

File Number 170937

Communication from Paul Mozina relating to the Fire and Police Commission

As a preface to the subjects covered below, per the FPC website¹: “Under Wisconsin law and the Milwaukee City Charter, the Fire and Police Commission oversees *all aspects* of Fire Department and Police Department operations.”

- The 2006 Police Assessment Resource Center (PARC) Report² called for an overhaul of the FPC and the creation of a Police Monitor within the FPC — What recommendations from this report has the Common Council and the FPC implemented and what has been ignored?
- In 2017 the DOJ Collaborative Reform Initiative Report^{3,4} requested by former Chief Flynn was leaked, and in the LRB’s FPC briefing during the 2018 budget hearings it was reported that the FPC had accomplished 3 out of 20 recommendations. What was accomplished? What are the 17 remaining recommendations and what is their status?
- In July of 2018 the City, MPD and FPC agreed to the terms of the ACLU Settlement Agreement and Court Order⁵. What orders and deadlines are the FPC compelled to obey? What is the status of their compliance? What orders and deadlines are the MPD obligated to obey and what is the status of their compliance?
- According to the FPC’s Use of Force by the MPD Reports from 2009 through 2017, in 75 percent of the cases the subjects were black⁶. This needs investigation.
- The FPC should present its Annual Report, Use of Force Report, Citizen Complaint Report and Vehicle Pursuit Report to the Common Council so that they can be considered during the budgeting process. No Citizen Complaint Report for 2017 has been released.
- The 2019 FPC Budget was presented to the Board of Commissioners by the Executive Director a few days before the Common Council voted on it. In the future, the budget estimate should be presented to the Board before it is submitted to the budget office. Even after the requirements of the ACLU Settlement Agreement were known, there was no corresponding adjustment to the FPC or MPD budgets – as if this complex agreement could be implemented at no cost.
- Wisconsin Statute 62.50(1m)⁷ requires annual policy review of all aspects of the operations of the MPD. This was called out in the DOJ Collaborative Reform report. It must be acknowledged, budgeted for and done.
- The 2017 FPC Annual Report lists 47 SOPs that were amended, created or recreated but only 5 of these SOPs were brought forward to the FPC Board for review. FPC rules⁸ permit SOPs to be changed with the approval of the Executive Director and the Board Chair but there should be an announcement of some kind in the FPC meeting agenda’s to notify the public when and

how SOPs are being changed. For example, SOP 760 – Controlled Substances was recently updated with significant material changes with legal consequence, yet contrary to FPC rules, the changes were made administratively without consulting the Board or notifying the public.

- What are the MPD's Standard Operating Instructions and Standard Operating Guidelines? The FPC is responsible for reviewing changes to them – are they available for public review? Is the public notified of changes? Are substantive changes brought before the Board?
- FPC Executive Director La Keisha Butler has repeatedly raised the issue that Milwaukee needs 9 commissioners on the board. Can the Common Council help make this happen?
- What is the status of the IT problems the MPD faced attempting to deliver 2018 UCR data to the FBI (the deadline was March 11, 2019)⁹. Was the Executive Director aware of these issues and were they shared with the Board? There should be a standing agenda item for every regular FPC meeting where the MPD and the MFD can communicate the status of issues affecting them.
- After 22 years without the death of a member, 3 MPD Officers have died since June 2018. At a minimum SOPs 970 — Search Warrants, 453 — Officer Involved Deaths and Other Critical Incidents and 460 — Use of Force, need to be reviewed and full investigations need to be made by an external law enforcement entity regarding the circumstances of these deaths. The justification for the execution of no knock, forced entry, search warrants and the methods by which they are executed must be reviewed (as was initiated by the Common Council and accomplished by the FPC in regards to the vehicle pursuit policy). Please consider the case of Houston Texas, where the Chief of Police has stopped the use of no knock, forced entry search warrants.
- Given the tremendous responsibilities of the FPC Board of Commissioners, their level of compensation is woefully inadequate. Their part-time status and low compensation are major contributing factors to the FPC's inability to accomplish its watchdog role over the MPD, as evidenced by the PARC Report, DOJ Report and ACLU Settlement.
- Despite FPC Operations Manager Clifton Crump's promise to the Judiciary Committee in July 2018 that all public comments made to the FPC would be addressed, this is not happening. The lack of response by the FPC is not in conformity with their guiding principles or its stated goal to improve Community Relations.
- What is the status of the FPC relocating to their new quarters?

References:

1. Milwaukee Fire and Police Commission:
https://city.milwaukee.gov/fpc/About#.XKqoNS_MxBw

2. Promoting Police Accountability in Milwaukee: Strengthening the Fire and Police Commission:
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3. Collaborative Reform Initiative Milwaukee Police Department Assessment Report:
https://graphics.jsonline.com/jsi_news/documents/doj_draftmpdreport.pdf
4. Milwaukee Collaborative Reform Initiative Community Feedback Portal:
<https://city.milwaukee.gov/mkecr/Findings>
5. Charles Collins, et al., Plaintiffs, v. City of Milwaukee. et al., Defendants:
<https://www.aclu.org/legal-document/settlement-agreement-executed-parties>
6. MPD Use of Force Reports:
https://city.milwaukee.gov/fpc/Reports/ReportsonMPD/Use-of-Force-Reports.htm#.XKodpi_MxBx
7. Wisconsin Statute 62.50(1m)
<https://docs.legis.wisconsin.gov/statutes/statutes/62/11/50/>
8. FPC Rules:
<https://city.milwaukee.gov/ImageLibrary/Groups/cityFPC/Rules/FPCRules.pdf>
9. CC File no. 181423:
<https://milwaukee.legistar.com/LegislationDetail.aspx?ID=3785826&GUID=04FAED56-7F28-43C4-9A19-01B3A8ECDFCE>