

July 28, 2011

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:36 P.M.

PRESENT: Commissioners: Kathryn A. Hein  
Paoi X. Lor  
Sarah W. Morgan  
Michael M. O'Hear

ABSENT: Commissioner: Richard C. Cox (Excused)  
Carolina M. Stark (Excused)

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

The Director administered the oath of office to Michael O'Hear for his reappointment as Commissioner to the Board.

The Director presented for adoption minutes of the Regular Meeting of July 7, 2011. He noted at that meeting the Board approved two residency exemption extensions and an Analysis of 2010 Vehicle Pursuits and March 26, 2010 Policy Revision was presented and approved. Commissioner O'Hear moved approval of the minutes as presented, seconded by Commissioner Hein. The motion carried unanimously.

1. UNFINISHED BUSINESS:

a) The Director returned to the Board a request from staff to amend Fire and Police Commission Rule VI, Sections 4-7, Rule VIII, Section 6, and Rule XI, Section 2 to add the position of Fire Cadet and the qualifications, examinations, and appointments of Fire Cadets. Chief Rohlfing requested 13 Fire Cadet positions in the 2012 budget. The Fire Cadet program is a two year apprenticeship program for high school graduates ages 17-19, similar to the Police Aide program. During the program Cadets will earn 24 college credits, and upon completion of the program and reaching 21 years of age, Cadets will be appointed to the next Firefighter recruit class. The program and Rule changes were discussed at the last meeting of the Committee on Testing and Recruiting. Commissioner Lor moved approval of the request, seconded by Commissioner O'Hear. The motion carried unanimously.

b) The Director returned to the Board a request from staff to amend Fire and Police Commission Rule XI, Section 14, and Rule XIII, Section 6 to add language regarding off-duty injuries and appointments of sworn members to non-sworn positions. The rule changes will implement a program for sworn members of the Police and Fire Departments who are injured off-duty and cannot permanently return to their sworn duties. Sworn personnel will be able to request appointment to a civilian position in either department, and the Board will make a determination on a case by case basis if they meet the requirements of the requested position. The City Labor Negotiator notified the Police Department of the changes to the Limited-Duty Program. The decision to take a civilian position is final and the member cannot go back to a sworn position without participation in the competitive examination process. Commissioner O'Hear asked for clarification on the inability to switch back to a sworn position. The Director responded that he does not want sworn members temporarily filling civilian positions. This program is for members who are permanently injured off-duty who are not eligible for retirement. Commissioner Hein moved approval of the request, seconded by Commissioner Lor. The motion carried unanimously.

2. NEW BUSINESS:

a) The election of Officers was held over to the meeting of September 1<sup>st</sup>.

b) The Director presented to the Board for adoption the Fire and Police Commission 2011 Mid-Year Report. Kristin Kappelman, Research and Policy Analyst, authored the report. She stated the FPC assumed responsibility for recruitment and hiring of public safety employees and hired two Human Resources Analyst-Seniors to perform these functions. Select FPC staff and Commissioners attended the first ever NACOLE regional conference in Chicago, IL. The FPC received 111 citizen complaints, of which 72 were informal and closed, and 39 formal of which 27 were closed and 12 were still open and under investigation. One formal and three informal complaints were filed against Fire Department employees. Thirty-eight formal and 69 informal were filed against Police Department employees. The most common formal complaint allegations were discourtesy with 17 and department procedures with 10. The most common informal complaint allegations were discourtesy with 21, department procedures and department services each with 18. Police District 7 had the most complaints, with six formal and 23 informal. Police District 1 had the least complaints with three each of formal and informal. The Fire Department reported seven fire fatalities. They made 1,682 fire responses, 3,899 rescue responses, and 600 service responses. They responded to 12,806 Advanced Life Support calls, and 14,330 Basic Life Support calls. For the first quarter of 2011, all violent crime except for rape and all property crime except auto theft decreased compared to the same time in 2010. The Police Department decreased violent crime by 9.8%, property crime by 15.4%, and total crime decreased by 14.6%. The report will be available in hard copy and on the Commission's web site (<http://www.milwaukee.gov/fpc>). Commissioner O'Hear asked if there are serial complainants. Ms. Kappelman responded that yes we have serial complainants and they are tracked as one incident. The Director responded that many of our serial complainants have mental health issues and are dealt with delicately, while our contact with them is tracked, we do not count it as a complaint. Commissioner O'Hear asked what drives the increase in auto theft. Chief Flynn responded that auto theft is decreasing because it is at 50% of what it was three years ago, but the price of scrap metal is increasing. People steal cars and take them to the scrap yard, because the laws in Wisconsin are weak and proof of ownership is not required to scrap a car. Chief Flynn is currently working on legislation to change the scrap laws. Commissioner O'Hear asked if scrap yards are open to random checks. Chief Flynn responded not really because they are a business and the law was written to make it easy for them. Commissioner Lor moved approval of the report, seconded by Commissioner O'Hear. The motion carried unanimously.

c) The Director presented a letter dated July 22, 2011, from staff, wherein Heavy Equipment Operator Scott Hoth requests a temporary residency exemption. The Director explained Mr. Hoth had a fire in his home and will not be able to return to it for approximately four months. Commissioner O'Hear asked how long of an exemption Mr. Hoth is looking for. Mr. Hoth responded until he moves back, approximately four months. He wants to move back home as soon as possible, but there was a lot of smoke damage. Commissioner Hein moved approval of the request until the first Regular Meeting in January 2012, seconded by Commissioner Lor. The motion carried unanimously.

d) The Director presented to the Board for adoption a report entitled Summary of Officer Involved Shootings. The Director explained that there is a file pending before the Common Council and Public Safety Committee requiring the FPC to report every six months on Police Department use of force. The report contains all officer involved shootings involving people from July 1, 2010 to July 1, 2011. There were a total of 17 incidents, not including the three that took place after July 1, 2011. The report contains information regarding the circumstances of the shootings, including how they occurred and ended. The purpose of the report is to inform the public and dispel misconceptions about police shootings. Of the 17 incidents, 14 suspects were armed, including seven with a firearm, four with a cutting instrument, and three with a vehicle. Thirteen of the incidents resulted in non-fatal injuries. Four incidents resulted in the death of a suspect, including one self-inflicted gunshot wound. There is a national trend of assaults on police officers increasing. There is an increased number of citizen contacts with police. From 2009 to 2010, traffic stops increased by 50,000 and field investigations doubled. The number of citizen complaints has decreased and the ease of filing a citizen complaint has improved. Commissioner O'Hear suggested that the report include the definition of an officer involved shooting and the source of the information. The Director explained that information comes from the Police Departments Use of Force report, and an officer involved shooting includes any officer on or off duty who discharges their firearm. Commissioner O'Hear suggested including information regarding whether the

District Attorney's Office filed charges or not.

Jimmy Harris, community member, spoke regarding various ideas he has to improve the Police Department, involving traffic stops, police conduct, harassment, racial profiling, and use of force. He believes officers should not use profanity, get mad when a citizen asks what the problem is, or be able to rewrite reports. He also believes a police officer should not hold their position more than 5-10 years. He added some officers do not want to uphold the law and are corrupt. He concluded that a police officer should not pull out a gun on anyone unless a gun is pulled on them first, and that officers should not jump in front of cars.

The report will be available in hard copy and on the Commission's web site (<http://www.milwaukee.gov/fpc>). Commissioner Hein moved approval of the report, seconded by Commissioner O'Hear. The motion carried unanimously.

### 3. COMMITTEE REPORTS:

a) Commissioner Hein presented the report of the Committee on Testing and Recruiting. The Committee met on July 19<sup>th</sup> and discussed current vacancies. There are 102 police officer and 70 firefighter vacancies. New recruit classes are scheduled for this fall. Recruiting efforts for Police Telecommunicator were also discussed. The Fire Cadet program was discussed including training, educational components, and opportunities available to the Cadets.

### 4. EXAMINATIONS:

a) The Director presented for approval an examination announcement bulletin for the position of Health and Safety Specialist in the Police Department. Human Resources Representative Marti Cargile stated the position will be announced tomorrow and recruiting will begin, with an application deadline of August 19<sup>th</sup>. Commissioner Lor moved approval of the bulletin, seconded by Commissioner Hein. The motion carried unanimously.

b) The Director presented for adoption an eligible list for the position of Heavy Equipment Operator in the Fire Department, consisting of nine names. Commissioner O'Hear moved approval of the list, seconded by Commissioner Hein. The motion carried unanimously.

c) The Director presented for adoption an eligible list for the position of Police Aide in the Police Department, consisting of 59 names. Commissioner O'Hear moved approval of the list, seconded by Commissioner Hein. The motion carried unanimously.

d) The Director presented for adoption an eligible list for the position of Police Dispatcher in the Police Department, consisting of 35 names. Commissioner Hein moved approval of the list, seconded by Commissioner O'Hear. The motion carried unanimously.

e) The Director presented a request from staff to amend the Police Officer Eligible List to add the following names and ranks to the list in accordance with the Uniformed Services Employment and Reemployment Rights Act: #63A – Brandon Daniels and #85A – Alan Beattie. Commissioner Lor moved approval of the request, seconded by Commissioner Hein. The motion carried unanimously.

### 5. FIRE DEPARTMENT:

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

TO FIRE LIEUTENANT, on a waiver basis, from eligible list established December 17, 2009, effective August 7, 2011:

28 – WILLIAM J. PAULIN.

b) The Director presented a letter dated July 21, 2011, from Chief Rohlfing, wherein he notifies the Board that Firefighter Jason L. Leistiko returned from an unpaid military leave of absence, effective July 20, 2011. The leave was granted on June 16, 2010.

c) The Director presented a letter dated July 21, 2011, from Chief Rohlfing, wherein he requests that the probationary period of Firefighter Jason Leistiko be extended until April 3, 2012, due to a military leave of absence. Commissioner O'Hear moved approval of the request, seconded by Commissioner Hein. The motion carried unanimously.

d) The Director presented a letter dated July 14, 2011, from Chief Rohlfing, wherein he requests the Office Assistant III position assigned to the Administration Division, be reclassified to an Information Technology Specialist, assigned to the Technical Services Division. Commissioner Morgan referred the request to the Department of Employee Relations for study and report.

e) The Director presented a letter dated July 21, 2011, from Chief Rohlfing, wherein he requests that an examination be conducted for the position of Fire Lieutenant as soon as possible as the eligible list is expiring December 17, 2011. Commissioner Morgan referred the request to staff for implementation.

6. 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 August 7, 2011:

#31 – BRIAN A. BOWEN.

TO FORENSIC INVESTIGATOR, from Police Officer, contingent upon successful completion of a drug screening, effective August 7, 2011:

PAUL A. CERVERA.

TO BUILDING MAINTENANCE SUPERVISOR II, from Building Services Supervisor II, effective August 7, 2011:

JEFFREY W. LUECK.

TO OFFICE ASSISTANT II, from Office Assistant I, effective August 7, 2011:

THEODORE D. CROSS and SAMANTHA PAIGE.

TO POLICE DISTRICT OFFICE ASSISTANT, from Office Assistant I, effective August 7, 2011:

ELIZABETH BAUER and VENEITTA A. CLAYBROOKS.

b) The Director presented a letter dated July 20, 2011, from Chief Flynn, wherein he presents a request from Police Dispatcher Patricia R. Hudson for voluntary demotion to her former rank of Police Telecommunicator, to be effective August 7, 2011. Commissioner Hein moved approval of the request, seconded by Commissioner O'Hear. The motion carried unanimously.

c) The Director presented a letter dated July 20, 2011, from Chief Flynn, wherein he notifies the Board that

Police Sergeant Shaun Doyne was granted an unpaid military leave of absence effective July 3, 2011, which will end September 24, 2012; and Police Officer Bradley Nickel was granted an unpaid military leave of absence effective July 3, 2011, which will end in September 2012.

d) The Director presented a letter dated July 6, 2011, from Chief Flynn, wherein he notifies the Board that Police Officer Michael N. Loechler has been suspended for 60 days, for violation of Department Rules under Personnel Order 2011-91 dated July 6, 2011.

e) The Director presented a letter dated July 7, 2011, from Chief Flynn, wherein he notifies the Board that Police Officer Lymon L. Taylor has been discharged for violation of Department Rules under Personnel Order 2011-102 dated July 7, 2011.

7. PUBLIC COMMENT:

Ellen Talavera, Fire Equipment Dispatcher, Local 494, asked what the plan is for hiring more Fire Equipment Dispatchers. Toni Vanderboom, Human Resources Analyst-Senior stated a job analysis is being conducted. The Director added that the Fire Department was not satisfied with the current exam so that is also being reviewed. Commissioner Hein asked how long it would take. The Director responded it would take two-three months because a job analysis has not been conducted in over 10 years. They are also looking at the Police Dispatcher exam as well.

8. ADJOURNMENT:

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

The meeting concluded at 6:27 P.M.

Respectfully submitted,



Michael G. Tobin  
Executive Director

MGT:mk