

November 15, 2012

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:30 P.M.

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

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

The Director presented for adoption minutes of the Regular Meeting of November 1, 2012. Commissioner O'Hear moved approval of the minutes as presented, seconded by Commissioner Hein. The motion carried unanimously.

1. UNFINISHED BUSINESS:

a) The Director presented correspondence dated November 8, 2012, from staff regarding Police Sergeant Shaun Doyne wherein he provides a status update for his temporary residency exemption. Through his correspondence, Sergeant Doyne indicated his marital status and living situation have not changed. Commissioner Cox moved to extend the temporary residency exemption for a one (1) year period, seconded by Commissioner Lor. The motion carried unanimously.

2. NEW BUSINESS:

a) The Director presented a proposed modification to Fire and Police Commission Rule VI regarding the education requirement for Fire Cadet and Police Aide candidates. The Chair directed that the proposal be laid over until the next meeting for adoption.

3. COMMITTEE REPORTS:

a) Commissioner Hein presented the report of the Committee on Testing and Recruiting. According to Commissioner Hein, both she and the Chair were in attendance. The Committee received an update on various application processes and issues associated with them:

- Police Aide
 - 325 applications received to date.
 - 215 applicants scheduled for the written exam.
 - Application deadline: November 26, 2012.
 - Projected class start date: July, 2013.
- Fire Cadet
 - 400 applications received to date.
 - 319 applicants scheduled for the written exam.
 - 30% of applicants are female; goal is a Fire Cadet class that is 17% female.
 - Same testing timeline as the Police Aide program.
 - Projected class start date: July, 2013

- Police Lieutenant
 - 183 Sergeants and Detectives applied.
 - 149 applicants took the written exam.
 - Oral examinations began November 12, 2012.
 - Eligible list expected by December, 2012.
- Police Telecommunicator
 - One application for both Regular and Seasonal Police Telecommunicators should streamline the process.
 - Eligible list expected by March, 2013.
 - Open House scheduled for Monday, November 19, 2012 at District 3 on 49th and Lisbon from 9:00 a.m. – 12:00 p.m. and 2:00 p.m. – 7:00 p.m.

In addition, Commissioner Hein said the Committee was briefed on the requested FPC Rule VI, Section 5 change regarding education requirements for Fire Cadets and Police Aides. Commissioner Cox moved to accept the report, seconded by Commissioner O'Hear. The motion carried unanimously.

The Chair also noted she attended a Fire Cadet and Police Aide Recruitment at UW – Milwaukee for high school age young men and indicated the staff did a great job. In addition, the Chair said there would be a Police Aide Recruiting Open House on Saturday, November 17, 2012 from 12:00 p.m. – 4:00 p.m. at the MPD Midtown Substation.

4. FIRE DEPARTMENT:

a) The Director presented a letter dated November 7, 2012, from Chief Rohlfing, wherein he nominates Battalion Chief Terry W. Lintonen to the exempt position of Deputy Chief, Fire in the Fire Department, to be effective December 9, 2012. Pursuant to Rules of the Board, final action on this nomination was laid over to permit the nominee to be interviewed.

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

TO FIREFIGHTER, from eligible list established April 23, 2009, contingent upon successful completion of the EMT process, background, psychological, medical, and drug screening, effective December 10, 2012:

#118 – RONNY FROST; #177 – SCOTT E. LITKOWSKI; #249 – KEVIN M. HEUS; #254 – NICHOLAS J. RYAN; #257 – ERIC J. DAUN; #259 – GREGORY A. LYONS; #263 – ANDREW C. O'MALLEY; #264 – NICHOLAS J. FETZER; #269 – BENJAMIN R. BAUS; #273 – ZACHARY J. HENNESSY; #278 – ALLEN O. DEWINDT III; #279 – STEVEN M. FUCHS; #285 – JONATHAN W. CIESLAK; #286 – JOSHUA J. WILDE; #289 – JEREMY B. GUMM; #290 – BRADLEY A. JACKSON; #292 – JOSEPH D. SIEGERT; #294 – CHRISTOPHER W. DEHLI; #299 – MICHAEL R. MAHAFFEY; #302 – SCOTT W. LANG; #304 – DANIEL K. PLUMB; #311 – BRIAN C. MERKEL; #315 – ROBERT M. REHBERGER; #318 – PETER D. MONEY; #320 – MATTHEW D. THUNDERCLOUD; #322 – ANTHONY E. LLOYD; #323 – JAMES J. LODUHA; #324 – JASON J. HILBERT; #326 – NATHAN H. FAGER; #328 – MICHAEL D. HERMANN; and #329 – ANTHONY R. DAVILA.

TO FIREFIGHTER, on a contingent basis, from eligible list established April 23, 2009, also contingent upon successful completion of the EMT process, background, psychological, medical, and drug screening and vacancies, effective December 10, 2012:

#334 – TYLER K. LINDSTAD and #344 – DAVID E. JAUCH.

c) The Director presented correspondence dated November 7, 2012, from Chief Rohlfing, wherein he notifies the Board that contingent upon successful completion of a return to duty exam and drug screen,

Probationer Firefighters Gregory M. Krebs, Larry J. Murphy, Andrew R. Seidler, and Kevin G. Stefanski will return to the fire recruit training class from Workers' Compensation, effective December 10, 2012.

d) The Director presented correspondence dated October 29, 2012, from Chief Rohlving, wherein he requests that the contingency appointment of #24 – Matthew M. Ziems from the Fire Cadet eligible list established September 6, 2012, approved at the September 6, 2012 Regular Meeting, was utilized, effective October 29, 2012.

e) The Director presented correspondence dated November 6, 2012, from Chief Rohlving, wherein he notifies the Board that Heavy Equipment Operator Eric Draeger returned from an unpaid military leave of absence which commenced September 24, 2011, effective November 6, 2012.

f) The Director presented a communication from Chief Rohlving regarding the digital radio system changeover. Chief Rohlving discussed the correspondence Acting Chief Gerard Washington sent to the Public Safety Committee in August, 2012 which discussed the issues associated with the digital radio system changeover. According to Chief Rohlving, the impetus of the letter was to correct misinformation related to the changeover. Chief Rohlving said the MFD went "live" with the digital radio system on January 3, 2012 and, while it was a difficult process to get to January, the vendor, Harris Corporation, listened to the Milwaukee Fire Department's (MFD's) concerns and redesigned radios and software to meet MFD's needs. In addition, Harris worked with the MFD Training Staff to provide a product that MFD felt comfortable putting in the field. By mid-2011, MFD hired an outside contractor to install all mobile radios and implemented an intensive training program to ensure all individuals would know how to use the new radios.

Chief Rohlving said MFD has had few if any problems and the system has worked very well for them. To date, there have been 189 trouble reports and of those reports, 27 of them were operator error. Early in the process there was quite a few instances of operator error, but through education MFD has been able to reduce and/or eliminate those instances. Trouble reports related to parts and batteries numbered 73, and 55 of those were microphone issues. The microphones had some inherent design flaws and Harris replaced microphones in all the radios in October, 2012. Since that time, Chief Rohlving said there have been no microphone issues. There have been 31 replaced and/or faulty radios and 23 instances related to coverage. According to Chief Rohlving, coverage is weaker in some areas of the city than others and this is being worked on in the long term radio plans. There have been 21 issues related to software and Harris has worked with MFD to resolve all of those. Finally, Chief Rohlving said there were eight (8) non-reproducible problems and six (6) other issues. Overall, the system is working very well and whenever they have had problems Harris has worked with MFD to solve problems and to ensure the radios do what they are supposed to do.

Commissioner Hein asked if the firefighters are happy with the radios. Chief Rohlving responded that the firefighters are satisfied that the system works, every firefighter has a radio, and they know how to use them. He also thanked the Milwaukee Police Department (MPD) for working through difficult implementation issues so MFD could learn from them and have a relatively smooth changeover. Commissioner O'Hear asked Chief Rohlving to elaborate on MFD's long term plan related to coverage issues. Chief Rohlving said coverage seems to be weaker on the edges of the city. VTAC is on all apparatus with a repeater attached to radios in all trucks that helps boost the signal and, long range, MPD is seeking to add towers. Commissioner O'Hear asked what the communication contingency plan is for a firefighter who is in an area without coverage. Chief Rohlving said the radio notifies the firefighter they do not have coverage, but the mobile radios in the trucks continue to have coverage. At this time, only portable radios have coverage issues.

5. POLICE DEPARTMENT:

a) The Director presented a letter dated November 15, 2012, from Chief Flynn, wherein he notifies the Board that Lieutenant Robert Menzel will serve as Acting Captain of the Integrated Justice Services Division

for more than 30 days, effective November 5, 2012, until a promotion to Captain can be made. Commissioner Hein moved approval of the request, seconded by Commissioner Lor. The motion carried unanimously.

The Director presented a letter dated November 15, 2012, from Chief Flynn, wherein he notifies the Board that Lieutenant Thomas Stigler will serve as Acting Captain of the Criminal Investigation Bureau – Metropolitan Investigations Division for more than 30 days, effective November 5, 2012, until a promotion to Captain can be made. Commissioner O’Hear moved approval of the request, seconded by Commissioner Hein. The motion carried unanimously.

b) The Director presented a communication from Chief Flynn regarding the Uniform Crime Reporting (UCR) Statistics. Chief Flynn discussed a newspaper article regarding the classification of burglaries and larcenies. Apparently there have been problems over the last 6 years with classification of some crimes as either burglaries or larcenies from buildings. According to Chief Flynn, both categories of crimes figure in to the UCR Statistics and if there was a misclassification, the crime would simply switch from one category to the other and would not affect the net property crime rate. Chief Flynn said these problems do exist, were recognized prior to the newspaper article, in many instances the errors have been corrected, and steps are being taken to make sure these errors do not happen in the future. In order for the Board to have an understanding for how classification decisions are made and how an officer in the field could choose the wrong state statute, Chief Flynn introduced Deputy Inspector Jessup to speak regarding UCR, Incident-Based Crime Reporting (IBRS), and the definitional differences for theft and burglary between the National Incident-Based Reporting System (NIBRS) and the Wisconsin (WI) State Statutes.

Deputy Inspector Jessup said there are two methods for reporting crimes; i.e., UCR and IBRS. The MPD has chosen to report using IBRS because it provides more detailed information related to crime. Deputy Inspector Jessup summarized the differences between UCR and IBRS:

UCR	IBRS
<ul style="list-style-type: none">Crimes against persons/property	<ul style="list-style-type: none">Crimes against persons/property/ society
<ul style="list-style-type: none">Eight (8) Part I crimes related to persons (homicide, rape, aggravated assault, robbery) and property (burglary, larceny/theft, motor vehicle theft, arson).	<ul style="list-style-type: none">Fifty-seven (57) total crimes defined by Wisconsin State Statutes.
<ul style="list-style-type: none">Records only one (1) crime per incident.	<ul style="list-style-type: none">Records multiple crimes per incident.
	<ul style="list-style-type: none">MPD transmits to the state monthly; state transmits to the FBI for UCR purposes with no further input from MPD.

According to Deputy Inspector Jessup, burglary and theft are defined differently in the WI State Statutes and NIBRS. NIBRS defines theft from within a building, while there is no section or subsection of the WI State Statutes which defines theft from a building. In situations where property was taken without the owner’s consent by someone who had lawful access to the building, officers and/or supervisors need to decide whether the crime should be labeled theft or burglary. In most instances, Deputy Inspector Jessup indicated that the crime would be labeled a theft because it can be proven. Further, he demonstrated that adding the

additional 900 Part I crimes identified by the newspaper to the total UCR figures (2006 – 2011) for burglary and, in turn, subtracting 900 Part I crimes from the total UCR figures (2006 – 2011) for larceny/theft results in a 2% change in the number of burglaries and < 1% change in the number of larceny/thefts.

In summary, Deputy Inspector Jessup said burglary and theft are both reported as Part I crimes through UCR. Many misclassifications involve vacant houses, open garages, hotel rooms or residences where the issue of consent to enter was in question. Classification errors have no impact on the crime rate, treatment of victims, investigation of crimes, and/or prosecution of suspects. MPD has addressed and continues to address these classification errors by restructuring Central Records and providing additional training to employees. The error rate has declined significantly over the last year and continual improvements are being made regarding coding.

The Chair asked whether the newspaper called attention to this because one of the crime categories is a felony. Deputy Inspector Jessup said he was unsure, but that it is not a simple matter of one crime category being classified as a felony and one a misdemeanor as thefts can also be felonies. Chief Flynn said there is a misperception that UCR only reports the most serious crimes and most people think of felonies. According to the UCR handbook, many misdemeanor crimes are reportable; i.e., every larceny is reportable. Commissioner O'Hear said that is why some criminologists do not consider the larceny statistic a useful statistic. Chief Flynn agreed and said the challenge for UCR is that it is a 75 year old system and for many years it was the only system there was to try to get some sense of how much crime there was in America. It has always been regarded as imperfect and many criminologists agree that it is imperfect. Uniform Crime Reporting is trying to take 50 different statutory systems and meld them into one handbook for the guidance of classification into a national statistic. Chief Flynn said he wanted to communicate to the community that the overwhelming number of issues identified by the newspaper relate to someone who broke into a storage locker. Breaking into storage lockers should have been classified as a burglary. It is not improbable that some officer who is undertrained or does not understand the WI State Statute classified the crime as larceny when it should have been a burglary. Chief Flynn said he is not making excuses and these issues are being addressed. The Chair stated that ultimately it does not affect the outcome of the case or the prosecution. Chief Flynn said the Chair was correct, i.e., misclassification does not affect the investigation or prosecution.

The Chair said she attended the Merit Awards Ceremony held on Wednesday, November 16, 2012 and said it was good to see the celebration of the achievements of the Police Department and civilians. Chief Flynn wanted to thank CBS 58 for providing coverage of the ceremony.

6. PUBLIC COMMENT:

Chris Ahmuty, Executive Director of the American Civil Liberties Union (ACLU) of Wisconsin, spoke regarding the Director's memo about changes to the Use of Force Standard Operating Procedure. Mr. Ahmuty indicated the ACLU supports the changes and urged the Board and MPD to move quickly on these changes because of community concern regarding use of force.

Chief Flynn said he would be willing to answer questions related to this. Commissioner O'Hear said he would be interested in the Department's timeline. Chief Flynn said MPD would be ready to present at the first meeting in January, 2013 with implementation beginning in January, 2013.

7. ADJOURNMENT:

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

The meeting concluded at 6:06 P.M.

Respectfully submitted,



Michael G. Tobin
Executive Director

MGT:kj