

December 13, 2019

To: City of Milwaukee Common Council

From: Paul Mozina

Re: Vote No on the Appointment of Ray Robakowski to the Fire and Police Commission

Vote NO when the confirmation of Ray Robakowski for the Fire and Police Commission comes before the Common Council on December 17th.

Prior to the community listening session on December 4th at the Washington Park Senior Center the only information we had about Ray was his resume. Thus, myself and others were caught off guard by his revelation at that meeting that one of his sons is currently a member of the MPD. Certainly, this was an important and highly relevant piece of information that should have been shared with the public before that meeting.

Conflict of Interest

Alderman Donovan reminded us at the Steering and Rules Committee meeting on December 5th that the FPC is an *oversight body* – not an *oversight buddy*. Ray still has the mindset of an MPD officer, and with his long family tradition in law enforcement, his years of MPD service and his son currently a member of the MPD, there is clearly a conflict of interest here that disqualifies him from any further consideration.

The Commission is an independent public body whose only interest is the public interest. The FPC is not a part of the public safety departments and their members, but apart from, which assures the principle of independence that must be recognized and protected.

Please consider the following responsibilities of the FPC, the exercise of which **Ray would have to recuse himself from participating in** if he were a commissioner on the Board of the FPC:

- The Board controls all promotions within the MPD and MFD. Ray may be asked to approve his own son's promotion, or that of his son's commanding officers, or one of his son's friends on the MPD, or some other member who may be in a position to provide valuable assistance to his son's career. Likewise, Ray could veto the promotion of his son's competitors for the same position.
- The Board is the final arbiter of all citizen complaints made against members of the MPD and MFD. Ray may be asked to review complaints against his son, his son's commanding officers, his son's friends on the force or his son's enemies on the force.
- The Board hears all disciplinary matters concerning MPD or MFD members. Ray may be asked to discipline his son, his son's commanding officers, his son's friends on the force or his son's enemies on the force.
- The Board sets policies e.g., whether or not to include residency preference points on a promotional exam, how drug testing is done, how personal investigations are

conducted, how use of force incidents are investigated etc., that may directly impact the interests of his son, his son's friends or his son's commanding officers.

- The Board is responsible for overseeing the operations, work rules, policies and procedures of the MPD and MFD. Ray may be informed of inappropriate, unauthorized or criminal activity occurring within the MPD that requires investigations that involve his son, his son's friends or his son's commanding officers.
- Ray be required to participate in decisions that impact MPA Local 21 or the MPSO, which may affect his son, his son's friends and his son's commanding officers.

It is evident from the Community Listening Session, Public Safety and Health Committee hearing and Ray's written statement that Ray still has a cop's mindset. Is he capable of putting himself in the shoes of someone who is being oppressed by the police?

At the Community listening session Denise Thomas asked Ray:

Why are you here? And in terms of here not just in the sense of Milwaukee, but as part of this conversation. What do you want to gain? What do you want us to understand about you as it relates to your role, your potential role, and what 5, 10, 15 years looks like for you for the city of Milwaukee under your leadership?

Ray's answer:

I believe what I want to get across is first of all, and there's people that I'm looking at (Chief Morales is sitting in the front row) that have seen me before when I worked at District 5, is one of the big things with me, and both of my sons are in law enforcement, one is a Milwaukee Sheriff's deputy and one is a Milwaukee Police officer, and one of the things I've told both of them is 'what you wear across your chest is your name'. And I told them 'never disgrace that name or the department that you work for.' That's one of the things, 'and be honest'.

He did not address what his potential role on the FPC would entail now, or in 5, 10 or 15 years.

Ray was asked about the recent incident with the MPD assisting ICE:

If ICE calls, and that's a law enforcement agency, calls for a backup or assistance, as sworn police officers ***we have to go.***

Ray, you're not a cop anymore... right?

Lack of interest in the FPC

We learned at the Public Safety and Health Committee meeting on December 5th that Common Council President Ashanti Hamilton sent a communication to Mayor Barrett in July nominating Ray Robakowski for the Fire and Police Commission. Ray must have known at that time that he

was under serious consideration. And what did he do in the intervening 4 months to get up to speed regarding the state of affairs at the FPC? He did not attend any FPC meetings. Did he watch any of the meeting replays available on Legistar? Did he review any FPC meeting agendas? Did he read Wis. Stat. 62.50, which establishes the Commission; the Milwaukee Code of Ordinances Chapter 314, which reiterates its duties; the FPC Website, the FPC Rules, any of the FPC annual reports, the Use of Force Reports, the Citizen Complaint reports, the budgets submitted by the FPC? Apparently not, at least Ray did not mention any of these activities, although he did say that he looked up a few articles.

Ray made the point that – what you see is what you get: “Judge me for me”. Don’t expect any surprises from Ray. Don’t expect Ray to all of a sudden develop habits of study, research and investigation. Ray showed very little interest in getting up to speed on the FPC in the 4 months after he knew his hat was in the ring. Ray will look at what is put in front of him.

In his resume Ray describes himself as: “Highly motivated”. How was that motivation in evidence when he became aware that his appointment to the FPC was under serious consideration? This lack of intellectual curiosity regarding the history of the FPC is stunning. We need commissioners that are motivated to honor the commitment of time and energy it will take to accomplish the FPC’s mission and that have the discipline to apply themselves to the task.

It was evident at the Community listening session on December 4th that Ray had yet to start paying attention to anything that was going on at the FPC. Ray was asked about the statement that former FPC Investigator, Cheryl Patane, released that pointed out, among many other things, that that FPC investigators were being trained by MPD, and she characterized this as the fox guarding the hen house. Ray was asked “if this continues, will you speak out to FPC leadership about it”? And here is Ray’s response (23:45 in the audio file linked below):

Ok, now I just – that was an article that was in the paper yesterday, is that correct? I believe. And I read it in the Journal, now again, I read the article that said the investigators are being trained by Milwaukee Police Department. Again, it’s the Journal. And, nothing against the Journal, but again, I don’t have the facts. But if there is something that is not right I definitely speaking up. Because everything needs to be addressed. If there’s something going wrong I will bring it to ... but if it’s not in line with what the rules and regulations are, I definitely will bring it to someone’s attention yes.

Ray doesn’t seem to realize that as an FPC Commissioner, it is **his** job to follow up on this, to be a leader – **the buck stops with you Ray!** When it comes to oversight of the MPD, it appears that Ray is still intimidated by the old chain of command he was subject to for all of those years. He does not understand what it means to be the boss of the MPD and MFD and therefore, he is definitely not ready for a position on the commission.

I asked Ray if the Board of Commissioners should be able to direct the activities of its Executive Director and Staff. Here is what Ray had to say:

Being just the appointee now and coming into this, I've got a lot to catch up on. I've done reading. I've looked up articles. I've got a lot to get myself up to date on, which, once I get appointed, if I get appointed, I will continue to catch on to. If there's a law in effect, I'm going to have to find out what that is and read it. And just go from there. So right now, I really don't have an opinion on that because I don't know as much as I need to know about it. But once I do, I'm a quick learner, it just takes me a while, I'm doing the best I can in a short period of time.

This response demonstrates Ray's lack of understanding of what the Board of the FPC does and is responsible for, and what role the FPC's Executive Director and staff should play. Recall that per MCO Chapter 314 the Executive Director serves: "Under the direction of the Board...".

FPC Commissioner Cocroft asked a question regarding Ray's position on whether or not there should be residency preference points awarded for supervisory promotional exams (the FPC has been talking about this for months). And Ray's response? "That's kind of a new one for me." He has no idea that residency is an issue for police, fire, or any city employees? He doesn't seem to even understand the issue: "The law is set, until it's changed, everybody makes their own decisions". He does not understand the role the FPC plays in setting policy nor does he understand the power they have to control police examinations.

Ray was asked: "How are you going to know you have all the facts when you make your decision?" Ray's response:

I guess just like everybody else in the world, I'm going to have to rely on what's given to me is what it is. Reports are always there, and I think in a lot of times the Fire and Police Commission receives reports from Chief Morales' department and outside citizens and they have to be correct and you have to hope that they are correct. Front line supervisors are the guys who deal the most, the sergeants, they're your first line and they do a lot of the reports. So, I'm going to have to make sure that I have, everything is laid out. But again, if I can get information from outside sources that is legitimate, and I've found this in the past by giving out my phone number....

Interested in the Truth?

Statement from Raymond Robakowski:

When I first joined the force, I was noted as a being an honest and tough cop who pretty much played things by the book.

What does "pretty much" mean? When did you not play by the book? When you first joined the force, you were noted as being "an honest and tough cop", what were you noted as when you retired? Ray explained:

When I first became a liaison officer I went out in the community and I tried to do things and I could never figure out, 'why don't they want, why aren't they listening?' A gentleman took me aside and he says 'let me give you a piece of advice', he's a block watch captain in number 5, he said 'never lie and never promise anything you can't deliver' and 'let them tell you what they want.' ***Well, that kind of opened up my eyes. To the point where now I knew what my job was to do.***

And this revelation came to Ray after 19 years as a sworn officer serving on the streets of Milwaukee?

Ray was asked by Ben Turk if he ever witnessed any wrongdoing on the force in 19 years – if he had ever crossed the blue line, and he responded: "No".

Ben followed up and asked how Ray felt or reacted to the death of Derek Williams (civil lawsuit settled for \$2 million dollars in May of this year) or body cavity searches (the illegal strip searches lawsuit settled in December 2015 for \$5 million). Ray's response:

Ray: I Guess each one of those cases is different in itself. And it is, in a lot of those (inaudible) ways, I wasn't extremely happy. But again, I don't armchair quarterback situations.

Ben: Well you're nominated for a position to oversee these situations.

Ray: I understand. I understand that. But at that time the Milwaukee Police Department, the bosses, investigate that, the DA's offices and ***they made the decision that needed to be made.*** If this comes in front of me, I will take a look at all the facts. As I said earlier, if it means discipline up to termination, I will go for it. Wrong is wrong, you can't take two wrongs and make a right. A wrong is wrong.

I question whether or not Ray is capable of evolving out of his MPD cop mindset to actually recognize that a wrong is wrong even if the MPD is doing it. Is it armchair quarterbacking to acknowledge that ignoring a dying man in the back seat of your squad or that flagrantly disrespecting human beings is wrong?

Interesting Questions for Ray

Why was he turned down in 1975 when he attempted to join the police aide program? What happened?

How many Use of Force incidents was Ray involved in? If any, can he describe them?

Was Ray ever the subject of an internal affairs investigation? If so, what was the context and outcome?

Was Ray ever disciplined for any reason? If so, what happened?

Did Ray ever participate in any disciplinary hearings or trials?

Ray served 19 years: 16 as a patrol officer, and 3 as a detective. Why did he take voluntary demotion from detective and go back to patrol?

Is Ray still a member of MPA Local 21?

It seems like the timing of Ray's appointment is focused on getting another commissioner (7) to break any potential ties when it comes to voting to renew Chief Morales' contract. Has Ray talked to anyone about renewing Morales' contract?

References

Community listening session December 4, 2019 Washington Park Senior's Center audio:

<https://1drv.ms/u/s!AoGhDn8qu6nxlFg5r1TqEwNDvcFJ?e=bE1wSl>

Public Safety and Health Committee meeting December 5, 2019 video:

http://milwaukee.granicus.com/MediaPlayer.php?view_id=2&clip_id=2133

Common Council File 191047: Appointment of Raymond Robakowski to the Board of Fire and Police Commissioners by the Mayor. (11th Aldermanic District)

<https://milwaukee.legistar.com/LegislationDetail.aspx?ID=4197703&GUID=C461743C-8C1D-4F6A-87BB-90735AD9BB31>