

April 5, 2018

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 6:12 P.M.

PRESENT: Commissioners: Steven M. DeVougas, Chair
Kathryn A. Hein
Ann Wilson
Fred Crouther
Nelson Soler

ABSENT: Commissioners: Marisabel Cabrera, Vice-Chair (Excused)
Angela McKenzie (Excused)

ALSO PRESENT: Mark Rohlfing, Chief, Milwaukee Fire Department; and Alfonso Morales, Acting/Interim Chief, Milwaukee Police Department.

The Chair reconvened the Board in Regular Session, having previously met in Executive Session from 3:43 p.m. to 6:00 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: objection to Police Lieutenant promotion, promotions to Police Lieutenant, Police Sergeant, Detective, Battalion Chief, Fire, and Assistant Chief of Police; pursuant to Section 19.85 (1)(d) Wis. Stats. to consider strategy for crime detection or prevention on the following items: request to revise the Police Department organizational chart, discussion on the term of the Acting/Interim Chief of Police, and crime prevention strategy; and 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, on the following items: Review of residency exemption requests.

The meeting was staffed by FPC Operations Manager Clifton Crump. The Chair opened the meeting with Public Comment.

1. PUBLIC COMMENT:

Nick Kerhin, Board Director, Milwaukee Police Supervisor's Organization (MPSO): Mr. Kerhin addressed the objection to the Police Lieutenant promotion of Sergeant John Hall on the agenda under Unfinished Business, Item III A. When the MPSO became aware of Chief Morales' objection to the promotion of Sgt. Hall, the MPSO wanted to know the reasoning behind the objections (two official reprimands). His opinion is, since only two reprimands is not an egregious record, he will assume there are additional factors that led to the objection. He asserted that other higher ranking officers have more severe disciplinary records, and those records did not prevent their promotions. He objected to any consideration given to any unsubstantiated allegations made against Sgt. Hall. Further, he stated that Sgt. Hall met all of the conditions for promotion to Lieutenant as set by the FPC, went through the testing evaluation and was certified by the FPC. Mr. Kerhin stated any basis for passing over a candidate based on subjective criteria would create an unacceptable situation for the MPSO. He proposed that the Board promote Sgt. Hall which will place him on a probationary basis; and if service is unsatisfactory, he can be returned to the rank of sergeant.

Mr. Jarrett English (ACLU). Mr. English asserted that this particular FPC meeting is the 4th or 5th meeting he has attended, in a row, where there has been a significant overlap into the public's time by the Board not convening the Regular Meeting on time. He acknowledged the importance of the closed Executive Session but feels the public's time is equally important, if not more important. He suggested the Board remedy this by conducting the meetings in a timely fashion to show consideration for citizens who "take off from work" to participate in making a public comment.

2. CONSENT AGENDA:

Mr. Crump 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 15, 2018
- B. Promotion: Office Assistant III (Police Dept.) - (***Held from agenda per MPD request***)
- C. Appointments:
 - 1. IT Support Specialist Senior (Police Dept.)
 - 2. Custodial Worker II (Police Dept.)
 - 3. Office Assistant II (2 positions) (Police Dept.)
- D. Correspondence regarding Non-Disciplinary Termination of Probationary Police Officer
- E. Correspondence regarding Suspension of Police Officer (4 letters)
- F. Request for Chief of Staff – Police Recruitment

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

3. UNFINISHED BUSINESS:

a) Mr. Crump presented a letter dated February 28, 2018 from Chief Morales, wherein he objects to the promotion of #20 – Joseph T. Hall to the position of Police Lieutenant, and announced this item would be laid over to the next meeting.

4. NEW BUSINESS:

a) Mr. Crump presented a temporary hardship residency exemption request from Police Officer Robert Toeller to reside outside of the 15-mile jurisdictional boundary for emergency personnel, based upon the continuing medical condition and needs of his two youngest children. Mr. Crump recommended granting a temporary hardship exemption on an annual basis, to continue to be reviewed each April hereafter. As a condition of the exemption, Officer Toeller is to provide a written update to the Board on March 1, 2019, advising of the need for continued medical care of his sons in his home. If the situation changes, PO Toeller must advise the FPC asap. Commissioner Hein moved approval of the recommendation, seconded by Commissioner Crouther. The motion carried unanimously.

Mr. Crump then presented a temporary hardship residency exemption request from Police Officer Chance Bamba to reside outside of the 15-mile jurisdictional boundary for sworn members, based upon the continuing personal care assistance needed for members of his family. Mr. Crump recommended granting a temporary hardship exemption on an annual basis, to continue to be reviewed each April hereafter. As a condition of the exemption, Officer Bamba is to provide a written update to the Board on April 1, 2019, advising of the need for continued personal care assistance. If the situation changes, PO Chance must advise the FPC asap. Commissioner Hein moved approval of the recommendation, seconded by Commissioner Crouther. The motion carried unanimously.

b) Mr. Crump presented a letter dated April 5, 2018 from City Clerk James Owczarski, who requests that Police Liaison Officer Mark D. Buetow be reattached to the Police Department and be reinstated to his former position of Police Officer, effective April 15, 2018. Commissioner Wilson moved approval of the request, seconded by Commissioner Soler. The motion carried unanimously.

c) Mr. Crump presented a letter dated April 5, 2018 from City Clerk James Owczarski, who requests that Police Officer Sarah A. Polka be detached from the Police Department to serve as Police Liaison Officer effective April 15, 2018. She will have reinstatement rights to her former classification when her term of employment as Police Liaison Officer ends. Further, the time spent as a Police Liaison Officer will be permitted to be used for purposes of qualifying for taking promotional examinations. Commissioner Crouther moved approval of the request, seconded by Commissioner Hein. The motion carried unanimously.

d) The Chair read the following statement into the record regarding the term of the Acting/Interim Chief of Police: "Tonight we're happy to have the opportunity to take the next step in ensuring effective leadership for what many consider to be one of the City's most important departments. We felt it was in the best interests of our residents to perform an internal selection process for a replacement and have that person serve on an interim basis. In the nearly two months that Alfonso Morales has served our community in this capacity, he has attended well to the existing work to be done and has begun planning meaningful improvements within our community's police department. It is important for the public safety of our city that our police department has stability in leadership; and at the outset, our board expressed confidence that the committed and capable members of the police department were prepared to step forward and lead the department, and we have not been disappointed. With that, I would like to propose a motion to officially appoint Alfonso Morales to the position of Chief of Police for the remainder of former Chief Flynn's term, expiring January 7, 2020." Commissioner Crouther so moved, seconded by Commissioner Hein. The motion carried unanimously.

5. EXAMINATIONS:

a) Mr. Crump presented a request from Jeffrey Harvey, FPC Staffing Services Manager, to amend the Police Officer Eligible List by adding an additional 197 candidates who have successfully completed the selection process. Mr. Harvey spoke regarding his request. Commissioner Crouther moved approval of the amendment, seconded by Commissioner Hein. The motion carried unanimously.

b) Mr. Crump presented for approval an examination announcement bulletin for the position of Crime Analyst in the Police Department. Mr. Harvey spoke about the selection process, responsibilities and qualifications for this exempt position. Commissioner Crouther moved approval of the bulletin, seconded by Commissioner Hein. The motion carried unanimously.

c) Mr. Crump presented for approval an examination announcement bulletin for the position of Fire Equipment Repairer I (Tire Repair) in the Fire Department. Nola Nelson, Human Resources Analyst – Senior, spoke about the duties and responsibilities, the qualifications and selection process for this position. Commissioner Crouther moved approval of the bulletin, seconded by Commissioner Hein. The motion carried unanimously.

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

A letter dated March 27, 2018, from Chief Morales, wherein he requests that a recruitment for the exempt position of Chief of Staff be conducted. The request will be given to FPC staff for implementation.

6. FIRE DEPARTMENT:

a) Mr. Crump presented a letter dated March 27, 2018 from Chief Rohlfing, wherein he objects to the promotion of Heavy Equipment Operator Michael Peden to the position of Fire Lieutenant. The Chair stated the item will be held over to the next meeting for an interview with HEO Peden.

7. POLICE DEPARTMENT:

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

TO ASSISTANT CHIEF OF POLICE, from Inspector of Police, contingent upon successful completion of a drug screening, effective April 8, 2018:

MICHAEL J. BRUNSON, SR.

TO ASSISTANT CHIEF OF POLICE, from Captain of Police, contingent upon successful completion of a drug screening, effective April 8, 2018:

RAYMOND E. BANKS.

TO POLICE LIEUTENANT, on a waiver basis, from eligible list established July 16, 2015, contingent upon successful completion of a drug screening, effective April 22, 2018:

#44 – ROBERT S. THIEL.

TO POLICE SERGEANT, from eligible list established November 3, 2016, contingent upon successful completion of a drug screening, effective May 21, 2017:

#27 – JEROME BATTLES.

TO DETECTIVE, on a waiver basis, from eligible list established December 17, 2015, contingent upon successful completion of a drug screening, effective April 22, 2018:

#54 – KENNETH J. JUSTUS.

b) Mr. Crump presented a letter dated March 29, 2018, from Chief Morales, wherein he nominates #37 – Brian J. Young to the position of Detective. This matter had been considered in Executive Session. Commissioner Soler moved to deny the promotion, seconded by Commissioner Crouther. The motion to deny carried unanimously.

c) Mr. Crump presented a letter dated March 27, 2018, from Chief Morales, wherein he nominates Nathan C. Fritschler and Alexander Y. McMurtry to the exempt position of Crime Analyst in the Police Department, to be effective April 23, 2018. Pursuant to Rules of the Board, final action on these nominations was laid over to the next meeting.

d) The following appointments, as presented by Chief Morales, were approved by the Board under the Consent Agenda, Items C1-C3:

TO IT SUPPORT SPECIALIST SENIOR, from Department of Employee Relations (DER) eligible list, effective April 23, 2018:

RAYMOND OTTO.

TO CUSTODIAL WORKER II, from DER eligible list, contingent upon successful completion of a medical examination and drug screen, effective April 23, 2018:

CYNTHIA WALKER.

TO OFFICE ASSISTANT II, from DER eligible list, contingent upon successful completion of a medical examination and drug screen, effective April 23, 2018:

ALICIA SOCHA and PATRICIA MARES.

e) The following communications were previously received by the Board under the Consent Agenda, Items D-E:

A letter dated March 13, 2018, from Chief Morales, wherein he notifies the Board that Probationary Police Officer Verenise P. Rosario has been terminated for non-disciplinary fitness reasons, effective March 8, 2018.

A letter dated March 13, 2018, from Chief Morales, wherein he notifies the Board that Police Officer Roger T. Walker has been suspended for ten days for violation of Department Rules and Code of Conduct under an order dated March 13, 2018.

A letter dated March 13, 2018, from Chief Morales, wherein he notifies the Board that Police Officer Adam J. Ward has been suspended for six days for violation of Department Rules and Code of Conduct under an order dated March 13, 2018.

A letter dated March 13, 2018, from Chief Morales, wherein he notifies the Board that Police Officer Jerome T. Battles has been suspended for eight days for violation of Department Rules and Code of Conduct under an order dated March 13, 2018.

A letter dated March 13, 2018, from Chief Morales, wherein he notifies the Board that Police Officer Truman B. Dodd has been suspended for eight days for violation of Department Rules and Code of Conduct under an order dated March 13, 2018.

f) Mr. Crump presented a letter dated March 27, 2018, from Chief Morales, wherein he requests that the probationary period of Police Officer Jordan L. Karr-Hardie be extended for a period of three months, until July 5, 2018. The Chair laid the item over to the next meeting.

g) Mr. Crump presented a letter dated March 27, 2018, from Chief Morales, wherein he requests that the vacant position of Chief of Staff be re-exempted. Commissioner Hein moved approval of the request, seconded by Commissioner Crouther. The motion carried unanimously.

h) Mr. Crump presented a request from Chief Morales to revise the Police Department organizational chart. Commissioner Soler moved approval, seconded by Commissioner Crouther. The motion carried unanimously.

8. ADJOURNMENT:

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

The meeting concluded at 6:35 P.M.

Respectfully submitted,


MaryNell Regan
Executive Director

MNR/nmt/rk