

July 2, 2015

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:30 P.M.

PRESENT: Commissioners: Sarah W. Morgan, Chair  
Kathryn A. Hein  
Michael M. O'Hear  
Ann Wilson  
Marisabel Cabrera  
Steven M. DeVougas  
Fred Crouther

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

The meeting was staffed by Assistant City Attorney La Keisha Butler. The Chair presented for adoption minutes of the Regular Meeting of June 18, 2015. Commissioner O'Hear moved approval of the minutes as presented, seconded by Commissioner DeVougas. The motion carried unanimously.

#### 1. UNFINISHED BUSINESS

a) Prior to taking a motion on the issue of consideration of reappointment of Police Chief Edward Flynn, the Chair made the following statement: "Under Wisconsin Statutes, the Fire and Police Commission is charged with appointing the Chiefs of the Fire and Police Departments. The decision to reappoint the Chiefs and the process utilized are determined by the Commission. Given that the members of the Commission represent different areas of the community, it is reasonable to assume and to expect that those members will assess the Chief's and the department's performance under the Chief in consideration of his reappointment. The key questions for public engagement are the performance of and the perception of the Milwaukee Police Department as a whole, and the public's priorities for the Milwaukee Police Department. The FPC will continue to discuss, in a public forum, how that feedback and engagement will occur. The Commission values the public's input and will use that input in setting the priorities and expectations of the Milwaukee Police Department. The Commission will use the results of the Police Satisfaction Survey and the ongoing feedback received during the public comment portion of every FPC meeting to establish priorities and action plans to address the safety needs of the community. There are many ways that the FPC has engaged the public, such as through the Research Committee, public comment at every meeting and the Police Satisfaction Survey, and this Commission will continue to engage the public—and that engagement will be augmented and will involve the Milwaukee Police Department's active involvement. The Commission will continue to use the Chief's performance review process to ensure that proper progress is made and to hold the Chief and the department accountable for making the appropriate changes and improvements. That being said, the Fire and Police Commission has had several years to evaluate the performance of the incumbent, Edward Flynn. This is a personnel decision that the Fire and Police Commission is charged with making. Though the Chief's current term does not end until January, consideration of his reappointment at this time would enable him to continue to fully engage in the development of the 2016 budget, amongst other priorities, and the critical safety issues that face the City of Milwaukee."

The Chair asked for a motion to reappoint Edward Flynn as the Chief of Police. Commissioner DeVougas moved to appoint Chief Edward Flynn for a four-year term to begin on January 9, 2016; however, prior to the motion being seconded, a citizen objected and continued to interrupt the meeting. The Chair tabled the motion and asked for a motion to recess. Commissioner DeVougas moved to recess, seconded by Commissioner Crouther. The motion carried unanimously. The Board went into recess at 5:33 p.m.

The Chair reconvened the meeting at 5:41 p.m. following the recess. Commissioner Wilson moved to take the reappointment motion off the table. The motion was seconded by Commissioner DeVougas and carried unanimously. The Chair then asked for a new motion regarding consideration of the reappointment of Chief Edward Flynn. Commissioner DeVougas renewed his prior motion to reappoint Chief Edward Flynn for a four-year term to begin on January 9, 2016, seconded by Commissioner Crouther. The motion carried unanimously. Chief Flynn was congratulated by the Board on his reappointment.

Chief Flynn thanked the Board for their vote of confidence. He recognized that the Board was voting for continued reform, continued improvement, and continued progress. He pledged to accomplish those things. He contended that the Milwaukee Police Department and the communities they serve have made significant improvement and strides in the reduction of fear, crime and disorder. However, he stated these strides are dynamic and require constant focus and attention. By objective standards, he asserted that the Department has made significant progress operationally, administratively, and technologically. Operationally, the Department has reduced overall crime by 24% between 2007 and 2014, and achieved the three lowest annual homicide totals in the last 27 years. The Department has also seen a two-thirds reduction in the number of citizen complaints brought against the Department annually, and a 25% reduction in reports of use of force. Administratively, the Department has obtained a firm handle on its budget. Chief Flynn pointed out that the City used to routinely absorb budget deficits of \$5-\$7 million dollars a year from the Police Department. That doesn't happen anymore. Technologically, he declared the Department has moved light years away from where it was in 2007. The Department now has timely crime data with which to make deployment decisions. It has turned on and right-sized a radio system that was purchased more than a decade ago, but was still in boxes in 2008. The Department has implemented a host of systems, including shot spotter and a nationally integrated ballistic network. The Department has also focused on investigative and intelligence information to try to improve the quality and ability to interdict and prevent crime. Chief Flynn touted the national and international awards the Department has received for its community-based, problem-oriented and data-driven strategies, such as its "stop" program (Students Talking it Over with Police) and an award won by the crime analysts from the International Association of Crime Analysts.

Chief Flynn stated that this year's dreadful spike in crime violence illustrates that improvements in crime control are not permanent, and that there is more work to be done. He stated he remains committed and energized to continue to do this work. He pledged to continue to find more avenues for the engagement of neighborhoods and residents in the collective effort to prevent crime. He acknowledged that there are obviously issues of trust that need to be resolved, and this evolving resolution requires all of their attention. He stated that the Department and the community have to listen to each other with sincerity, openness and respect. He offered several suggestions to accomplish this. First, he asked the FPC to continue to join him in a mutual effort to build and measure the strengths of the Department's relationships with all of the communities of Milwaukee. He requested that the police satisfaction citizen survey be an annual survey, and that there be a qualitative component to the survey that would allow people to make comments that could also be assessed in addition to the metadata. He stated he is more than willing to work with the Research Committee and the survey developer to make this happen. He suggested looking at other surveys around the country conducted by police departments to get ideas for the kind of information needed. Second, Chief Flynn believes it would be a good idea for him to present semi-annual updates on the Department's work on issues raised in the citizen surveys. He noted that although the last survey indicated extraordinary support for the work of the department, there is certainly room for improvement, particularly in closing the gap between the responses between white and African American residents. Third, he stated he will continue to work to find avenues, including presentations to the Board, that highlight the broad array of successful programs and initiatives in day-to-day community work that Department members undertake every single day that builds and maintains positive relationships with the neighborhoods. He concluded by saying that the work of the men and women of the Department matters, the work of the Department's partners matter, and the engagement of the residents and neighborhoods matters. He ended by saying that he was humbled and honored to be given a third term and appreciated the Board's support, and was looking forward to redoubling efforts to creating and maintaining neighborhoods that can sustain civic life and successfully raise children.

## 2. COMMITTEE REPORTS:

a) Commissioner Hein presented the report of the Testing and Recruiting Committee, which met on June 29, 2015. Commissioners Hein and DeVougas were in attendance. The Committee was interested in learning how psychological testing was currently conducted for Fire and Police Department employees, and whether or not improvements could be made to the process. At the Committee's first meeting they had a presentation from Dr. Rick Bauman of Humber, Mundie & McClary, the psychologist who administers the psychological surveys and tests for police and fire candidates. On July 9, 2015 at 1:00 p.m., a presentation will be made by the City Attorney's Office as to whether or not there are any ways to improve this process or whether it should be an appealable process. The Commissioners found it was very helpful to learn how the process is actually handled.

b) Commissioner O'Hear presented the report of the Research Committee, which met on June 30, 2015, with Commissioners O'Hear, Cabrera, Wilson and DeVougas in attendance. The Committee continues its review of the citizen complaint process. A number of members of the public attended and participated in the meeting and shared a lot of helpful perspectives and suggestions on the citizen complaint process. The Commissioners learned a lot from that conversation. The next meeting is scheduled for July 28, 2015, at 5:30 p.m., at a location to be announced at a later time.

## 3. EXAMINATIONS:

a) The Chair presented for adoption an eligible list consisting of six names for the position of Health and Safety Specialist in the Milwaukee Fire Department. A presentation was made by Department of Employee Relations (DER) Human Resources Representative Marti Cargile. On February 25, 2015, the Milwaukee Police Department asked the FPC for a new examination for the position of Health and Safety Specialist. On March 18, 2015, the FPC asked DER to conduct the exam. Cassandra Scherer handled the exam until her retirement on May 29, 2015, at which time Ms. Cargile received the assignment and handled it to completion. Applications were accepted from April 17, 2015 through May 15, 2015. Nineteen individuals submitted applications by the deadline. Thirteen of the applications were rejected because the individuals did not meet the minimum qualifications for the position. The remaining six applicants participated in the selection process which consisted of an experience and training rating, wherein the applicants' training, education and experience were evaluated by a diverse panel of subject matter experts against standard criteria. The list consists of six names in rank order. Commissioner O'Hear moved to approve the list, seconded by Commissioner Crouther. The motion carried unanimously.

b) The Chair presented a request from DER to restore and extend the current Firefighter eligible list. Human Resources Compliance Officer Kristin Hennessy Urban made a presentation to the Board to restore and extend the 2009 Firefighter eligible list for a period of 18 months, which would be through October 23, 2016. Ms. Urban indicated that the 2015 Firefighter recruit class is scheduled to begin in August 2015, and is comprised of twenty-two (22) Fire Cadets and one individual who may return from leave. She stated that based upon budgetary and other considerations that will be better known closer to the start date of the 2016 Firefighter recruit class, there may be a need to add individuals from a Firefighter eligible list to the thirteen (13) Fire Cadets expected to be appointed to Firefighter that year. She explained that if the 2009 Firefighter eligible list is not restored and extended, there will likely be no Firefighter eligible list to augment the 2016 Firefighter recruit class because a new eligible list would not be ready by that time. She clarified that restoration and extension of the 2009 eligible list in no matter obligates the FPC to use the list to augment the 2016 Firefighter recruit class. Approval of the request merely gives the Commission an additional option for adding to the class should that need present itself. A new list could be created before then and/or the 2009 eligibility list could be rescinded by Fire and Police Commission action. There is no funding in the Fire and Police Commission budget to perform a Firefighter recruitment in 2015. DER is working with the Budget Office to provide data for a possible Firefighter recruitment in 2016, for a Firefighter class beginning in 2017 and beyond. Ms. Urban plans on updating the Testing and Recruitment Committee regarding future staffing needs for Firefighters and any plans for a recruitment campaign that may occur in the next year or so.

Commissioner Crouther moved approval of the list, seconded by Commissioner O'Hear. The motion carried unanimously.

4. FIRE DEPARTMENT:

a) The following appointment, as presented by Chief Rohlfing, was approved by the Board:

TO DATABASE SPECIALIST, a transfer from the Library, effective July 19, 2015:

DANIELLE S. OBMANN.

b) The Chair presented a letter dated June 22, 2015, from Chief Rohlfing, wherein he notifies the Board that Firefighter James Gutierrez successfully completed his extended probationary period on June 21, 2015.

4. POLICE DEPARTMENT:

a) The Chair presented a letter dated June 30, 2015, from Chief Flynn, wherein he nominates Captain of Police Paul L. Felician to the exempt position of Deputy Inspector of Police in the Police Department, to be effective August 2, 2015. Pursuant to Rules of the Board, final action on this nomination was laid over to permit the nominee to be interviewed.

The Chair presented five letters dated June 30, 2015, from Chief Flynn, wherein he nominates the following Police Lieutenants to the exempt position of Captain of Police in the Police Department, to be effective August 2, 2015: Jeffrey C. Micklitz; Mark R. Stanmeyer; Nicole J. Davila; Johnny C. Sgrignuoli and Shunta A. Boston-Smith. Pursuant to Rules of the Board, final action on these nominations was laid over to permit the nominees to be interviewed.

The following promotions, as presented by Chief Flynn, were approved by the Board:

TO DETECTIVE, on a waiver basis, from eligible list established December 19, 2013, contingent upon successful completion of a drug screening, effective August 2, 2015:

#61 – TYLER J. KIRKVOLD and #62 – JOSHUA J. POST.

TO POLICE DISTRICT OFFICE ASSISTANT from Office Assistant I, effective August 2, 2015:

PEGGY A. JACKSON.

b) The following appointments, as presented by Chief Flynn, were approved by the Board:

TO POLICE AIDE, from eligible list established June 18, 2015, contingent upon successful completion of a medical examination, psychological evaluation, drug screening, updated background investigation, number of vacancies and authority from the Finance and Personnel Committee, effective July 20, 2015:

#1 - TAYLOR CARLONI; #3 - DEVIN JANDER; #4 - AUSTIN BONK; #5 - MONICA ORDAZ; #6 - JAYCEE HASS; #8 - JUWON MADLOCK; #9 - JADA GREER; #11 - TYLER TREPANIER; #12 - DAIZSA TAYLOR; #13 - QUINTON MILLER; #14 - JEREMIAH SANTIAGO; #15 - JONATHAN CRUZ; #16 - JOSHUA MYSZEWSKI; #17 - LEXI MUSZYTOWSKI; #18 - MONICA HOOPER; #19 - ULAYA HARRIS; #20 - JOSE CAMACHO; #21 - DAKOTA ELM; #22 - MONICA ZARINANA; #23 - STEVEN PATRICK; #24 - KENNETH REMBERT; #25 - MATTHEW GRADE; #26 - GREGORY CARSON, JR.; #27 - ARIANA WARD; #28 - TRAVES MARTIN; #29 - JASON WALLICH; #30 - CINDY BOYADJIAN; #31 - ANDREW WROBLEWSKI; #32 - GREGORY CARTER; #33 - SHEMAR MOORE; #34 - NAQUITA BROWN; #35 - TYLER GNAS; #36 - ANGEL GALLEGOS; #37 - ALEXANDER EWEND; #38 - IMANI COLEMAN; #39 - JUSTIN YOUNG;

#40 - OCTAVEON HOWSE; #42 - ZACKAREE WELLEN; #43 - LOGAN ROBBINS and #44 - NICHOLAS KUCHTA.

TO POLICE AIDE, on a contingency basis, from eligible list established June 18, 2015, also contingent upon successful completion of a medical examination, psychological evaluation, drug screening, updated background investigation, number of vacancies, and authority from the Finance and Personnel Committee, effective July 20 2015:

#45 – LEVOUR DAWSON; #46 – ISAIAH MCCRARY; #47 – CHENG HER; #48 – HUGO AVILES and #49 – RONALD MCMILLON.

c) The Chair presented a letter dated June 23, 2015, from Chief Flynn, wherein he presents a request from Office Assistant III Kathy M. Windham for a voluntary demotion to her former rank of Office Assistant II. Chief Flynn recommends approval of the demotion to be effective July 19, 2015. Commissioner O'Hear moved approval of the request, seconded by Commissioner Crouther. The motion carried unanimously.

d) The Chair presented a letter dated June 24, 2015, from Chief Flynn, wherein he notifies the Board that he suspended Police Officer Clayton R. Amborn for thirty (30) days for violating Department Core Values under Personnel Order 2015-71, dated June 24, 2015.

The Chair presented a letter dated June 24 2015, from Chief Flynn, wherein he notifies the Board that he suspended Police Officer Jose I. Ramirez for thirty (30) days for violating Department Core Values under Personnel Order 2015-72, dated June 24, 2015.

e) The Chair presented a letter dated June 29, 2015, from Chief Flynn, wherein he requests that the probationary period of Police Officer Israel M. Rivera be extended for a period of 143 consecutive days for non-disciplinary reasons, to end on January 12, 2016. If the request is not approved, the probationary period will end on August 22, 2015. Commissioner O'Hear moved approval of the request, seconded by Commissioner Hein. The motion carried unanimously.

f) The Chair presented a letter dated June 23, 2015 from Chief Flynn, wherein he requests that two positions be studied for reclassification. The first request is for one position of Network Coordinator Senior and the second request is for one position of Systems Analyst Senior. These requests were referred to DER for study and report.

g) The Chair presented a letter dated June 23, 2015 from Chief Flynn, wherein he requests a reclassification study for the positions of Data Service Manager, Systems Security Administrator, Data Communications Specialist, Network Manager, Programmer Analyst, Information Systems Manager and four positions of Network Coordinator Senior. These requests were referred to DER for study and report.

h) The Chair presented a letter dated June 25, 2015, from Chief Flynn, wherein he requests a recruitment and examination be conducted for the position of Network Coordinator Senior. The Chair referred the request to DER for implementation.

i) The Chair presented a letter dated June 25, 2015, from Chief Flynn, wherein he requests a recruitment and examination for the position of Systems Analyst Senior. The Chair referred the request to DER for implementation.

##### 5. PUBLIC COMMENT:

Alderman Joe Davis stated he is very disappointed that he was not given an opportunity to speak before the vote was taken on Chief Flynn's reappointment. He had put out a statement. It is very clear to him that the public has not gotten an opportunity to engage the Chief. Alderman Davis has been to a number of public

hearings and neighborhood meetings where the public has not been able to engage the Chief. The Chief has spoken to the public, but has not fielded any questions. Alderman Davis asserts there is a systemic problem in the City of Milwaukee. The MPD is the largest department in the City and has huge financial obligations to the City's Budget, and when things go wrong, the City of Milwaukee, the Common Council and the Mayor have to take care of the financial obligation. The unfortunate reality that Alderman Davis sees is that we are not serious about how we move forward from a law enforcement perspective. There has not been a Fire and Police Commission Executive Director for some time. Alderman Davis complained that even though the Chief's contract does not expire until the end of the year, the FPC sought to actually renew that contract. He believes that is irresponsible. As an alderman, and one of fifteen people who control the purse strings, he believes the renewal just puts an additional obligation onto the Common Council. Alderman Davis will be asking the Legislative Reference Bureau to take a look at the financial implications of the Commission's decision today. He declared that non-fatal shootings are up, fatal shootings are up and robberies are up. He points out there was a no confidence vote in the Chief. Alderman Davis stated he has made it clear that he has some concerns about the Meda-solve video system failure. He thinks it is important that the Commissioners actually hold public hearings, not just a public comment period, and invite the Chief to engage with the community. He stated there is a lot of hurt out there and reiterated there is a systemic problem, and residents need to be heard. He wants the Commissioners to join him in making sure that accountability is at the forefront of making sure that public safety is a priority for all citizens of the community.

Mike Crivello, Milwaukee Police Association (MPA) Union President, thanked the Commissioners for allowing him the opportunity to speak with them in Executive Session. He reiterated the MPA's opposition to Chief Flynn's reappointment. The MPA had sent an eight-page letter to each of the Commissioners. He says it is unfortunate there were no questions or challenges created by that letter. He was disappointed that the public had no opportunity for input in open session. The Chief talks about respect and cooperation with the public but never expresses that toward the rank and file officers. Mr. Crivello remains very concerned for their safety.

Police Officer Scott Wieting spoke on behalf of Class 1-2011 regarding the upcoming Detective promotional examination. The cut-off date for applications is August 11, 2015. The date Class 1-2011 started was October 24, 2011, which means they are not eligible to take this exam by only two months. He requested an extension be granted to allow the members of this class to take the exam.

Mary Watkins stated she was ashamed and disgusted by the reappointment of Chief Flynn. She feels he has not done his job and is not working with the community as evidenced by his not firing or disciplining any officers connected with the Derek Williams, Dontre Hamilton, James Perry etc. cases except for Officer Christopher Manney, and it took six months for the Chief to release his identity to the public. She cited the dozens of strip search cases that are costing the City millions of dollars. The public should have had input into this decision.

Rose Stietz, a member of MICAH (Milwaukee Inner-city Congregations Allied for Hope), stated their group had an opportunity to give input into Chief Flynn's initial selection. He used to come to MICAH's district meetings. Now they don't see him, and there has been no follow-up from the last meeting he attended. They were given the opportunity to attend hearings on the selection of the Commissioners. She believes they are not being represented in the Commission's decisions.

Attorney Jon Safran stated there should have been an opportunity for the public to comment on the Chief's reappointment before it was voted on. The community continues to be concerned with how the Commission deals with issues brought before it by the public while there is no Executive Director. He called for a mechanism to be put in place to allow for give and take between the Commissioners and the public.

Chris Ahmuty, Executive Director of the American Civil Liberties Union of Wisconsin, agreed with the comments of the previous speakers about the inability to get answers from the Commissioners. The Joint Finance Committee of the State legislature is considering Motion 999 which undermines the public records

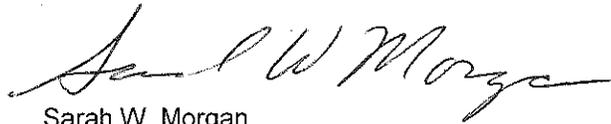
law in regard to records that are exempt from that law. They are also considering a change to Act 348/AB409 which deals with independently led investigations of officer involved deaths. It would have the investigators perform the balancing test instead of letting the courts do it. It will undermine the credibility of such investigations.

6. ADJOURNMENT:

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

The meeting concluded at 6:14 P.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sarah W. Morgan".

Sarah W. Morgan  
Chair

SWM:js