

May 21, 2015

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: Sarah W. Morgan, Chair
Kathryn A. Hein
Michael M. O'Hear
Ann Wilson
Fred Crouther

ABSENT: Commissioners: Marisabel Cabrera (Excused)
Steven M. DeVougas (Excused)

ALSO PRESENT: Gerard Washington, Assistant Chief, representing the 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 3:33 p.m. to 5:29 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: annual performance evaluation of Chief of Police Edward Flynn.

The meeting was staffed by Attorney Steven Fronk. The Chair introduced the newest Commissioner, Pastor Fred Crouther, and welcomed him to the Board. Mr. Fronk presented for adoption minutes of the Regular Meeting of May 7, 2015. Commissioner O'Hear moved approval of the minutes as presented, seconded by Commissioner Hein. The motion carried unanimously.

1. UNFINISHED BUSINESS:

a) Kristin Urban, Human Resources Compliance Officer, gave a presentation that summarized the promotional process for non-exempt, sworn protective service positions within the Police and Fire Departments to answer questions and concerns raised during recent meetings.

To create an eligible list for a promotional position, the FPC staff creates and posts an announcement sheet, candidates apply during the recruitment period and must meet the position's minimum requirements in order to proceed in the selection process. The testing continues with components such as written, oral, and/or career reviews which assess the candidates' knowledge, skills, abilities and other characteristics required to perform the position's duties. Candidates are ranked on the eligible list based on their test scores and seniority points. The list is sent to the Board for approval, and appointments are made from the list as vacancies occur. The FPC staff facilitates the recruitment, testing and generation of the eligible list, which is subject to Board approval.

When vacancies occur and the respective department wishes to make appointments, the department will go through a consistent and timely vetting process for each candidate. The Fire Department reviews the candidate's personnel file, departmental complaints (both internally and externally-generated), previous disciplinary actions, accident records (if applicable), and required training and certifications. If the information obtained during the review of the candidate's record indicates a reason that the candidate may be unsuitable for promotion, the Chief performs a final review of the candidate's profile and determines whether he will recommend or object to the promotion. If the Chief recommends the candidate for promotion, he will meet with the candidate to review the expectations involving the duties and responsibilities of the position to which the candidate may be promoted. The vetting process used by the Police Department is similar and entails the Internal Affairs Division (IAD) compiling information that reviews the candidate's entire record, including the disciplinary history, employment investigations, administrative matters (e.g. "use of force" reports, squad accidents, criminal investigations and citizen complaints), fitness and history with the

Fire and Police Commission. This information is turned over to the HR staff who determines if there is information in the candidate's work history that may render the candidate unsuitable for promotion. If so, the HR staff informs their commanding officer of the area(s) of concern. The Chief then reviews the information and the recommendation from HR staff and makes his own evaluation of whether he will object to the promotion or not.

If a Chief has no objection to a candidate, a letter recommending appointment, contingent upon successful completion of a drug screen, is sent to the Board for approval. Both departments have recently amended the appointment letter to include an explanation of the review process. If the Chief objects to a candidate, Board Rule XI, Section 4, allows the Chief to present his objection and the reason for it to the Board, and the candidate is then afforded an opportunity to speak to the Board about the objection in closed session. Based upon the information presented by both parties, the Board then determines whether the candidate will be promoted or removed from the eligible list. To date, the FPC's role in this process has been to rely upon the respective staff to vet the candidates and to react to objections by the Chief as they are raised. Ms. Urban emphasized that, should the Commission decide to review the work histories of candidates for non-exempt promotions, a consistent, timely process must be developed in advance and applied uniformly to every candidate.

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

TO POLICE SERGEANT, from eligible list established December 19, 2013, contingent upon successful completion of a drug screening, effective retroactive to May 10, 2015:

#56 – VYNETTA S. NORBERG and #57 – BRADLEY M. BLUM.

Note: The promotion of #57 is on a waiver basis.

c) Mr. Fronk returned to the Board the final version of an updated Milwaukee Fire Department Rule Book which had been laid over from the last meeting. Commissioner O'Hear moved to approve the rule book, seconded by Commissioner Hein. On discussion, Commissioner Wilson wished to know if the rule book had been discussed with the unions. Assistant Chief Washington stated he had met with the unions earlier in the week and went over both the rule book and code of conduct with them. On the call of the question, the motion to approve the rule book was carried unanimously.

d) Mr. Fronk returned to the Board the final version of a Code of Conduct for the Milwaukee Fire Department which had been laid over from the last meeting. Commissioner O'Hear moved to approve the Code of Conduct, seconded by Commissioner Hein. The motion carried unanimously.

2. EXAMINATIONS:

a) Mr. Fronk presented for adoption an eligible list for the position of Fire Cadet in the Fire Department, consisting of 87 names. Jason Stenglein, FPC Human Resources Representative, outlined the applicant flow and changes made to the testing process. Candidates were allowed to attend one of three written examination dates. Training sessions were offered in the evenings throughout the testing process for the physical ability test. Extensive use of RoboCalls and email resulted in an over 90% retention level following the written test. Future efforts will include open house events at least once a month over three months during the application period. He thanked Captain Parrish, HEO Crocroft, Assistant Chief Washington and Chief Rohlfing for providing staffing to aid the FPC staff's efforts and for serving as interviewers, performance raters and test proctors. He also thanked FPC Recruiter La'Neka Horton and Carl Nagy, Human Resources Manager of the Department of Employee Relations, for his technical knowledge. Cooperation from all of the parties listed above enabled this eligible list to be completed within the set timeline. The Chair congratulated Mr. Stenglein on the improved retention rate and thanked him for his hard work. Commissioner Crouther moved approval of the list, seconded by Commissioner O'Hear. The motion carried unanimously.

3. FIRE DEPARTMENT:

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

TO OFFICE ASSISTANT II, from Office Assistant I, effective May 24, 2015:

SHELDON W. CAMPBELL.

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 December 19, 2013, contingent upon successful completion of a drug screening, effective May 24, 2015:

#58 – JOEL C. PANNING.

TO DETECTIVE, on a waiver basis, from eligible list established December 19, 2013, contingent upon successful completion of a drug screening, effective June 7, 2015:

#49 – MICHAEL W. THOMAE; #51 – DAVID M. GABBARD; and #53 – JOSEPH W. SEDLACEK.

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

TO OFFICE ASSISTANT I, from Department of Employee Relations eligible list, contingent upon successful completion of a medical examination and drug screening, effective May 26, 2015:

MARSHA Y. SHAW.

c) Mr. Fronk presented a letter dated April 29, 2015, from Chief Flynn, wherein he notifies the Board that Police Officer Jedidiah J. Thompson has been suspended for ten working days for violation of Department Core Values under Personnel Order 2015-46 dated April 29, 2015.

d) Mr. Fronk presented a letter dated May 6, 2015, from Chief Flynn, wherein he requests that an examination be conducted for the position of Help Desk Specialist II. The Chair referred the request to the Department of Employee Relations for implementation.

5. PUBLIC COMMENT:

Mary Watkins thanked Commissioner O'Hear for voting against Officer Blum's promotion. She noted that her open records request documents had been received for free on the flash drive she provided. She thanked the Board for the removal of Officer Claudio from the Detective promotional list as he had been involved in an in-custody death. The Board needs to work on getting citizen complaints to hearing. She is glad there was an explanation of the promotional process but believes it is weighted too much toward the MPD and that the Board should have a larger role in the process. She would also like an explanation of the citizen complaint process.

Attorney Jon Safran, who had represented Frank Jude, Jr., spoke regarding Officer Blum who was one of the officers involved in that incident. He has concerns about Officer Blum's ability to lead and serve as an example to other officers and spoke about former Chief Hegerty's refusal to promote him in 2006. He questioned why Chief Flynn did not object to the promotion and why the Board chose not to reject the promotion. He feels this is an example of why the community is concerned about the procedures and workings of the Commission.

Curtis Sails III spoke as a representative of the Coalition of Justice and inquired where the responses to his requests from last month are. He would like a written response by the next meeting to the following items. They want a public database established through the FPC website that profiles all officers and includes photographs, first and last names, rank, years of service, commendations, complaints and disciplinary records. He provided a list of police departments that already have versions of such databases. The Coalition wants the FPC to allow the public to submit questions/comments through its website in regard to surveys, studies and presentations that will be addressed at the following meeting and which will not take the place of the regular public comment portion of the meeting. The Coalition also wants the Research Committee to set dates for its remaining 2015 Research Committee meetings and post them on the website. The meetings should be hosted in different places across the city and at different times, and the minutes from those meetings should be posted on the web site no later than one week after the meeting.

Chris Ahmuty, Executive Director of the ACLU of Wisconsin, asked that a race and gender breakdown of candidates on eligible lists for Fire Department positions be made available to the public.

Marty Wall agreed with all the previous comments and spoke about traffic being out of control. He appreciates the comments made by Chief Flynn that the Police Department is called to handle things that are not part of their job. He stated that these traffic problems cost us money. Property values are down because of problems in the neighborhood but auto insurance rates and health costs are through the roof. Traffic fatalities are the second leading cause of death of young males. Cars are still cutting through gas stations, causing pedestrians to jump out of the way. He would like to see traffic data regarding the number of crashes.

Johnny Miller, who works as an activist in the city, stated his residential area has had a lot of gunfire incidents and injuries. The residents had been living in fear until the police presence was increased which cut down on crime, drugs, and the violence in the neighborhood. He encouraged Chief Flynn to keep that police presence strong. He thanked the Chief for coming to events around town. He thanked the Commissioners for the job they do to make sure the police department and citizens are protected.

6. ADJOURNMENT:

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

The meeting concluded at 6:10 P.M.

Respectfully submitted,



Sarah W. Morgan
Chair

SWM:REK:rk