

January 3, 2013

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:33 P.M.

PRESENT: Commissioners: Sarah W. Morgan, Chair  
Kathryn A. Hein  
Paoi X. Lor  
Michael M. O'Hear

ABSENT: Commissioner: Richard C. Cox (Excused)

ALSO PRESENT: Mark Rohlfing, Chief, Milwaukee Fire Department; and Edward Flynn, Chief, Milwaukee Police Department.

The Director presented for adoption minutes of the Regular Meeting of December 20, 2012. Commissioner Hein moved approval of the minutes as presented, seconded by Commissioner O'Hear. The motion carried unanimously.

1. UNFINISHED BUSINESS:

a) The Director moved this item to the end of the agenda.

2. NEW BUSINESS:

a) The Director presented a letter dated December 28, 2012, from staff, wherein Police Recruit Billie Lynn Ellis requests a temporary residency exemption to reside at her home in Glendale until such time as her daughter is accepted to her current school through open enrollment and she is able to sell her home. Recruit Ellis's daughter has special needs and it is in her daughter's best interest to remain at the same school until her expected graduation in June of 2014. Commissioner O'Hear moved to approve the temporary residency exemption for six (6) months from February 6, 2013 until July 3, 2013, seconded by Commissioner Lor. The motion carried unanimously.

b) The Director presented for approval the Milwaukee Fire and Police Commission Independent Audit of Milwaukee Police Crime Statistics and Reporting Procedure conducted and prepared by PRI Management Group. The Director introduced Ed Claughton, President of PRI Management, to present the audit findings to the Board.

Methodologies

Mr. Claughton began his presentation by detailing the areas of evidence, or methodologies, evaluated in this audit. Overall, the methodologies consisted of interviews with 58 department employees representing a cross section of sworn and civilian personnel from all ranks, the Milwaukee County District Attorney, and the Wisconsin Office of Justice Assistance. PRI also reviewed 3,748 incident reports (858 examined in detail), Records Management System (RMS) data validated against the Automated Reporting System (ARS), Tiburon RMS code tables, newspaper articles, Milwaukee police policies, the Milwaukee Police Internal Audit Report, a 2007 Comptroller Audit of the Tiburon RMS project, the Milwaukee Police Data Integrity Database, information workflows and police reporting procedure, the Wisconsin Criminal Statutes, and a 2006 West Virginia Criminal Justice Statistical Analysis Center crime statistic study that addressed information relevant to this audit. Lastly, PRI performed on-site desk audits with Records Management personnel.

Audit Objectives

According to Mr. Claughton, the audit objectives and a summary of the findings were as follows:

Objective	Finding
<ul style="list-style-type: none"> <li>▪ Obtain sufficient and appropriate evidence to provide an expert opinion regarding the validity of the police department's internal audit which focused on the assault category.</li> </ul>	<p>Milwaukee Police Department (MPD) audit valid and conducted with a reasonable degree of reliability.</p>
<ul style="list-style-type: none"> <li>▪ Assess the police department's reporting and records management processes, protocols and RMS, and provide an expert opinion regarding whether these elements affected the Department's compliance with National Incident-Based Reporting System (NIBRS) assault reporting standards and if so, how.</li> </ul>	<p>Technical errors, human errors, and prior insufficient internal controls.</p>
<ul style="list-style-type: none"> <li>▪ Provide an expert opinion regarding whether any intentional efforts were undertaken by the police department and its personnel to manipulate or misrepresent crime statistical information.</li> </ul>	<p>No intentional efforts were undertaken to intentionally alter crime stats.</p>

PRI determined the MPD audit was reliable and valid and identified, in sufficient detail, the errors in crime coding in the assault category for each year since 2006. Initially, PRI randomly selected 400 reports from the MPD audit data set and examined them in detail finding a 73.75% error rate. According to Mr. Claughton, this was to be expected because the aggravated assault category is the most miscoded category. Of these 400 reports, 269 were correctly identified by MPD auditors as having errors (67.25%) and were corrected accordingly. Additionally, 26 errors were found in which either the departmental auditor noted a correction in the database but did not correct the report in RMS, did not find the error, or made the wrong correction (15 reports were incorrectly changed to a higher classification). Mr. Claughton said this finding verifies MPD's assertion that errors go in both directions; i.e., sometimes reports are changed to a higher classification and sometimes reports are changed to a lesser classification. A second set of 400 reports was randomly selected outside of the MPD audit data set and were examined in detail by PRI. Of those reports, Mr. Claughton reported that 27 contained an incorrect NIBRS crime code, a 6.75% error rate, which confirms MPD's efforts to correct errors were successful.

In an effort to answer the question of whether assaults were not reported, PRI queried three (3) years of data in the "sick/injured person" classification (2,948 reports). According to Mr. Claughton, if a department was trying to alter crime data this would be a category in which a department would do it. These are incidents where a citizen was injured in a non-criminal incident and a police report is completed for a record of the incident. Of the 2,948 reports, 58 reports (1.96%) were identified as being misclassified in this category and no identifiable pattern was found in terms of district, officer, or supervisor. These reports were misclassified for a variety of reasons:

- The victim did not cooperate with police during the investigation and refused to describe what had occurred.
- The victim stated they did not want a report.
- The victim was highly intoxicated and could not describe what happened.

\*NIBRS is the standard by which departments report crime numbers to the FBI.

In incidents without a victim, officers all over the country are inclined to classify the incident as a non-criminal incident because it cannot be determined what happened by criminal state statute. NIBRS crime coding standards, however, require that if an incident appears to involve a crime it needs to be classified according to NIBRS standards. He stated this is an area of training deficiency for officers.

To sum up the Audit Findings, Mr. Claughton said there is a clear progression of improvement in the data (and a substantial decrease in reporting errors) beginning in 2009 when code table corrections were made.

### Audit Findings

Mr. Claughton outlined specific findings in the following categories:

#### *Training*

- There is deficient knowledge base in NIBRS reporting standards. This finding is verified by inconsistent assault classifications throughout the data, internal disagreements regarding classifications, and interviews. According to Mr. Claughton, officers are trained in state statutes, not UCR and NIBRS classifications. State statute definitions do not align with NIBRS definitions and it causes misreporting. It is imperative that training is continuous and ongoing. Through the audit, PRI found that MPD has started to address this training issue on its own.

#### *Technology*

- The Tiburon RMS significantly contributed to errors in statistics because of poor system design and functionality, code table errors in the assault categories, and deficient vendor support. The software is complicated and it takes over 100 fields for a report to be completed by an officer. If any of the fields are missed or filled in incorrectly, it could potentially lead to a NIBRS misclassification. Vendor support is sorely lacking, including a three (3) year span of time to respond to MPD's request to make it easier for an officer to pick the correct NIBRS classification.

#### *2007 Tiburon Audit*

- The City of Milwaukee Comptroller's Audit contained important, relevant information that discussed NIBRS coding errors. In 2007, auditors and MPD were told by the Department of Justice and the City of Milwaukee Comptroller that the crime data was accurate. According to Mr. Claughton, the state only looks at the set of statistics sent from the MPD and looks for statistical errors only, not the original police reports or the inner workings of the RMS. The state was unaware that incorrect manual coding changes had been occurring in records management and, therefore, the error rate was much higher than originally believed. A significant lack of training and project management failures in MPD occurred when the Tiburon system was implemented. According to Mr. Claughton, whenever a police department implements an RMS there are inevitable errors. What matters, however, is how the individual department overcomes them. There were failures in MPD in that regard when the Tiburon system was implemented.

#### *COMPSTAT Process*

- The COMPSTAT process is a management process in which police statistics are analyzed in real time, police resources are deployed according to the statistics, and personnel are held accountable on a weekly basis through open meetings. Detractors of the process say it is the reason for intentional misclassification of reports; i.e., there is pressure to misclassify crimes. Mr. Claughton said that is not occurring in MPD. He said he attended a COMPSTAT meeting and the meetings are fair and professional, are not being used punitively, and do not include undue pressure.

*Records Management Operations*

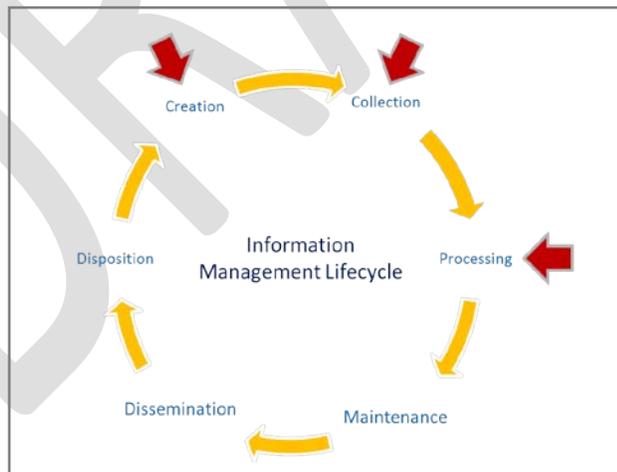
- Previously, there was a lack of internal controls and proper coding. The Journal Sentinel alleged that Records Management personnel were intentionally changing aggravated assaults to simple assaults by changing the NIBRS crime code. Based upon employee interviews and report review PRI found there were no intentional changes made to crime codes. When the system was first implemented, employees were directed to get reports processed as quickly as possible and corners were being cut. They were given direction to make sure the reports were submitted on time because NIBRS reports of statistics have to be reported every month. With a new system in place, it was very difficult to accomplish that. In order to keep statistics accurate, they have to be submitted as close as possible in that 30-day time frame. As a result, mistakes were made because employees were required to focus on the quantity of reports processed, not the quality. Mr. Claughton said this is not the case now.

*Organizational Culture*

- A culture that embraces accountability, professionalism, and integrity is one that does not create a climate where reports are intentionally misclassified. Through confidential employee interviews, PRI determined that employees feel MPD is in the best shape the police department has ever been. All interviewees indicated that through COMPSTAT, the increase in technology and performance standards that have been put in place, professionalism in the department has risen significantly. Mr. Claughton was confident that questions asked were valid and would have identified inconsistencies among interviewees if this were not the case.

Recommendations

PRI's recommendations focus on three (3) areas of the Information Management Lifecycle; i.e., creation, collection, and processing of reports. As illustrated in PRI's graphic below, Mr. Claughton said focusing on these areas will ensure accuracy at other levels.



**Information Management Lifecycle**

PRI made 26 specific recommendations in the audit report and these 26 are addressed by the following general recommendations:

- Replace records management system because the current system is outdated and dysfunctional.
- Provide ongoing and continuous training to Records Management Section and sworn personnel.
- Increase auditing activity in the Records Management Section so that audits are conducted down to each individual officer in each district. Mr. Claughton said that will not be able to be done unless

human capital is increased in the Records Management Section. Currently, the Records Section is staffed with 18 office assistants and, given the volume of work, should be staffed with approximately 7 more office assistants for a total of 25 employees.

- MPD should have a full-time, dedicated process owner who would be the point person responsible for the entire reporting process from the moment the report is written until the data is turned into the state. One full-time, dedicated individual is needed who has the commensurate authority to monitor the entire process until such time as the current issues are resolved and the new reporting system is implemented and functioning.
- Internal communications within the department should be enhanced to ensure errors in reporting are communicated using a 360 degree approach via emails, roll call videos, one-on-one meetings, and training. It would benefit MPD greatly if they improved communication such that there is a much stronger focus on quality, not only at the Records Management level, but at the officer level as well.
- Human capital should be increased in the Records Management Section.

Mr. Claughton said MPD has started implementing some of the recommendations. He ended his comments by stating that there is no evidence to suggest MPD has falsified crime statistics in any way, shape, or form.

Commissioner O'Hear asked for clarification regarding the 73.5% error referred to in the presentation; i.e., he asked if the 73.5% error rate was an error rate found within a set of incidents specifically selected by MPD because they thought they would find errors rather than an overall error rate. Mr. Claughton responded that the 73.75% error rate was within a set of incidents expected to have a high error rate prior to correcting the data in the assault category only and the overall error rate across categories would be expected to be much lower. He also noted that the assault category is the category where most police departments will have the most errors in crime coding. Commissioner O'Hear then asked if the 6.75% error rate referred to in the presentation applied only to assault cases. And, in turn, one would then expect the overall error rate for MPD to be much lower. Mr. Claughton said that was correct. Commissioner O'Hear asked if PRI found any coding errors with respect to homicides, sexual assaults, or robberies. Mr. Claughton said he could not make an assertion regarding those categories because those crime categories were not part of the audit.

Commissioner O'Hear asked how the issue of tension between the Criminal Investigation Bureau (CIB) and patrol could relate to crime coding errors. Mr. Claughton responded that there has been a shift to have patrol officers perform more investigative functions and that has caused a certain amount of discord among investigative personnel. As investigative personnel have been promoted and moved to new work locations, these investigative personnel are reviewing and approving reports. Individuals reported that investigative personnel do not take as much time as they should with reports because of the tension. Mr. Claughton stated in most work situations, performance declines when individuals are dissatisfied.

Commissioner O'Hear asked whether the report was posted on the website. The Director said the report is published on the FPC website (<http://city.milwaukee.gov/fpc/Reports/ReportsonMPD.htm>). Finally, Commissioner O'Hear asked whether there would be follow up regarding these recommendations. The Director said the item would be returned to the Board on a periodic basis for report on progress regarding the recommendations. Periodic reports will help the public feel confident about the MPD crime statistics. The Director complimented Mr. Claughton on the exhaustive nature of the report and the professionalism with which PRI conducted this audit.

The Chair asked how many audits PRI has conducted in the past. Mr. Claughton said he has audited two large departments (MPD and Nashville, Tennessee). Of medium-sized agencies ranging from 50 – 250 members, PRI has audited ten (10) departments. The Chair asked what patterns would be evident if an agency were manipulating data. Mr. Claughton responded that he had not worked on a case where there was intentional manipulation of data. Of the audits he has conducted, the problems were quite similar to those found in Milwaukee; i.e., problems in the assault category as well as burglary/trespassing. For the most part, he said, coding errors appear because of the number of ways the crime can be committed and it

requires officers to make a choice. Categories such as homicide or car theft are not open to interpretation in the way that assaults and burglaries are.

The Director asked Mr. Cloughton to elaborate on how he used the independent access to the RMS granted him by MPD in his audit. Mr. Cloughton said he had full remote access to the Tiburon system and could query the system by date, district, and/or location. He compared the data from his queries to the NIBRS statistics. In addition, he was able to compare the data to the NIBRS statistics while actually looking at the reports. The Director said PRI was able to look at any data and reports, not simply what the department gave him, thereby validating the objectivity of this report.

Commissioner Hein asked Chief Flynn the status of MPD's contract with Tiburon. Chief Flynn said they are in a difficult position. He said his predecessor Chief withheld approximately \$1,000,000 to try to get Tiburon to comply with requests. In 2008, MPD brought in outside assistance to try to get Tiburon to comply with the contract. Once the contract was paid for, however, MPD had no leverage to get Tiburon to meet their needs. Tiburon is known industry-wide for their notoriously bad customer service. Overall, the city has tried its best to manage a difficult technology and a difficult vendor.

Commissioner Hein mentioned the media coverage regarding the non-competitive contract awarded to PRI and said she felt Mr. Cloughton did an excellent job in the report addressing those issues. Mr. Cloughton said no matter who was chief, PRI's report would have been the same. The criticism leveled against him in the articles is indicative of the mindset an auditor should have; i.e., skepticism. The newspaper articles provided no evidence the crime stats were manipulated. Further, Mr. Cloughton said that if his audit findings demonstrated MPD was manipulating crime data, he would have made it clear in his report because it would have been an act of corruption and the department would have to have been held accountable. Intentional manipulation of crime data is not happening in Milwaukee and the audit showed that.

Commissioner Lor asked how often training should be conducted. Mr. Cloughton said the FBI does NIBRS training and it is not geared for officers, but rather for those whose jobs are to process police reports and conduct RMS activities. Training needs to be conducted on a regular basis in the academy for recruits, incorporated into field training, and as part of in-service training classes (2-3 hour refresher) on an annual basis.

The Chair asked Chief Flynn if he would like to make any comments. Chief Flynn said he would produce periodic reports for the Board to inform them of MPD's progress. In addition, MPD has already implemented training for recruits, is in the process of implementing training for in-service personnel, has increased the level of auditing in the Records section, and has made space for hiring a civilian process owner as called for in the report. MPD will also look to replace the Tiburon system. MPD produces 66,000 reports each year and, even with an imperfect technology and an imperfect system, is doing a good job of creating data sufficient to deploy resources and measure progress. Overall, it is a good thing to find problems with the data and correct them, but it is a bad thing to imply malice, promote conspiracy theories, and to muddy professional reputations. The errors have existed over time and if you control for the error rate over time, progress is still real. Chief Flynn said that focused efforts as a result of real time data are making a real impact in the community. Finally, he said the majority of the recommendations in the report are appropriate, reasonable, and achievable.

The Chair asked what specific skill set the process owner that PRI recommended be hired have. Ideally, the individual should have public safety experience as well as records management and managerial experience. Mr. Cloughton said that he would be able to help MPD with this process. Commissioner O'Hear moved approval of the report, seconded by Commissioner Hein. The motion carried unanimously.

3. EXAMINATIONS:

a) The Director presented for adoption an eligible list for the position of Building Maintenance Mechanic II in the Police Department, consisting of nine (9) names. Commissioner Hein moved approval of the list, seconded by Commissioner Lor. The motion carried unanimously.

b) The Director presented for adoption an eligible list for the position of Media Specialist in the Fire Department, consisting of nine (9) names. Commissioner O'Hear moved approval of the list, seconded by Commissioner Lor. The motion carried unanimously.

4. FIRE DEPARTMENT:

a) The Director presented correspondence dated December 26, 2012, from Acting Chief Gerard Washington, wherein he notifies the Board that the contingency appointment of #28 – Quincy V. Walker from the Fire Cadet eligible list established September 6, 2012, approved at the September 6, 2012 Regular Meeting, was utilized, effective December 26, 2012.

b) The Director presented correspondence dated December 26, 2012, from Acting Chief Washington, wherein he notifies the Board that Heavy Equipment Operator Victor J. Izquierdo has been reverted to his previous rank of Fire Paramedic due to the implementation of the 2013 department budget, effective December 23, 2012. He will be promoted again when there is a vacancy in the Heavy Equipment Operator rank.

c) The Director presented correspondence dated December 18, 2012, from Chief Rohlfing, wherein he notifies the Board that Fire Recruit Ronny Frost has gone on Workers' Compensation, effective December 18, 2012.

d) The Director presented correspondence dated December 26, 2012, from Acting Chief Washington, wherein he notifies the Board of an error and subsequent correction in the Department's 2013 furlough policy dated December 13, 2012, and approved at the December 20, 2012 Regular Meeting. In the sections listed "Bureau and Division Chiefs" and "Field Chiefs," the words *calendar year* were used, when the correct term should have been *fiscal year*.

5. POLICE DEPARTMENT:

a) The following promotion, as presented by Chief Flynn, was approved by the Board:

TO POLICE DISTRICT OFFICE ASSISTANT, from Office Assistant I, effective January 6, 2013:

NICOLE T. GARRISON.

6. PUBLIC COMMENT:

There was no comment made from the public present.

1. UNFINISHED BUSINESS:

a) The Director presented correspondence dated December 27, 2012, from staff, regarding Radio Communications Systems Manager John Mesich wherein he requests an extension to his six month temporary residency extension due to expire on January 3, 2013. Mr. Mesich asked to discuss this matter with the Board in closed session. At 6:37 p.m. Commissioner O'Hear moved to go into closed session, pursuant to Section 19.85 (1)(c) Wis. Stats. to consider employment, promotion, compensation or

performance evaluation data of any public employee over whom the Board has jurisdiction or exercises responsibility and/or Section 19.85 (1)(f) Wis. Stats. to consider financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations, seconded by Commissioner Hein. The motion was approved unanimously following a roll call vote.

At 6:49 p.m. the Board reconvened in open session. Commissioner O'Hear moved to grant an extension to the temporary residency exemption for six months from January 3, 2013 to July 3, 2013, seconded by Commissioner Hein. The motion carried unanimously.

7. ADJOURNMENT:

Commissioner O'Hear moved to adjourn the meeting, seconded by Commissioner Hein. The motion carried unanimously.

The meeting concluded at 6:50 P.M.

Respectfully submitted,

Michael G. Tobin  
Executive Director

MGT:kj