

BOARD OF FIRE AND POLICE COMMISSIONERS
OF THE CITY OF MILWAUKEE

In the matter of the appeal of

ROOSEVELT JENKINS, JR.

from

MPD Personnel Order No. 2010-33

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND DECISION**

Hearing Date: October 27, 2010

*Conducted Before: Commissioner Kathryn A. Hein
Commissioner Sarah W. Morgan
Commissioner Carolina M. Stark*

John J. Carter, acting as FPC Hearing Examiner

Appearances: Chief of Police Edward Flynn by Assistant City Attorney Patricia A. Fricker

Roosevelt Jenkins, Jr.

Allegations: Violation of MPD Rule 4, Section 010.00 referencing Standard Operating Procedures relating to the Communications Division Handbook – Staffing Supervisors, Section 2.19.25: Failure to attempt to locate another supervisor, nor notify the shift or division commanders about being absent from the Technical Communications Division.

Violation of MPD Rule 4, Section 010.00 referencing Standard Operating Procedures relating to Computer Equipment – Computer Guidelines, Section 680.05(A): Instructed a subordinate to utilize a Time System terminal to run license plate numbers for a personal, non-Departmental purpose.

Rule 5, Section 500.55: Absent from duty without leave.

Rule 4, Section 105.00: Untruthfulness.

SUMMARY OF PROCEEDINGS

At the matter of the appeal of Roosevelt Jenkins, Jr. having come before the Commission on the 27th day of October, 2010 and Commissioners Kathryn Hein, Carolina Stark and Sarah Morgan, Hearing Examiner John J. Carter called the hearing to order at 8:32 a.m.

Testimony was received from:

For the Police Chief: Captain Patrick Mitchell

For the Appellant: Roosevelt Jenkins, Jr.

A transcript of the proceedings will be made a part of the record.

FINDINGS OF FACT

The Commission received the stipulation which the parties had agreed upon and which was put on the record by the hearing examiner. Mr. Jenkins agreed that he was not challenging any of the four charges that the Chief had preferred, that he admitted that he was guilty of each charge and that the Chapter 62.50 (17) Wis. Stats. "Just Cause" standards need not be proven by the Chief.

Mr. Jenkins further agreed, as is represented on the record, that he was requesting a "Phase II" hearing only and that the only issue before the Commission was the disposition of the penalty phase as to the four separate charges.

Captain Mitchell testified and was cross-examined by Mr. Jenkins. The hearing examiner received six exhibits which are part of the record and which were all received without objection. Exhibit 5 was a letter from Mr. Jenkins' psychotherapist. The exhibit was received without objection after it was explained that the witness was not available in person but could be contacted by telephone. The Commission received the sworn testimony of Mr. Jenkins through his direct statements, cross-examination by Attorney Fricker and the questions from the Commissioners and the hearing examiner. Mr. Jenkins presented the Commissioners with the explanation that he made bad choices at the time because of many things going on in his life around that time and prior.

Upon conclusion of the testimony, the Commissioners adjourned into closed session to review the exhibits and deliberate.

CONCLUSIONS OF LAW AND DECISION

The Commissioners resumed in open session and announced their decision of Phase II as follows:

We find by a preponderance of evidence by a unanimous vote of the three Commissioners:

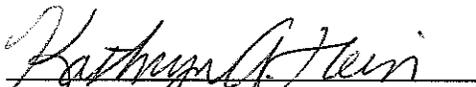
- a. The Chief's suspension for 30 days for leaving the Technical Communications Division without prior authority is unanimously sustained, and
- b. The Chief's imposition of a 5 day suspension for using police equipment and services for personal purposes is unanimously sustained, and

- c. The Chief's reduction of Mr. Jenkins in rank for being absent without leave is unanimously sustained, and
- d. The Chief's termination of the employee for untruthfulness is unanimously sustained.

There being no other matter before the Commission, the hearing was concluded.

Dated at Milwaukee, Wisconsin this 18th day of November, 2010.

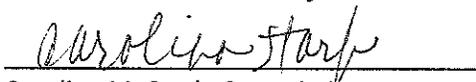
By the Commission,



Kathryn A. Hein, Commissioner



Sarah W. Morgan, Commissioner



Carolina M. Stark, Commissioner