

City of Whitewater Police Commission
Quarterly Meeting Minutes
April 26, 2011

ABSTRACT / SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL ACTIONS OF THE POLICE
COMMISSION OF THE CITY OF WHITEWATER, WALWORTH AND JEFFERSON COUNTIES,
WISCONSIN

- I. CALL TO ORDER, ROLE CALL: Police Commission President Jan Bilgen Craggs called the meeting of the Whitewater Police Commission to order at 6:00 p.m.

MEMBERS PRESENT: Jan Bilgen Craggs, Jerry Wendt, Rosa Verduzco, Dennis Knopp, and Jim Olsen (arrived at 6:07 pm)

MEMBERS ABSENT: None

Also present were Interim Chief Lisa Otterbacher, Assistant to the City Manger Cameron Clapper, and Support Services Manager Kathy Boyd

- II. APPROVAL OF MINUTES FROM MARCH 10, 2011 AND MARCH 16, 2011: Minutes from the March 10, 2011 and March 16, 2011 meetings were approved by a unanimous voice vote on a Knopp/Wendt motion.

AYES: Bilgen Craggs, Wendt, Verduzco, Knopp

NOES: None

ABSENT: (Jim Olsen was absent for this portion of the meeting)

- III. OLD BUSINESS:

A. CITIZEN COMPLAINTS SINCE MARCH 16, 2011 POLICE COMMISSION MEETING: Otterbacher stated that Knopp had questions about the department's internal affairs policy and met with Knopp a few weeks ago. Otterbacher stated that it became apparent that the Police Commissioners needed to understand the citizen complaint process. Otterbacher stated that there have been eight citizen complaints and the number is higher than it traditionally would have been because the policy has been modified. Otterbacher stated that if no supervisor was available or someone was too intoxicated the information might not have been gleaned so she revamped the policy so that there were no more missing situations. Otterbacher stated that if a supervisor is not on duty the complaint goes to an officer and if someone is too intoxicated then they are given a citizens complaint brochure and their name is taken for follow-up the next day. Otterbacher said that citizen complaint numbers are higher because nothing is missing. Otterbacher stated that she received an email and the sender was upset about the department and the investigation was concerning an underage alcohol party. Otterbacher sent a follow-up email asking for more information and there was no reply from the complainant and normally not much would be done with it, but the under the new policy the department follows through with the complaint. Otterbacher found that the complainant had three underage alcohol tickets within about five months and officers were following up on an underage alcohol party and the complainant was going to get another ticket. Otterbacher stated that she followed-up with a letter. Otterbacher stated the under the old policy the department wouldn't have followed-up because of no response. Otterbacher read the complaint statistics from a memo, one complaint from the web site, three from phone calls, three that came into the department and met with a staff member and one was an email. Otterbacher stated that two of the complaints were anonymous, six were known, they wanted follow-up. Otterbacher stated that a portion of one of the complaints was unfounded (.5), .5 was sustained, it made sense and it did happen and the employee was coached and counseled, 1 complaint was not sustained (couldn't prove or disprove, but documented), 3.5 were sustained and followed up internally, 3 were exonerated (incident occurred, but justified). Otterbacher explained the last disposition

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option, policy failure (there were zero). Bilgen Craggs asked for a broad overview of the dispositions under the sustained complaints. Otterbacher stated the officer agreed to the mistake and was given coaching and counseling and the mistake was documented for future reference. Otterbacher stated that use of force issues could rise to a higher reprimand. Otterbacher stated that officers can receive a verbal reprimand, letter of reprimand; if it continues then they go into suspensions. Otterbacher stated that there doesn't need to be a formal complaint made for an officer to be disciplined or terminated. Knopp asked if the numbers were year-to-date. Otterbacher stated that the numbers were for 2011 and outlined in the department's annual reports. Knopp stated that it wasn't bad all and all. Otterbacher stated that it shows that the citizens are comfortable making complaints and that the officers are human and can make mistakes, but the department owns the mistakes and repairs them so they don't continue to make them. Otterbacher stated that she is please with the policy modifications so nothing is missing. Otterbacher stated that the only complaints that aren't collected are based on process issues, but if in doubt a complaint is filed. Bilgen Craggs stated that the Police Commission needs to remember the changes to the policy will reflect on the annual report statistics.

- B. CHIEF OF POLICE SELECTION PROCESS: Bilgen Craggs sent a draft listening process to the Police Commissioners via email, but brought the survey information as hard copies. Bilgen Craggs asked for any feedback or changes. Bilgen Craggs stated that it creates the target audiences to get feedback from, community members, agency staff and city staff, using an electronic surveying instrument. Bilgen Craggs stated another target would be local agencies and received contact information for the district attorneys and other professionals that the staff interacts with. Bilgen Craggs stated that an email would be sent asking for feedback. Bilgen Craggs stated the last target would be the university and they would receive similar prompts as the local agencies, campus police and the Chancellor and his staff. Bilgen Craggs stated that community members can use the electronic method or come to one of two on-site listening sessions on two dates. Bilgen Craggs stated that the survey is based on conversations with officers from both police departments (Whitewater and UW-Whitewater). Olsen stated that it looked good. Bilgen Craggs asked if the dates looked good. Knopp and Olsen stated that they could do Sunday, May 7th from 3:00 pm to 5:00 pm and Bilgen Craggs and Verduzco stated that they could do Wednesday, May 11th from 6:00 pm to 8:00 pm. Bilgen Craggs stated that the Commission would work with Clapper and City staff to publicized. The Commissioners reviewed the survey questions. Olsen asked how many accredited departments were in Wisconsin. Otterbacher stated 23. Wendt asked if the department was the smallest. Otterbacher stated that she thought that it was, but that Elkhorn and Walworth County were starting the process because WILEAG (Wisconsin Law Enforcement Accreditation Group) was becoming more affordable. WILEAG covers basics such as policy updates. Otterbacher stated that nothing in statutes says that the evidence room has to be inspected, but accreditation says there needs to be four inspections a year. Otterbacher stated that the accreditation group views training documents, but the state doesn't. Knopp asked if there was an advantage to being accredited vs. not being accredited. Otterbacher stated that if you have the right insurance company there is a break on insurance costs, less liability, less lawsuits. Knopp stated that it pays for itself in the long run or at least it's a wash. Knopp stated that because of the complaints it seems because of accreditation they are held to higher standard. Otterbacher stated that because of accreditation a letter is sent to the complainant. Bilgen Craggs stated that after proofing the document the information would be posted on the web with a link, along with sending email messages.

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IV. NEW BUSINESS:

A. APPROVAL OF CHIEF OF POLICE RECRUITMENT CONSULTANT: Bilgen Craggs stated that there were seven respondents to the RFP. Clapper listed the names of the firms: Moffet and Associates, LLC, Public Administration Associates (PAA), RW Management Group, Springsted, Vorheez Associates, CPS Human Resource Services and Waters Consulting Group. Clapper stated that there was no matrix of what was provided, but there are three things to consider, services provided, experience of firms, and fees – base rate, additional travel expenses, and tests. Bilgen Craggs stated that the council approved a dollar amount for consultant help, but didn't talk about out of pocket expenses. Bilgen Craggs said that she assumed that those expenses would be outside of the dollar amount that the Council approved. Bilgen Craggs asked if their interpretation was that the expenses would be included. Clapper stated if the amount was exceeded it could be brought back to Council. Olsen stated that the council would work with the Police Commission to find the right person. Clapper pointed out that there are three firms that provided a fee rate at, under or below the amount specified by the Council. Bilgen Craggs stated that Vorheez was out at \$14,000. Clapper stated that Vorheez had a limited scope at \$7,750, but they would need to qualify their scope. Bilgen Craggs called Vorheez to ask for clarification. Bilgen Craggs stated that RW was outside at \$13,900 and CPS and Waters were out at \$21,500 and Springsted at \$11,000. Bilgen Craggs stated that they shouldn't talk about what they can't afford and would discuss the pertinent quotes Moffet, PPA, Vorheez. Bilgen Craggs stated that the PPA rep Dan was in attendance. Knopp stated that now was a bad time to pinch pennies and that the Police Commission shouldn't do background checks and drug testing. Bilgen Craggs stated that the Commission wouldn't do any of that because the RFP listed they were needed. Bilgen Craggs stated she had a concern that Moffet gave a price for a certain number of applicants, if more than it would cost more money. Bilgen Craggs stated that she felt that was dangerous because they need to cast the net as far as possible to qualified candidates. Wendt stated that he was confused on Moffet's first 25 applicants and how they would pick them, by the date they receive. Bilgen Craggs stated that \$75 for each additional would be scary. Knopp stated if the local paper boy is one of the first 25. Wendt stated that there needed to be some degree of selection. Olsen stated that \$75 for each additional applicant is crazy. Bilgen Craggs stated that taking the first 25 is how it is done on campus. Bilgen Craggs stated that Moffet should be set aside and Olsen agreed. Knopp asked for clarification, which was given. Bilgen Craggs stated PPA was next on the list and noted the addition of a not to exceed charge in the bid, \$500 to cover travel and expenses for when they are in Whitewater. Bilgen Craggs stated that she appreciated the August 1st timeframe on how long will it take. Bilgen Craggs stated that the professional reviewers are retired chiefs. Knopp asked if there was a list of towns that PPA has secured. Bilgen Craggs stated the Village of DeForest, City of Verona fire chief and Verona city administrator. Daniel Elsass of PAA stated he finished with the DeForest Police Commission in March and they were hired to do a full search, but DeForest rehired their old chief so PAA's role changed. Mr. Elsass stated that PAA doesn't take a cookie cutter approach, but is flexible. Mr. Elsass stated that they finished the Fire Chief of Verona in December 2010, finishing up with 29 applicants from 14 states. Bilgen Craggs stated that Vorheez had a limited scope proposal and that the Police Commission couldn't afford the full proposal and that it was tough to translate. Knopp stated that the Police Commission should squeeze more money out of the City. Wendt stated that when the Police Commission went to City asking how much would be contributed to the hiring a consultant. Wendt stated that many of the fees would be there if there was no consultant. Bilgen Craggs stated that the number was based on three firms that approached the Police Commission, finding

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more money might be hard. Olsen stated that the dollar amount was based on information at first meeting, but now that the bids are in the Police Commission should go back to City Council and ask for more money. Wendt asked if it would be for the total search. Olsen stated that the Police Commission should go back to the Council and say that they have narrowed it down to two and maybe one or two more if the City could give up more money to get best candidate. Clapper stated that cost is a major factor, but services and experience are important and cost shouldn't outweigh. Olsen stated that the Police Commission should go back to the Council. Bilgen Craggs stated she was not comfortable with assuming that the City would pick-up the out of pocket costs. Knopp stated that the new chief would not be starting at top and there is money in budget somewhere. Bilgen Craggs stated that the Council stated that there were some salary savings to offset the cost. Bilgen Craggs asked for a motion and Olsen entertained a motion to send it back to the Council requesting in more detail what the Police Commission has to spend and what the Council was willing to kick it the process. Moved by Olsen and seconded by Knopp to seek more clarification and guidance from the Council regarding consultant selection.

AYES: Bilgen Craggs, Wendt, Verduzco, Knopp and Olsen

NOES: None

ABSENT: None

Bilgen Craggs stated that she didn't feel that it was fair for the Council to have to review all the paperwork and requested that Clapper prepared a grid of information. Olsen agreed and requested the same for the Police Commission. Clapper stated that it would give him and opportunity to call some of the firms to get clarification. Bilgen Craggs stated that the request should go on the May 3rd agenda.

V. FUTURE AGENDA ITEMS: No requests for future agenda items at this time.

VI. FUTURE COMMISSION MEETING DATES: The Police Commission determined that the next meeting would be on Thursday, May 12th at 6:00 pm

V. ADJOURNMENT: Bilgen Craggs entertained a motion to adjourn and an Olsen/Verduzco motion was passed by unanimous voice vote.

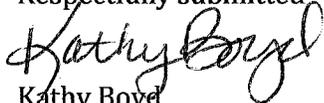
AYES: Bilgen Craggs, Wendt, Verduzco, Knopp and Olsen

NOES: None

ABSENT: None

The meeting adjourned at 6:59 pm

Respectfully submitted



Kathy Boyd

Support Services Manager