

A DIRECTIVE to the Milwaukee Chief of Police Alfonso Morales by the City of Milwaukee Board of Fire and Police Commissioners relating to numerous outstanding requests and inquiries.

THE VOICE OF THE COMMUNITY

WHEREAS, The Board of Fire and Police Commissioners serves as the voice of the citizens of the City of Milwaukee in police and fire matters and as a means of ensuring more responsive and effective city government; and

WHEREAS, The Board of Fire and Police Commissioners has heard an overwhelming number of requests from both the citizenry, and their elected representatives, to examine the Milwaukee Police Department's Community Oriented Policing Policy, ACLU Settlement Agreement efforts, precautions taken in response to the COVID-19 pandemic, disciplinary process, and tactics related to the Department's response to civil unrest; and

WHEREAS, The Board of Fire and Police Commissioners has made a good faith effort to gain information through requests to the Chief of Police and his command staff;

WHEREAS, the Chief's responses to the requests from the Board of Fire and Police Commissioners have been unduly delayed or outright ignored. Examples of this include:

- Lack of cooperation in providing 911 call wait times the FPC to fulfill its responsibility to provide call wait times quarterly to the Milwaukee Common Council
- Lack of cooperation with the Mr. Mel Johnson investigation; note that multiple requests were made by Mr. Johnson on **May 1, 2020 and May 18, 2020** and again by Executive Director Aldrete on **May 21, 2020** before those records were provided with a deadline on June 2, 2020 at 5 p.m. **The deadline was NOT met and documents were provided to the FPC Executive Director on June 9, 2020.**
- Lack of cooperation in providing videos and documents regarding the **June 2, 2020** 6th and McKinley incident. On Thursday, **June 18, 2020**, FPC investigator called open records to verify if a CAD was created relating to the incident that occurred on 6th & McKinley. The investigator was informed that no CAD was located with the information. On **June 23, 2020**, ED Aldrete emailed Chief Morales and command staff requesting the CAD and all videos and pertinent files to have FPC begin its investigation with a **deadline of June 23, 2020**. On **June 23, 2020**, Chief of Staff DeSiato emailed ED Aldrete stating the that request was comprehensive and could take up to several weeks to complete. After a conversation with Chief of Staff DeSiato, it was communicated to him that MPD should continue their investigation of the incident however, FPC would be conducting a parallel investigation and we would need those documents as soon as possible. AC Howard sent a video via email on **Monday, June 29, 2020** and additional files on **Tuesday June 30, 2020**, additional communication stating MPD was still working to gather personnel records on **July 2, 2020 and more information sent on July 14, 2020.**
- On April 20, 2020, ED Aldrete sent an email to both Chief Morales and MPD Command Staff for the following information in preparation for the April 30, 2020 closed, executive session:
 - o **The employee files for the seven PSSI that were fired late last year.**
 - o **The job description for the position of Emergency Communications Manager (ECM) along with the salary that has been made to the candidate put forth to the Commission for approval.**
 - o **The interview records for the position of ECM. A/C Howard stated at a Special FPC meeting on 4/16/2020 that the Department had a lengthy interview process with various candidates. The Commission would like to review all of the records of the individuals interviewed.**

- **The vacation policy for MPD Captain and above by rank.**
- On May 6, 2020, ED Aldrete sent an email to both Chief Morales and Chief Rohlfing to provide the FPC with their COVID 19 plans and safety measures for their departments. Chief Rohlfing provided this to ED Aldrete on May 7, 2020. **AC Howard provided MPD's COVID plan on June 18, 2020 via email to the FPC Commissioners without cc ED Aldrete.**
- **On May 7, 2020, ED Aldrete notified FPC Commissioners via email** Commissioners that she was made aware that week that Chief Morales planned to move about **20 Police Officers to the role of active Detective**. Given the pay implications and potential risk/liability associated with taking this action without a proper process. **NOTE:** A similar transfer was made in October of 2019 by Chief Morales and the FPC was not notified as it was being negotiated by the City's Labor Negotiator, MPA and MPD. To date, the MOU discussed last year been signed by the Chief and City however, not finalized and/or approved by the FPC Commission.

WHEREAS, a continued failure to communicate openly with the Board of Fire and Police Commissioners and Executive Director has forced the issuance of mandatory directives in place of requests for voluntary cooperation; and

STATUTORY AUTHORITY

WHEREAS, Sec. 62.50(1m) Wis. Stats. provides that, 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; and

WHEREAS, Sec. 62.50(23) Wis. Stats. provides that, the Board may review the efficiency and general good conduct of the departments; and

WHEREAS, The Board has, on an ongoing basis, reviewed the efficiency and general good conduct of the Police Department; and

WHEREAS, Sec. 62.50 (23) Wis. Stats. provides that, the chiefs shall be responsible for the efficiency and general good conduct of the department under their control. The board may review the efficiency and general good conduct of the departments. A chief shall act as an adviser to the board when the board reviews his or her department.

WHEREAS, these reviews have resulted in the aforementioned findings; and

WHEREAS, Sec. 62.50(23) Wis. Stats. provides that, the Board may issue written directives to a chief based on a review of the chief's department; and

WHEREAS, Sec. 62.50(23) Wis. Stats. further provides that, The chief receiving a directive shall implement the directive unless the directive is overruled in writing by the Mayor;

DIRECTIVES NOW ORDERED:

DIRECTIVE #1:

BE IT FURTHER RESOLVED, That the Board of the Fire and Police Commission requests authority to obtain department records. Sec. 62.50(1m) specifies that the Board may inspect any property of the departments, including but not limited to books and records, required for a review under this section. The ‘under this section’ language suggests that the board’s authority here is limited to a policy review. As such, the Board is requesting documents as part of its authority to conduct a policy review on involving the following incidents and/or individuals:

- a. That the Board of Fire and Police Commissioners of the City of Milwaukee, does hereby direct Milwaukee Chief of Police Alfonso Morales audit and present findings, including the full investigative file and disciplinary review file, within **thirty (30) days from today’s date (July 20, 2020)** to the Board regarding the **Sterling Brown arrest incident**; and
- b. That the Board of Fire and Police Commissioners of the City of Milwaukee, does hereby direct Milwaukee Chief of Police Alfonso Morales to audit the investigation of, release footage to the Executive Director and the Board of the Fire and Police Commission, and provide a full, open, and public explanation the police interaction with **Kareem McKinley** in 2018, as well as provide the full investigative file and disciplinary review file, to the Fire and Police Commission within **seven (7) days from today’s date (July 20, 2020)**; and
- c. That the Board of Fire and Police Commissioners of the City of Milwaukee, does hereby direct Milwaukee Chief of Police Alfonso Morales to audit the investigation of, release footage to the Executive Director and the Board of the Fire and Police Commission, and provide a full, open, and public explanation of the September 8, 2019 shooting of **Tari Davis**, as well as provide the full investigative file and disciplinary review file, to the Fire and Police Commission, within **seven (7) days from today’s date (July 20, 2020)**; and
- d. That the Board of Fire and Police Commissioners of the City of Milwaukee, does hereby direct Milwaukee Chief of Police Alfonso Morales to audit the investigation of, release footage to the Executive Director and the Board of the Fire and Police Commission, and provide a full, open, and public explanation of the June 29, 2020 arrest of **Vaun Mayes**, as well as provide the full investigative file and disciplinary review file, to the Fire and Police Commission within **seven (7) days from today’s date (July 20, 2020)**; and
- e. That the Board of Fire and Police Commissioners of the City of Milwaukee, does hereby direct Milwaukee Chief of Police Alfonso Morales to perform an audit and present a Standard Operating Procedure regarding the **safeguarding of evidence related to sensitive crimes**, as well as the privacy of complainants and potential suspects within **fifteen (15) days from today’s date (July 20, 2020). Deadline: August 4, 2020**; and

- f. That the Board of Fire and Police Commissioners of the City of Milwaukee, does hereby direct Milwaukee Chief of Police Alfonso Morales to promptly provide a **full, public, and accurate explanation of the use of tear gas and large volumes of oleoresin capsicum spray during peaceful civil disturbances** and the situations that warrant those tactics within **fifteen (15) days from today's date (July 20, 2020). Deadline: August 4, 2020.** The Chief shall work with the Board of the Fire and Police Commission in amending the proper SOP(s) to discontinue the use of chemicals mentioned above. **This will need to be discussed at the next Policies and Standards meeting on July 30, 2020.**

- g. That the Board of Fire and Police Commissioners of the City of Milwaukee, does hereby direct Milwaukee Chief of Police Alfonso Morales to promptly provide a full explanation and proper documentation of the decision to terminate **seven (7) PSSI employees in February of 2019** in a future Fire and Police Commission meeting and trial. This shall be provided in writing to the Executive Director and the Board of the Fire and Police Commission within **fifteen (15) days from today's date (July 20, 2020). Deadline: August 4, 2020;** and

- h. That the Board of Fire and Police Commissioners of the City of Milwaukee, does hereby direct Milwaukee Chief of Police Alfonso Morales provide a full update of Department compliance efforts and status as it relates to the ACLU Settlement Agreement mandates, also known as the *Collins, et al.* Settlement Agreement, in response to the upcoming findings of the Year Two report by CJI. This shall be provided in writing to the Executive Director and the Board of the Fire and Police Commission within **fifteen (15) days from today's date (July 20, 2020). Deadline: August 4, 2020;** and

DIRECTIVE #2: COMMUNITY ORIENTED POLICING POLICY

BE IT RESOLVED, That the Board of Fire and Police Commissioners of the City of Milwaukee, pursuant to Section 62.50 (23) Wis. Stats. does hereby direct Milwaukee Chief of Police Alfonso Morales to prepare and present promptly a draft of a Community Oriented Policing policy and Standard Operating Procedure in collaboration with the CCC, Community Leaders, the Common Council at the next **Policies and Standards Committee meeting. Deadline: July 30th, 2020¹;** and

DIRECTIVE #3: DISCIPLINE MATRIX

BE IT FURTHER RESOLVED, That the Board of Fire and Police Commissioners of the City of Milwaukee, does hereby direct Milwaukee Chief of Police Alfonso Morales to promptly begin collaboration with the Complaints & Disciplines and Policies & Standards Committees to develop and implement a Discipline Matrix² to accompany the Code of Conduct and bring clarity to the Discipline Process. **Deadline: August 6, 2020;** and

¹ A motion was passed on October 3, 2019 for the creation of the Community Oriented Policing policy and referred to the Policies and Standards Committee.

² For reference, see City of Madison Police Department Professional Standards and Internal Affairs Discipline Matrix

DIRECTIVE #4: COVID-19 COMPLIANCE, MITIGATION PLAN AND UPDATES

BE IT FURTHER RESOLVED, That the Board of the Fire and Police Commissioners of the City of Milwaukee, does hereby direct Milwaukee Chief of Police Alfonso Morales to implement the city-wide Face Covering Requirement Policy (effective July 16, 2020) for general City employees, which include all Milwaukee Police Department employees; sworn and civilian; effective immediately. An official policy (not just roll call) shall be developed with implemented protocols and/or guidelines to ensure compliance with the Milwaukee face coverings ordinance. **The policy shall be presented to the Policies and Standards Committee on July 30, 2020 by the Chief of Police.**

DIRECTIVE #5: RE-APPOINTMENT CONTINGENCY UPDATE

BE IT FURTHER RESOLVED, That the Board of Fire and Police Commission of the City of Milwaukee, does hereby direct Milwaukee Chief of Police Alfonso Morales to promptly provide a full update of compliance with the terms of re-appointment outlined by a motion approved by the Board of the Fire and Police Commission on December 18th, 2019 as the following:

The Board of the Fire and Police Commission approved this performance matrix for reappointment on 12/18/2019:

- **Evaluation of Police Chief every six months to include the following reports:**
 - MPD statistics on crime data and arrest data;
 - How MPD is integrating community policing into their policies;
 - MPD's pursuit policy and how they use technology to avoid the complaints that were voiced in the meeting;
 - Reckless driving efforts that the MPD has in place;
 - 9-1-1 Center and the stats related to turnover and response rates;
 - CAD/technology updates;
 - Officer deployment initiatives regarding dispatching, prevention and Differential Police Response;
 - Keep the board updated on retirements and the plan to replace staff;
 - Address issues with policies that have been implemented and report if they are working, not working and why they are not working;
 - Management of overtime by the Milwaukee Police Department;

- **The Chief of Police is also being asked to do the following:**
 - Work with the Commissioners as they are an oversight board;
 - Be accessible to the Commissioners through an open door policy;
 - Work with the community to include supporters and opponents;
 - Be transparent while working with the board

This shall be provided in writing to the Executive Director and the Board of the Fire and Police Commission within **fifteen (15) days from today's date (July 20, 2020). Deadline: August 4, 2020;** and

DIRECTIVE #6: PROMOTIONAL PROCESS

BE IT FURTHER RESOLVED, That the Board of Fire and Police Commissioners of the City of Milwaukee, does hereby direct Milwaukee Chief of Police Alfonso Morales to promptly provide a full explanation of the methodology, process, all candidate information and interview records for vetting and approving candidates for promotion in the ranks of Assistant Chief, Captain, Lieutenant and Emergency Communications Manager positions. An updated Milwaukee Police Department organizational structure shall also be amended and provided to include names of individuals currently in these ranks; to include permanent, acting, administrative positions. This shall be provided in writing to the Executive Director and the Board of the Fire and Police Commission within **fifteen (15) days from today's date (July 20, 2020). Deadline: August 4, 2020³**; and

DIRECTIVE #7: RESPONSIVENESS

BE IT FURTHER RESOLVED, That the Board of Fire and Police Commissioners of the City of Milwaukee, does hereby direct Milwaukee Chief of Police Alfonso Morales and related command staff to comply with ALL requests of the Fire and Police Commission within **seven (7) days of receipt or in accordance with the deadline set by the Executive Director and/or the Board of Fire and Police Commissioners. An amendment will be made to SOP 265- Open Records at the next Policies and Standards meeting on July 30, 2020 to make this a policy on SOP 265;** and

DIRECTIVE #8: OPEN RECORDS

BE IT FURTHER RESOLVED, That the Board of Fire and Police Commissioners of the City of Milwaukee, does hereby direct Milwaukee Chief of Police Alfonso Morales to order that the Department immediately institute a policy to comply with any and all open records requests made by Fire and Police Commission Investigators, the Executive Director, or members of the Board of Fire and Police Commissioners under all circumstances and regardless of open/active or closed status of investigations pursuant to the presumption of a right to examine records as outlined SOP 265- Open Records and Sec. 19.35 Wis. Stats. **An amendment will be made to SOP 265- Open Records at the next Policies and Standards meeting on July 30, 2020 to make this a policy on SOP 265;** and

³ Specific positions in question include Assistant Chief (s), Emergency Communications Manager, Captain and Lieutenant (to include administrative Lieutenant) promotions.

DIRECTIVE #9: ATTENDANCE OF THE CHIEF

BE IT FURTHER RESOLVED, That the Board of Fire and Police Commissioners of the City of Milwaukee, does hereby direct Milwaukee Chief of Police Alfonso Morales to immediately appear, virtually or in-person, at ALL regular and committee meetings held by the Board of Fire and Police Commissioners, unless unavailable. **In the event of unavailability, notice and justification shall be communicated to the Executive Director and/or the Board of the Fire and Police Commission, in writing, no less than 24-hours before the scheduled start of the meeting.** This notice shall include the name of a designated representative who will be appearing and why; and

DIRECTIVE #10: OPEN COMMUNICATION

BE IT FURTHER RESOLVED, That the Board of Fire and Police Commissioners of the City of Milwaukee, does hereby direct Milwaukee Chief of Police Alfonso Morales and related command staff shall immediately **begin to copy the office of the Executive Director on any and all communications to the Board of Fire and Police Commissioners to ensure transparency, accountability, and adequate information sharing;** and

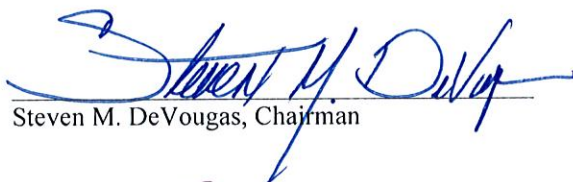
DIRECTIVE #11: IMMEDIATE STATUS BRIEFING

BE IT FURTHER RESOLVED, That the Chief of Police, specifically, as the head of the Department, shall immediately provide written updates on MPD compliance with these directives at the **next meeting of the Board of Fire and Police Commissioners on August 6, 2020** and shall be prepared to respond to related questions from the Board members; and

FAILURE TO COMPLY

BE IT FURTHER RESOLVED, That failure to comply, fully and promptly, with these directives shall result in disciplinary action by the Board, including discharge, suspension, or reduction in rank, pursuant to Sec. 62.50 Wis. Stats.

Adopted by the Board of Fire and Police Commissioners this **20th day of July, 2020**


Steven M. DeVougas, Chairman


Griselda Aldrete, Executive Director