

LABOR RELATIONS COMMITTEE MINUTES

The Labor Committee met on Tuesday, February 9, 2021 at 5:45 p.m. over GoToMeeting.

Present: Vicki Davis Chair
Michael O'Brien Vice Chair
Justin Ask Council Member
Tom Butterfield Council Member

Others present: Human Resource Director Samantha Beckman, City Administrator Brian Gramentz, Police Chief Jim Felt, IT Coordinator Ross Smeby, Finance Director Steve Okins, Public Works Director Sean Christensen, and Mayor Marv Calvin.

Item No. 1 Call to Order

The meeting was called to order by Chair Davis at 5:45 p.m.

Item No. 2 Forensic Analyst Position (Motion)

Police Chief Felt presented the proposed job description and justification for adding a Forensic Analyst position to the Police Department in 2021. The committee discussed the need for a full-time position with the large workload the police department already represents for our IT department (IT support of laptops, body cams, etc.) in addition to the forensic investigation needs. Along with Willmar’s internal needs, there have also been three outside agencies that have requested forensic assistance from our police department. With the addition of this position, the department would be able to assist those agencies and bill out their hours for a source of revenue. Upcoming retirements in the department and funds from unfilled positions could provide funding for this position. A motion was made by Council Member Ask, seconded by Council Member O'Brien and passed to approve the job description and funding of the Forensic Analyst position this year.

Item No. 3 Administrator Search Brochure (Information)

An updated brochure was not provided in time for this Labor Meeting so it will appear on a future agenda.

Item No. 4 City Hall Heat (Information)

Administrator Gramentz and Public Works Director Christensen identified the need to replace the heating system at City Hall as soon as possible. Our current heating system is only able to heat the building to about 60 degrees and is being supplemented with multiple space heaters. With general committee consensus, the heating system will be replaced this week.

Item No. 4 Miscellaneous

There being no further business to come before the Committee, the meeting was adjourned at 6:20 p.m. by Council Member Davis.

Respectfully submitted,

Samantha Beckman

Samantha Beckman
Human Resources Director



City Council Action Request

| | | | |
|------------------------------|--|--------------------------------|----------------------|
| Council Meeting Date: | 2-16-21 | Agenda Item Number: | |
| Agenda Section: | Labor | Originating Department: | Willmar Police Dept. |
| Resolution | No | Prepared by: | Chief Jim Felt |
| Ordinance | | Reviewed By: | City Administrator |
| No. of Attachments | 2 | Presented By: | Chief Jim Felt |
| Item: | Consideration regarding addition of a Forensic Technology Analyst to WPD staff | | |

RECOMMENDED ACTION:

Motion By: _____ Second By: _____, to recommend the addition of a full-time Forensic Technology Analyst to the Willmar Police Department, by the Labor Committee, and forward this matter to the full Willmar City Council for consideration.

COMMITTEE/BOARD/COMMISSION RECOMMENDATION:

Motion to approve the job description and funding of the Forensic Analyst position.

OVERVIEW:

The Willmar Police Department has been fortunate to utilize the part-time assistance of the Willmar IT Information Systems Coordinator for local forensic analysis of cellphones, computer / video / GPS data for the successful investigation and resolution of many cases including human trafficking, child pornography, serious assaults, homicides, drug offenses and property crimes. The specialized resources provided by this part-time service have led to rapid resolution of cases and provided information that helps protect lives and property.

In recent years, the use and necessity of forensic investigation has increased greatly. Just locally, WPD has seen forensic investigation caseload tend to double each year, as noted on the attachment. WPD investigates more crimes that involve the use of electronics to both commit the crimes and also to provide evidence for both prosecution and elimination of suspects. Computer forensic experts believe these trends will continue to grow and analysis needed will continue to be more specialized as technology changes. Prior to having our own equipment and person handling local forensics, cases were submitted to the MN BCA for analysis with a backlog of several months, even on the most severe of crimes. An advantage of analysis being done locally is that it can be completed sometimes within the same week or day, providing for faster resolution to cases, immediate arrests of dangerous perpetrators and even missing person or search & rescue where time is of the essence.

Additional information is attached outlining recent years statistics and agencies that WPD has assisted or, upon examination, has forwarded the information to for further investigation. A listing is also included of the many specialized Information Technology needs of the Willmar Police Department which would benefit from a Forensic Technology Analyst to be full-time and assigned to our department. City IT indicates that a majority of their overall IT needs and requests are generated from WPD needs due to the sheer number of electronic devices, employee

needs and 24 hour use of those devices, many which interface with each other. An estimate by the IT department indicates that WPD general IT needs (not counting forensic analysis) account for about 1,300 hours each year. Historically forensic analysis in recent years has added an additional 500-700 hours per year dependent on caseload and types of forensic needs. Since forensic analysis fluctuates by type of analysis needed along with the number of cases, forensic analysis hours fluctuate. For instance, with the current homicide investigation the most efficient method for some computer forensic analysis would be done by a technician comparing all of the data. Due to workload, computer forensics are performed to an initial level and now split among several detectives for individual analysis, then returned for specific follow up. While still effective, this creates additional resource burdens on other investigators and is a multi-step process to get specific information.

Attached is also an outline of a job description for the Forensic Technology Analyst. At this time we are crafting this position as a non-sworn WPD employee. We feel this would provide the most initial flexibility to place someone in that position. The initial addition of a POST licensed officer with those particular skills and background would likely be difficult due to the limited market of people available. At some point we would optimally like to see this position transition to a police officer position so that the analyst could more independently perform functions such as drafting their own search warrants. In the event of an emergency, that person could also provide police services for special events or shortages of staff if licensed. It's our belief that as technology and forensic analysis continue to evolve the applicant pool for individuals with forensic technology skills along with a MN police officer license will increase.

As envisioned, this position would be an employee of the police department and the office location would be at the law enforcement center due to security, data needs, proximity to needed work and evidentiary issues. This position would also serve as a back-up for Willmar IT needs to assist other IT staff in the event of a specific need. We currently have an office in use for this technology along with the associated amenities. A vehicle would only be sporadically needed and an unmarked vehicle can be shared for use.

It would be our request and recommendation that the City of Willmar authorize a Forensic Technology Analyst position at the Willmar Police Department. WPD currently has the technology capabilities for most current forensic needs and will continue to budget for potential upgrades. The Willmar Police Civil Service Commission has been informed of the potential for this position and are in full support of its creation and implementation to better serve the residents of our community.

PRIMARY ISSUES/ALTERNATIVES TO CONSIDER:

Delay consideration of position for future implementation.

BUDGETARY/FISCAL ISSUES:

Research from the Willmar Human Resources Department indicate an approximate pay range of 7 (\$26.19 to \$36.09 per hour, one range above Willmar IT Tech), as this position would be new to the city and there is little outside reference for a pay range.

As a non-sworn employee, this position could fall under a non-LELS labor group. If the person hired was POST licensed, we would ask for consideration that this be a full-time police position which would fall under the LELS contract. If a non-sworn employee in this position were to become MN Police Officer Standards and Training licensed, we would ask that this position become a full-time licensed position and under the LELS contract in the future along with the contract pay scale and benefits.

At this time there are limited agencies outside the MN BCA that can handle computer forensics cases. WPD has been approached by neighboring agencies for assistance but we have largely declined due to local workload and limited time available by staff. If this position were authorized, we believe that a limited amount of revenue would be possible by outsourcing for various investigations, video redaction and other specialized services. Billing rates are currently \$60/hour plus expenses needed to transfer data (such as memory cards & external hard drives).

Speculation is approximately 10% recoup on costs growing to 25% over time by external billing but dependent on WPD caseload which would be prioritized first.

ATTACHMENTS:

Forensic Technology Analyst Job Description

WPD Forensic Technology Overview including recent case data, specialized WPD systems, additional duties and notable instances of use.

Forensic Technology ANALYST

Position Title: Electronic Systems Analyst
Department: Police
Department Head: Police Chief
Immediate Supervisor: Detective Sergeant
Pay Range: 7 **FLSA Status:** Non-exempt

| | |
|-----------|-------|
| APPROVED: | _____ |
| REVISED: | _____ |
| REVISED: | _____ |
| REVISED: | _____ |

Purpose

Assist Police Department in installation and repair of all major electronic systems. Conducts and analyzes advanced and highly specialized forensic evidence for possible criminal behavior of computers hard drives, cell phones, and other digital media sources.

Organizational Relationships

Communicates with: *Internally* – Police Department Staff; *Externally* – Kandiyohi County Sheriff's Office, County Emergency Manager, various hardware and software vendors, MN Department of Public Safety, and Various Law Enforcement Agencies
Supervises: None

ESSENTIAL FUNCTIONS

Performs forensic examination on seized digital storage media systems and provides investigative and technical guidance on related digital media evidence.
Provides ongoing analysis of technology trends to incorporate proven forensic investigation and supporting technologies into practice.
Install and repair Squad and Body Camera systems.
Maintain and install Radar and LIDAR systems.
Maintain and operate surveillance systems and thermal imager cameras.
Assist with retrieval and review of video evidence from crime scenes. This includes any department owned equipment and privately owned equipment.
Assist with drone operations.
Install and maintain squad communication systems including, but not limited to, laptops, tablets, printers, emergency systems, power supplies, and GPS units.
Setup and maintain mobile communication systems including cell phones, radios, and surveillance systems.
Suggest changes and improvement to technological requirements for the department.
Understanding of Criminal Law
Understanding of warrants, subpoenas and other official documents as assigned.
Setup and operate any surveillance systems including cameras and audio equipment.
Assist with any department related operations or investigations.
Conducts examinations of computers and media generated by computers to develop evidence as an expert in the specialty area of forensic computer science.
Uses experience and knowledge of a wide variety of advanced computer technologies and theories to conduct analysis of submitted evidence.

Forensic Technology ANALYST

Position Title: Electronic Systems Analyst

Department: Police

Department Head: Police Chief

Immediate Supervisor: Detective Sergeant

Pay Range: 7 **FLSA Status:** Non-exempt

| | |
|-----------|-------|
| APPROVED: | _____ |
| REVISED: | _____ |
| REVISED: | _____ |
| REVISED: | _____ |

Receives, inventories, and signs for physical evidence submitted for examination.

In data recovery cases, determines the most appropriate method of protecting original evidence and recovering deleted, erased, hidden and encrypted data.

When necessary, identifies and recommends methods and procedures for preservation, evidence recovery, and presentation of computer evidence.

Assists other officers in legal preparation of search warrants, subpoenas, etc. to properly obtain all relevant electronic media as evidence.

Writes reports of investigative services required. Reports covering field as well as lab activities. Maintains strict protocol guidelines for chain of custody and all the evidence to ensure integrity of each item of evidence is handled and analyzed according to meet legal practice requirements that includes: collecting, transporting, receiving, storing, labeling and preserving data collected for digital evidence on submittal for examination and analysis.

Testifies in criminal or civil court and/or provides deposition required on results of seizures and handling of evidence and results of analyses conducted.

Develops and presents training to law enforcement officers in the recognition, collection, preservation, and evaluation of computer evidence.

Monitors and maintains agency issued equipment and inventory of investigative supplies.

Required to be able to respond to search warrants/consent to searches.

Other Duties and Responsibilities

Perform other related duties as assigned or apparent.

Required Knowledge, Skills, and Abilities

Knowledge with electronic forensics systems.

Knowledge of police procedures.

Knowledge of squad car electronics and systems.

Knowledge of video systems. This includes CCTV, squad and body camera systems.

Ability to follow established department procedures.

Ability to keep current on technological issues through relevant training, reading and research.

Ability to write clear and understandable directions.

Ability to manage multiple tasks and prioritize.

Ability to handle confidential information with appropriate discretion.

Ability to analyze problems/situations and take decisive and effective action.

Ability to prepare routine reports, case files, and correspondence with completeness/accuracy.

Ability to maintain required knowledge base and skill sets and keep up-to-date on law changes.

City of *WILLMAR*

Forensic Technology ANALYST

Position Title: Electronic Systems Analyst
Department: Police
Department Head: Police Chief
Immediate Supervisor: Detective Sergeant
Pay Range: 7 **FLSA Status:** Non-exempt

| | |
|-----------|-------|
| APPROVED: | _____ |
| REVISED: | _____ |
| REVISED: | _____ |
| REVISED: | _____ |

Machines, Tools and Equipment Used: Computers, keyboard, mouse, printers, squad video, systems, body camera system, surveillance systems, basic hand tools for repairs and installations, CCTV systems,

MINIMUM QUALIFICATIONS

Also must have knowledge and experience in maintenance of electronic system used in squad cars. Must have experience and knowledge of electronic systems used in law-enforcement. Five years of general information technology experience and three years of experience working in forensic technology involving computer forensics, electronic discovery and technical investigations. Must have demonstrated ability to evaluate and maintain hardware and software necessary for the performance of criminal investigations preferably in a law enforcement environment. Additional skills require include understanding and analysis of systems security and forensic acquisition of electronic evidence. Must pass employer-required background check.

Must have extensive knowledge of computers and electronics media. Must communicate effectively, orally and in writing. Demonstrated ability to evaluate and maintain hardware and software necessary for the performance of computer related investigations. Must be able to identify and develop evidence, prepare concise and effective verbal and written reports and testimony, and work cooperatively with other law enforcement personnel.

Preferred Qualifications

Minnesota POST licensed or ability to become Minnesota POST licensed within 24 months. Certified Computer Forensic Technician. Or Certified Forensic Computer Examiner certifications.

Understanding / experience in criminal law.

Experience with computer forensic software such as Encase, Access Data's Forensic Toolkit, Cellebrite, and Internet Evidence Finder etc.

Working Conditions

The work is performed in both and office building and in the field collecting forensic evidence. Some of the work is sedentary and may have extensive periods of time on PC, laptop or network equipment. Travel is required to off-site locations and work in all types of weather conditions

City of WILLMAR

Forensic Technology ANALYST

Position Title: Electronic Systems Analyst

Department: Police

Department Head: Police Chief

Immediate Supervisor: Detective Sergeant

Pay Range: 7 **FLSA Status:** Non-exempt

due to situations such as search warrants and evidence collection. Regularly uses fine motors skills to coordinate eyes, hands and feet for the repair and maintenance of a variety of tools, machines or equipment.

| |
|------------------------|
| <i>APPROVED:</i> _____ |
| <i>REVISED:</i> _____ |
| <i>REVISED:</i> _____ |
| <i>REVISED:</i> _____ |

Forensic Investigation Cases

2017 – **12** total cases, 9 WPD and 3 KCSO

2018 – **33** total cases, 24 WPD, 9 KCSO and CEE-VI

2019 – **64** total cases, 32 WPD, 28 KCSO/CEE-VI, 2 BCA, 1 FBI, 1 Parole Office

2020 – **43** total cases, 25 WPD, 11 KCSO / CEE-VI, 3 BCA, 2 Chippewa County, 1 Meeker County

2021 – Multiple cases in progress. Currently about 4 weeks backlog on examinations.

Specific WPD Technology Systems Requiring IT Assistance

- Office Computers
- Office and Portable PowerPoint Projectors
- Squad Car Mobile Computer (assist & coordinate with County)
- Squad Car Cameras (3 cameras per car)
- Squad Car Camera Wireless Download System
- Body Camera Systems
- Video Redaction for Squad and Body Cameras
- Department Issued Cellphones (all sworn officers) / FirstNet Administrator
- WPD Drones
- WPD Robot
- Forensic Evidence Computer
- Cellebrite Cellphone Analytics Computer
- Fingerprint Identification Scanner
- WPD Message Signboards
- WPD Radar Units / LASER Radar
- Use of Force Simulator
- GPS Units (squad and portable)
- Thermal Imagers (squad and portable)
- Covert and Crisis Negotiations Audio Systems
- VITALS App Administrator / Troubleshooter
- DeployPro App Administrator / Troubleshooter
- Automated License Plate Reader System and Software
- 800 MHz radio system assistance
- WPD Command Post Remote Drone / Robot Viewing System
- WPD SWAT Humvee Electronics Systems
- DMT (Breath Tester) Interface with MN BCA systems
- Make recommendations for software, applications and technology systems for WPD use

Additional Duties

- Set up camera / audio systems for undercover operations
- Set up camera / audio systems for special surveillance situations
- Provide on-scene assistance at selected search warrants involving electronics
- Provide on-scene assistance for non-WPD video system downloads
- Help with internet data transfer of encrypted or large files
- Allow immediate download of cellphone data in some cases for device return to victims
- Assist in drafting search warrants for electronic devices
- Report writing and court testimony as needed
- Specialized and expert testimony on various electronic and data systems
- Filing documents with social media sites (like Facebook & Twitter) to preserve electronic evidence

Notable Cases to Date by IT Ross Smeby (while doing it on a part-time basis)

- 2018 – Responded to the scene of a missing & possibly suicidal juvenile to assist with evaluation of her phone / social media accounts. Was able to evaluate her phone and accounts to determine approximate location and focus the investigation and search. Person found unhurt.
- 2018 – Through cellphone forensic investigation a suspect was tied to a local armed robbery by analysis of local Wi-Fi systems that the phone attempted to connect to.
- 2019 – Possession of child pornography case where a search warrant was done and multiple electronic devices recovered. On-scene assistance given to narrow scope of seizure of devices. Examinations on devices done and matched Skype video calls with child pornography screen shots. Forensic examination and social media comparisons done locally to identify two child victims in Maine and info that the suspect was not only possessing the child pornography but producing it. This led to an FBI investigation where the suspect was convicted on a Federal charge and sentenced to 20 years in Federal prison, 20 years' probation and a \$78,000 fine.
- 2019 – Sexual assault investigation. Provided assistance on-scene for an apartment complex with a video surveillance system. Through information obtained, the suspect in this case was affirmatively cleared from false allegations.
- 2020 – Assisted on-scene and technical expertise in WPD human trafficking operations where approximately 40 people were arrested for various crimes including soliciting prostitution, possession of firearms / drugs and warrants.
- 2020 – Possession of child pornography case where provided on-scene assistance at a search warrant and retrieved various electronics and computer routers tying the suspect to child

pornography in cooperation with the Internet Crimes Against Children (ICAC) investigators with the MN BCA.

- 2020 – ICAC case referral on child pornography under suspicion the suspect was in Willmar. Assistance given at a Willmar search warrant location and able to get necessary information from a router system and clear various electronic devices so they didn't need to be seized.
- 2021 – Case submitted to County Attorney's Office of known and identified felons possessing and shooting firearms. Through analysis, GPS coordinates of where the cellphone video was obtained making the case prosecutable for the violations.
- 2021 – Homicide investigation where forensic IT was on-scene with detectives to retrieve various electronic evidence and download videos from various systems. The forensic IT was also able to immediately retrieve necessary info from the phone of the victim's wife so it could be returned to her for necessary family notifications, etc.