

April 23, 2009

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:33 P.M.

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

ALSO PRESENT: Brian Glassel, Assistant Chief, representing the Milwaukee Fire Department; and Edward Flynn, Chief, Milwaukee Police Department.

The Director presented for adoption minutes of the Regular Meeting of April 2, 2009. Commissioner Hein moved approval of the minutes as presented, seconded by Commissioner Stark. The motion carried unanimously.

1. UNFINISHED BUSINESS:

a) The Director presented a classification report dated April 21, 2009, from Maria Monteagudo, Director of Employee Relations (DER), regarding two new positions of Crime Analyst. Ms. Monteagudo recommends that the Salary Ordinance under Pay Range 598 be amended to add the title "Crime Analyst 2". Sarah Trotter, DER Human Resources Representative, was present and spoke regarding the report. Commissioner Baca moved approval of the report, seconded by Commissioner Hein. The motion carried unanimously.

b) The Director presented a reclassification report dated April 17, 2009, from Maria Monteagudo, Director of Employee Relations, regarding the reclassification of one position of Office Assistant III in Pay Range 425. Ms. Monteagudo recommends that the position be reclassified to Office Assistant IV in Pay Range 445. Ms. Trotter spoke briefly regarding the report. Commissioner Lor moved approval of the report, seconded by Commissioner Stark. The motion carried unanimously.

c) The Director presented the Fire and Police Commission Use of Force Strategy Statement which will be posted on the Commission's website and in other reports so the public is aware of how the Commission monitors the use of force by the Police Department. The purpose of the strategy is to reduce the need for use of force, to ensure that when force is used it is deployed correctly and minimally, to limit the exposure of the City of Milwaukee to liability, to minimize injury to both citizens and police officers, and to increase community trust and confidence in the Police Department. The Director then read the statement into the record (see attached). Commissioner Stark moved to approve the Use of Force Strategy Statement, seconded by Commissioner Baca. The motion carried unanimously.

2. NEW BUSINESS:

a) The Director presented correspondence dated April 13 and 16, 2009 from Bobbie Webber, President of the Milwaukee Professional Fire Fighters Local 215, wherein he requests that the effective date of all eligible lists begin at the time the first promotion is made from the list. In a letter dated April 15, 2009, Fire Chief Douglas Holton indicates support for this request. A report was requested and received from Timothy Keeley, DER Human Resources Representative, wherein he recommends no change to the current practice of starting the list on the approval date. Commissioner Stark asked Mr. Keeley if he had discussed this matter with the Fire Department, and the answer was no. Commissioner Baca reminded the Board that this type of request has been made in the past and was carefully considered before the Board decided not to change the current practice. The Director stated that although Fire and Police Commission Rule X, Section 1. a., calls for

a two year eligible list, the Board may waive that on a case-by-case basis, and that a permanent change in the procedure would require a rule change. Local 215 Vice President Kevin Monahan stated that it would be fairer to start a list at the first promotion to give more people a chance for promotion. The Chair stated that granting the request would be unfair because that would give lists varying lengths and times for the people on the lists to be considered for promotion. John Balcerzak, President of the Milwaukee Police Association, stated that if the request is approved, it should apply to all lists.

Commissioner Stark moved to deny the request to change the expiration dates of future Fire Department eligible lists, seconded by Commissioner Lor. The motion carried unanimously.

3. EXAMINATIONS:

a) The Director presented for adoption an eligible list for the position of Firefighter in the Fire Department, consisting of 1,148 names. Mr. Keeley, DER Human Resources Representative, stated there are approximately a dozen candidates who are on current active military duty. When they return, they will be added to the eligible list. Candidates who return after the class has been selected will go into the next class. Commissioner Baca moved approval of the list, seconded by Commissioner Lor. The motion carried unanimously. Mr. Keeley was commended for his hard work on this difficult exam.

b) The Director presented for adoption an eligible list for the position of Police Aide in the Police Department, consisting of 127 names. He also congratulated the Department of Employee Relations on the high recruitment rate and high turnout for the written exam. Commissioner Baca moved approval of the list, seconded by Commissioner Hein. The motion carried unanimously.

4. FIRE DEPARTMENT:

a) The Director presented two letters dated April 15, 2009, from Chief Douglas Holton, wherein he nominates Battalion Chief Debra J. Weber to the position of Deputy Chief, Fire, and Fire Captain Raymond A. Groth to the position of Battalion Chief, Fire, both to be effective May 17, 2009. Pursuant to Rules of the Board, final action on these nominations was laid over to permit the nominees to be interviewed.

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

TO HEAVY EQUIPMENT OPERATOR, on a waiver basis, from eligible list established July 10, 2008, effective May 3, 2009:

#23 - NICHOLAS S. GOODING

c) The Director presented a letter dated March 31, 2009, from Chief Holton, wherein he informs the Board that Firefighter Marcus J. Eastern has been terminated for violation of Department Rules and Regulations on March 30, 2009.

d) The Director presented a letter dated April 8, 2009, from Chief Holton, wherein he informs the Board that Firefighter Kurt Leroy has returned from his Military Leave of Absence effective April 6, 2009.

5. POLICE DEPARTMENT:

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

TO LIEUTENANT OF DETECTIVES, on a waiver basis, from eligible list established January 22, 2009, contingent upon successful completion of a drug screening, effective May 3, 2009:

#4 - TIMOTHY S. HEIER.

TO GARAGE ATTENDANT, from Custodial Worker II, effective May 3, 2009:

DELBERT BIRD.

b) The Director presented a letter dated April 15, 2009, from Chief Flynn, wherein he nominates Judy Pal to the exempt position of Chief of Staff - Police, to be effective May 11, 2009. Pursuant to Rules of the Board, final action on this nomination was laid over to permit the nominee to be interviewed.

c) The following appointments, as presented by Chief Flynn, were approved by the Board:

TO ELECTRONIC TECHNICIAN ASSISTANT, from DER eligible list contingent upon successful completion of a medical examination and drug screening, effective May 18, 2009:

#1 - EDWARD A. PRZYCKOWSKI and #2 - EDWARD J. PRZYCKOWSKI.

TO SCHOOL CROSSING GUARD (REGULAR), effective March 13, 2009:

DONALD Z. BIVENS.

d) The Director presented a letter dated February 26, 2009, from Chief Flynn, wherein he notifies the Board that Sergeant Charles W. Cross has been discharged and suspended for 30 working days for violation of Department Rules and Regulations under Personnel Order 2009-22 dated February 26, 2009.

e) The Director presented a letter dated March 3, 2009, from Chief Flynn, wherein he notifies the Board that Police Officer Christopher E. McBride has been suspended for 30 working days for violation of Department Rules and Regulations under Personnel Order 2009-25 dated March 3, 2009.

The Director presented a letter dated March 13, 2009, from Chief Flynn, wherein he notifies the Board that Police Officer Anthony H. Bialecki has been suspended for 10 working days for violation of Department Rules and Regulations under Personnel Order 2009-28 dated March 13, 2009.

f) The Director presented a letter dated April 22, 2009, from Chief Flynn, wherein he notifies the Board that he has approved a one year leave of absence request from Police Services Specialist Investigator Susan Bodden for the purpose of filling an exempt position of Investigator/Auditor with the Fire and Police Commission. The leave shall expire April 19, 2010, and may be renewed upon request.

g) The Director presented a letter dated April 3, 2009, from Chief Flynn, wherein he requests that an examination be conducted for the position of Police Identification Supervisor as the eligible list has expired. The Chair referred the request to the Department of Employee Relations for implementation.

h) Chief Edward Flynn and Assistant Chief James Harpole presented the proposed reorganized structure of the Police Department. Most of the organizational changes will be in the Criminal Investigation Bureau (CIB), which has a great history of clearing homicide but lacks prevention and detection of crime capabilities. The recent transfer of patrol oriented Captains to the CIB has brought a new perspective to the bureau. The proposal will streamline the Department and create a centralized intelligence center to share information not only within the Department but with the region as crime moves out from the city to the suburbs. No other city of our size in the country is doing this. John Balcerzak, President of the Milwaukee Police Association (MPA), stated these changes will affect the contract, but not to the extent that the MPA would object to the reorganization. Commissioner Baca moved approval of the structural reorganization, seconded by Commissioner Stark. The motion carried unanimously.

6. PUBLIC COMMENT:

John Balcerzak, President of the MPA, would like to have the duties of the Police Aides expanded. Chief Flynn stated he was willing to consider this.

7. ADJOURNMENT:

Commissioner Baca moved to adjourn the meeting, seconded by Commissioner Lor. The motion carried unanimously.

The meeting concluded at 6:15 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael G. Tobin".

Michael G. Tobin
Executive Director

MGT:mk

Att.

FIRE AND POLICE COMMISSION
USE OF FORCE STRATEGY STATEMENT

Introduction

One of the most important duties and public expectations of the Fire and Police Commission (FPC) is to ensure that there are appropriate policies and standards in place to address the use of force by Milwaukee Police Department (MPD) officers.

The FPC has implemented a strategy to oversee and monitor the use of force by MPD officers. The purpose of this strategy is to:

- a. Reduce the need for the use of force
- b. Ensure that when force is used it is deployed correctly and minimally
- c. Limit exposure of the City of Milwaukee to liability
- d. Minimize injury to both citizens and officers
- e. Increase community trust and confidence in the MPD

Strategy

1. The FPC will continuously evaluate police policies, practices, and patterns and periodically issue public reports on issues concerning the use of force.
2. The FPC will audit use of force internal investigations to ensure thorough, fair, and credible results while identifying any systemic problems and opportunities for improvement.
3. The FPC will independently monitor and review the use of force reports and records of the MPD to identify patterns or trends and take corrective action to revise training, policies, standards, or procedures.
4. The MPD will utilize a department Use of Force Committee to review:
 - a. Appropriateness of use of force by department members
 - b. Field supervision of use of force incidents
 - c. Effectiveness of department rules, procedures, and training
 - d. Proper use and effectiveness of equipment
5. The FPC will monitor the MPD Use of Force Committee and review its quarterly and periodic reports and recommendations.

(4/9/09)