

July 29, 2019

To: City of Milwaukee Common Council

Re: Vote No – Ms. Griselda Aldrete for FPC Executive Director

From: Paul Mozina

Duties of the Fire and Police Commission

[Wisconsin State Statutes §62.50\(1m\)](#) (1m) Policy review.

The board shall conduct at least once each year a **policy review of all aspects of the operations** of the police and fire departments of the city (See also [Chapter 314 of the City of Milwaukee Charter](#)).

The FPC has the authority and responsibility to provide independent oversight of the MPD's operating procedures, instructions, guidelines, policies and practices, and to mandate any changes that may be required.

Who is in charge and leading the FPC?

[UMOS Community Meeting July 22, 2019](#) At 53:40, Former FPC Board Chair Marisabel Cabrera: "The Executive Director **does not lead** the Commission the Chair of the Fire and Police Commission leads the Commission. The Executive Director helps the Commissioners to fulfill their roles as Commissioners but she doesn't actually lead the Commission." "As far as creating policies, **the Commission does actually create policy**. We do have that authority."

[Mason Temple CoGiC Community Meeting July 23, 2019](#) At 2:20, Referring to his appointee for the Executive Director Mayor Barrett said: "We are facing a very important issue as we move forward: Who is **going to lead** our Fire and Police Commission?"

Per the FPC's own rules, the Board Chair and the Executive Director of the Fire and Police Commission must work together to accomplish their mission, which is in part, to monitor the **Policies and Operations** of the Fire and Police Departments. They function as co-leaders.

The Polices versus Operations debate

The FPC Commissioners elected Steven DeVougas as their new Board Chair on July 25, 2019 and it is likely that he will remain in that position at least until his current term expires in 2023. At the [May 16th Regular Meeting of the FPC](#) Commissioner Steven DeVougas cut off the discussion regarding proposed changes to SOP 120 – Operating While Intoxicated, with the following comment, which clearly delineates where he comes down on the Policies versus Operations debate:

"... the point of clarification, I think it's probably gets into the policies versus operations aspect. The DRE (Drug Recognition Expert) was part of **your operations, which is typically, out of the purview** of the Fire and Police Commission. So, it wasn't anything

unlawful on the department's part, they're just codifying it into a **policy which brings it under our purview at this time.**"

Whereas Board Chair DeVougas doesn't want to get into the operational weeds, his potential partner as the new Executive Director doesn't want to make policies and she does not realize that she would be assuming a role that is explicitly identified as a policy making one. Ms. Aldrete said she would be a change agent and a facilitator if appointed to the Executive Director position, but she seems shy to declare that she would, in fact, become a policy maker who could be held accountable as such. At both of the community meetings I shocked and surprised to hear Ms. Aldrete repeatedly disavow any future policy making role as the Executive Director of the FPC.

[Ms. Griselda Aldrete at UMOS July 22, 2019](#)

(audio file linked above) <https://1drv.ms/u/s!AoGhDn8qu6nxkkhdVaHbfqKfkVKt?e=ANeh7Z>

I asked Ms. Aldrete: "What does it mean to you, as Executive Director, to monitor the operations of the Police and Fire departments?"

19:35 "...We are not, I mean **as an Executive Director I don't build policy**. I am an administrator, I facilitate to make sure that Commissioners are prepared to make the decisions that will impact the community, hopefully in a positive way."

Please consider the [Report of Samuel Walker, Ph.D. Expert Testimony in ACLU Settlement Agreement](#) regarding the performance of former FPC Executive Director MaryNell Regan:

22. It is my opinion that the current Executive Director of the FPC is failing to provide the best professional leadership for the agency. **It is the function of an executive director in this context to provide leadership on important issues, including providing the Board of Commissioners informed expert advice on important policy decisions.** In her deposition, however, in direct response to this issue, FPC Executive Director Regan testified that "I try not to influence their [the FPC Board] views."

23. It is my opinion that the definition of the role of the current Executive Director of the FPC, as stated in her deposition and cited in the above paragraph, is not consistent with the responsibilities of the Executive Director of the FPC to "[e]valuate police and fire department policies, practices, and patterns, including, but not limited to, deployment of staff . . . search, seizure, [and] citizen interaction and communication," as established by the Milwaukee City Charter Ordinance, § 314-5.

And the language in the [Milwaukee City Charter Ordinance 314-5](#). Executive Director.

Pursuant to the authority granted to 1st class cities under s. 62.51, Wis. Stats., there is created a position of an executive director to comprise the role of executive secretary of the board. Under the direction of the board, the executive director shall act as the

principal staff of the board in exercising the board's functions and powers provided in s. 62.50, Wis. Stats., and described under s. 314-3. In addition, the executive director shall:

2. **Evaluate police and fire department policies, practices and patterns**, including but not limited to deployment of staff, crime and fire prevention training, use of force, search, seizure, citizen interaction and communication.

This is much more significant than simply being a facilitator. It is obvious that not only is the Executive Director tasked with evaluating police and fire department policies, they would also share their conclusions and recommendations with the Commission. As a practical matter, this is how policies are set and, per Samuel Walker's testimony above, it is the duty of the Executive Director to be deeply involved in that process.

[FPC Rules, Section 3. RULE IV. BOARD PROCEDURE](#)

The Board shall be provided with any modification of a standard operating procedure, standard operating instruction, standard operating guideline, or other directive affecting the policies and standards of the Fire or Police Departments, in writing at least twenty (20) calendar days prior to its proposed effective date. **A requested change, if not material, may go into effect with the approval of the Chair of the Board and the Executive Director; otherwise it shall go on the Board's Regular Agenda for approval.**

We see in FPC Rules above that the Chair of the Board and the Executive Director can approve changes to SOP's "administratively". Thus, clearly the Executive Director *does* make policy.

But where does Ms. Aldrete come down on the Polices versus Operations debate? Over and over again at the community meetings at UMOS and the Mason Temple, she made the point that she did not think that her role included policy making. As someone seeking to lead as a change agent, I was expecting her to confidently state that she would use her role as the Executive Director to champion policies and operational changes in both the MPD and the MFD that would improve all of our lives. This is what she is authorized to do under State Statutes, the City Charter and the FPC Rules.

[Ms. Griselda Aldrete at UMOS July 22, 2019](#) (links to audio file)

22:55 "There are things we have to monitor over the next 5 years to make sure we are in compliance with the settlement. And so regardless of some of the things that the public might think we need to do, there are things we have to do just based on the settlement. **I think Changing policies is going to be one thing, but that really is not up to me, it is up to the commissioners.** And I think making sure those commissioners are tasked with the right information to make those decisions is going to be key."

48:37 **“We don’t create policy.** And I think that when, that might not be what you want to hear, but I’ve also said that if you want to create change you have to go where the power is and the policies are made in the capital.”

[Ms. Griselda Aldrete at Mason Temple CoGiC](#) (links to audio file)

(audio file linked above) https://1drv.ms/u/s!AoGhDn8qu6nxkkkIF8N_DsQCa4lr?e=29Ooa1

16:50 **“While I don’t get to create policy, I help drive policy with the help and guidance of the team that will be behind me in the FPC office.** But allow the commissioners to know what powers they really have to help guide the city into a safer city and help make systemic change.

20:55 “As an Executive Director, I am a facilitator of information. My job is a make sure that our commissioners are equipped to make the best decisions that they can.”

25:40 **“I can’t change policy** I can only help making sure that our police officers are operating with the integrity that they have to.”

1:18:20 Jarrett English: “What approach are you going to take in telling MPD what to do because that will be part of your job?” Ms. Aldrete: “I think the approach I have to take is to make sure that we are an office that is functioning as professionally as possible. **I don’t get to set the policy, I can’t go and tell a police officer what directly to do.** My job would be to make sure the commissioners are equipped to make the best decisions and making sure we are reviewing those policies on an ongoing basis.”

[Don’t vote for Ms. Griselda Aldrete](#)

As a practical matter, given the State Statutes, we have an FPC that functions with two leaders: the Chair of the Board, who is voted into that position by Mayoral appointees; and the Executive Director, who is appointed directly by the Mayor. We see the Mayor has a hand in everything. It is up to US to hold the Board Chair and the Executive Director responsible and accountable for actively providing oversight of the Police and Fire Departments. I ask that you **Vote No** on the appointment of Ms. Griselda Aldrete to the role of Executive Director of the FPC. We need someone in that role who understands unequivocally the mission of the FPC, what their authorities are under State law, the City Charter and FPC Rules, and that the Executive Director’s role is a policy making one for which they will be held accountable.