? The idea that MPD is using license plate readers to track and record our cars, Stingray to record your cell phone usage and texts and many cameras to record your movements and then aggregating and sharing them with a variety of federal departments and one of Wisconsin's two known Fusion Centers without civilian oversight is stifling, restrictive and not the direction the City of Milwaukee should be taking. Mr. English requests the Board reconsider this policy."

Markasa Tucker: Ms. Tucker had questions regarding SOP 255-Public Video Surveillance Cameras. She wanted to know how the utilization of the surveillance system will fit strategically into the overall direction the Department is taking and is grant funding the main option for future system expansion? She stated that surveillance cameras can be beneficial in different ways depending upon if the public is aware of their presence. If the public is not, does the Department have any camera locations prominently marked to make the public aware of them and deter crime. Ms. Tucker also asked how will the Fire and Police Commission and the public going to mandate this and maintain oversight? She asked who is responsible for making sure MPD is doing what they say they are doing? She also stated she would like to see this SOP be returned to the Research Committee and have more citizens invited to the meeting. She stated due to the unanswered questions remaining, the public should have move input as to the final version of SOP 255-Public Video Surveillance Cameras. Ms. Tucker also asked that the Fire and Police Commission reach deeper into community avenues to inform the public of their meetings overall. She is thankful the meetings are posted on the FPC's website but she believes the majority of the public doesn't look at the website for meeting information.

Kaye Kaykoneazay: Regarding SOP 85-Citizen Contacts, Field Interviews, Search and Seizure, Ms. Kaykoneazay's concerns are the officers making the judgement when pulling over a citizen or conducting field interviews. She wants to know what facts an officer considers when approaching a citizen. When working as a nurse during the course of her career, she based her assessment upon facts. She stated the SOP is not clear enough

when speaking of what facts an officer uses to conduct field interviews, etc. She is looking for specific assessment points in the SOP. She wanted to see them published. Ms. Kaykoneazay believes the SOP sounds too ambiguous and is concerned profiling would come into play. The dissemination of the SOP's is another concern for her. She asked, how these SOP's are disseminated to the officers so they are made aware of the changes?

Paul Mozina: He addressed the status update for the ACLU Settlement. His concerns are the lack of communication to the public as the deadlines for changes and training has passed per the ACLU Settlement Agreement. He is relying upon the FPC to be the vehicle of communication for these updates. He requests this would be an agenda item on a regular basis.

Officer Cardenas: He wanted to address the recommendations for the detectives to test for the lieutenant's exam. He believes the detective rank is important and they do have supervisory experience while at a scene. He stated that detectives tend to do very well when promoted to lieutenant. He asked the Board to reconsider their recommendations to the Board by allowing detectives to test for the lieutenant position.

Lawrence Hoffman, Ph.D.: (Comment sent via email and read into the record) Mr. Hoffman cautioned the Board NOT to adopt a new policy on "pole camera" surveillance as (1) a "technological upgrade" or (2) without first having consulted (with full documentation) with university-based experts' other violation of ethics and of democracy inherent in surveillance systems, that can identify individuals who have not been convicted of a crime and electronically follow their actions back in time. He stated other governments, notably in some other countries, have begun to adopt such systems, apparently without adequate safeguards against their gross misuse, which he stated, will inevitably occur.

## 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 – January 10, 2019
- B. Correspondence regarding Termination of Police Officer
- C. Correspondence regarding Suspension of Police Officer
- D. Request to Approve Fire Equipment Welder Eligibility List
- E. Request for Police Records Supervisor Examination
- F. Request for Human Resources Analyst-Senior Examination
- G. Request for Forensic Processor Supervisor Examination
- H. Request for Forensic Identification Processor Examination
- I. Request for Fire Captain Examination
- J. Request for Police Services Specialist-Investigator Recruitment

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

**3. UNFINISHED BUSINESS:**

- a) A request to amend Standard Operating Procedure 085-Citizen Contact, Field Interviews, Search and Seizure was moved for approval by Commissioner Soler and seconded by Commissioner Cocroft. Commissioner McKenzie abstained from voting.
- b) A request to amend Standard Operating Procedure 440-Early Intervention Program was moved for approval by Commissioner Wilson and seconded by Commissioner Soler. Commissioner McKenzie Abstained from voting.

**4. NEW BUSINESS:**

- a) The Director presented a classification report dated January 24, 2019, from Maria Monteagudo, Director of Employee Relations, regarding a new position and two repurposed positions in the 2019 Milwaukee Police Department budget. Ms. Monteagudo recommends the new position be classified as Human Resources Analyst-Senior in Pay Range 2FX (\$48,670 - \$67, 616), that one position of Accounting Assistant I in Pay Range 6GN (\$36, 252 - \$39, 943) be repurposed to Helpdesk Specialist II in Pay Range 3IN (\$45, 013 - \$51, 734), and one position of Police Records Assistant Manager in Pay Range 1CX (\$51, 469 - \$72, 063) be repurposed to IT Project Coordinator in Pay Range 2GX (\$56, 767 - \$72, 063). She also recommends in the Position Ordinance, under Police Department, Information Technology Division, delete one position of "Accounting Assistant I", add one position of "Helpdesk Specialist II", add one position of "IT Project Coordinator"; under Police Department, Records management Section, delete one position of "Police Records Assistant Manager". Commissioner McKenzie moved for approval, seconded by Commissioner Wilson. The motion carried unanimously.

**5. COMMITTEE REPORTS:**

- a) The Director presented the report of the Research Committee, which met on January 15, 2019, with Commissioners Cocroft, Wilson and DeVougas in attendance. Commissioner Crouther was excused in his absence. She stated the Committee voted in Commissioner DeVougas as Chair and Commissioner Cocroft as Vice-Chair. The Director stated the Research Committee approved two requests: 1. to rescind Standard Operating Instruction (SOI) Nuisance Property Surveillance Vehicle (NPSV) and 2. to create Standard Operating Procedure (SOP) 255-Public Video Surveillance Cameras. Both requests were brought to the full Board for approval. Commissioner McKenzie moved the motion to send the SOI and the SOP back to the Research Committee for further discussion. Commissioner Soler seconded the motion. The motion carried unanimously. Commissioner
- b) Commissioner Soler, Chair of Testing and Recruiting Committee, read the recommendations for the request for policy change for the Police Lieutenant exam. Commissioner Cabrera recommended a denial of Chief Morales' request to change the policy for detectives to be allowed to take the lieutenant test. In addition, the

recommendation was for the current MOU list of detectives to be allowed to test for the lieutenant exam but all other detectives must have ranked as a sergeant prior to taking the exam. The recommendation also includes sergeants who have prior experience as a detective be given preference points when taking the lieutenants exam. This motion was seconded by Commissioner Cocroft. The motion carried unanimously by the Committee. This was the recommendation to the full Board. Commissioner Cocroft stated the weighted area for seniority of sergeants will be reviewed at a later time by the Board.

The second item on the Testing & Recruiting Committee agenda was the promotion of Detective Erik M. Gulbrandson to Administrative Lieutenant of Police was approved by the Committee. The recommendation by Commissioner Cocroft motioned to approve the request and the motion was seconded by Commissioner McKenzie. The motion to recommend approval was carried unanimously by the Committee. This was the recommendation to the full Board.

Commissioner McKenzie motioned to approve these items and seconded by Commissioner Soler. The motion carried unanimously by the full Board.

**6. FIRE DEPARTMENT:**

a) The following request as presented by Department of Employee Relations (DER), was approved by the Board under the Consent Agenda, Item D & I:

A request from DER to approve an eligible list for the position of Fire Equipment Welder in the Fire Department, consisting of seven names.

A request from Chief Rohlfing for examination be conducted and a new eligible be established for the position of Fire Captain.

**7. POLICE DEPARTMENT:**

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

TO CAPTAIN OF POLICE, will be laid over for one meeting to interview the candidate, Police Lieutenant Thomas J. Casper, Jr.

TO FORENSIC INVESTIGATOR, on a waiver basis, from Police Officer, contingent upon successful completion of a drug screening, effective February 10, 2019:

BRYAN K. MILLER; AND JANEL M. VYTLACIL.

TO ADMINISTRATIVE ASSISTANT III, promotion without examination, from Office Assistant IV, contingent upon successful completion of a medical exam, background investigation and drug screen, effective January 28, 2019:

DEBORAH CENTENO.

Commissioner Soler voted against this request due to the number of requests made the MPD to promote without an exam. He stated he does not want to see this become the trend for the MPD and stated there is a reason for competitive exam for position. He is concerned about the number of these requests coming to the Board for approval. Commissioner Cabrera also stated that the Board will be sending these requests in the future to the Committee for further examination.

TO ACCOUNTING ASSISTANT II, promotion without examination from Office Assistant III, effective February 10, 2019:

NARAYDA MARTIN.

Commissioner Soler voted against this request due to the number of requests made by the MPD to promote without an exam.

b) The following appointment, as presented by Chief Morales, was approved by the Board:

TO STAFF ASSISTANT – SENIOR, exempt position, contingent upon successful completion of a medical exam, background investigation and drug screen, effective January 28, 2019:

JAMES COONEY.

b) The following requests were previously approved by the Board under the Consent Agenda, Items E –H & J:

A letter dated January 25, 2019, from Chief Morales, wherein he requests that an examination be conducted for the position of Police Records Supervisor as soon as possible. The request will be referred to the Department of Employee Relations for implementation.

A letter dated January 25, 2019, from Chief Morales, wherein he requests that an examination be conducted for the position of Human Resources Analyst-Senior as soon as possible. The request will be referred to the Department of Employee Relations for implementation.

A letter dated January 25, 2019, from Chief Morales, wherein he requests that an examination be conducted for the position of Forensic Processor Supervisor as soon as possible. The request will be referred to the Department of Employee Relations for implementation.

A letter dated January 25, 2019, from Chief Morales, wherein he requests that an examination be conducted for the position of Forensic Identification Processor as soon as possible. The request will be referred to the Department of Employee Relations for implementation.

A letter dated January 25, 2019, from Chief Morales, wherein he requests that an examination be conducted for the position of Police Services Specialist-Investigator as soon as possible. The request will be referred to the Department of Employee Relations for implementation.

A letter dated January 17, 2019, from Chief Morales, wherein he requests to exempt from competitive examination the Marketing and Communications Officer position. Commissioner Cocroft moved to send to Testing and Recruiting Committee, seconded by Commissioner Soler. The motion carried unanimously.

A letter from the Director dated January 8, 2019, wherein Police Officer Michael Wagner presents a second request for temporary residency extension. Commissioner Soler moves approval for one-year residency extension wherein Officer Wagner reports to the Board in six months at the first meeting in July of 2019. Commissioner Soler's amended motion included good cause documentation of the diligent sale of his current residence and arrangements for a rental residence which is compliant with the City Residency Ordinance. He will be required to provide specific documentation of all efforts and circumstances required for his extension. Commissioner Cocroft seconded the motion. The motion carried unanimously.

c) The following communications were previously received by the Board under the Consent Agenda, Items B & C:

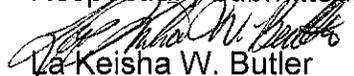
A letter dated January 16, 2019, from Chief Morales, wherein he notifies the Board Police Officer Philip J. Poulos Jr. has been discharged for violation of Department Core Values under Personnel Order 2019-15, dated January 16, 2019.

A letter dated January 9, 2019, from Chief Morales, wherein he notifies the Board Police Officer Sean M. Lesnjak has been suspended for seven days, for violation of Department Core Values under Personnel Order 2019-02 dated January 9, 2019.

#### 8. ADJOURNMENT:

Commissioner Soler moved to adjourn the meeting, seconded by Commissioner Cocroft. The motion carried unanimously. The meeting concluded at 7:18 P.M.

Respectfully submitted,

  
La-Keisha W. Butler  
Executive Director

LWB:EM:em