

April 2, 2009

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, at McGovern Park Senior Center, 4500 W. Custer Avenue, commencing at 6:09 P.M.

PRESENT: Commissioners: Richard C. Cox, Chair
Carolina M. Stark
Ernesto A. Baca
Kathryn A. Hein
Paoi X. Lor

ALSO PRESENT: Douglas Holton, 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 4:30 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: Chief of Police Edward Flynn.

The Director presented for adoption minutes of the Regular Meeting of March 19, 2009. Minutes were corrected due to an error regarding Commissioner Baca being listed as present and absent. Commissioner Stark moved approval of the minutes as corrected, seconded by Commissioner Hein. The motion carried unanimously.

1. UNFINISHED BUSINESS:

a) The Director informed the Board that Chief Edward Flynn has created the 2009 Use of Force Committee in accordance with Milwaukee Police Department (MPD) Standard Operating Procedure 460.40 – Use of Force. Oversight of the use of force is one of the most important responsibilities of the Commission. It involves reducing the need for the use of force and ensuring that when force is used, it is deployed correctly and minimally to limit exposure of the City of Milwaukee to liability, minimize injury to both citizens and officers, and increase community trust and confidence in the MPD. The easiest way to deflate the public's confidence is the improper use of force.

The main goals of the Use of Force Committee and Fire and Police Commission are to: Determine application and effectiveness of department rules, evaluate proper use and effectiveness of equipment, evaluate use of force training, and identify different training needs and opportunities. The Fire and Police Commission will be monitoring the Use of Force Committee by agreement with Chief Flynn. Every quarter a summary of the committee's work will be conveyed to the Commission for review. The Commission's full-time staff will independently monitor use of force incident reports filed through the Administrative Investigation Management (AIM) software. Staff will audit the use of force internal investigations to ensure thorough, fair, and credible results, while identifying any systemic problems and opportunities for improvement in accordance with the Board's responsibilities under City Ordinance Chapter 314. The Commission and its staff will continually evaluate police policies, practices, patterns, and uses of force and will periodically issue public reports on issues concerning use of force.

Chief Flynn commented that the committee's work will constitute an overall review to see how the patterns and practices they identify will affect future policy development.

2. EXAMINATIONS:

a) The Director presented a request dated March 19, 2009, from Police Officer Jorge Suarez to extend the 2007 Police Sergeant Eligible List, set to expire April 19, 2009, for a period of six to nine months. Officer Suarez was present and listed his reasons for extension, specifically: 1) certain officers who did not meet the

minimum qualification for uninterrupted service were allowed to take the exam which denied the chance for promotion to other officers; 2) the department sent 25 officers from the current list to a three-week supervisory training course but only 11 have been promoted, and it would be a waste of their training to expire the list without promoting more of these officers; 3) the current recession should dictate that the money spent on the exam process should be made the most of as much as possible; and 4) the promotion process was delayed after Chief Hegerty retired because Chief Flynn wanted to restructure the Captain selection process. Granting the extension would not interfere with the establishment of a new list and would provide a better ratio of supervisor to officer in the meantime, while allowing the City to complete its fiscal year without the added expense of a new exam.

Chief Flynn informed the Board that the training referred to was the new supervisor training which is routinely offered. The Milwaukee Police Supervisors' Organization contract had just been settled, so more officers were allowed to attend in anticipation of retirements. The Chair noted that the recommendation on this matter from the Department of Employee Relations is to deny the request in the absence of a compelling reason.

After several questions from various Commissioners, John Balcerzak, President of the Milwaukee Police Association, stated he was not for or against the request, but he did remember that the Board had approved the request of several officers at a previous meeting to waive the service requirement, although he could not recall the reasons given. Commissioner Stark moved to deny the request to extend the list, seconded by Commissioner Lor. The motion carried unanimously.

b) The Director presented a request dated March 17, 2009, from Chief Flynn to terminate the Police Services Assistant Eligible list of November, 2007. This position has been eliminated from the department's 2009 budget. After an analysis of the position, certain duties were transferred to the Police Aide, Police Services Specialist and Police Services Specialist – Investigator positions. The Director stated that none of the candidates had progressed in the selection process beyond the written test. Commissioner Baca moved to terminate the list, seconded by Commissioner Hein. The motion carried unanimously.

3. FIRE DEPARTMENT:

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

TO HEAVY EQUIPMENT OPERATOR, on a waiver basis, from eligible list established July 10, 2008, effective April 5, 2009:

#22 – ANTHONY C. GLAD.

b) The Director presented a letter dated March 25, 2009, from Chief Holton, wherein he notifies the Board that Firefighter John P. Craney's status has changed from a Medical Leave of Absence without pay to an ordinary disability pension effective retroactive to February 23, 2009.

The Director presented a letter dated March 24, 2009, from Chief Holton, wherein he notifies the Board that Firefighter Anthony J. Guehlstorf has been granted a Military Leave of Absence without pay for an indefinite period of time, effective March 16, 2009.

c) Deputy Chief Michael Jones gave a presentation on Project Staying Alive. The project is designed to educate and inform 6th grade students in Milwaukee on proper anger management, conflict resolution and problem solving techniques to help reduce incidences of violent injury. It is modeled after the Survive Alive program. The project is funded by multi-agency grants and is available to all Milwaukee schools at no cost. Milwaukee is only one of two departments in the nation conducting this kind of project.

4. POLICE DEPARTMENT:

a) The Director presented a letter dated March 30, 2009, from Chief Flynn, wherein he objects to the promotion of #3 - Police Sergeant Phillip M. Henschel to the position of Lieutenant of Police. The Chief is requesting a temporary hold until an internal investigation of possible rule violations is completed. Commissioner Lor moved to approve the request for a temporary hold, seconded by Commissioner Stark. The motion carried unanimously.

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

TO LIEUTENANT OF DETECTIVES, from eligible list established January 22, 2009, contingent upon successful completion of a drug screening, effective April 5, 2009:

#1 - DAVID A. SALAZAR, JR.; #2 - CHRISTOPHER A. MOEWS; and #3 - NICOLE J. DAVILA.

TO LIEUTENANT OF POLICE, from eligible list established May 15, 2008, contingent upon successful completion of a drug screening, effective April 5, 2009:

#1 - AIMEE M. OBREGON; #2 - JAMES H. MACGILLIS; and #4 – JOHNNY C. SGRIGNUOLI.

TO FORENSIC VIDEO EXAMINER, from eligible list established March 19, 2009, contingent upon successful completion of a drug screening, effective April 5, 2009:

#1 - SHAUNKU E. MAYS.

TO IDENTIFICATION TECHNICIAN, from Police Officer, contingent upon successful completion of a drug screening, effective April 5, 2009:

CHET A. ST. CLAIR and MICHAEL J. WINKLER.

TO POLICE SERGEANT, from eligible list established April 19, 2007, contingent upon successful completion of a drug screening, effective April 5, 2009:

#37 - JAMES M. BORKOWSKI; #38 - STEVEN W. MOON; #39 - DELMAR E. WILLIAMS; and #40 – MARK D. TRIMBLE.

Note: The promotion of #40 is on a waiver basis.

TO OFFICE ASSISTANT II, from Office Assistant I, effective April 5, 2009:

CYNTHIA M. LATHAN.

c) The Director presented a letter dated March 26, 2009, from Chief Flynn, wherein he requests that the appointment of #204 – Jason P. Wasielewski to Police Officer, approved at the March 5, 2009 Regular Meeting, be rescinded as Mr. Wasielewski is no longer interested in the position. Commissioner Stark moved to rescind the appointment, seconded by Commissioner Lor. The motion carried unanimously.

d) The Director presented a letter dated March 26, 2009, from Assistant Chief Dale Schunk, wherein he requests reclassification of a new position of Document Examiner in the Identification Division to Forensic Video Examiner. The Director stated two Document Examiner positions had been previously approved to this new title, and action could be taken tonight. Commissioner Stark moved approval of the request, seconded by Commissioner Hein. The motion carried unanimously.

e) The Director presented Police Department Memorandum No. 2009-28 dated March 3, 2009, from Chief Flynn, wherein he sets forth a statement on Traffic Enforcement Policy. Chief Flynn is encouraging the intelligent use of discretion when giving warnings versus citations. The enhanced presence of the police in some neighborhoods is not meant to be burdensome to the residents.

5. PUBLIC COMMENT:

David Heard, Fire and Police Commission Community Relations Manager, stated that updates have been made to the citizen complaint brochure and the brochure containing information on the Commission. A new brochure has been developed to educate the public on how to interact with the police when they are stopped. This brochure was created with the hope of reducing the number of citizen complaints caused by miscommunication and misinformation. These brochures will be translated into Spanish, Hmong, Laotian, and Vietnamese and given to community agencies for distribution.

6. ADJOURNMENT:

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

The meeting concluded at 7:01 P.M.

Respectfully submitted,



Michael G. Tobin
Executive Director

MGT:REK:rk