



Police and Fire Commission
Quarterly Meeting Minutes
November 6, 2013

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

Full video of the open portion of this meeting can be found at www.whitewater-wi.gov.

- I. Call to Order, Roll Call - Police and Fire Commission President Jan Bilgen called the meeting to order at 6:07 pm
Members present: Jan Bilgen, Dennis Knopp, Dave Haberman, Dr. Mark McPhail, and Dr. Ken Kidd
Also present: City Attorney Wallace McDonnell, Chief Lisa Otterbacher, Captain Brian Uhl, and Support Services Manager Kathy Boyd.
- II. Approval of Minutes - May 9, 2013, July 25, 2013 and August 29, 2013 - On a motion by Dr. McPhail with a second by Knopp the minutes were approved.
AYES: Bilgen, Dr. Kidd, Knopp, Haberman, Dr. McPhail
NOES: None
ABSTAIN: NONE
ABSENT: None
- III. Citizen Comments - Bilgen read the following disclaimer: *"No formal Police Commission action will be taken during this meeting although issues raised may become part of a future agenda. Participants are allotted a three to five minute speaking period. Specific items listed on the agenda may not be discussed at this time; however citizens may speak to those issues at the time the Police Commission discusses that particular item."* There were no citizen comments.
- IV. Old Business
 - A. Election of Vice President and Secretary – Bilgen asked if there were nominations for the vice president of the Police and Fire Commission and Dr. Kidd nominated Dr. McPhail with a second by Haberman. Bilgen asked two more times if there were any other nominations for the vice president and there were none. Bilgen stated that if there were no objections then Dr. McPhail would continue as the vice president of the Police and Fire Commission. There were no objections.

Bilgen asked if there were nominations for the secretary of the Police and Fire Commission and Dr. Kidd nominated Haberman with a second by Dr. McPhail. Bilgen asked two more times if there were any other nominations for the secretary and there were none. Bilgen stated that if there were no objections then Haberman would continue as the secretary of the Police and Fire Commission. There were no objections.
- V. New Business
 - A. Presentation of Draft PFC Policies for discussion at next meeting
 1. PFC Oath
 2. Code of Ethics
 3. Commissioner Responsibilities & Expectations
 4. Complaint Process Overview
 5. Hiring Process and Commission Involvement Policy

Bilgen had the City Attorney, Chief of Police and Captain, along with others, review the documents. In reference to the Code of Ethics, Dr. Kidd asked what would be a significant conflict of interest. Attorney McDonell stated that it was a gray area, but the Commissioner would need to be fair and impartial and Dr. Kidd asked if it would be the Commissioners responsibility to recognize the conflict. Attorney McDonell stated that others could bring it forward. Attorney McDonell stated that the city has a conflict of interest ordinance and the state has one too, which he could provide the information for the Commission. Bilgen stated if the Commissioners had amendments to be made to get them to Boyd before the next meeting.

Bilgen stated that the only thing changed in the Oath was the adherence to the PFC Code of Ethics.

Bilgen explained the Hiring Processes and asked for any comments or questions. Dr. McPhail asked that the phrase as soon as practical be articulated to a time. Chief Otterbacher explained why the phrase was used. Bilgen stated it could be changed within 48 hours. Captain Uhl stated that the mode of communication would determine how practical it would be. Bilgen asked Attorney McDonell if it could be by email within a timeline. Attorney McDonell stated that he wouldn't limit it to email, but it could have a timeline and be email or otherwise. Dr. Kidd stated that before the last interview he thought it was not good to have the Command Staff (Chief and Captain) in the interviews, but has changed his mind and found it useful.

Bilgen explained the Complaint Process and stated that the Commissioner portion didn't exist before, but Bilgen sought clarification from Attorney McDonell and through other documentation. Dr. Kidd mentioned under commissioner complaint against officer or department a whole segment was missing for citizen or commissioner against command staff. Chief Otterbacher explained how the different investigations should work; the Chief would investigate Command Staff (Captain, Lieutenant), Department of Criminal Intelligence (DCI) or local sheriff's department would investigate the Chief. Chief Otterbacher explained the citizen complaint process, which doesn't impact the PFC until someone isn't satisfied with the final disposition. Dr. Kidd asked if the process is outlined in the police department policies and the Chief stated yes. Bilgen stated that an appeal process should be included.

Bilgen stated that the Responsibilities and Expectations are new. Knopp stated they add a lot to the job, which is an awful lot for an unpaid volunteer, so there should be some monies involved. Bilgen asked compensation? Knopp stated yes. Knopp stated that the money wouldn't sway someone's decision, but it would say you are going to do it, you agreed to this. Dr. McPhail asked apart from the HR training what would be the addition. Knopp stated that they could pull up something every other weekend. Dr. McPhail stated that the only training is through the League (Wisconsin League of Municipalities). Bilgen stated if there are HR changes that the Commission should be notified by the City. Bilgen stated that she wasn't sure if Commissions are compensated. Dr. McPhail stated that in larger municipalities the PFC is compensated. Knopp state that in Milwaukee they are compensated. Bilgen asked Knopp if he wanted to do research on that. Knopp asked if he wanted to research to see if they are getting paid? Bilgen stated the first thing someone will ask is what a reasonable amount is. Dr. McPhail asked Attorney McDonell how often training like this is done by the City. Attorney McDonell stated each board develops their policies. Dr. McPhail asked about HR training and Attorney McDonell wasn't sure. Dr. McPhail stated that the basic training would be helpful and have the opportunity for more training with HR being optional. Haberman asked if the training is required. Bilgen stated that no training is required, but the League training is strongly encouraged. Haberman asked if the HR

information is covered in the League training and Bilgen stated yes. Haberman stated that this is an opportunity for him to give back to the community, not for them to give to him. Dr. Kidd stated that he agrees with Dr. McPhail about making the HR training optional. Bilgen agreed and stated that she will make the necessary changes (to the documents) to bring to the next meeting.

- B. Informational Staffing Comparisons (Per Commissioner Request) – Chief Otterbacher stated that there had been discussion that the Whitewater Police Department is overstaffed. The Commission reviewed the staffing comparison data supplied by Chief Otterbacher. Knopp asked how many officers there are now. Chief Otterbacher stated 23 right now. Bilgen asked that Boyd make the document available to people. Bilgen asked Chief Otterbacher her observations and the Chief stated that the department is inline or a little low if the university is added in. Bilgen asked for questions or comments. Dr. Kidd asked if Chief Otterbacher has a sense for the amount of proactive policing the university police are doing versus enforcement policing. Chief Otterbacher stated that they do a good job and the Whitewater Police Department works well with them on student behaviors with the university giving presentations to the students. Chief Otterbacher stated that move-in day was busy, but by changing the day from Thursday to Sunday gives the students less lull time with school starting on Monday. Dr. Kidd asked how much the university is counted on as part of enforcement. Chief Otterbacher stated the departments work in teams during homecoming weekend and alcohol abatement programs. Chief Otterbacher stated that they don't come into the city to police as the Whitewater Police Department doesn't police the dorms. Chief Otterbacher stated that the university is on the same radio frequency. Chief Otterbacher stated that the university police have a diversion program, which the City doesn't. Dr. Kidd asked who polices North Prince Street and Chief Otterbacher stated that the city polices all but the north side of the street.
- C. K9 presentation – Drug statistics & Update of K9 Fundraising (Per Commissioner Request) – Chief Otterbacher explained the forming of a departmental drug task force in June of 2011 and supplied statistics concerning drug arrests and seizures between June of 2011 and December of 2012 and all of 2013. Bilgen noted the addition of crack cocaine, steroids and heroin in 2013. Dr. Kidd questioned why there aren't more heroin seizures and Chief Otterbacher stated it's based on working confidential informants. Captain Uhl stated that the big dealers are in Milwaukee and smaller quantities are seen in Whitewater. Dr. Kidd asked if a different crowd is pushing heroin. Captain Uhl stated no and that it has become more socially acceptable. Bilgen stated she read that it is spreading in Waukesha County. Chief Otterbacher stated that legal drugs are also an issue. Chief Otterbacher stated that due to the yearly turnover in the community population it is difficult handling the drug issues. Chief Otterbacher discussed the reasoning behind obtaining a drug dog and the reasoning behind choosing a no bite dog. Chief Otterbacher reviewed the K9 donation and fundraising information. Chief Otterbacher stated that the department is about \$18,000 short of the goal. Dr. Kidd asked if the dog would be loaned out to other jurisdictions. Chief Otterbacher stated that it would be rare, but we would share our resources. Dr. Kidd asked if the officer would be on regular patrol with the dog and Chief Otterbacher stated that is why the department needs the car so the officer can take the dog and vehicle home.
- D. Chief of Police Report
1. Successful Whitewater School District Active Threat Training - Chief Otterbacher stated that the Whitewater Police Department created and hosted the options based training in August at the middle school and high school after approximately a year of planning. Chief Otterbacher explained the steps in the process. Dr. Kidd asked if the training

would be done yearly or just the new people. Chief Otterbacher stated that the plan is to do a cognitive training (on paper) yearly and a full exercise every other year or so. Chief Otterbacher stated that there will be training for the city employees in January. Dr. Kidd asked who the lead was on the training and Chief Otterbacher stated that Sergeant Bradford was the lead, after attending training on the process, along with Juvenile Officer Saul Valadez.

2. Filling Open Patrol Position – Chief Otterbacher stated that Officer Erickson resigned in August so the department is conducting a hiring process with 125 applications, 81 taking the test, 20 to Field Training Officers (FTO) interviews, 8 to the Command Staff interviews, and 4 to the background portion with those passing being forwarded to the PFC.
3. 2013 Department Accomplishments and 2014 Department Goals - Chief Otterbacher reviewed the 2013 accomplished goals and the 2014 goals. Bilgen stated that if the Commissioners had any questions they could contact Chief Otterbacher. Bilgen asked Chief Otterbacher to extend her thanks to the staff for all of their hard work.

- VI. Future Commission Meeting Dates - The Police and Fire Commission will meet on November 14, 2013 at 5:30 pm in the Municipal Building Community Room to interview patrol officer candidates. Commissioners will be able to privately review interview materials at 5:00 pm.
- VII. Future Agenda Items – Interview patrol candidates and review completed policies.
- VIII. Adjournment - Adjourn to Closed Session, NOT TO RECONVENE per Wisconsin Statutes 19.85(1)(f), *“Considering 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 except where par. (b) applies 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.”*

A. Item to be discussed:

1. Investigation of Allegations Concerning a City of Whitewater Police & Fire Commission Member

On a motion by Bilgen with a second by Dr. McPhail the Commissioners unanimously voted to adjourn to closed session.

AYES: Bilgen, Knopp, Haberman, Dr. McPhail, Dr. Kidd

NOES: None

ABSTAINED: None

ABSENT: None

The Commissioners adjourned at 7:27 pm.

Respectfully submitted,



Kathy Boyd

Support Services Manager

City of Whitewater Police and Fire Commission

Closed Session Meeting

Wednesday, November 6, 2013

Call to order: Police and Fire Commission President Jan Bilgen called the closed session meeting to order at 7:34PM.

Members Present: Jan Bilgen, Dennis Knopp, David Haberman, Mark McPhail, and Ken Kidd

Also Present: City Attorney Wally McDonald.

The purpose of the meeting was to discuss a complaint made by the City of Whitewater concerning the actions of the one of the commission members.

The commission members reviewed the allegations and recommended restorative actions. The commissioner in question agreed to follow through with the recommendations including a written apology.

Meeting adjourned at 8:545PM.

Respectfully Submitted,

David Haberman, Secretary