

February 7, 2013

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:40 P.M.

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

ALSO PRESENT: Mark Rohlfing, 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 4:04 p.m. to 5:35 p.m. pursuant to Section 19.85 (1)(c) Wis. Stats. to consider employment, promotion, compensation or performance evaluation data of any public employee over whom the Board has jurisdiction or exercises responsibility, to wit: Performance Review of Chief of Police.

The Director presented for adoption minutes of the Regular Meeting of January 17, 2013. Commissioner Hein moved approval of the minutes as presented, seconded by Commissioner Lor. The motion was carried unanimously.

1. NEW BUSINESS:

a) The Director presented correspondence dated January 24, 2013, from staff, wherein Police Officer Joseph Goggins requests a temporary residency exemption to reside at his mother's home in Sussex as he is separated from his wife and cannot afford rent and bills for two residences. Commissioner O'Hear moved to approve the temporary residency exemption for six (6) months, seconded by Commissioner Cox. The motion carried unanimously.

2. EXAMINATIONS:

a) The Director presented for approval an eligible list for Police Fleet Supervisor in the Police Department, consisting of 27 names. Commissioner O'Hear moved approval of the eligible list, seconded by Commissioner Cox. The motion carried unanimously.

b) The Director presented for approval an examination announcement bulletin for the position of Building Maintenance Supervisor II in the Police Department. Commissioner Cox moved approval of the bulletin, seconded by Commissioner O'Hear. The motion carried unanimously.

3. FIRE DEPARTMENT:

a) The Director presented correspondence dated January 22, 2013, from Chief Rohlfing, wherein he notifies the Board that Fire Recruit Daniel K. Plumb has been placed on Workers' Compensation due to an on-duty injury sustained during training, effective January 22, 2013.

4. POLICE DEPARTMENT:

a) The Director presented correspondence dated February 5, 2013, from Chief Flynn, wherein he nominates Inspector of Police Edith L. Hudson and Inspector of Police Kurt R. Leibold to the exempt position of Assistant Chief of Police in the Police Department, contingent upon successful completion of a drug

screening, to be effective March 3, 2013. Pursuant to Rules of the Board, final action on these nominations was laid over to permit the nominees to be interviewed.

The Director presented correspondence dated February 5, 2013, from Chief Flynn, wherein he nominates Deputy Inspector of Police Mary K. Hoerig and Deputy Inspector William R. Jessup to the exempt position of Inspector of Police in the Police Department, contingent upon successful completion of a drug screening, to be effective March 3, 2013. Pursuant to Rules of the Board, final action on these nominations was laid over to permit the nominees to be interviewed.

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

TO POLICE DISTRICT OFFICE ASSISTANT, from Office Assistant I, effective February 17, 2013:

SARAH SMITH.

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

TO HELP DESK SPECIALIST II, from eligible list established May 3, 2012, contingent upon successful completion of a medical and drug screening, effective February 18, 2013:

#9 – ROOSEVELT ROSS and #12 – JAMAL ENCAMI.

TO ELECTRONIC TECHNICIAN ASSISTANT, from eligible list established July 28, 2012, contingent upon successful completion of a medical and drug screening, effective February 18, 2013:

#1 – JOSEPH P. TRUDEAU.

c) The Director presented correspondence from Chief Flynn, dated January 29, 2013, wherein he requests that the probationary period of Police Officer Daniel A. Garcia be extended for a period of 66 days, due to a Family Medical Leave of Absence and a sick leave. Commissioner Cox moved approval of the request, seconded by Commissioner O'Hear. The motion carried unanimously.

The Director presented correspondence from Chief Flynn, dated January 28, 2013, wherein he requests that the probationary period of Police Officer John G. Kohler, Jr. be extended for a period of 108 days due to a sick leave, working limited duty, and his assignment to administrative duties. Commissioner Cox moved approval of the request, seconded by Commissioner O'Hear. The motion carried unanimously.

d) The Director presented correspondence from Chief Flynn, dated January 30, 2013, wherein he notifies the Board that Captain of Police David Clarke has been granted a one year extension to his leave of absence for the purpose of filling the exempt position of Sheriff for Milwaukee County. The leave shall expire March 25, 2014, and may be renewed upon request.

e) The Director presented correspondence from Chief Flynn, dated January 30, 2013, wherein he notifies the Board that Police Sergeant Jason Mucha was granted an extension to his unpaid medical leave of absence, which commenced December 29, 2012, and it is anticipated he will return to duty on May 1, 2013; Police Officer Jill Riley was granted an extension to her unpaid medical leave of absence, which commenced March 28, 2012, and it is anticipated she will return to duty on March 27, 2013; and Custodial Worker II Delbert Orr was granted an extension to his unpaid medical leave of absence, which commenced on December 7, 2012, and it is anticipated he will return to duty on March 1, 2013.

f) The Director presented correspondence from Chief Flynn, dated January 22, 2013, wherein he notifies the Board of the suspension of Police Officer Eric J. Rom for 30 working days for violation of Department Rules under Personnel Order 2013-09, dated January 22, 2013.

The Director presented correspondence from Chief Flynn, dated January 22, 2013, wherein he notifies the Board of the suspension of Police Officer Deborah A. Strzelecki for 30 working days for violation of Department Rules under Personnel Order 2013-07, dated January 22, 2013.

g) The Director presented correspondence from Chief Flynn, dated February 8, 2013, wherein he requests approval for the creation of SOP 001 – Fair and Impartial Policing. The Chair requested that the language “sexual orientation and gender expression” categories be added to the SOP to better represent the Lesbian, Gay, Bisexual and Transgender community. Chief Flynn said this language is in keeping with the federal standards upon which this is based and the language would be added. The Director said it would be helpful to hear any public comment on this matter and then have Chief Flynn give background regarding the SOP and the importance to the community.

Chris Ahmuty, Executive Director of the ACLU of Wisconsin, said the symbolism of having the Fair and Impartial Policing SOP be number one will not be lost on the community. That being said, Mr. Ahmuty stated the language of “sexual orientation and gender expression” should be added to the categories section of the SOP. Mr. Ahmuty referenced President Obama’s inaugural address which mentioned Stonewall, a pivotal moment in the gay-rights movement where gay men who patronized a gay bar in New York reacted to discriminatory harassment by the New York Police Department. Mr. Ahmuty said there is a history of discrimination and that should be considered. The Milwaukee Police Department (MPD) should be recognized for the great strides that have been made over the years in terms of factors that affect policing and in their training. Given that it is clear MPD is already aware of the need, the suggested changes should be made to the SOP.

Chief Flynn said this SOP comes from a combination of two works. The first was done by the Police Executive Research Forum (PERF) in the wake of intense interest and concerns regarding racial profiling during the late 1990s and early 2000s. Chief Flynn said the idea of whether or not police consider race or color or national origin in carrying out enforcement activities, except when there is credible local information, was related to the notion that these were visible characteristics that would indicate membership in a gang. Therefore, paying attention to ethnicity in certain contexts is relevant, but otherwise is not. In addition, Chief Flynn said the “Purpose” section of the SOP is to draw officers’ attention to the idea that violent crime disproportionately affects disadvantaged communities and officers have a moral duty to intervene. However, it is important to recognize that the people who need police the most, are also people who are vulnerable to thinking they are being harassed. He said this reaffirms MPD’s commitment to the fact that doing proactive policing in communities of color or ethnic communities is not for the purpose of discrimination. If MPD is going to be proactive in those communities, proactive policing needs to be based on locally relevant information and/or criminal intelligence of either specific crimes or a pattern of crimes which would justify MPD’s intervention. Chief Flynn said he provided this background because he wanted to make it clear where the language was derived and that MPD understands the underlying subtext to this SOP is to not discriminate. He said the language regarding sexual orientation and gender expression will be added. The Director noted Chief Flynn serves on PERF’s board and asked for clarification regarding whether this was based upon a PERF model policy. Chief Flynn said that it was based upon a model policy and also said that it is important to note that this policy does not exist in a vacuum. Rather, he said, MPD has started training officers with a Fair and Impartial Policing (FIP) curriculum developed in part by PERF and Dr. Lorie Fridell. The purpose of this training is to help officers recognize and deal with unconscious bias. Much harm can derive not from conscious attempts to be discriminatory, but rather from the inherent biases that exist in all people of all descriptions about certain types of activities, appearances, conducts, etc. The training seeks to make officers aware of those biases. Officers are required to size people up quickly, but they need to be able to respond as new information develops. If the initial assumption is incorrect, officers need to respond to the evidence and not continue to make the wrong assumption based on past experience if the developing evidence indicates something different. Every human being has unconscious bias; officers need to be alert to them for their own safety and the safety of the public.

The Chair said this training moves beyond the idea of cultural competence and brings it to a whole new level. The Director said that when MPD undertook cultural competency training, it was considered state of the art

training. Fair and Impartial Policing training is the new state of the art and officers will receive an eight-hour training block. The Director said the Chief should be recognized for this because MPD is taking a huge step forward, well beyond the minimum, by implementing training that other urban departments are just now beginning to think about.

Commissioner Cox moved to approve the SOP with the suggested edits by the Chair, adding the language “sexual orientation and gender expression”, seconded by Commissioner Hein. The motion carried unanimously.

h) The Director presented correspondence from Chief Flynn, dated February 8, 2013, wherein he requests approval for the creation of SOP 263 – Records Management. The Director said this new SOP is a direct result of recommendations made by PRI Management when they performed the Independent Audit of Milwaukee Police Crime Statistics and Reporting Procedures. Chief Flynn said MPD is standardizing methodologies to ensure timely and accurate review of what is being reported. Classification is an art and a science and it needs multiple levels of review. The SOP specifies how to identify and correct errors and the correction is seen as a logical part of the process rather than a questionable attempt to alter reports. Chief Flynn said this ensures a first rate procedure to ensure accuracy.

Commissioner Cox moved approval of the SOP, seconded by Commissioner Hein. The motion carried unanimously.

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 Cox. The motion carried unanimously.

The meeting concluded at 6:02 P.M.

Respectfully submitted,



Michael G. Tobin
Executive Director

MGT:kj