

April 21, 2011

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:38 P.M.

PRESENT: Commissioners: Richard C. Cox, Chair  
Carolina M. Stark  
Kathryn A. Hein  
Paoi X. Lor  
Sarah W. Morgan  
Michael M. O'Hear

ALSO PRESENT: Paul Conway, Assistant Chief, representing the Milwaukee Fire Department; and James Harpole, Assistant Chief, representing the Milwaukee Police Department.

The Chair announced that before the meeting the Board had an informal briefing with the Milwaukee Police Department to view their impressive vehicles, and he thanked the Department.

The Director presented for adoption minutes of the Regular Meeting of April 7, 2011. Commissioner Morgan moved approval of the minutes as presented, seconded by Commissioner Lor. The motion carried unanimously.

1. NEW BUSINESS:

a) The Director presented the Analysis of 2010 Use of Force Incidents in the Milwaukee Police Department. The analysis was conducted by Dr. Steven Brandl of UW-Milwaukee, who was present and gave a presentation regarding his report. The primary objectives of the study were to calculate and monitor baseline measures of use of force and to describe use of force incidents and the circumstances surrounding them. There were seven baseline measures used to monitor patterns, frequencies, and trends over time. 511 use of force incidents were recorded on Use of Force Reports in 2010, pursuant to MPD General Order 2009-51. The report makes comparisons to 2009 findings. There were 511 use of force incidents, compared to 459 in 2009, there were 4,000 more arrests in 2010 than in 2009. There is a strong correlation between number of arrests and number of incidents. Select findings include: 1.15% of all arrests, 0.03% of traffic stops, and 0.13% subject stops involved the use of force. Seventy-nine percent of all sworn officers were not involved in any use of force incidents in 2010. The type of force used during incidents include: 35% involved bodily force only, 18% involved an Electronic Control Device (ECD) only, 16% involved a chemical agent only, and 9% involved the use of a firearm. The use of an ECD has become more common and the use of a firearm has become less common. Of the 46 incidents that involved a firearm, 34 incidents involved a dog, and 12 incidents involved a person. He concluded the use of a firearm is a very uncommon event, and when it is used, most often it is to neutralize a dog. Twenty-two incidents resulted in a formal complaint being filed by a citizen. When formal complaints were filed, the incident was more likely to involve more than one officer, a person was involved, officers used bodily force, a traffic stop or arrest was being conducted, or the subject sustained major or fatal injuries. He concluded that complaints resulting from a use of force incident were also uncommon. Commissioner Morgan asked if Dr. Brandl had any recommendations for District 7. Dr. Brandl suggested creating an additional dataset that involved a listing of officers, their activity level, their work location, etc. to look at that for issues. He believes this dataset is being constructed, but understands it is not easy to construct because information is in different places. He added that the information could be very revealing. Commissioner O'Hear asked if there is a national benchmark for arrests with use of force incidents. Dr. Brandl replied that the difficulty with comparison is that departments define use of force differently, have different situations under which a use of force report is completed, and its relation to the arrest population. Commissioner O'Hear asked if the arrests are proportionate to use of force against African Americans which is 76%. Dr. Brandl responded that he does not have arrest data by race. Assistant Chief Harpole stated the information should be available. Commissioner O'Hear asked if any of the leadership in District 7 have responded to the report. Assistant Chief Harpole stated they are aware that the numbers in District 7 are higher than other districts, and they have monthly meetings with command staff to discuss the

data. The Director stated he has asked the Department to add the report to their Compstat meetings. The Chair opened the floor to questions from the public.

Chris Ahmuty, Executive Director of the American Civil Liberties Union, stated that there is a lot of data out there that must be sorted through for data driven police work. He stated he does not want the data to be misinterpreted. He gave an example of the .03% of traffic stops resulted in use of force, but there were 190,000 traffic stops in 2010. For further investigation he would like to see the dispositions of arrests where force was used. He endorsed the recommendation for a database tracking police officer's use of force over the years, so the system can look at bad apples or systemic problems.

The Chair asked Assistant Chief Harpole if the Department already flags members with multiple use of force incidents. Assistant Chief Harpole responded that the Professional Performance Division does monitor members with multiple incidents of force. There is also a monthly presentation by district to track use of force, arrests, traffic stops, etc. The Director added that Commission staff is working to create the officer database. Mr. Ahmuty suggested aggregate reports be released to the public to improve confidence in the Department. The Director thanked Dr. Brandl for his report and presentation.

## 2. EXAMINATIONS:

The Director presented for adoption an eligible list for the position of Telecommunications Supervisor in the Police Department, consisting of four names. Commissioner Stark moved approval of the list, seconded by Commissioner Hein. The motion carried unanimously.

## 3. FIRE DEPARTMENT:

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

TO INVENTORY CONTROL ASSISTANT III, from a transfer/promotional process, effective May 2, 2011:

ELIZABETH L. VAN PAY.

TO FIRE EQUIPMENT REPAIRER II, from eligible list established April 7, 2011, contingent upon successful completion of a medial and drug screening, effective May 2, 2011:

#1 – ALAN F. MCKAY.

TO ACCOUNTING ASSISTANT III, on a temporary basis, from Accountant I eligible list established April 7, 2011, contingent upon successful completion of a medial and drug screening, effective May 2, 2011:

#5 – TAWAUNA J. SWANIGAN.

b) The Director presented a letter dated April 14, 2011, from Chief Rohlfing, wherein he notifies the Board that Fire Captain Timothy J. Reynolds returned from an unpaid military leave of absence, effective April 3, 2011, which was granted March 7, 2011.

## 4. POLICE DEPARTMENT:

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

TO POLICE SERGEANT, on a waiver basis, from eligible list established October 1, 2009, contingent upon successful completion of a drug screening, effective May 1, 2011:

#28 – CHRISTOPHER R. SCHROEDER.

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

TO SCHOOL CROSSING GUARD (REGULAR), with effective dates:

ANITA RIOS (3/10/11) and KENYATTA S. BLISSETT (3/29/11).

c) The Director presented a letter dated April 14, 2011, from Chief Flynn, wherein he presents a request from Office Assistant III Michele K. Klingbeil for voluntary demotion to her former position of Police District Office Assistant, to be effective May 1, 2011. Commissioner Stark moved approval of the request, seconded by Commissioner Morgan. The motion carried unanimously.

d) The Director presented a letter dated April 6, 2011, from Chief Edward Flynn, wherein he notifies the Board that Police Officer Martin R. Gonzalez has been suspended and discharged for violation of Department Rules under Personnel Order 2011-60 dated April 6, 2011. He noted that Officer Gonzalez has appealed his discharge.

e) The Director presented a letter dated April 14, 2011, from Chief Flynn, wherein he notifies the Board that Police Officer Micolette Acevedo was granted an unpaid maternity leave of absence January 14, 2011, which concluded March 17, 2011; Police Officer Andrew Thoma was granted an unpaid military leave of absence February 28, 2011, which concluded March 27, 2011; Police Officer Sharell Edwards was granted an unpaid medical leave of absence March 12, 2011, concluding June 22, 2011; and Custodial Worker Ricky Mounger was granted an unpaid family medical leave of absence April 23, 2011, concluding August 8, 2011.

f) The Director announced the reappointment request had been removed from the agenda.

g) The Director presented a new Standard Operating Procedure–655 (SOP) regarding the use of tire deflation devices. Assistant Chief Harpole stated that these devices will be used to protect police officers and innocent bystanders during vehicle pursuits. He added a significant amount of testing and research went into the selection of the devices. He believes that the use of the devices coupled with the new pursuit policy will keep citizens safer and produce less liability to the City. Commissioner O'Hear asked if this SOP will replace a current one. Assistant Chief Harpole responded that this is a new SOP and there was a pilot program using the devices years ago in the Tactical Enforcement Unit, but this is the first time they will be in district squads.

5. PUBLIC COMMENT:

There was no comment made from the public present.

6. ADJOURNMENT:

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

The meeting concluded at 6:09 P.M.

Respectfully submitted,



Michael G. Tobin  
Executive Director