

May 7, 2009

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:45 P.M.

PRESENT: Commissioners: Richard C. Cox, Chair
Carolina M. Stark
Ernesto A. Baca
Kathryn A. Hein
Paoi X. Lor

ALSO PRESENT: Douglas Holton, 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 4:37 p.m. to 5:45 p.m. pursuant to Section 19.85 (1) (c) and (f) Wis. Stats. to conduct interviews of the candidates for Deputy Chief, Fire; Battalion Chief, Fire; and Chief of Staff-Police.

The Director presented for adoption minutes of the Regular Meeting of April 23, 2009. Commissioner Baca moved approval of the minutes as presented, seconded by Commissioner Hein. The motion carried unanimously.

1. UNFINISHED BUSINESS:

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

TO DEPUTY CHIEF, FIRE, from Battalion Chief, effective May 17, 2009:

DEBRA J. WEBER.

The Director noted that Chief Weber is the first female firefighting Deputy Chief in the history of the Milwaukee Fire Department.

TO BATTALION CHIEF, FIRE, from Fire Captain, effective May 17, 2009:

RAYMOND A. GROTH.

b) The following exempt appointment, as presented by Chief Edward Flynn, was approved by the Board:

TO CHIEF OF STAFF-POLICE, contingent upon successful completion of background check, medical examination and drug screening, effective July 13, 2009:

JUDY PAL.

c) The Director asked for a technical motion to rescind the previous action taken on April 2, 2009 to reclassify a new position of Document Examiner in the Police Department. Commissioner Stark moved to rescind the previous action, seconded by Commissioner Lor. The motion carried unanimously. The Director then presented a classification report dated May 4, 2009, from Maria Monteagudo, Director of the Department of Employee Relations, wherein she recommends that in the Positions Ordinance, under Police Department, Administration Services Decision Unit, Identification Division, delete one position of "Document Examiner" and add one position of "Forensic Video Examiner". Commissioner Stark moved approval, seconded by Commissioner Baca. The motion carried unanimously.

The Director then took the following Fire Department item out of order. Sarah Trotter from the Department of Employee Relations presented a report on the new position of Painter in the Fire Department. She recommends classification of Painter in Pay Range 981. Commissioner Baca moved approval, seconded by Commissioner Stark. The motion carried unanimously.

d) The Director presented a reclassification report dated May 1, 2009 wherein Sarah Trotter recommends that one position of Fire Dispatch Supervisor in Salary Grade 004 be reclassified to one position of Network Coordinator- Senior in Salary Grade 006. Commissioner Hein moved approval of the recommendation, seconded by Commissioner Lor. The motion carried unanimously.

e) The Director presented the report on the Citizen Complaint Process and gave the following background information. One and a half years ago, the Milwaukee Common Council formed a committee, found an outside vendor, Prism Technical Management (Prism), and commissioned a report on the Milwaukee Police Department and the Fire and Police Commission Citizen Complaint Process for complaints filed during the year 2007. Since 2007, the Police Department and the Fire and Police Commission (FPC) have significantly changed their citizen complaint process. Prism has created a good baseline of information through the citizen complaint survey they developed. The baseline will be used to evaluate both the complaints filed with the Police Department and the complaints filed with the FPC, so adjustments can be made to each complaint process and complaints can be handled in a more efficient manner. The citizen complaint process will now include an exit survey of all complainants who filed complaints, starting in 2009. The 2007 data will be used as comparison and background data.

Lafayette Crump of Prism Technical Management gave a presentation of the report on the Citizen Complaint Process. He explained 539 complainants had filed with the Police Department and 85 complainants had filed with the FPC. They attempted to contact all complainants with 3 phone calls and internet searches for new phone numbers. They were able to contact 77 Police Department complainants and 18 FPC complainants. They mailed surveys to 208 randomly selected Police Department complainants and 34 randomly selected FPC complainants. Of those who responded, they interviewed a total of 74 Police Department complainants and 21 FPC complainants. The complainants completed a short multiple choice survey that was mailed out or conducted over the phone. Of those who responded, 20% were selected at random for more in-depth telephone interviews that ran anywhere from 15 minutes to 1 hour, depending on the information they had to share. It was a self-selected group; they were clearly not fans of the Police Department. There is no context of the survey in terms of how it compares to other cities and police departments. It was not correlated across the country. Of the Police Department complainants, 39 were African American, 24 were Caucasian, 6 were Hispanic, 2 were American Indian, and 3 described themselves as Other. Of the FPC complainants, 16 were African American and 5 were Caucasian. While almost all the other racial groups were basically even in terms of gender, 60% of African American Police Department complainants were female and 16% were male. Using census tracts the complainants were graphed by income. The Police Department complainants median income was \$4,800 more than the FPC complainants. In terms of age the majority of all complainants were in the 33-55 age range. 35% of FPC complainants were in the 45-55 age group. Of those surveyed, 21% had previously filed a complaint, 24% had previously filed with the FPC, and 16% had filed with the Police Department. When rating their current satisfaction compared to their previous experience, 23.5% said it was about the same, 29% said it was somewhat or much better, and 41% said it was somewhat or much worse. 60% said the FPC improved, while 60% said the Police Department got worse. When asked about the duration of the process, 57% said the Police Department was too slow, and 81% said the FPC was too slow. 74% felt the Police Department did not keep them informed, and 80% felt the FPC did not keep them informed. They were asked to rate Demeanor/Professionalism using words from Condescending to Cooperative. Nearly 15% said the FPC was Helpful, and 15% said the Police Department was Friendly/Pleasant/Sympathetic. There were large numbers that said both the FPC and Police Department were Condescending/Not Very Helpful. The results varied greatly. Complainants were asked about the objectivity of the investigation and if they themselves felt equal to officers, had a fair shot to be heard, and the discipline was appropriate. Most felt the process was slanted to favor officers, and things citizens would get in trouble for, officers could do without consequence. Not many felt the process was objective. When asked about trust of process and perception,

50% said the FPC did not understand their concerns, and 60% said the Police Department did not understand their concerns. When asked if their perception changed before and after the process, 58% of Police Department complainants had a positive/neutral perception prior to filing a complaint, but a 62% negative perception after filing. 55% of FPC complainants had a positive/neutral perception prior to filing a complaint, but a 75% negative perception after filing. When asked about retaliation, most feared no retaliation at all, a small number thought they might suffer retaliation but did not, and an even smaller number said they would not file in the future for fear of making things worse. Some suggestions made by those surveyed were: more verbal feedback; an officer should not be on the street until the complaint is resolved; the Fire and Police Commission should absolutely review all complaints, and complaints should not go through the Police Department; if officers' actions were significant enough, there should be jail time; additional training is needed on taking complaints; more victim advocacy; psychological testing while on the force, not just when entering the force; complaints should be easily accessible to the public in the form of a website so the public can view complaints against police officers; and there should be other places to file complaints. Observations from Prism were: citizens want to be informed and feel like they are heard; the public perception is the Police Department cannot do a good job investigating itself and is above the law; there should be more education on what the Fire and Police Commission does; the investigations take too long and evidence may have been lost as a result; immediate investigations may garner more trust; and there should be greater public awareness.

2. NEW BUSINESS:

- a) The Director informed the Board that one firefighter in the nation is selected annually to receive the Ray Downey Courage and Valor Award by the National Association of Firefighters, and this year's winner is Milwaukee Firefighter Anthony Rueda, as a result of his courageous acts at a home fire on May 22, 2008. The Director presented a Resolution for Firefighter Anthony Rueda. The Chair read the resolution into the record. Commissioner Baca moved approval of the resolution, seconded by Commissioner Stark. The motion carried unanimously.
- b) The Director presented for adoption the Exclusion from Employment Policy for Employees with Symptoms of Swine-Origin Influenza from the Department of Employee Relations. This policy was created in response to the outbreak of the swine flu. The Exclusion from Employment Policy is in effect for city employee. It needs to be adopted by the Board to eliminate any questions about its applicability to employees under the jurisdiction of the Fire and Police Commission. Commissioner Hein moved adoption, seconded by Commissioner Lor. The motion carried unanimously.
- c) The Director presented for the record a report regarding Fringe Benefits for Active Employees in Military Service. The issue came about in response to the many Fire Department and Police Department employees who are also in the military and are being deployed and returning. This is a joint directive from the Fire Department, the Department of Employee Relations, and the Police Department to help the families of active military personnel. A list of all the resources available was compiled and will be posted on the City's website.
- d) The Director presented for approval a Memorandum of Understanding regarding the Milwaukee Fire Investigation Task Force. The Task Force was created in conjunction with the Mayor's Office, the Fire Department, and the Police Department to respond to arson and fires of undetermined origin. It will involve the State Fire Marshal, the District Attorney's Office, the Federal ATF agency, the Fire Department, and the Police Department. Fire investigations classified as undetermined will be handled differently. When fires are determined as arsons, the persons held responsible will be prosecuted by the District Attorney's office. Chief Holton thanked Chief Flynn for his leadership in helping put the Task Force together and believes they will have good results. Commissioner Stark moved adoption, seconded by Commissioner Hein. The motion carried unanimously.

3. COMMITTEE REPORTS:

a) Commissioner Baca reported on the May 5, 2009 meeting of the Testing and Recruiting Committee. At the meeting, the Department of Employee Relations (DER) gave an update on the Police Aide application process. There were a total of 125 applicants who passed the written exam, 79 of whom turned in their Personal History Questionnaire and were invited to take the physical abilities test on May 6 and May 7. There was also an update on the selection process for Firefighter. The top 325 applicants on the eligibility list were invited to begin the orientation process for the candidate physical abilities test that will take place in June. DER presented a draft of its current Firefighter background investigation process which is being revamped to customize it to the Milwaukee Fire Department. The new process will contain four parts: the investigation process, the application of background standards, the background rating process, and the appeals process. The new process will also involve a panel of three representatives to evaluate the candidate's suitability: one from DER, one from the Fire and Police Commission, and one from the Milwaukee Fire Department. The draft should be finalized and available soon. Chief Flynn reported on the Branding Committee because he has been working with Anne Schwartz on the branding campaign. Chief Flynn stated they have been working with Cramer-Krasselt, a local firm with a national reputation, who is providing their services pro-bono, and they have put together a program that will be impressive. Chief Flynn stated that the template was done and just needs to be filled in with local color. When it is complete, it will be presented to the Board. Commissioner Baca stated that DER will hold their recruiting campaign until the program is complete. Chief Flynn stated that DER should also wait because he wants to hire recruits with federal money, and they are working on a grant for that purpose. Chief Flynn stated the message of the campaign is "we're the important work that you want to consider;" but the tag line is "sometimes success is measured by what doesn't happen," emphasizing that things are getting better in Milwaukee. It is a recruitment slogan, but also carries a message to the greater Milwaukee area that safety is improving. Commissioner Baca stated that he had seen some of the preliminary Public Service Announcements from the Branding Committee and was very impressed.

4. EXAMINATIONS:

a) The Director presented for adoption an eligible list for the position of Police Telecommunicator (Regular) in the Police Department, consisting of 58 names. Commissioner Stark moved approval of the list, seconded by Commissioner Lor. The motion carried unanimously.

b) The Director presented for adoption an eligible list for the position of Police Telecommunicator (Seasonal) in the Police Department, consisting of 26 names. Commissioner Baca moved approval of the list, seconded by Commissioner Hein. The motion carried unanimously.

The Director commented that this is the first time Regular Telecommunicator and Seasonal Telecommunicator recruitments have been done together, and he thanked the Department of Employee Relations for getting it done in a timely manner in order to fill all the vacancies before the busy summer season.

5. FIRE DEPARTMENT:

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

TO FIRE CAPTAIN, on a waiver basis, from eligible list established February 19, 2009, effective May 17, 2009:

#1–BRIAN L. SMITH.

TO FIRE LIEUTENANT, on a waiver basis, from eligible list established December 6, 2007, effective May 17, 2009:

#23–WILLIAM C. BUTZLAFF.

b) The Director presented a letter dated April 28, 2009, from Chief Holton, wherein he grants Firefighter Michael Saskowski a Military Leave of Absence without pay for an indefinite period, effective April 23, 2009.

c) The Director presented for adoption the Fire Department Annual Report. Chief Holton stated that it was the first time in 8-10 years that an annual report has been compiled, and that it was quite an endeavor which the Fire Department is very proud of. It contains a lot of good statistics. The Director commended Chief Holton and his staff on the report as it gives the Fire Department good transparency so the public really knows what the Fire Department is, how it operates, what it consists of, and what it takes to run the Fire Department from a budget and personnel perspective. The Director stated it is very informative and will be presented to the Common Council and given wide distribution. Commissioner Baca moved approval of the report, seconded by Commissioner Hein. The motion carried unanimously.

6. POLICE DEPARTMENT:

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

TO SCHOOL CROSSING GUARDS (SUBSTITUTE), with effective dates:

JESSIE LEE JR. (4/16/09) and ROSALYN L. MOORE (4/7/09).

b) The Director presented a letter dated April 23, 2009, from Chief Flynn, wherein he grants a request to renew the leave of absence of Ms. Diane Marek so she can continue to fill the exempt position of Special Assistant to Comptroller W. Martin Morics. The leave shall expire on June 7, 2010, and may be renewed upon request.

c) The Director presented a request dated April 29, 2009, from Chief Flynn to reclassify one position of Fleet Maintenance Supervisor assigned to the Facilities Services Division. The Chair referred the request to the Department of Employee Relations for study and report.

d) The Director presented a letter dated April 30, 2009 from Chief Flynn wherein he forwards a reappointment request for Office Assistant I from Elisabeth Sampon. The recommendation from the Police Department is not to reappoint Ms. Sampon. Ms. Sampon was not present. Commissioner Baca moved to deny the reappointment request, seconded by Commissioner Stark. The motion carried unanimously.

7. PUBLIC COMMENT:

John Balcerzak, President, Milwaukee Police Association, thanked the Commissioners who attended the Milwaukee Police Memorial Service. He also thanked Chief Flynn for a well-run ceremony.

8. ADJOURNMENT:

Commissioner Stark moved to adjourn the meeting, seconded by Commissioner Hein. The motion carried unanimously.

The meeting concluded at 6:31 P.M.

Respectfully submitted,



Michael G. Tobin
Executive Director