

July 7, 2011

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:32 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: Mark Rohlfling, Chief, Milwaukee Fire Department; and Edward Flynn, Chief, Milwaukee Police Department.

The Director presented for adoption minutes of the Regular Meeting of June 16, 2011. He noted the promotions to Assistant Chief of Police were approved at that meeting. Commissioner Morgan moved approval of the minutes as presented, seconded by Commissioner O'Hear. The motion carried unanimously.

1. UNFINISHED BUSINESS:

a) The Director presented a letter dated June 24, 2011, from staff, wherein Police Officer Richard Michalak requests an extension to his temporary residency exemption, which expires July 7, 2011, because he is unable to sell his home in Oak Creek. Commissioner Morgan asked what Officer Michalak has done since his last extension. Officer Michalak responded that he did not drop the price because he cannot go any lower, but he has had open houses. Commissioner Lor asked if he had considered renting the home. Officer Michalak stated he had considered it but he would still have a mortgage to pay and rent somewhere else. Commissioner Morgan asked if Officer Michalak has tried renting his home. Officer Michalak replied he put it up for rent but has had no interest. Commissioner Stark asked how his home is being advertised. Officer Michalak responded that he was unsure because the real estate agent was taking care of it. The Chair stated newly hired officers enter the job knowing they have six months to reside in the City. Residency is a part of employment and the Board has done a good job in assessing extenuating circumstances for residency exemptions. Officer Michalak stated he was thankful for what the Board has done already, but if he lowered the price anymore he may be looking at bankruptcy. Commissioner Hein asked when the house was purchased and what the asking price is. Officer Michalak responded that he purchased the house five years ago and is asking \$185,000. Commissioner Stark asked if Officer Michalak had a place in mind if the extension is not granted. Officer Michalak stated he would be moving in with his parents who reside in the City. Commissioner O'Hear stated this is a difficult situation, but feels obliged to support police officers and does not want to subject them to any more stress. Commissioner O'Hear moved approval of the request to October 6, 2011, seconded by Commissioner Morgan. The motion carried 4-2, with the Chair and Commissioner Stark voting against.

b) The Director presented a letter dated June 22, 2011, from staff, wherein Police Officer Ralph Salyers III requests an extension to his temporary residency exemption, which expired July 7, 2011. Officer Salyers stated since his previous extension he has lowered the price of his home another \$10,000. He is having monthly open houses and showings, but no offers. He fears he may face an upside down mortgage if he lowers the price any further. He used his life savings to purchase the home and does not want to lose the money he invested in it. Commissioner Stark asked Officer Salyers if he considered renting the home. Officer Salyers responded that he researched it and the rent would not cover his mortgage and his wife was laid off in March. He also looked in house swapping. His real estate agent has also explored renting. Commissioner Stark asked why it took so long for Officer Salyers to put his home on the market. Officer Salyers responded he had to finish up with his old job and had transition issues, which caused the delay. Commissioner Stark asked if arrangements have been made for a residence in the City. Officer Salyers stated he talked to a few friends and there is a possibility he could rent a room. Commissioner O'Hear stated he finds the situation

extremely difficult. Commissioner O'Hear moved approval of the request to October 6, 2011, seconded by Commissioner Morgan. The motion carried 4-2, with the Chair and Commissioner Stark voting against.

2. NEW BUSINESS:

a) The Director presented a report titled Analysis of 2010 Vehicle Pursuits and March 26, 2010 Policy Revision, authored by Research and Policy Analyst Kristin Kappelman. The Director stated the report analyzes one year before and one year after the pursuit policy revision. Ms. Kappelman spoke regarding the report. In 2010, 91 vehicle pursuits were conducted which is the lowest number in the past 9 years. The highest was 271 in 2002. There was a 45% decrease in pursuits between 2009 and 2010. In 2010, pursuit time ranged from less than 60 seconds to one hour and 28 minutes. The average pursuit time was four minutes. Thirty-five pursuits were terminated because the suspect stopped. Thirty pursuits originated in Police District Seven and 14 originated in Aldermanic District Six. Pursuit distance ranged from ¼ of a mile to over five miles, with a most common distance of one to two and ¼ miles. The maximum speed for pursuits ranged from 20 mph to over 75 mph, with an average maximum speed of 52 mph. The overall number of pursuits has decreased, as well as the number of pursuits that involved an accident. In 2007, 100 pursuits (48.1%) resulted in an accident; and in 2010, 32 pursuits (35.2%) resulted in an accident. In 2010, one pursuit was fatal resulting in the death of one suspect and one third-party bystander; one officer suffered minor injuries; six suspects suffered minor injuries; two suspects suffered major injuries; three suspects complained of pain; and seven third-party bystanders were injured. The policy was revised to address concerns related to citizen and officer safety. The policy revision requires probable cause that a violent felony has occurred or is about to occur. There were 152 pre-revision pursuits and 86 post-revision pursuits; this represents a 43.4% decrease. The pre-revision pursuit time ranged from less than 60 seconds to 55 minutes. The post-revision pursuit time ranged from less than 60 seconds to 30 minutes. Average pursuit time decreased from four to two minutes. The most common pre-revision pursuit distance was one to two miles, and post-revision the most common distance was ¼ mile. The pre-revision maximum speed ranged from 30 mph to greater than 75 mph. Post-revision the maximum speed ranged from 20 mph to greater than 75 mph. The pre-revision average was 58 mph, and the post-revision was 48 mph. Pursuits with a maximum speed of over 75 mph decreased from 32 to 9, a 71.9% decline. Sixty-five pre-revision pursuits resulted in an accident. Post-revision 25 resulted in an accident; this is a 65.5% decrease. Pre-revision nine third-party bystanders were injured, two were killed, seven officers suffered minor injuries, 20 suspects suffered minor injuries, and three suspects complained of pain. Post-revision six third-party bystanders were injured, one officer suffered minor injuries, three suspects suffered minor injuries, two suspects suffered major injuries, two suspects complained of pain, and one suspect was killed. Pursuits declined 43%. Average maximum speed, time, and distance of pursuits all decreased. Accidents decreased by 40. Fewer injuries were sustained. Apprehensions decreased from 98% to 87%. The underlying cause of the policy revision was to ensure the safety of citizens and officers. Thus far the revision has been successful. Commissioner Morgan asked if the 2010 fatality was pre or post revision. Ms. Kappelman replied that the fatality was pre-revision. Commissioner O'Hear asked if the change in initiation of the pursuit changed the conduct of the pursuits. Ms. Kappelman responded that post-revision the pursuit criteria were not met. Chief Flynn stated training ensures that pursuits are terminated when they become unsafe and do not meet criteria, and allows for officers to exercise their judgment. He added that the 2010 fatalities occurred after the pursuits had been terminated. The Chair and the Board thanked Ms. Kappelman for her work on the report. Commissioner Stark moved approval of the report, seconded by Commissioner Morgan. The motion carried unanimously.

b) The Director presented a correspondence dated June 27, 2011, from Dennis Yaccarino, Budget and Policy Manager-Senior, wherein he states that the Police Department's Limited Duty Program for officers injured off-duty will be ending.

c) The Director presented the decision from the Equal Rights Division (ERD) in the matter of Robert J. Koch v. City of Milwaukee. Fire Equipment Dispatcher Koch was terminated. He appealed, and the Board upheld his termination. He appealed to the ERD, and the ERD affirmed the Board's decision, stating the ERD does not have jurisdiction over the case.

d) The Director presented a memo dated July 5, 2011, from staff, wherein he requests amendments be made to Board Rules VI, Sections 4-7; VIII, Section 6; and XI, Section 2. These amendments would create a Fire Cadet program in the Fire Department that would mimic the Police Aide program. The Fire Cadet program and rule changes will be discussed at the July 19<sup>th</sup> meeting of the Committee on Testing and Recruiting. Chief Rohlfing has requested 13 Fire Cadet positions in the 2012 budget. Pursuant to the Rules of the Board the Chair laid this item over to the next meeting.

e) The Director presented a memo dated July 5, 2011, from staff, wherein he requests amendments be made to Board Rules XI, Section 14, and XIII, Section 6. These amendments relate to the limited duty program and would allow the Board and the departments to appoint sworn members to non-sworn positions. Pursuant to the Rules of the Board the Chair laid this item over to the next meeting.

f) The Chair moved this item to the end of the agenda.

### 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 established February 20, 2011, effective July 10, 2011:

#7 – RICHARD O. MATISZIK.

TO FIRE LIUETENANT, on a waiver basis, from eligible list established December 17, 2011, effective July 10, 2011:

#26 – RANDY M. ROSS; and #27 – MICHAEL J. ZYNIECKI.

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

TO OFFICE ASSISTANT I, from Department of Employee Relations eligible list, effective July 11, 2011:

CASSANDRA J. TAYLOR.

c) The Director presented a letter dated June 29, 2011, from Chief Rohlfing, wherein he notifies the Board that Fire Captain Matthew W. Williamson has returned from his unpaid military leave of absence effective June 29, 2011. The leave was granted December 22, 2010.

The Director presented a letter dated June 21, 2011, from Chief Rohlfing, wherein he notifies the Board that he has granted Fire Lieutenant William J. Echevarria an unpaid military leave of absence effective June 21, 2011.

d) The Director presented a letter dated June 28, 2011, from Chief Rohlfing, wherein he notifies the Board that Paramedic Firefighter Kristin A. Ticcioni has been suspended for three 24-hour shifts for violation of Department Rules and Regulations.

### 4. POLICE DEPARTMENT:

a) The following promotions, as presented by Chief Flynn, were 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 July 10, 2011:

#30 – THOMAS E. JOHNSON.

TO PRINT, STORES, AND BUILDING SERVICES SUPERVISOR, from Production Designer II, without competitive examination, effective July 10, 2011:

WILLIAM R. BONO.

TO ACCOUNTING ASSISTANT II, from Accounting Assistant I, effective July 10, 2011:

KAREN M. BOSETTI.

b) The Director presented a letter dated June 28, 2011, from Chief Flynn, wherein he notifies the Board that Police Officer Eugene Burns has returned from an unpaid military leave of absence effective June 13, 2011, which commenced on November 1, 2009; and Police Officer Ryan Dumann has returned from his unpaid military leave of absence effective June 20, 2011, which commenced on May 10, 2010.

c) The Director presented a letter dated June 15, 2011, from Chief Flynn, wherein he requests that an examination be conducted for the position of Police Telecommunicator (Regular) as soon as possible as the eligible list will soon be exhausted. The Chair referred the request to staff for implementation.

5. PUBLIC COMMENT:

Dave Seager, President of Local 215, acknowledged Chief Rohlfing and Assistant Chief Washington's diligence in putting together the Fire Cadet program. It has been a long time coming, it is good for the department, and he is excited to see its return.

6. NEW BUSINESS:

f) The Chair entertained a motion to convene in closed session in Room 301-A, City Hall, on the residency exemption request in New Business, pursuant to Section 19.85 (1)(f) Wis. Stats. The Board will then reconvene in open session in Room 301-A, City Hall, concerning the request following the closed session. Commissioner Stark moved to convene in closed session regarding the New Business request, seconded by Commissioner Morgan. The roll call vote was 6-0, the Board went into closed session at 6:11 p.m.

The Chair reconvened the Board in open session, having previously met in closed session from 6:11 p.m. to 6:57 p.m. pursuant to Section 19.85 (1)(f) Wis. Stats. to consider financial, medical, social or personal histories of specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories, to wit: residency exemption request of Firefighter Jeff Halsey.

Commissioner Stark moved to grant a temporary exemption until the second Regular meeting in June 2012, with two conditions: 1) if there is a change in the medical situation or job status the Board must be notified, and 2) periodic reviews will be conducted by the Board throughout the temporary exemption. She added the Board is not interested in a permanent exemption, but she is making the motion due to the financial, medical, and family circumstances. She also does not want to disrupt the children's school year. Commissioner Hein seconded the motion. The motion carried 4-2, with the Chair and Commissioner Lor voting against.

Dave Seager asked if Mrs. Halsey was unable to find employment in Milwaukee, would the Halsey's have to appear before the Board again for an additional exemption. The Chair responded that they would have to request an additional exemption. Mrs. Halsey added that positions for the fall do not post until the spring. Commissioner Stark stated she may not be likely to grant an additional exemption. Firefighter Halsey asked if their children would have to relocate again. Commissioner Stark responded that she made the motion in a way that would least impact the children's school year.

7. ADJOURNMENT:

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

The meeting concluded at 7:05 P.M.

Respectfully submitted,



Michael G. Tobin  
Executive Director

MGT:mk