



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Meeting Minutes - Final

FPC POLICIES AND STANDARDS COMMITTEE

CHAIR: NELSON SOLER

VICE-CHAIR: EVERETT COCROFT

Commissioners Amanda Avalos, Fred Crouther, Steven DeVougas, Angela McKenzie, and Anna Wilson

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Thursday, December 10, 2020

5:00 PM

City Hall, Room 301-B

This is a virtual meeting that will be conducted via Microsoft Teams. Those wishing to view the proceedings are encouraged to do at <http://city.milwaukee.gov/citychannel> and use Live Stream 1.

Present: 5 - McKenzie, Wilson, Cocroft, Soler, Crouther

Excused: 1 - DeVougas

Those wishing to speak should register to do so at:
<https://bit.ly/39PdABP>

This meeting commenced at 5:00PM

The FPC Policies & Standards Committee members will meet on the following items:

1. Public Comment

Comment(s) by the Public

2. [FPC20412](#) Resolution to approve September 24, 2020 meeting minutes

A motion was made by Angela McKenzie, seconded by Everett Cocroft, that this Fire And Police Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 4 - McKenzie, Cocroft, Soler, and Crouther

No: 0

Absent: 1 - Wilson

Excused: 1 - DeVougas

3. [FPC20299](#) Resolution to amend Milwaukee Police Department Community Oriented Policing policy

Attachments: [003 - COMMUNITY ORIENTED POLICING Draft](#)

Chair - "On this item, there was an error from my part, this should be a communication item, so this item will be taken on the next time we meet and the reason this is a communication item is because the Community Collaborative Commission (CCC) wanted to participate in some discussions of the draft that was presented and the commission has only had this draft for a couple of weeks. So, I think we would better serve if we defer this item to the next meeting that we will have for the Standards & Policies."

The Fire and Police Commission Policies & Standards Committee is scheduled to meet on January 28, 2021.

This Fire And Police Resolution was REFERRED TO to the FIRE AND POLICE COMMISSION due back on 12/10/2020

4. [FPC20205](#) Resolution to amend Standard Operating Procedure 460 - Use of Force

Attachments: [FPC20205 460-USEOFFORCE1](#)
[FPC20205 REDACTED CLEAN SOP 460 - USE OF FORCE](#)
[FPC 20205 REDACTED CLEAN 460 - USE OF FORCE](#)
[Response to FPC20205 Resolution to amend Standard Operating Procedure 460 - Use of Force](#)
[REDACTED CLEAN 460 - USE OF FORCE - Updated 12-10](#)

Chief of Staff Nick DeSiato provided the following summary on the provisions that were made to Standard Operating Procedure 460 - Use of Force

DeSiato "Frankly Chair, you really did summarize what some of the key items were from the changes from the Use of Force, because it does include for example for the non-gauge, strangle holds, choke holds, strangle holds, lateral neck restraints and so forth, this is the proverbial choke hold and consistent with "Eight can't wait." - which is obviously one of the eight from the "Eight can't wait". It does include a provision which is consistent throughout Wisconsin and around the country: "The deadly force shall only be used when the officer reasonably believes it is necessary to prevent death or create bodily harm to himself or herself or others." So, it does create that very limited exception, but it does explicitly prohibit the use of choke holds. We've said this before that this is not a trained technique. However, we do appreciate that overtly putting this on our SOP is consistent with what the community has been of our department as well as departments around the country.

That revision amount of force also 460.25, it was previously under 460.20, does include a provision that specifically says, "Members shall not be using OC on peaceful demonstration and defining peaceful demonstrations devise gathering of people expressing a position in a cooperative matter without violation of the law." So again, we understand from hearing from the community that it was important. We understand from the commission that it was important to explicitly place these items into our SOP, particularly with this one, use of force.

It includes a provision 460.40 which was previously 460.35, obviously there was re-numbering. This is for discharging a weapon at an operated vehicle, which is visibly perceived that the vehicle is being used as a weapon. This is in terms of updating in terms of shooting at a moving vehicle. This is another one of the items of the "Eight can't wait."

One of the big takeaways that we believed that we were largely consistent with "Eight can't wait" going into this, but after the revisions of 460 assuming they're approved by the Fire and Police Commission is that we would be entirely consistent with "Eight can't wait" and I think that was important. Again, from feedback from the community and something that we supported.

As you would have referenced Chair for the "I can't breathe", I am paraphrasing, but that provision was added. This was something that Alderman Stamper had previously presented as a resolution to the Council. It was something that worked its way to the commission and that's something that was added. This is under 460.45 "If a subject states he or she cannot breathe, states he or she is having chest pains, request medical attention or if the officer observes the subject in medical distress when utilizing force, the officer shall immediately evaluate the situation...and so and so forth

while rendering aid so, I am paraphrasing but again that was a provision that we heard back from the community and it was imperative that it was included in our update for the use of force.

For filing a report, this is for whenever an officer points a firearm at an individual again, this is something that we heard from the community. This is something that had been brought up before our Common Council. It's for doing a use of force report whenever an officer points a firearm. That is something we even looked at other jurisdictions were doing. It's something that we understand as an expectation that we file a use of force again, when an officer points a firearm knowing that that is a very significant event for that individual who was in that particular encounter.

Finally, for the use of force committee, this is previously 460.50 but it is now number 460.55, it does provide a timeline for when we're providing information for our use of force committee and also that providing correspondence if we did not hold our use of force committee. As I recall, this was the former Commissioner Robakowski had brought up issues and perhaps other commissioners of the use of force committee and this was something that was updated in this particular draft.

One other provision too is that there was a line that was added, "The Milwaukee Police Department is committed to resolving conflict for the use of professional communication skills, precious intervention, and de-escalation tactics when feasible. This is a provision that we obviously support that we present before you and is also was a result of our negotiations and ultimate settlement in state of Seville case."

A request was made from Commissioner Cocroft to amend the resolution to add the New Orleans pyramid diagram to this SOP.

DeSiato "One thing that I do want to highlight and that in giving the summary, one thing I failed to do when giving the summary I would highlight one of the other revisions from our use of force is the de-escalation process. I have that in my recitation of the edits, but we did go through a continuum. This would be under what was 460.20 which highlights de-escalation and it goes through section a-d and what I'm hearing from you seems to be very consistent with what's in front of me."

Another issue that Commissioner Everett Cocroft was banning no-knock warrants or prohibiting them. This relates to another Standard Operating Procedure. He would like to see this done especially, in the light of Brianna Taylor.

A motion was made by Everett Cocroft, seconded by Anna Wilson, that this Fire And Police Resolution be REFERRED TO to the FIRE AND POLICE COMMISSION due back on 12/10/2020. This motion PREVAILED by the following vote:

Aye: 5 - McKenzie, Wilson, Cocroft, Soler, and Crouther

Aye: 5 - McKenzie, Wilson, Cocroft, Soler, and Crouther

No: 0

No: 0

Excused: 1 - DeVougas

Excused: 1 - DeVougas

Motion to Adjourn

*A motion was made by Commissioner Anna Wilson that this meeting be
ADJOURNED.*

This meeting adjourned at 5:26PM

The Board may receive a motion to convene in closed session in City Hall, room 301-B, 200 East Wells Street, pursuant to Section 19.85(1)(d) Wis. Stats. to consider strategy for crime detection or prevention, and 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.

In the event that members of the Fire and Police Commission who are not members of this committee attend this meeting, this meeting may also simultaneously constitute a meeting of the Fire and Police Commission or any of the following committees: Testing and Recruiting, Policies and Standards, Research, Complaints and/or Discipline. Whether a simultaneous meeting is occurring depends on whether the presence of one or more of the Fire and Police Commission members results in a quorum or negative quorum of the Fire and Police Commission or any of the above committees, and, if there is a quorum of another committee, whether any agenda items listed above involve matters within that committee's realm of authority. In the event that a simultaneous meeting is occurring, no action other than information gathering will be taken at the simultaneous meeting.

Upon reasonable notice, efforts will be made to accommodate the needs of persons with disabilities through sign language interpreters or auxiliary aids. For additional information or to request this service, contact the Fire and Police Commission ADA Coordinator at 414-286-5072, 414-286-5050 (fax), 414-286-2960 (TDD), or by writing to the Coordinator at Fire and Police Commission, Milwaukee City Hall, Room 705, 200 East Wells Street, Milwaukee WI 53202.