

June 3, 2010

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: Richard C. Cox, Chair  
Carolina M. Stark  
Paoi X. Lor  
Sarah W. Morgan

ABSENT: Commissioner: Kathryn A. Hein (Excused)

ALSO PRESENT: Mark Rohlfig, Chief, Milwaukee Fire Department; and Edward Flynn, Chief, Milwaukee Police Department.

The Director presented for adoption minutes of the Regular Meeting of May 20, 2010. Commissioner Stark moved approval of the minutes as presented, seconded by Commissioner Lor. The motion carried unanimously.

The Director took the following items out of order:

1. NEW BUSINESS:

b) The Director presented the Report on the Police Department Use of Force. The analysis was conducted by Dr. Steven Brandl of UW-Milwaukee, assisted by FPC Research and Policy Analyst, Kristin Kappelman. Dr. Brandl was present and gave a presentation regarding his report titled: An Analysis of 2009 Use of Force Incidents in the Milwaukee Police Department. This is the first time these data were analyzed in a systematic way; therefore the objectives of the study were to calculate baseline measures of use of force to create a starting point in which to monitor changes, patterns, trends, and frequency, and to describe use of force incidents to better understand the nature and circumstances of the incidents. Four hundred and fifty-nine use of force incidents were recorded on Use of Force Reports in 2009, pursuant to MPD General Order 2009-51. Select findings include: 1.07% of all arrests, 0.04% or 4 out of every 10,000 traffic stops, and 0.19% or 19 out of every 10,000 subject stops involved the use of force. Eighty percent of all sworn officers were not involved in any use of force incidents in 2009. He concluded the use of force is an uncommon event, both in a relative, and an absolute sense. The type of force used during incidents include: 36% involved bodily force only, 16% involved bodily force and a chemical agent, 15% involved a chemical agent only, and 14% involved an Electronic Control Device (ECD) only. A total of 12% or 54 incidents involved the use of a firearm. Of these incidents 72% or 39 incidents involved a dog, 24% or 13 incidents involved a person, and 4% or 2 incidents involved a person and a dog. He concluded the use of a firearm is a very uncommon event, and when it is used, most often it is to neutralize a dog. Six percent or 28 of incidents resulted in a formal complaint being filed by a citizen. When formal complaints were filed, the incident was more likely to involve more than one officer, officers using bodily force or a firearm, a traffic stop, or an injury to the subject as a result of the force. He concluded that complaints resulting from a use of force incident were also uncommon. Commissioner Stark asked how Milwaukee compares to cities of similar size, with regard to use of force incidents. Dr. Brandl replied that the difficulty with comparison is that it is uncommon for departments to analyze and make their use of force public, and departments define use of force differently. With the information that is provided by other similarly sized departments, MPD is right in line with other departments. He commended the MPD and FPC for wanting to analyze this data and make it public. The Chair opened the floor to questions from the public.

Ms. Schafer asked about the possibility of a database to track if a single officer is involved in multiple incidents. Dr. Brandl says he hopes such a database will exist in the future. He would expect the data to show that officers who have multiple use of force incidents are the most active officers and are working in higher crime areas. This is a consequence of the nature of the job. They are also more likely to be male officers. Ms. Schafer then asked how an officer with personality difficulties would be revealed in the data. Dr.

Brandl responded that such an officer might not be immediately identifiable with this data, also the officer might not fit the pattern previously described. Ms. Schafer asked if incidents that occurred in 2009, but formal complaints were not filed until 2010, were included in the report. Dr. Brandl explained due to the mechanics of the database those complaints were not included.

Debra Jenkins asked how far back the data goes and what prompted the study. Dr. Brandl replied the prompt for the study came from an FPC request, and only 2009 incidents were studied. The Director added that 2009 was the first year MPD and FPC installed a new software analysis system which enabled the study to be conducted. We cannot go back prior to 2009, but this study will establish a baseline measurement for comparison purposes. Ms. Jenkins asked if future studies will be conducted. The Director responded that more studies will be conducted on a quarterly, semi-annually, and annual basis. Once the quirks are out of the system, this information could be pulled on a daily basis. This study was designed to help identify patterns and practices, and policies or training that may need to be changed.

Dawn Baker asked if Dr. Brandl was able to identify if officers with multiple incidents ever did deadly harm in the community. Dr. Brandl responded that he was not able to identify any officers through his data. The Chair and the Director thanked Dr. Brandl for all his hard work on this report.

## 2. POLICE DEPARTMENT:

f) The Director presented for adoption the Police Department Code of Conduct. Chief Flynn also thanked Dr. Brandl for his work on the use of force report. He stated the code of conduct is the result of many years worth of work, and is a major achievement for the Department and the profession. There has been a movement in law enforcement to move away from a hyper-technical system of rules that govern every aspect of an officer's behavior, toward a set of rules that are based on the values of the profession. The idea occurred over many generations in police management and derives from the fact that policing structures were modeled after the military world of the 1800's. In that time police officers were seen as the functional equivalents of army privates, who therefore required constant monitoring and rules to govern their behavior. As the job evolved from a blue collar job to a profession, the gap widened between the reality of police work and the rules that governed it. In the 1970's the American Bar Association conducted an extensive study of the police profession. One of the conclusions drawn was that the discipline system in policing did not reflect the reality of the work. The work is highly judgmental and requires important decisions be made in ambiguous circumstances, under pressure, with little information. It requires people with integrity, a strong degree of tolerance for diversity, the desire to do the right thing for the right reason. The vast majority of circumstances an officer is asked to intervene in are not criminal; they are conduct issues of complaint, dispute, and disharmony, and are not necessarily violations of a statute. The challenge of policing is having professional integrity and not allowing personal biases to influence your decisions. There is always fear of litigation when rules are changed. The impetus for this came from the work out of Northern Ireland after 20 years of civil war and violence. One of the major flash points was police conduct. A major part of the peace process was how to reform the police force into a policing service that all see as being fair minded, having true integrity, and servicing the needs of all. Another issue was how to govern this new policing force. They wanted a rule book that connected fundamentally to the values of the police service, and therefore you would be violating a value. People would be judged by what was in their heart, and their conduct would be judged in the context of their values. You can never come up with enough rules to govern everything that could happen. Things were removed from the rule book that you could not be disciplined for; they were also duplicated as policies and procedures. He proposes that for six months both the code of conduct and Rule 4 be in effect. The goal is to close the gap between the reality of police work and the rules that govern their behavior. The culture of the Department is changing to embrace leadership and prevent misconduct. A code of conduct is where other departments are looking to move, but we completed it first. Commissioner Cox clarified that the motion is to adopt the code of conduct without rescinding Rule 4, and to have them both in place for a period of six months, so department members can reference both appropriately. Commissioner Stark moved approval, seconded by Commissioner Morgan. The motion carried unanimously. The Director commended the Chief and Captain Gary Gacek on all the hard work they put into the Code of Conduct.

3. UNFINISHED BUSINESS:

a) The Director returned to the Board a request to amend Fire and Police Commission Rule XV, Sections 4 and 5, regarding the citizen complaint procedure. This amendment would allow the Executive Director, after a complete investigation in accordance with investigation intake guidelines, to require a member to participate in a prescribed policy training program. This would allow for efficient dispositions of citizen complaints of minor misconduct. Approval of the amendment is recommended. Commissioner Stark stated that after reviewing the intake guidelines, she is comfortable approving the amendment as presented, with the understanding that it is only for minor rule violations, and when policy training is prescribed the Executive Director will notify the Board of the resolution, and it is subject to Board review at the Board's discretion. Commissioner Stark moved approval of the amendment, seconded by Commissioner Morgan. The motion carried unanimously.

b) The Director introduced Police Officer Katrina Harris who gave an oral report regarding the Milwaukee Police Department (MPD) recruiting plan. The Department of Employee Relations has conducted continuous recruitment along with MPD. A plan was created to heavily saturate the community during the month of June in order to get qualified, diverse candidates to apply for police officer. There will be information and application sessions at Districts 2, 4, and 5, from 1 pm – 5 pm, where candidates can ask questions and apply onsite. Special events during the month will be attended including community events, festivals, job fairs, walks and runs. There will also be radio, television, billboard, bus, and online advertisements using the "Be A Force" campaign. Commissioner Morgan asked where this information is available. Officer Harris stated the information is available online at <http://www.city.milwaukee.gov/jobs/PoliceOfficer>. The Chair thanked Officer Harris for all her hard work. The Director stated Officer Harris has been working on recruiting for the past seven months, and this plan is the culmination to bring us through the end of the application period on June 25<sup>th</sup>.

c) The Director presented a classification report dated May 27, 2010, from Maria Monteagudo, Director of Employee Relations, regarding a new position of Database Specialist/Analyst in the Police Department. Ms. Monteagudo recommends the position be classified as Program Assistant II in Pay Range 530. Andrea Knickerbocker, Human Resources Manager, was present and spoke regarding the report. She stated this is a grant-funded position that will work with the sexual offender tracking program. This position will maintain a database of 6,000 – 8,500 records. Commissioner Stark moved approval of the report, seconded by Commissioner Morgan. The motion carried unanimously. The Director thanked Ms. Knickerbocker for her work on the report.

4. NEW BUSINESS:

a) The Director presented to the Board for adoption the Fire and Police Commission 2009 Annual Report. Kristin Kappelman, Research and Policy Analyst, was present and spoke regarding the report. In 2009, many advancements were made in order to improve the FPC's function of citizen oversight of the public safety agencies in the City of Milwaukee. The FPC became fully staffed in 2009, adding two Investigator/Auditors, one Research and Policy Analyst, and one Office Assistant. The FPC staff published three informational memorandums concerning MPD's 60 college credit requirement, Open Carry policy, and the use of Social Security numbers during field interviews and traffic stops. The FPC formally adopted the citizen complaint pilot program, and received 319 citizen complaints, 110 of which were formal. This was a new record high and a 166% increase from 2008. For the first time, FPC staff surveyed citizen complainants concerning their experience with filing a complaint with the FPC. The FPC partnered with the University of Wisconsin-Milwaukee and Professor Steven Brandl to study MPD's use of force incidents. The Office of Emergency Management and Homeland Security began a transition period in 2009 which resulted in it becoming a division of the FPC in 2010. Steven Fronk, former Hearing Examiner for the FPC, was sworn in as Homeland Security Director in October 2009. The Annual Report also includes information on disciplines and disciplinary appeals filed by public safety employees; appointments, promotions, and separations; and statistics from both the Police and Fire Departments. The report will be available on mini disc, the

Commission's website, and in hard copy. The Director commended Ms. Kappelman for her work in putting the report together, and he believes our report is the most comprehensive of all oversight agencies. The report is full of statistics and facts, and the appendices are full of information. After it is approved, the public will be able to access its information. Commissioner Morgan moved approval of the report, seconded by Commissioner Lor. The motion carried unanimously.

5. FIRE DEPARTMENT:

a) The Director presented a letter dated May 26, 2010, from Chief Rohlfing, wherein he nominates Fire Lieutenant Michael D. Wright to the exempt position of Administrative Captain–EMS in the Fire Department, to be effective June 27, 2010. Pursuant to Rules of the Board, the Chair laid this item over to permit the nominee to be interviewed.

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

TO FIRE EQUIPMENT REPAIRS MANAGER, from Fire Equipment Repairs Supervisor, without competitive examination, effective June 13, 2010:

MICHAEL J. REID.

Deputy Chief Gleisner spoke regarding the promotion. After discussions with DER and FPC staff he understands he would be undermining the position of supervisor if he bypassed the position and promoted someone from under Mr. Reid to the Fire Equipment Repairs Manager position. He met with the men under Mr. Reid last week to explain this to them.

c) The Director presented a letter dated May 25, 2010, from Chief Rohlfing, wherein he informs the Board that Firefighter Craig C. Weiss's status has changed from an unpaid medical leave of absence to an ordinary disability pension, retroactive to April 19, 2010.

6. POLICE DEPARTMENT:

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

TO POLICE SERGEANT, on a waiver basis, from eligible list established October 1, 2009, contingent upon successful completion of a drug screening, effective June 13, 2010:

#19 – ROBERTA A. KLEIN.

TO PERSONNEL PAYROLL ASSISTANT III, from Personnel Payroll Assistant II, without competitive examination, effective June 13, 2010:

MARY K. KWAPISZEWSKI.

TO PERSONNEL PAYROLL ASSISTANT II, from Personnel Payroll Assistant I, without competitive examination, effective June 13, 2010:

ARKERKSHIA S. RANDALL.

TO ACCOUNTING ASSISTANT I, from Office Assistant III, without competitive examination, effective June 13, 2010:

KAREN M. BOSETTI.

b) The Director presented a letter dated May 24, 2010, from Chief Flynn, wherein he requests that Police Telecommunicator – Seasonals Regenia Thomas and Joseph Trotter, who worked in the 2009 season, return for the 2010 season, contingent upon passing a background investigation update, a medical examination, and drug screening. Commissioner Stark moved approval of the request, seconded by Commissioner Morgan. The motion carried unanimously.

c) The Director presented a letter dated May 19, 2010, from Chief Flynn, wherein he presents a request for reappointment to the position of Police Services Specialist Investigator from William J. Stawicki. Mr. Stawicki was appointed on June 4, 2007, and resigned on March 30, 2010. Chief Flynn met with Mr. Stawicki, his sick time use was reviewed, and his file was shown to have no pending investigations. Chief Flynn recommends that Mr. Stawicki be reappointed to his former position of Police Services Specialist Investigator. Mr. Stawicki was present but did not address the Board. The Chair clarified that Mr. Stawicki did not have any internal investigations or disciplines pending. Commissioner Stark asked if reappointed, would Mr. Stawicki have to complete a probationary period. The Director responded that, a 12 month probationary period would be served. Commissioner Stark moved approval of the reappointment request, seconded by Commissioner Morgan. The motion carried unanimously.

d) The Director presented a letter dated May 19, 2010, from Chief Flynn, wherein he requests that an examination be conducted for the position of Police Dispatcher as soon as possible as there are only two individuals remaining on the eligible list. Currently there are two vacancies, and additional vacancies are expected. The Chair referred the request to the Department of Employee Relations for implementation.

e) The Director presented a report dated May 24, 2010 from Chief Flynn on the Police Aide program. The report contains the Police Aide Manual authored by Lt. Michael Schmitz, with assistance from FPC and MPD staff. The Director highlighted a few important changes. Police Aides will no longer be attending their classes on duty-time. The Career Development Coordinator will work with the Police Aides and their supervisors to coordinate schedules. The educational parameters are also broadened, to include reading, writing, etc. classes outside of the police associate degree at Milwaukee Area Technical College. They can also attend any college in the Milwaukee area. Another major change is the physical fitness program that will prepare Police Aides for their Police Officer recruit class. There will also be a formalized mentoring program. Finally, there will be a stringent evaluation. This gives Police Aides knowledge of what is expected of them and gives us a better tool to evaluate them. MPD has been working on this manual for a year and put a lot of work into it. Commissioner Lor moved approval of the recommended changes, seconded by Commissioner Morgan. The motion carried unanimously.

## 7. PUBLIC COMMENT:

Sgt. Scott Charles, Board member of the Milwaukee Police Supervisor's Organization (MPSO), stated he is advocating for what is right, but what is not always popular. He feels he was personally attacked by the Milwaukee Police Association (MPA) and has to speak now to clear the air. He speaks on behalf of the MPSO Board. He feels the MPA should not question the MPSO's position which is derived from fact-based reports. The MPSO believes the FPC will act in the best interest of the Department and the public. The MPA cannot support their position with facts, and the only expectation a rank and file member has is to compete in an examination if they so choose. The City of Milwaukee, FPC, DER, and MPD management is not required to negotiate regarding promotional processes. The MPA's position that only Detectives can clear crimes is selfish. He asked would it be more advantageous to clear crimes, or to prevent crimes from ever being committed. Chief Flynn has brought national models and success to the Department. The rank structure in the Department has changed from combined lieutenant ranks to one rank of Police Lieutenant. He feels the MPA wants to maintain the status quo which is not in the best interest of the Department.

Michael Crivello, President of the Milwaukee Police Association, applauded the FPC and the Department for the creation of their Code of Conduct. He looked forward to Dr. Brandl's report and applauded the Commission for moving forward with such a study. The MPA supports the Code of Conduct, but there are

still concerns about Rule 4 with regard to the expectations of positions. He apologized to Sgt. Charles and the Board for his earlier actions if they intimidated anyone. He stated he will bring facts and data to support his position to the next meeting. He apologized for referring to Chief Flynn as a transient chief. He intended it to mean someone who was around for a short period of time.

Ms. Debra Jenkins asked when the Code of Conduct will be public for citizens to view. Captain Gacek responded it will be available online within four to six weeks. Commissioner Cox stated it is available online now because it is public information. Ms. Jenkins also asked for the names of officers who have had complaints against them. The Director stated the information is not necessarily releasable because of ongoing investigations. Ms. Jenkins asked how long complaints take to close. The Director responded that for complaints that were filed with the FPC the goal was to complete them in 90 days. Kristin Kappelman added that the current average is 45 days.

Deidra Edwards, from the Office of State Senator Lena Taylor, asked when the Use of Force report will be available online and what time period it covers. The Director responded it is currently online and it covers 2009.

8. ADJOURNMENT:

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

The meeting concluded at 7:15 P.M.

Respectfully submitted,



Michael G. Tobin  
Executive Director

MGT:mk