



Fire and Police Commission

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Memorandum

To: Ald. Mark Borkowski, Chair
Ald. Cavalier Johnson, Vice Chair
Ald. Tony Zielinski
Ald. Robert Bauman
Ald. Nikiya Dodd

From: La Keisha W. Butler, Executive Director

Date: 4/24/2019

RE: Response to Request for Information from April 8, 2019

During the April 8, 2019 meeting of the Judiciary & Legislation Committee, while discussing [File No. 170937](#), a number of information requests were made of the FPC by attending Alderpersons. Alderman Zielinski expressed interest that such information be provided in writing in advance of the April 29th meeting and upon request by the Chair the FPC Executive Director responded that the FPC would attempt to answer the questions to the best of its ability.

The conversation referred to a series of questions and statements submitted to the Committee by resident Paul Mozina, attached to File No. 170937 as a PDF with the title "[Statement of Mr. Paul Mozina](#)". From that impetus, the Committee requested that the FPC provide information regarding the 2006 [Police Assessment Resource Center \(PARC\) Report](#), the 2017 [draft DOJ Collaborative Reform Initiative Assessment Report](#), and the 2018 [Collins et al. settlement agreement](#) (usually referred to as "The ACLU agreement").

Communication of implementation status to the public

At approximately 1 hour and 16 minutes into the meeting Alderman Zielinski asked "When the FPC says partially or fully implemented, what are the primary ways that that information has been communicated to the public"? This question was asked upon hearing the Executive Director report the implementation status of recommendations from the PARC and DOJ reports.

PARC Report

On April 7, 2005 Mayor Barrett wrote to the FPC to request cooperation with a best practice review of FPC operations and functions. An invitation to bid on the project was issued in August of 2005 with a

closing date in September of 2005. The Police Assessment Resource Center (PARC) was ultimately selected by the city of Milwaukee to perform this review and they conducted a number of site visits and interviews early 2006, culminating in the release of their findings and recommendations in a report published on June 29, 2006.

Common Council Meetings

The Common Council's Steering and Rules Committee heard testimony regarding this report on June 29, 2006 while discussing [File No. 060303](#). This item was placed on file by a vote of 7:0. Speakers included Oren Root, Police Assessment Resource Center (PARC) Richard Jerome, President, Police Assessment Resource Center (PARC), and Eileen Force, Communications Director, Mayor's Office. The Common Council voted to place the item on file on July 12, 2006 by a vote of 14:0.

A search of Legistar for other discussions surrounding the PARC report did not reveal any further discussion of this matter by the Common Council nor any implementation follow-up until the April 8, 2019 meeting of the Judiciary & Legislation Committee.

Fire and Police Commission Meetings

Also on June 29, 2006 a Special Meeting of the FPC was held in order to present the findings of the report to that body. Members of the public were invited to comment during this meeting.

Further discussion occurred regarding the recommendations of the report during the September 21, 2006 FPC meeting, wherein the potential positive and negative consequences of the establishment of an independent monitor was discussed and also the potential effects of the report recommendations on the fire department.

On October 19, 2006 it was reported to the FPC during that evening's regular meeting that the Mayor's proposed 2007 budget for the FPC called for:

- The Fire and Police Commission (FPC) to be re-established as a separate and independent agency from DER with full autonomy and budget.
- The functions of recruitment, selection and certification of candidates for the Fire and Police Departments would remain in DER under FPC oversight.
- An independent monitor/auditor model for the FPC is recommended to be established with a stronger capacity to conduct research and policy reviews.
- Departments to communicate with complainants regarding the status and/or resolution of complaints.
- Responsibility for tracking and monitoring the status and resolution of all complaints and creating public reports that document trends and patterns regarding the nature and frequency of complaints, sustained rates, and other performance indicators.
- The opportunity to independently review a complaint investigation when the citizen is not satisfied with the investigation or outcome of the complaint, allowing the FPC to recommend the investigation be reopened, the complaint be referred for hearing, or to close the file.
- Responsibility for auditing a sampling of closed internal investigations including an analysis of the timeliness and thoroughness of the investigations, which can be shared with the Chiefs during performance reviews and used to identify systemic problems and the need for procedural/policy changes or training.

- Increased transparency into the effectiveness of the Commission's work by issuing user friendly, substantive and timely public reports of policy review analyses and audit findings.
- The size of the Board be increased to seven Commissioners if a minority of three members will be allowed to decide complaint and appeal hearings.
- Four new positions of Community Relations Manager, Paralegal, Assistant Monitor, and Research and Policy Specialist be created.
- Commissioners to get increased training and exposure to internal operating procedures of the departments and hold more meetings at community locations on a regular basis.

On November 2, 2006 the FPC Chair announced that information on the proposed changes to the structure of the Commission in the areas of testing, in response to the PARC report, will be presented at a later date so that the Commissioners will fully understand what is being proposed. Maria Montegudo, Director of the Department of Employee Relations, reported that she would try to attend the next meeting to answer questions and give the rationale behind the proposal. This did not occur and the PARC report has no other mention in the meeting minutes of the FPC.

Fire and Police Commission Reports

Fire and Police Commission Annual Reports are publicly accessible on the [FPC's website](#), under the [reports](#) tab. The [2006 FPC Annual Report](#) provided an brief overview of the report recommendations and the [2007](#) and [2008](#) FPC Annual Reports highlighted the various changes to the body in response to the report recommendations.

Draft DOJ Collaborative Reform Assessment Report

In January to October of 2016 the United States Department of Justice (US DOJ) performed an assessment of the Milwaukee Police Department (MPD) and the Milwaukee Fire and Police Commission (FPC). This was in response to a request by MPD Chief Flynn for the department to participate in the US DOJ Collaborative Reform Initiative in order to provide an avenue to strengthen and build the mutual trust between the MPD and the communities they serve. While due to decisions made in the US DOJ no final assessment report was produced from this process, on August 30, 2017 a [draft version of the report](#) was made public by the Milwaukee Journal Sentinel.

As the city began efforts to independently finish the collaborative reform assessment process without the partnership of the US DOJ the process was referred to as the Milwaukee Collaborative Reform Initiative (MKECR). In order to communicate to the community the status of the draft recommendations as well as facilitate ongoing community conversations on the topic the FPC created a [custom website](#), named the MKECR Portal, announced through a press release on January 24, 2018. The MKECR Portal reported both MPD and FPC responses to each of the 110 recommendations in the draft report, detailing the current practice and any already planned initiatives pertaining to each recommendation, as well as useful context to help the public understand the many recommendations. Beyond simply reporting the department responses to each recommendation, the MKECR Portal also served as a digital forum for community members to directly and publicly post comments related to the FPC and MPD responses. The FPC's development of this functionality in cooperation with ITMD marked the first time a city department incorporated public comment sections on a City of Milwaukee webpage.

With this public comment functionality the website supported the work of the Collaborative Community Committee (CCC) that had been developed by members of the Milwaukee Common Council, as the digital comments would be incorporated into the CCC's information gathering efforts. The CCC Chair, Markasa Tucker, stated in the press release "The CCC urges community members to utilize the portal to not only provide their responses to the findings, but to also take time to educate themselves by reading the US DOJ's draft report. We want residents to know that the Collaborative Community Committee is working very closely with the Fire and Police Commission to ensure this process is transparent and accessible to all residents in the City of Milwaukee". The MKECR Portal was further used to announce community hub information gathering events held by the CCC and publicly post the summary reports from these hubs.

At the outset of the MKECR process it was understood by all involved parties that any implementation of the draft US DOJ recommendations, beyond what had already been in place or already planned, would occur after the completion of the report summarizing the work of the CCC. The entire point of convening the CCC and setting that group on the task of gathering public feedback to the draft report was an attempt to prioritize the recommendations which were most important to our community. With 110 distinct draft recommendations, many with significant budgetary requirements, it was deemed necessary to ensure that the city does not simply self-prioritize which recommendations to implement first and instead consider what may potentially be the most important from the community's perspective. Additionally, considering that the report was not a final report, it was important for the community to have a chance to understand the current practice as it pertains to each recommendation because in many cases the city was already essentially performing the recommended task and considered some recommendations to be in error.

ACLU Settlement Agreement

On July 23, 2018 the City of Milwaukee entered into a [settlement agreement](#) in case no. 17-CV-234-JPS: Charles Collins, *et al.*, Plaintiffs, v. City Of Milwaukee, *et al.*, Defendants. This is casually referred to as "the ACLU settlement agreement".

This agreement details a number of changes that both the MPD and FPC must implement during the 5-year time period which the agreement covers, some with pre-determined timelines and others without. The process for the communication of implementation status is itself detailed in the agreement; rather than the FPC or MPD self-reporting progress towards implementation of the terms of the agreement a 3rd party consultant, the Crime and Justice Institute (CJI), was selected by the parties and [contracted by the city](#) to monitor and report on the implementation status.

Section V.A of the agreement defines the role of the consultant in the compliance assessment process. CJI is required to produce an annual report which shall address MPD and FPC compliance to the agreement and determine whether the MPD and FPC have timely completed tasks identified in the agreement pertaining to policy formulation, data collection and reporting, training, supervision, the complaint process, discipline, and audits. Paragraph IV.A.13 requires the FPC to publish on its website any and all reports published by CJI pursuant to the agreement.

While there has yet to be a report produced by CJI, the FPC has publicly communicated compliance with paragraph IV.E.5 of the agreement which requires the FPC to post citizen complaint data quarterly. In January of 2019 the FPC posted a dataset to the [City of Milwaukee's Open Data Portal](#) which, surpassing

the requirement to post quarterly data, posted data for the full previous calendar year. Upon publication of this data set the FPC posted a notice directing the community to the data under the news heading on the [FPC's internet homepage](#).

The major issue currently impacting the FPC's ability to comply with the terms of the agreement is the capacity for the FPC to perform the auditing requirements set upon the body by the agreement. This was discussed during open session during a [special meeting of the FPC held on March 27, 2019](#). A team of representatives from CJI were in attendance and during that meeting this issue was discussed.

Information not yet reported to the public

At approximately 1 hour and 18 minutes into the meeting Alderman Zielinski stated "I would like information regarding what has *not* been shared publicly and the reason why". When Director Butler requested clarification regarding to what exactly he was referring, Alderman Zielinski responded "All the things that Mr. Mozina has broached, all the things that have come before this committee; there's a number of reports, DOJ ... you name it. I'd like to know what has not been shared publicly and the reason for it, even if you can't share specifics. The public wants to know and it's important that the government can provide a transparent responses to these questions".

Our office does not know of any work related to the recommendations set forth in the PARC report or the draft US DOJ Report that have yet to be reported publicly. The compliance status of the FPC related to the ACLU settlement agreement will, as previously stated, be officially determined and reported by CJI during their required annual reporting process. Regardless, the FPC does not believe that there are any ACLU settlement agreement compliance related issues that have not yet been discussed publicly.

Timelines

ACLU settlement agreement

At approximately 1 hour and 19 minutes into the meeting Alderman Perez requested that implementation timelines be provided.

During the [March 27, 2019 FPC meeting](#), at 3 minutes and 15 seconds, Christine Cole, the Executive Director of CJI described their development of a timeline for the agreement implementation. This was described as a first draft which they were actively developing during their site visits and interviews that week. CJI did not report their plans for a public release of this timeline. The FPC will follow the directives of the settlement agreement and CJI as it relates to the release of information. In fact, the FPC released [citizen complaint data](#) in compliance with the settlement agreement on January 23, 2019 and the data was supplemented on April 22, 2019 to comply with the requirement for quarterly reporting.

Draft DOJ collaborative reform initiative assessment report

The next step in the community's response to the draft DOJ report will be the publication of the Collaborative Community Committee (CCC) final report to the public. Representatives from the CCC presented information from a draft report during the [March 21, 2019 FPC meeting](#). From that draft report the CCC stated that they plan to make recommendations in terms of policy, practices and budget and will return to the FPC upon completion of that work with a full report. It is anticipated that the CCC will be reporting its progress and findings during the month of May to the FPC and the Common Council.