

June 30, 2009

The Committee on Policies and Standards of the Board of Fire and Police Commissioners was held on the above date, commencing at 10:07 A.M. in Room 405 of City Hall.

PRESENT: Commissioners: Kathryn A. Hein
Sarah W. Morgan

ALSO PRESENT: Michael Tobin, Executive Director, Fire and Police Commission
Steven Fronk, Attorney & Hearing Examiner, (FPC)
David Heard, Community Relations Manager, (FPC)
Sgt. Kristin Riestra, Milwaukee Police Department

Mr. Fronk started the meeting by asking for nominations for a chair of the committee. Commissioner Morgan nominated Commissioner Hein, seconded by Commissioner Hein. After a 2-0 roll call vote, Commissioner Hein was elected the chair of the committee.

Mr. Fronk suggested that a meeting schedule be set for the committee. He mentioned that in the past the committee agreed to meet once a month immediately before a regularly scheduled meeting of the Board unless deemed necessary to meet more frequently. It was agreed to hold the committee meeting on the third Thursday of each month immediately before the regular meeting of the Board.

Executive Director Michael Tobin was asked to outline the process that led to the proposed revisions to FPC Rules XV, XVI and XVII, and he agreed to do so. He first thanked Sgt. Riestra for her work on the MPD SOP 3/450.55 regarding Fire and Police Commission investigations, which is a result of negotiations with the Milwaukee Police Association, Milwaukee Police Supervisors Organization, and District Council 48. Then he gave some background on the process, stating that one year ago the Board approved a pilot program to be used when handling citizen complaints. The program involves independent investigations, a mediation program which is handled by an outside mediation firm, and a rapid resolution process which refers complaints that do not appear on their face to be rule violations to the district captain for resolution at the district level. The process is the result of more than one year of work with community organizations, employee unions, and internal research into what the best practices are for civilian oversight agencies nationwide. SOP 3/450.55 memorializes what is in Chapter 314 of the City Ordinance which requires the Executive Director of the FPC to audit and review citizen complaints which are investigated by the MPD Professional Performance Division (PPD). The SOP requires notifying officers of the rapid resolution policy and what is expected when FPC investigators talk to them regarding an investigation. It also spells out what is expected of supervisors. All FPC investigations mirror what PPD does in their investigations and conforms to Chapter 164 of State law and collective bargaining agreements with police unions. It guards against any violations of the rights of police members while also allowing the FPC investigators to thoroughly investigate citizen complaints. Mr. Tobin stated that a training bulletin will be drafted so that MPD members are fully aware of the rapid resolution and mediation processes as well as what will happen if they are the subject of an interview.

Mr. Tobin presented the proposed changes to Rule XV and XVI which, if adopted, will replace the current Rules XV, XVI, and XVII. Rule XV formalizes the citizen complaint procedure while taking into account case law, state law, collective bargaining agreements and input from citizens and MPD. The proposed rule simplifies the process and puts everything in one place, so citizens may better understand how the process will work. Terms such as mediation and rapid resolution are defined and the investigation process is described. Rule XV also explains the possibility of referral for one of four procedures: rapid resolution, mediation, trial, or dismissal. This is an administrative decision to be made by the Executive Director in each case. Commissioners will only see a complaint if it is referred for a trial or dismissed and the complainant appeals the dismissal.

The proposed Rule XVI combines three current rules on how to conduct a trial. Section 2 (a) of the rule includes a recent change in State law which requires that when an officer is served with an appealable order of discipline, they must also receive any exculpatory evidence against them relating to the discipline at the same time. The rule is expanded from State law to include any department member fire or police, sworn or non-sworn.

Mr. Tobin also discussed the citizen complaint intake and investigation guidelines which will be available to any interested individual on the FPC website. Changes to current guidelines include: the definition of dismissal which is a determination to terminate formal action on a complaint, and confidential and voluntary mediation in which a complaint will be dismissed after the member and complainant complete mediation. Minor rule violations are generally sent to mediation. Mediation is a tool to enhance better community-police relations, and it gives the officers an opportunity to explain in a confidential setting what happened and why they took the action they did and for the complainant to do the same. It is expected that not all mediations will end in agreement. The purpose is to bring the parties together to listen to each other and has been successful. Mr. Tobin stated that he had not received any negative feedback regarding the rule changes, and Mr. Fronk indicated that additional input from the public would be forwarded to the Commissioners if any was received after the meeting.

Commissioner Morgan inquired as to how the rule changes will be distributed to the public once they are adopted. Mr. Fronk stated that they will be available on the FPC website, but they could also be sent to various interested organizations via email. The Director stated that they could be sent to the FPC regular distribution list which receives the meeting notices. Commissioner Morgan also asked why the changes were made administratively. The Director explained that in the past all the citizen complaints were forwarded to the Board or the Police Department, and citizens were dissatisfied. The Mayor commissioned a special study by an outside consultant. The Director stated that the recommendations from the study were looked at as well as practices utilized by other jurisdictions. He also stated that the Board will be seeing the complaints that are major rule violations that go to trial, but minor or no rule violations are best handled administratively, as to not overwhelm the Board. Complainants will be surveyed in order to evaluate the citizen complaint process, and each citizen will receive a status report if the complaint remains open six months after filing.

Community Relations Manager David Heard explained that the process under the current rule was excessively time consuming and rarely resolved complaints to anyone's satisfaction. Mr. Tobin stated that there were several complaints that took more than a year to resolve, but that the new process would have an anticipated turn-around time of less than 90 days if no trial was to be conducted. Commissioner Morgan stressed the need for a process that would enhance police-citizen communication. Mr. Tobin stated that the FPC shares the AIM software with the Police Department which allows information to be exchanged with PPD, and that MPD investigations were to be overseen by the FPC Executive Director under the proposed rule.

Commissioner Hein stressed the need for an objective survey process if the results are to be compared with those in other cities. Mr. Tobin stated that the survey is aimed at evaluating the process other than the results. Commissioner Morgan again expressed the need for openness and communication between citizens and the Police Department and the need to make survey results available to the public.

Commissioner Hein moved to adjourn the meeting, seconded by Commissioner Morgan. The motion carried unanimously, and the meeting concluded at 10:55 A.M.

Respectfully submitted,



Steven Fronk
Attorney/Hearing Examiner