

March 16, 2017

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:42 P.M.

PRESENT: Commissioners: Steven M. DeVougas (Chair)
Kathryn Hein
Marisabel Cabrera
Fred Crouther
Angela McKenzie
Nelson Soler

ABSENT: Commissioner: Ann Wilson (Excused)

ALSO PRESENT: Mark Rohlfing, Chief, Milwaukee Fire Department; and Carianne Yerkes, Assistant Chief, representing the Milwaukee Police Department.

The Chair reconvened the Board in Regular Session, having previously met in Executive Session from 4:38 p.m. to 5:37 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: evaluate nominees for promotion to Police Sergeant and appointment to the Communication Systems Manager position in the Police Department; and also pursuant to Section 19.85 (1)(f) Wis. Stats. to consider financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations, to wit: review of Fire and Police personnel requests for temporary residency exemptions.

The meeting was staffed by Executive Director MaryNeil Regan. The Chair opened the meeting by announcing that Agenda Item III-C, a request to amend MPD SOP 220 - Arrest Authority, would not be considered by the Board today because the Board has requested an opinion from the City Attorney regarding the matter.

1. PUBLIC COMMENT:

Ms. Mary Watkins renewed her opposition to the proposed changes to MPD Standard Operating Procedure 220 – Arrest Authority. She believes the proposed changes provide too much discretion to officers to enter a person's home without a warrant in order to effectuate an arrest. She contends that officers need only to have a reasonable suspicion that a subject has committed a "jailable offense" for the officer to enter a home without a warrant during a pursuit. Ms. Watkins believes this is a flagrant affront to civil liberties. Ms. Watkins also opposes the promotion of Officer Dall to the position of Police Sergeant because she feels he lacks leadership qualities. She notes that he was previously demoted from Sergeant to Police Officer because of complaints of sexual harassment, offensive language and propositions to female co-workers. She stated if that is how he behaves with his colleagues, imagine how he will interact with the public. She believes that taxpayers are being exposed to future liability.

2. CONSENT AGENDA:

The Director presented the following items for approval on the consent agenda. (Detailed information concerning the items can be found under the appropriate regular meeting agenda heading in the minutes.)

- A. Regular Meeting minutes – March 2, 2017
- B. Appointments: Fire Equipment Mechanic (2 positions)
- C. Termination of Probationary Police Officer
- D. Request for Classification Study of Fire Technical Services Division (5 positions)

There being no objections, all of the items were approved for adoption.

3. UNFINISHED BUSINESS:

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

TO POLICE SERGEANT, on a waiver basis, from eligible list established May 5, 2016, contingent upon successful completion of a drug screen, effective March 26, 2017:

#16 – BRADLEY R. DALL.

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

TO COMMUNICATION SYSTEMS MANAGER, an exempt appointment, contingent upon successful completion of a background investigation, medical examination and a drug screening, effective April 10, 2017:

STEVEN J. GEHRING.

c) The Director announced that the Board has requested an opinion from the City Attorney's Office on the Police Department's proposal to amend MPD SOP 220 - Arrest Authority, and no decision would be made on the proposed changes at this meeting.

d) The Director informed the Board that the City Attorney's Office has advised that preference points for military service are not required to be provided by the FPC during the selection process. Therefore, the Director recommends that FPC Rule VIII, Examinations, Section 6 (a) be amended as follows: "Qualified veterans shall will receive 3 military preference points added to the final passing score; a DD-214 is required as proof of service. Persons not yet released from active duty may present individual orders or a letter from their commanding officer attesting to honorable service and the dates thereof in lieu of the DD-214." The Chair held the matter over to be presented in its final format for approval.

4. NEW BUSINESS:

a) The Director presented a classification report dated March 13, 2017 from Maria Monteagudo, Director of Employee Relations (DER), for the new position of Forensic Ballistics Specialist in the Police Department. Andrea Knickerbocker, Human Resources Manager, was present and spoke regarding the report. The position is grant-funded and DER is recommending the position be classified at Pay Range 2HN. The Specialist will be responsible for analyzing, correlating and disseminating gun crime intelligence from the forensic examination of firearms and cartridge casings. Commissioner Crouther moved approval of the recommendation, seconded by Commissioner Hein. The motion carried unanimously.

b) The Director presented a reclassification report dated March 13, 2017 from DER Director Maria Monteagudo, to reclassify five positions of "Network coordinator – Senior" in the Police Department. Ms. Knickerbocker reported that after studying the current job responsibilities and duties being performed in this position, DER is recommending that the five positions be reclassified to "IT Support Specialist – Senior" in Pay Range 2GN, which provides a higher recruitment rate of pay. Commissioner McKenzie moved approval of the recommendation, seconded by Commissioner Hein. The motion carried unanimously.

c) The Director presented a report dated March 13, 2017 from DER Director Maria Monteagudo which creates a career ladder for Fire Equipment Dispatchers (FEDs), reclassifies the Fire Dispatch Supervisor position to Fire Dispatcher – Senior in Pay Range 2FN and Fire Dispatch Assistant Manager in Pay Range 1EX, and reallocates the Fire Dispatch Manager position to Pay Range 1GX in the Fire Department. Ms. Knickerbocker explained that in 2016 structural changes were made for the FEDs in the

Fire Department, which reclassified them as paraprofessionals. This report creates an initial career ladder for FEDs by recommending additional task rates for FEDs that take on lead dispatcher duties; creates six senior level FEDs to be classified as Fire Dispatcher – Seniors, who are responsible for overseeing the daily operation of a shift; and creates two Fire Dispatch Assistant Manager positions that do not dispatch but are responsible for managing and supervising the overall operation. Ms. Knickerbocker stated that employee knowledge and certifications are important factors in the career ladder for these positions. Chief Rohlfing informed the Board that both the Police and Fire Departments would be assisting the dispatchers in continuing their education by paying for certifications and licenses. Commissioner Crouther moved approval of the recommendations, seconded by Commissioner Hein. The motion carried unanimously.

d) The Director presented a report dated March 14, 2017 from DER Director Maria Monteagudo recommending that no probationary period be required for incumbents who have been performing the work of the retitled positions IT Support Specialist – Senior, Fire Dispatcher – Senior and Fire Dispatch Manager. Commissioner Crouther moved approval of the recommendation, seconded by Commissioner Hein. The motion carried unanimously.

e) The Director presented a temporary residency extension request from Police Sergeant Steven Braunreiter to reside outside of the 15-mile jurisdictional boundary for emergency personnel until his retirement date on June 3, 2017. FPC staff recommended granting a temporary extension for good cause until June 4, 2017. Commissioner Crouther moved approval of granting the extension until June 4, 2017, seconded by Commissioner Nelson. The motion carried unanimously.

f) The Director presented a temporary hardship residency extension request from Firefighter Brian Cox to reside outside of the 15-mile jurisdictional boundary for emergency personnel until his medical condition is resolved and at least six months after he is medically cleared to return to work. FPC staff recommended granting a temporary hardship extension until January 1, 2018. As a condition of the hardship exemption, it is also recommended that Firefighter Cox provide written notification to the Board on December 1, 2017 of his return to work date, a medical update, and his ability to comply with the residency requirement. Commissioner Nelson moved approval of granting the extension until January 1, 2018, including the recommended updates. The motion was seconded by Commissioner Hein and carried unanimously.

g) The Director presented a temporary residency extension request from Firefighter Eric Daun to receive more time to sell his house and move within the 15-mile jurisdictional boundary for emergency personnel. FPC staff recommended granting a temporary extension for good cause until August 31, 2017. Commissioner Nelson moved approval of granting the extension until August 31, 2017, seconded by Commissioner Hein. The motion carried unanimously.

h) The Director presented a temporary residency extension request from Probationary Police Officer Justin W. Hutter to receive more time to move within the 15-mile jurisdictional boundary for emergency personnel. FPC staff recommended granting a temporary extension for good cause until July 31, 2017. Commissioner Crouther moved approval of granting the extension until July 31, 2017, seconded by Commissioner Hein. The motion carried unanimously.

i) The Director presented a temporary residency extension request from Police Officer Alan Klaudi to receive more time to sell his house and move within the 15-mile jurisdictional boundary for emergency personnel. FPC staff recommended granting a temporary extension for good cause until August 31, 2017. Commissioner Crouther moved approval of granting the extension until August 31, 2017, seconded by Commissioner Hein. The motion carried unanimously.

j) The Director presented a temporary residency extension request from Fire Captain Rick Mueller to reside outside of the 15-mile jurisdictional boundary for emergency personnel until his retirement date on November 30, 2017. FPC staff recommended granting a temporary extension for good cause until

December 1, 2017. Commissioner Crouther moved approval of granting the extension until December 1, 2017, seconded by Commissioner Hein. The motion carried unanimously.

k) The Director presented a temporary residency extension request from Forensic Investigator Donald Sanford to receive more time to sell his house and move within the 15-mile jurisdictional boundary for emergency personnel. FPC staff recommended granting a temporary extension for good cause until July 31, 2017. Investigator Sanford requested more time; however, the Board advised him that if he needed more time, he could make a second request in July. Commissioner Crouther moved approval of granting the extension until July 31, 2017, seconded by Commissioner McKenzie. The motion carried unanimously.

l) The Director presented a temporary residency extension request from Probationary Police Officer Lowell Schaapveld to receive more time to sell his house and move within the 15-mile jurisdictional boundary for emergency personnel. FPC staff recommended granting a temporary extension for good cause until August 31, 2017. Commissioner Crouther moved approval of granting the extension until August 31, 2017, seconded by Commissioner Hein. The motion carried unanimously.

5. EXAMINATIONS:

a) The Director presented for approval a request by staff to amend the eligible list for Police Officer. La'Neka Horton, FPC Human Resources Analyst - Senior, indicated that an additional 133 candidates (Rankings 397-529) have successfully completed the selection process and may be added to the Police Officer Eligible List. Commissioner Nelson moved approval of the amended list, seconded by Commissioner Crouther. The motion carried unanimously.

6. FIRE DEPARTMENT:

a) The following appointments, as presented by Chief Rohlfing, were approved by the Board under the Consent Agenda, Item B:

TO FIRE EQUIPMENT MECHANIC, from the Vehicle Services Technician I eligible list established by the Department of Employee Relations, contingent upon successful completion of a medical exam and drug screening, effective March 27, 2017:

STEVEN M. PETERSON and DERRICK T. VANCE, JR.

b) The following communication was previously received by the Board under the Consent Agenda, Item D:

A letter dated March 8, 2017, from Chief Rohlfing, requesting a classification study, including a market analysis and goal of developing a career ladder, of five positions in the Fire Department's Technical Services Division. The positions include Administrative Fire Captain, Administrative Fire Lieutenant, Network Coordinator – Senior and two Database Specialist positions. The request will be forwarded to the Department of Employee Relations for study and report.

7. POLICE DEPARTMENT:

a) The Director presented a letter dated March 7, 2017, from Chief Flynn objecting to the promotion of Police Officer Adrian M. Harris, No. 35 on the Detective eligible list, to the rank of Detective. The Chair held the matter over to permit the Board to interview Officer Harris in Executive Session.

b) The Director presented a letter dated March 2, 2017, from Chief Flynn wherein he presents a request from Office Assistant III Maria N. Scaffidi for voluntary demotion to the position of Police District

Office Assistant, effective retroactive to February 26, 2017. Commissioner Hein approved the voluntary demotion, seconded by Commissioner Crouther. The motion carried unanimously.

c) The following communication was previously received by the Board under the Consent Agenda, Item C:

Personnel Order No. 2017-18 dated February 24, 2017 from Chief Flynn terminating Probationary Police Officer Xhavit Sejdiu effective immediately, pursuant to Core Value 1.00 – Competence, referencing Guiding Principle 1.01, consistent with FPC Rule XI, Section 7.

d) The Director presented a letter dated March 2, 2017, from Chief Flynn, wherein he requests that the probationary period of Emergency Communications Operator I Margaret Marr be extended for six (6) months until September 28, 2017. Commissioner Crouther moved approval of the request, seconded by Commissioner McKenzie. The motion carried unanimously.

The Director presented a letter dated March 2, 2017, from Chief Flynn, wherein he requests that the probationary period of Emergency Communications Operator I Yvonne M. Williams be extended for six (6) months until September 28, 2017. Commissioner Crouther moved approval of the request, seconded by Commissioner McKenzie. The motion carried unanimously.

e) The Director presented a request to amend Guiding Principle 3.09 of the Police Department's Code of Conduct to comply with the City's Charter Ordinance regarding residency. Guiding Principle 3.09 is amended to state: "All sworn members, and civilian members designated as emergency personnel, are bound by City of Milwaukee Charter Ordinance provisions regarding residency and are required to establish and maintain their actual and bona fide residence within 15 miles of the jurisdictional boundaries of the City of Milwaukee throughout their period of employment with the department. The Fire and Police Commission (FPC) has listed the civilian positions that are classified as emergency personnel pursuant to Wis. Stat. § 66.0502(4)(b) in FPC Rule V." Commissioner Cabrera approved the amendment, seconded by Commissioner Hein. The motion carried unanimously.

f) The Director asked Assistant Chief Yerkes to provide an introduction for the MPD's presentation regarding officer-involved shootings. Assistant Chief Yerkes introduced Dr. Joseph Cesario who is an associate professor of psychology from Michigan State University. Dr. Cesario studies decision making and focuses on understanding the information processing that occurs when people make decisions. He has analyzed real-world data of officer-involved shootings and has studied how officers make deadly force decisions in a laboratory setting. He came to Milwaukee to test officer performance in a controlled setting in which officers needed to quickly distinguish guns from harmless objects and whether race biased their decision to shoot or not.

Dr. Cesario tested 62 officers during a make-up in-service training session in a controlled situation between May 17 and May 19, 2016. The officers were taken to a shooting simulator room and were instructed to watch and interact with a video in which they had to make a split-second decision on whether to shoot or not shoot. The officers were told they were being tested on how quickly and accurately they could identify an object in a subject's hand. The officers were instructed to shoot if the object in the subject's hand was a gun. The officers watched 128 four-second videos one after the other and made the decision whether to shoot or not. The officers had 750 milliseconds in which to make the decision to shoot. Based on prior research, this was enough time for a person to make a decision to fire, send the command to the brain, and pull the trigger, but not enough time to reverse an initial decision. In other words, the officer would not have enough time to change his/her mind about shooting or not. The context of the videos was manipulated in that some of videos were at night and some were during the day; some of the videos had screaming in the background and some did not. The subjects were 50% black males and 50% white males, and the subjects were holding guns 50% of the time.

Dr. Cesario was testing for information to the question: Are officers more likely to shoot unarmed black men compared to unarmed white men? Eighty-seven percent of the tested officers were male and 10% were female; 58% were white, 24% were black and 10% were Latino. Thirty-one percent of the officers were patrol officers and 18% were recruits. The test results showed that officers correctly shot armed subjects 98% of the time and shot unarmed subjects 8% of the time. Officers shot unarmed black subjects 6% of the time and unarmed white subjects 10% of the time. Officers with more experience had more variability in shooting unarmed subjects than recruit officers. Dr. Cesario found that officers showed no race bias in a highly-controlled decision-making task.

When questioned by the Commissioners, Dr. Cesario confirmed that the sample size was not large enough to be statistically significant; however, the findings were consistent with testing he has conducted with four other smaller-sized police departments in Michigan. This is why he would like to conduct similar testing with a larger sample size and more interaction so that he can obtain a richer data set. Commissioner Cabrera questioned how this particular exercise tested for racial bias. She participated in a similar simulation exercise and noted that when making the decision to shoot or not shoot, she focused on the individual's hands and not their race. Dr. Cesario responded that psychological literature indicates that even though you may be concentrating on a person's hands, your brain still catalogues and categorizes the features and race of the person. Dr. Cesario states that this exercise demonstrates that the categorization of race is not making an impact on the officer's decision to shoot. Commissioner DeVougas asked what differences this test demonstrated between trained participants and untrained participants. Dr. Cesario stated that the percentage of untrained participants performing the same exercise and shooting unarmed subjects was thirty percent (30%), in contrast to 8% of MPD officers. Untrained participants also showed that they were impacted by the race of the subject, unlike police officers who tended to show no bias. Dr. Cesario performed this test with undergraduate students at his university and plans to conduct it with community organizers later this year. Commissioner DeVougas asked what is it in a police officer's training that allows him/her to perform better at this task. Dr. Cesario stated it was the ability to more quickly and accurately identify objects, a visual training effect, perhaps as a result of their training and practice. He suspects that an officer would also be better able to integrate this information in a real-world situation, such as when an officer is making a use-of-force decision and receiving a multitude of information.

Commissioner DeVougas asked Assistant Chief Yerkes what the MPD took from this information and if changes would be made to the training officers receive. Assistant Chief Yerkes stated that at this point they want to know if officers had implicit bias or not. If more studies were conducted and it was indicated that there was bias, the Department would like to determine where that was occurring, whether it was a hiring issue or a training matter, and take corrective measures to avoid going down the wrong path. Although this test was conducted with a very small sample, the Department is encouraged by the initial indications. On behalf of the Board, Commissioner DeVougas thanked Dr. Cesario for his presentation, and Assistant Chief Yerkes thanked the Board for allowing this information to be presented to them.

8. ADJOURNMENT:

Commissioner Crouther moved to adjourn the meeting, seconded by Commissioner Hein. The motion carried unanimously.

The meeting concluded at 7:01 P.M.

Respectfully submitted,



MaryNell Regan
Executive Director

MNR:JCS:js