March 6, 2014

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 Michael M. O'Hear Ann Wilson Marisabel Cabrera Steven M. DeVougas
ALSO PRESENT:	Mark Rohlfing, Chief, Milwaukee Fire Department and Edward Flynn, Chief, Milwaukee Police Department	

The Chair reconvened the Board in Regular Session, having previously met in Executive Session from 3:50 p.m. to 5:00 p.m. 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, to wit: Objection to promotion of Detective to Police Lieutenant, and three (3) promotions to Battalion Chief, Fire.

The Director presented for adoption minutes of the Regular Meeting of February 20, 2014. Commissioner O'Hear moved approval of the minutes as presented, seconded by Commissioner Hein. The motion carried unanimously.

1. UNFINISHED BUSINESS:

a) The following exempt promotions, as presented by Chief Rohlfing, were approved by the Board:

TO BATTALION CHIEF, from Fire Captain, effective March 16, 2014:

KENTEN K. KAIS, DE'WAYNE SMOOTS and BRIAN R. O'CONNOR.

b) The Director presented correspondence dated February 12, 2014 from Chief Flynn, wherein he notifies the Board he objects to Detective Willie M. Huerta being promoted to Lieutenant, from eligible list adopted January 17, 2013 because he is under indictment by the United States Attorney's Office. This item was carried over from the February 20, 2014 meeting in order to discuss the issue with Mr. Huerta in closed session. Mr. Huerta did not attend closed session. Commissioner O'Hear moved to sustain the objection to the promotion, seconded by Commissioner DeVougas. The motion carried unanimously.

2. NEW BUSINESS:

a) The Director informed the Board that the appointment of Chief Mark Rohlfing to a second term as Fire Chief will be held over to the March 20, 2014 meeting but that public comments will be accepted at this time.

Commissioner Morgan read a letter from Alderman Joe Dudzik opposing the reappointment of Chief Rohlfing. He stated Chief Rohlfing has been derelict in his duties running the Milwaukee Fire Department. He lacks the management skills to handle a department of this size.

Roger Masarik, a 20 year resident of the City of Milwaukee, spoke regarding his objection to Chief Rohlfing being reappointed. He stated the handling of the Engine 32 vandalism case shows Chief Rohlfing is not fit to be the chief of a large urban department like Milwaukee. Chief Rohlfing went against the investigative board's recommendation that the remaining five firefighters be terminated and gave them a 30-day suspension instead.

Former probationary Firefighter Nathan Fager spoke to address Chief Rohlfing regarding the Engine 32 vandalism and asked why the Chief will not speak with him regarding his termination. He feels he and former probationary Firefighter Joey Siegert took the fall for years of questionable behavior at Engine 32.

Retired Fire Captain Jeff Venus spoke stating he was Firefighters Nathan Fager's and Joey Siegert's boss and they did nothing wrong. Engine 32 is the top firehouse in Milwaukee and gets the top of the class. He stated you can refer to the behavior as "frat" behavior or whatever, but with the type of beating they go through daily, they have to blow off steam and that is what happened at that firehouse. They deserve their jobs back.

Chief Rohlfing stated he will speak, but not on the Engine 32 incident. He referred to Alderman Dudzik's letter and acknowledged that they have not seen eye-to-eye on a couple of issues. Everything that is sent to him is investigated by Chief Washington and Alderman Dudzik is given a detailed explanation and he is not always happy with the explanations. He thanks the Board for considering him for another four-year term. He stated the Fire Department is excellent and he is honored to be the Fire Chief. He knows they have made the department better. They have made changes and are more accountable and efficient than four years ago. They have an excellent senior management team. They work really well with Local 215, the Mayor's office, the Common Council and this Board to move the department ahead. Work that is left undone includes the health and wellness program. They are making the department safer and saving millions of dollars, the firefighters are being taken care of and are healthier than they ever have been, they are moving forward and building a program that will become a national model. They are revamping their public education program and are in the public more than they ever have. They are training longer hours and harder. They have moved outside of their community and have a shared service initiative that will be presented to the Common Council. Chief Rohlfing stated he loves his job, is excited for the future of the department and would like to serve another four years.

b) The Director presented the Decision and Order from the Milwaukee Circuit Court regarding former Firefighter Matthew Palmer, where on February 10, 2014 the Court affirmed the Board's decision to uphold the discharge.

c) The Director introduced Professor Steven Brandl of UWM who spoke on the effectiveness of electronic control devices (ECDs) and oleoresin capsicum spray (OC spray). Professor Brandl compared these two uses of force. There have been relatively few studies on OC spray and tasers. A conclusion can be drawn to show tasers are more effective than OC spray. He looked at all incidents in 2010 and 2011 where OC spray and tasers were used and found either one effective if it was the only force used, or the last type of force used. Tasers were effective 90.2% of the time, while OC spray was effective 73.8% of the time.

Commissioner O'Hear thanked Dr. Brandl and informed him he looks forward to hearing about his future analyses regarding injuries. He asked if there is a greater risk of injury to those exposed to OC spray or a taser. Dr. Brandl stated it depends on how injuries are classified.

Chief Flynn stated that these are both non-lethal forms of use of force, but when you are in a volatile, violent encounter with someone, things can happen and people can have medical reactions. Through less than lethal forms of use of force, the officers can stand back and deploy their weapon without being hands-on, which reduces the number of injuries to officers.

Commissioner Morgan asked about the appropriateness to use tasers over OC spray.

Chief Flynn informed her that they used to follow what was called the continuum of force which was a gradual escalation in force. A matrix is used now and the officers are taught to go to the most appropriate form of force that is necessary to stop the threat.

Director Tobin stated with the last revision of the use of force policy the change involved the deployment of tasers. Some departments, not MPD, had overuse and/or over reliance on tasers and some officers were going directly to tasers. The policy was changed to reflect that it is required to file a report even when only the arc is displayed. There are numerous officers trained to use the tasers and more should be trained in its use because they are effective in de-escalating confrontations and reducing injuries.

Chief Flynn stated a critical incident gets laws changed faster than data. Although the data shows injuries decline by using tasers, sometimes individuals die from being tased, whether it is due to drugs or a heart condition. MPD is being cautious in rolling out expanded use.

d) The Director introduced LáNeka Horton, Recruiter with the Fire and Police Commission. Ms. Horton spoke on two current employment opportunities. The first opportunity is for a Research and Policy Analyst in the Fire and Police Commission. The second opportunity is for a Crime Analyst in the Police Department.

3. FIRE DEPARTMENT:

a) The following promotions, as presented by Chief Rohlfing, were approved by the Board:

TO FIRE CAPTAIN, on a waiver basis, from eligible list adopted December 19, 2013, effective March 16, 2014:

#6 – JORDON C. PONDER; #7 – ANDREW J. VOSSEKUIL; and #8 – KEVIN D. HAFEMANN.

b) The following promotions, as presented by Chief Rohlfing, were approved by the Board:

TO FIRE LIEUTENANT, on a waiver basis, from eligible list adopted December 19, 2013, effective March 16, 2014:

#9 – THOMAS J. SELLS; #10 – JOSHUA N. LANG; #11 – RICHARD D. QUIGLEY*; #12 – JEFFREY T. KRUEGER*; #13 – HILBERTO M. BUTLER*; #14 – MINH-HIEU CALLIES*; and #15 – TIMOTHY A. KLOCKOW.

*NOTE: Quigley was previously appointed to Fire Lieutenant on a temporary basis, effective 3/6/11; Krueger on 5/27/12, Butler on 2/6/11, and Callies on 2/5/12.

c) The following promotion, as presented by Chief Rohlfing, was approved by the Board:

TO HEAVY EQUIPMENT OPERATOR, on a waiver basis, from eligible list adopted July 26, 2012, effective March 16, 2014:

#6 – JOSHUA J. LA DUE.

d) The Director presented correspondence dated February 28, 2014 from Chief Rohlfing, wherein he notifies the Board he suspended Heavy Equipment Operator Michael J. Dunn for a period of ten days with five days held in abeyance pending the successful completion of a stipulated program, including no special duty for 135 days and no trades initiated for 150 days, along with him being immediately transferred to another work location.

e) The Director presented correspondence dated February 27, 2014 from Chief Rohlfing, wherein he notifies the Board Fire Cadet Diontra M. Woods was granted an unpaid military leave of absence until further notice, effective March 3, 2014.

4. POLICE DEPARTMENT:

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

TO PERSONNEL PAYROLL ASSISTANT III, from Personnel Payroll Assistant II, effective March 16, 2014:

ALBA N. SANTIAGO.

b) The Director presented correspondence dated February 28, 2014, from Chief Flynn, wherein he requests the Board to classify the position of Systems Analyst Senior as exempt. The Board referred this to FPC staff for study and report.

c) The Director presented correspondence dated March 3, 2014, from Chief Flynn, wherein he notifies the Board LáNeka Horton was granted a one-year extension of her leave of absence to continue to fill the exempt position of Recruiter for the Fire and Police Commission until March 4, 2015.

5. PUBLIC COMMENT:

Kristin Fager, wife of former probationary Firefighter Nathan Fager spoke regarding the loss of his job with the Milwaukee Fire Department and how it is affecting their family.

6. ADJOURNMENT:

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

The meeting concluded at 6:37 p.m.

Respectfully submitted,

Michael G. Tobin
Executive Director

MGT:cj