

September 7, 2017

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 6:05 P.M.

PRESENT: Commissioners: Steven M. DeVougas, Chair  
Marisabel Cabrera  
Kathryn A. Hein  
Ann Wilson  
Angela McKenzie  
Nelson Soler

ABSENT: Commissioner: Fred Crouther (Excused)

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 4:38 p.m. to 6:01 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: promotions to Police Lieutenant, Police Sergeant and Detective; and pursuant to Section 19.85 (1) (d) to consider strategy for crime detection or prevention, to wit: Department of Justice Collaborative Review and FPC Directive regarding vehicle pursuits.

The meeting was staffed by Executive Director MaryNell Regan. The Chair opened the meeting with Public Comment.

1. PUBLIC COMMENT:

Nichole Brookshire introduced herself to the Board, stating she would soon be the Executive Director of the Milwaukee County Office on African American Affairs. She would like to collaborate with the Board, as well as the community, to identify disparities experienced by the African American community and to work toward positive change.

David Seager, Milwaukee Professional Fire Fighters Association, came to discuss the promotional processes for Fire Lieutenant and Fire Captain. He noted there is currently an eligible list for both positions, and an operating budget which included Full Time Equivalents allocated for those positions was approved by the Common Council last November. He stated that the MFD's proposed budget will include severe cuts, including five captains, nine lieutenants, fifteen heavy equipment operators, and forty-five fire fighters. After noting that these cuts are outside of the Board's control, he noted the promotions to Fire Lieutenant and Fire Captain have been stalled or frozen in anticipation of those cuts. He encouraged the FPC to consider moving those positions forward through the promotional process.

Cynthia Greenwood expressed her concerns over problems within the 2<sup>nd</sup> Police District. She stated that although she has called the district multiple times, problems continue with a certain resident of her neighborhood. She asked for more police patrol in her neighborhood and noted that she calls the police almost every day and is unsatisfied with the service the police have rendered.

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 – July 13, 2017
- B. Regular Meeting Minutes – July 27, 2017

- C. Promotions:
  - 1. Administrative Assistant I (Police Dept.)
  - 2. Office Assistant III (2 positions) (Police Dept.)
- D. Appointments:
  - 1. Office Assistant II (Fire Dept.)
  - 2. School Crossing Guard (Regular) (5 positions)
- E. Request to Rescind Appointments:
  - 1. Emergency Communications Operator II (2 positions) (Police Dept.)
  - 2. Community Service Officer
  - 3. Fire Cadet
  - 4. Police Aide (18 positions)
- F. Communications regarding Contingency Appointments:
  - 1. Emergency Communications Operator II
  - 2. Community Service Officer
  - 3. Fire Cadet
  - 4. Police Aide (10 positions)
- G. Communication regarding Community Service Officer Appointment Date
- H. Communication regarding Discharge of Police Officer
- I. Communication regarding Termination of Recruit Police Officer
- J. Communication regarding Suspension of Police Officer
- K. Request to Reclassify Document Examiner (2 positions)

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

### 3. UNFINISHED BUSINESS:

a) The Director presented a report dated September 1, 2017, from Maria Monteagudo, Director of Employee Relations (DER), regarding a reclassification request from the Milwaukee Fire Department concerning the positions of Administrative Assistant IV, Microcomputer Services Assistant, and to positions of Office Assistant III. Andrea Knickerbocker, Human Resources Manager, was present and spoke regarding the report. After reviewing the positions' job descriptions, DER recognized that the positions are working at a higher level and thus recommended the Administrative Assistant IV be reclassified to Administrative Services Coordinator; Microcomputer Services Assistant be reclassified to Program Assistant II; and the two Office Assistant IIIs be reclassified to Office Assistant IV. Commissioner McKenzie moved approval of the report, seconded by Commissioner Soler. The motion carried unanimously.

b) The Director returned the Board to the continued review of Milwaukee Police Department (MPD) SOP 660 – Vehicle Pursuits. Chief Flynn gave a presentation on the MPD's response to the Directive issued by the Board at the July 13, 2017, meeting. The Chief explained that officers would pursue vehicles only if they had probable cause which could be obtained by a MPD member witnessing the vehicle being involved in reckless driving. Second, in response to the Board's call for the creation of a High Value Target List of vehicles, Chief Flynn explained that MPD members could engage in a pursuit if they had obtained probable cause to believe that the vehicle was involved with mobile drug dealing. The formation of probable cause will not come from an officer's mere hunch or hearsay. Finally, the Chief noted that stolen cars will be pursued because crime data analysis shows that stolen cars are overrepresented in reports of reckless driving and fatal car accidents. The Chief is aware that lives are put at risk during a high speed pursuit and noted that officers will use their sound judgement to ensure the safety of the public. He recommended that prosecution be increased against those who flee the police.

Commissioner Cabrera noted that the new policy strikes a balance between the priorities of both the Board and the City. Contingent upon the removal of the language in Section 660.20(C)(4) and (5), "Pursuant to the Fire and Police Commission's directive..." in the two paragraphs, Commissioner Cabrera moved to approve the modified SOP, seconded by Commissioner McKenzie. The motion carried unanimously.

4. NEW BUSINESS:

a) The Director presented a proposed modification to Fire and Police Commission (FPC) Rule VI, Section 6(c), regarding the age requirement for Police Aides and Fire Cadets. The number of persons entering police apprentice programs has been declining nationally. Fire apprentice programs have not experienced this trend. The FPC staff respectfully requested that Rule VI, Section 6(c), be amended to allow persons who are 20 years of age to apply for the position of Police Aide, though this change would not be applicable to Fire Cadets. The intention is to broaden the pool of Police Aide applicants. Commissioner Cabrera moved to approve the rule change, seconded by Commissioner Hein. The motion passed unanimously.

b) The Chair issued a statement addressing the recent leaks of a Department of Justice's (DOJ) draft Collaborative Review. To the extent the FPC was referenced in the October 2016 draft, at the time of the draft's creation, by the DOJ's own admission, the DOJ had spent nearly no time with the FPC. The DOJ assured the FPC that in 2017 it would interview the commissioners, testing staff, past and present recruiters, and review important data such as job announcements, union contracts, testing validation reports, FPC reports, FPC strategic and proprietary recruitment plans, and community development documents. Unfortunately, an in-depth review of the FPC never occurred. The FPC continues to be up to date with its annual report, citizen complaints summary, vehicle pursuit report, non-pursuit report, use of force reports, policy reviews, recruitment and testing plans, and constant analysis of removing barriers to employment in the protective services so we are able to appoint the most qualified applicants that are reflective of the community that the MPD and Milwaukee Fire Department serves. This work is constant and important. Regardless, the draft report raises valid concerns the residents have about the relationship the FPC has with the MPD and the community. The FPC, as the community's oversight agency, are committed to representing the voice of the community and assuring police accountability. Therefore, the FPC intends to hold several community engagement meetings to review and discuss the issues the DOJ was evaluating and work with community members to focus on policing matters in our neighborhoods and develop a strategy of action to hold the police accountable to the highest level of community engagement and professionalism. Next week there will be a Common Council meeting on these issues, and the Board will be listening to that meeting so staff can develop a plan for the community engagement plans to begin in early October, 2017.

5. EXAMINATIONS:

a) Jeff Harvey, Staffing Services Manager of the Fire and Police Commission, presented for adoption an eligible list for the position of Heavy Equipment Operator in the Fire Department, consisting of 14 names. He gave a short presentation on duties and requirements of the position and the application process that was followed. Commissioner Wilson moved approval of the list, seconded by Commissioner Cabrera. The motion carried unanimously.

b) Mr. Harvey presented for adoption an eligible list for the position of Police Officer in the Police Department, consisting of 167 names. He gave a short presentation on the duties and requirements of the position and the application process that was followed. Commissioner Cabrera moved approval of the list, seconded by Commissioner Hein. The motion carried unanimously.

c) Mr. Harvey presented for approval a job announcement bulletin for the position of Fire Cadet in the Fire Department. He gave a short presentation on the duties and requirements of the position and noted that applications will be accepted between the dates of September 8 and November 27, 2017. Commissioner McKenzie moved approval of the bulletin, seconded by Commissioner Hein. The motion carried unanimously.

d) Mr. Harvey presented for approval a job announcement bulletin for the position of Police Aide in the Police Department. He gave a short presentation on the duties and requirements of the position and noted that applications will be accepted between the dates of September 8 and November 27, 2017. Commissioner Soler moved approval of the bulletin, seconded by Commissioner Hein. The motion carried unanimously.

e) Deidre Steward, Human Resources Analyst – Sr. with DER, presented for approval a transfer-promotional job announcement bulletin for the position of Administrative Assistant II in the Police Department. She gave a short presentation on the duties and requirements of the position and noted that applications will be accepted between the dates of September 8 and September 29, 2017. Commissioner Wilson moved approval of the bulletin, seconded by Commissioner Hein. The motion carried unanimously.

f) Ms. Steward presented for approval a transfer-promotional job announcement bulletin for the position of Office Assistant IV in the Police Department. She gave a short presentation on the duties and requirements of the position and noted that applications will be accepted between the dates of September 8 and September 29, 2017. Commissioner Soler moved approval of the bulletin, seconded by Commissioner Wilson. The motion carried unanimously.

6. FIRE DEPARTMENT:

a) The following promotions, as presented by Chief Rohlifing, were approved by the Board:

TO FIRE DISPATCH ASSISTANT MANAGER, on a provisional basis, from Fire Dispatcher – Sr., effective September 10, 2017:

DANIEL C. LIMBACK.

TO FIRE DISPATCHER - SENIOR, on a temporary basis for a 60-day period, from Fire Dispatcher, effective September 10, 2017:

ZACHARY M. GORELIK, SHARON L. ZAGRODNIK and ROBERT L. RYAN.

b) The following request was previously approved by the Board under the Consent Agenda, Item E3:

A letter dated August 31, 2017, from Chief Rohlifing, wherein he requests that the appointment to Fire Cadet of #7 – Taysion D. Crape, approved at the July 27, 2017 Regular Meeting, be rescinded.

c) The following communications were previously received by the Board under the Consent Agenda, Items F1-2 and F4:

A letter dated August 31, 2017, from Chief Rohlifing, wherein he notifies the Board that the contingency appointment to Fire Cadet of #28 – Zoe I. Peterson, approved at the July 27, 2017, meeting, was utilized.

d) Chief Rohlifing presented the Milwaukee Fire Department's (MFD) 2016 Annual Report to the Board. The Chief gave a short presentation on the report, highlighting some statistics and excerpts of the report that focused on the number and types of calls received, emergency medical services rendered, hours and type of training conducted, programs building community relations, and the MFD's health and safety program. Commissioner Wilson asked the Chief if the MFD is continuing to participate with other municipalities. Chief Rohlifing answered that the MFD is continuing to collaborate with other municipalities in the shared service initiative, including bi-directional dispatching and money-saving strategies.

7. POLICE DEPARTMENT:

a) Eight requests for promotions were presented to the Board by Chief Flynn. Those requests included two promotions to Police Lieutenant, three promotions to Police Sergeant, and three promotions to Detective. The Chair announced the Board is holding these promotions over until the next meeting so that the Board can contact individuals they would like to interview before approving the promotions and receive information regarding the vetting process from the Milwaukee Police Department.

b) The following promotions, as presented by Chief Flynn, were approved by the Board under the Consent Agenda, Items C1-2:

TO ADMINISTRATIVE ASSISTANT I, from Office Assistant II, a promotion without competitive examination, effective September 10, 2017:

KAYLA NOHELY.

TO OFFICE ASSISTANT III, from Office Assistant II, a promotion without competitive examination, effective September 24, 2017:

NARAYDA MARTIN.

TO OFFICE ASSISTANT III, from Police District Office Assistant, a promotion without competitive examination, effective September 24, 2017:

IRMA BICKHAM.

c) The following appointments, as presented by Chief Flynn, were approved by the Board under the Consent Agenda, Items D1-2:

TO OFFICE ASSISTANT II, an underfill for Office Assistant III, from the DER Office Assistant II eligible list, effective September 11, 2017:

BETHANY JULSON.

TO SCHOOL CROSSING GUARD, with effective dates:

CURTIS A. BROWN (8/3/17), SEDRIC G. HIGHSHAW (8/9/17), JOANNE JACKSON (8/4/17), KRISTINA M. NANCE (6/22/17), and LINDA NICHOLS (7/18/17).

d) The following requests were previously approved by the Board under the Consent Agenda, Items E1-2 and E4:

A letter dated August 15, 2017, from Chief Flynn, wherein he requests that the appointments to Emergency Communications Operator II of #53 – Charmia Purtue and #63 – Alexandra N. Howard, approved at the July 27, 2017 Regular Meeting, be rescinded.

A letter dated August 31, 2017, from Chief Flynn, wherein he requests that the appointment to Community Service Officer of Joseph Conery, approved at the July 27, 2017 Regular Meeting, be rescinded.

A letter dated August 23, 2017, from Chief Flynn, wherein he requests that the following appointments to Police Aide, approved at the July 27, 2017 Regular Meeting, be rescinded:

#2 – CRISTIAN CONTRERAS ZAVALETA; #3 – JOSEPH MILLER; #4 – NYQUESTA THOMPSON; #6 – BRANDON PAJOT; #8 – SEBASTIAN MARTINEZ; #9 – CODEY HEWITT; #11 – JOSUE LUNA SANCHEZ; #13 – CRISTINA GONZALES; #17 – ALEJANDRO ARAGON; #20 – EMMANUEL RODRIGUEZ SIGALA; #21 – JACOB KOWALSKI; #24 – DEVIN MCCROY; #26 – ESGAR VEGA-MUNOZ; #29 – LACEY MEDINA; #34 – DAMON WILKIE; #35 – BRYAN REGNIER; #36 – AARON SANDERS; and #37 – TOMAS CRUZ.

e) The following communications were previously received by the Board under the Consent Agenda, Items F1-2, F4, and G-K:

A letter dated August 23, 2017, from Chief Flynn, wherein he notifies the Board that the contingency appointment to Emergency Communications Operator II of #64 – Lisa A. Jacobsen, approved at the July 27, 2017, meeting, was utilized due to a regular appointee not being able to accept the appointment.

A letter dated August 31, 2017, from Chief Flynn, wherein he notifies the Board that the contingency appointment to Community Service Officer of Ralph Roby, approved at the July 27, 2017, meeting, was utilized due to a regular appointee not being able to accept the appointment.

A letter dated August 23, 2017, from Chief Flynn, wherein he notifies the Board that the following contingency appointments to Police Aide, approved at the July 27, 2017, meeting, were utilized due to regular appointees not being able to accept the appointments:

#41 – CHARLES MORRIS; #42 – LIONEL BONILLA; #44 – RYAN KRANZ; #45 – AUSTIN SHULL; #46 – CEASAR ESPARZA; #51 – EDWARD TRENCH; #52 – MARVIN HALL; #53 – HUNTER TUCHEL; #54 – KENTESEA TITTLE; and #55 – PRINCE ALI.

A letter dated August 21, 2017, from Chief Flynn, wherein he informs the Board that the appointment date of Kevin Harkin to Community Service Officer was changed from August 14, 2017 to August 21, 2017.

A letter dated August 9 2017, from Chief Flynn, wherein he notifies the Board that Police Officer Nichole M. Lutz has been discharged for violation of Department Core Values under Personnel Order 2017-87 dated August 9, 2017.

Personnel Order 2017-92 dated August 22 2017, from Chief Flynn, wherein he notifies the Board that Recruit Police Officer Jason V. Khaosanga has been terminated immediately for violation of Department Core Values.

A letter dated August 1, 2017, from Chief Flynn, wherein he notifies the Board that Police Officer Derek A. Ertl has been suspended for 30 days for violation of Department Core Values under Personnel Order 2017-81 dated August 1, 2017.

A letter dated August 31, 2017, from Chief Flynn, wherein he requests reclassification of two positions of Document Examiner in the Forensics Section to Latent Print Examiner. The request will be referred to DER for study and report.

f) The Director presented a letter dated August 31, 2017, from Chief Flynn, wherein he presents a request from Ndiva I. Malafa for reappointment to the position of Police Officer. Chief Flynn recommends that he be reappointed contingent upon successful completion of a medical examination and drug screening. Commissioner Hein moved that the request be granted. Commissioner Soler seconded the motion, which carried unanimously.

#### 8. ADJOURNMENT:

Commissioner Cabrera moved to adjourn the meeting, seconded by Commissioner Soler. The motion carried unanimously.

The meeting concluded at 6:56 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Regan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

MaryNeil Regan  
Executive Director

MNR:REK:rc