

December 6, 2012

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:30 P.M.

PRESENT: Commissioners: Sarah W. Morgan, Chair
Kathryn A. Hein
Paoi X. Lor
Richard C. Cox
Michael M. O'Hear

ALSO PRESENT: Mark Rohlfing, 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 4:05 p.m. to 5:15 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: promotion of Battalion Chief, Fire to Deputy Chief, Fire and performance evaluation of Police Chief Edward Flynn.

The Director presented for adoption minutes of the Regular Meeting of November 15, 2012. Commissioner Hein moved approval of the minutes as presented, seconded by Commissioner O'Hear. The motion carried unanimously.

1. UNFINISHED BUSINESS:

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

TO DEPUTY CHIEF, FIRE, from Battalion Chief, Fire, effective December 9, 2012:

TERRY W. LINTONEN.

b) The Director presented correspondence dated November 27, 2012, from staff, regarding Police Officer Michael Kuykendall, wherein he requests an extension to his temporary residency exemption to live with his ailing grandmother in Greenfield to care for her. Commissioner Cox moved to extend the temporary residency exemption for a six (6) month period, seconded by Commissioner O'Hear. The motion carried unanimously.

The Director presented correspondence dated December 3, 2012, from staff, regarding Police Officer Frank Vrtochnick, wherein he requests an extension to his temporary residency exemption to live with his fiancé in Sussex while he recovers from his numerous injuries and surgeries. Commissioner O'Hear moved to extend the temporary residency exemption for a six (6) month period, seconded by Commissioner Lor. The motion carried unanimously.

c) The Director returned to the Board correspondence dated August 29, 2012, from staff, detailing a proposed modification to Fire and Police Commission Rule VI, Section 5 regarding the education requirement for Fire Cadet and Police Aide candidates. Lindsey O'Conner, Human Resources Analyst – Sr., was present to answer questions.

The proposed language is as follows:

Section 5

- (a) Every applicant for Police Officer and Firefighter must either be a graduate of an accredited high school, possess a GED, or possess a high school equivalency certificate which conforms to the standards established by the State of Wisconsin for a high school equivalency certificate, by such time as determined by the Board.*
- (b) Every applicant for Police Aide and Fire Cadet must be a graduate of an accredited high school with a cumulative GPA of 2.0 by such time as determined by the Board.*
- (c) Police Officer applicants must meet all the educational requirements for Police Officer applicants established by the State of Wisconsin Law Enforcement Standards Board.*

Commissioner Hein asked why we require candidates for Fire Cadet to have a high school diploma, but will accept candidates for Firefighter who have GEDs and wondered if we were missing out on potential candidates. Chief Rohlfing said the Milwaukee Fire Department (MFD) is targeting recruiting efforts in the Milwaukee Public Schools and is specifically looking for young men and women who meet certain academic standards (2.0 cumulative GPA) with good attendance records. If young men and women are outside of school, it is difficult to gauge where they are as far as their citizenship. When individuals enter as Firefighter recruits, it can be assumed that they are farther along in their maturation and in life, already having achieved their education. That is important because Firefighter recruit training lasts only 14 weeks and training for Fire Cadets lasts two (2) full years. Commissioner O'Hear moved to approve the modification to the rule, seconded by Commissioner Lor. The motion carried unanimously.

d) The Director indicated this item would be moved to end of the agenda.

2. NEW BUSINESS:

a) The Director presented correspondence dated November 28, 2012, from James R. Owczarski, City Clerk, regarding the reattachment of Police Liaison Officer Mark Sikora to the Milwaukee Police Department (MPD) in his former position of Police Officer, effective January 1, 2013. Commissioner Hein moved approval of the reattachment, seconded by Commissioner O'Hear. The motion carried unanimously.

3. FIRE DEPARTMENT:

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

TO FIRE LIEUTENANT, on a temporary and waiver basis, from the expired eligible list established December 17, 2009, effective December 9, 2012:

#39 – CHRISTOPHER M. VOGT.

b) The following appointments, as presented by Chief Rohlfing, were approved by the Board:

TO FIRE EQUIPMENT DISPATCHER, from eligible list established November 1, 2012, contingent upon successful completion of background, medical, psychological, and drug screening, effective January 7, 2013:

#4 – CHRISTOPHER HIBBEN; #2 – ANGELA PICKENS; #5 – ELIZA MARTINEZ (ORTIZ); and #3 – KATIE CHAPMAN.

TO FIRE EQUIPMENT DISPATCHER, on a contingent basis until January 14, 2013, from eligible list established November 1, 2012, contingent upon successful completion of background, psychological, medical, and drug screening and position vacancies, effective January 7, 2013:

#1 – MARK DESTEFANIS; #6 – MINDY MAYS; #11 – RAQIBA MALIK; #9 – DANIELLE COMER; #14 – DEAVIN THOMPSON; #10 – TODD ZIMMERMAN; #15 – RENEE SALLEY; and #7 – ARIELLE EWING.

c) The Director presented correspondence dated November 29, 2012, from Chief Rohlfing, wherein he notifies the Board that the appointment effective dates of Daniel Lipski and Michael Romas to Assistant Fire Chief, Aaron Lipski to Deputy Chief, Fire, and Michael Blackwood to Battalion Chief, Fire approved at the November 1, 2012 meeting should be November 11, 2012; not Sunday, October 28, 2012, as originally submitted.

d) The Director presented correspondence dated November 7, 2012, from Chief Rohlfing, wherein he notifies the Board that Fire Cadet Justin T. Tunks has gone on Workers' Compensation, effective November 5, 2012.

e) The Director presented correspondence dated November 12, 2012, from Chief Rohlfing, wherein he notifies the Board that the contingency appointment of #26 – Keon T. Battle from the Fire Cadet eligible list established September 6, 2012, approved at the September 6, 2012 Regular Meeting, was utilized, effective November 12, 2012.

4. POLICE DEPARTMENT:

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

TO POLICE DISPATCHER, from eligible list established July 28, 2011, contingent upon successful completion of background, psychological, medical, and drug screening, effective December 10, 2012:

#21 – BRIAN D. BARTHOLOMEW; #23 – JUANITA JURADO; #25 – ALANA POPE; and #28 – GIL MARONEK.

TO POLICE TELECOMMUNICATOR (REGULAR), from Police Dispatcher eligible list established July 28, 2011, contingent upon successful completion of background, psychological, medical, and drug screening, effective December 10, 2012:

#2 – YOLANDA EVERETT.

TO SCHOOL CROSSING GUARD (REGULAR), with effective dates:

DORRIS J. RAY (9/18/12); ROSALIE SANFILIPO (9/13/12); TRACI SCOTT (9/18/12); and MARY LAUREANO (9/19/12).

TO SCHOOL CROSSING GUARD (SUBSTITUTE), effective October 9, 2012:

HENRY HERRON.

b) The Director presented correspondence dated November 27, 2012, from Chief Flynn, wherein he notifies the Board that Police Officer Tiffany Skonieczny returned from an unpaid military leave of absence which commenced on October 23, 2012, effective November 10, 2012; Custodial Worker II Delbert Orr was granted an unpaid medical leave of absence, effective November 14, 2012 and it is expected he will return to duty on December 6, 2012; Police Services Specialist Edgar Bullock, Jr. was granted an unpaid medical leave of absence, effective November 13, 2012 and it is expected he will return to duty on December 31, 2012; and

School Crossing Guard George Amin was granted an unpaid medical leave of absence, effective September 2, 2012 and it is expected he will return to duty on December 18, 2012.

c) The Director presented correspondence dated November 29, 2012, from Chief Flynn, wherein he presents a request for reappointment to the position of Detective from Octavio Delgado. Mr. Delgado was appointed on October 6, 1986, as a Police Officer, and he was appointed to the position of Detective on August 28, 1994. Mr. Delgado retired in good standing on October 10, 2012. The letter states that Mr. Delgado indicated he retired to seek an employment opportunity; however, the conditions of that job were not what had been promised. Chief Flynn recommends that Mr. Delgado be reappointed contingent upon successful completion of a medical and drug screening, effective December 10, 2012. Commissioner Hein moved that Mr. Delgado be reappointed to the position of Detective subject to the terms and conditions outlined in the Chief's correspondence, seconded by Commissioner O'Hear. The motion carried unanimously.

d) The Director presented correspondence dated November 12, 2012, from Chief Flynn, wherein he requests a study of the position classifications of Office Assistant II (9 positions), Office Assistant III (4 positions), Office Assistant IV (1 position), Transcriptionist II (1 position), Transcriptionist III (1 position) and one vacant position, currently assigned to the expert groups in the Records Management Section. The Chair referred the matter to the Department of Employee Relations for study and classification.

1. UNFINISHED BUSINESS (continued):

d) The Director returned to this item on the agenda. The Director returned to the Board proposed changes to MPD's Use of Force (UOF) Reporting Requirements and presented correspondence dated December 3, 2012, from Chief Flynn, regarding the proposed modifications to MPD's Use of Force Standard Operating Procedure (SOP) 460. Chief Flynn said MPD and the Fire and Police Commission (FPC) have been reviewing best practices from around the country, in particular keeping an eye on those agencies that have had trouble with their force reporting. The current version of SOP 460 identifies use of force using various implements (firearm, baton, OC spray, Taser, canine) to gain a proper police purpose. SOP 460 does not require use of force reporting when hands, or the procedure known as decentralization, are used. Although many departments follow this same procedure, through research MPD and FPC have determined that a growing number of departments are filing reports whenever force involving hands and/or tools is used. MPD has decided to add the use of hands to the UOF reporting. Another change involves adding the duty to intervene, already included in MPD's Code of Conduct, to the policy. According to Chief Flynn, if officers are on the scene of an incident involving force which is not objectively reasonable, they have a requirement to step in and stop the incident.

Commissioner Morgan asked if there were any major differences from what the FPC recommended. Chief Flynn responded that there really were no major differences. The SOP is largely unchanged because it has to do with when force is used. Chief Flynn said one change to the SOP is when an officer needs to write a UOF report. In the past, if officers used their hands it was reported in the body of the incident report and not captured in MPD's UOF reporting. Now, officers will file a separate UOF report when an incident involves force using tools and/or hands. This will aid in identifying officers who use force more often than other officers and allow MPD to implement early intervention programs with officers.

Commissioner O'Hear asked the Director if Dr. Stephen Brandl will continue to do his annual Use of Force Report and if he had input into this proposal. The Director responded that Dr. Brandl did have input on how to accumulate the data and statistics, as well as how to integrate the AIM data into his annual report. Professor Brandl will be doing his report again in 2013 and, because the Department will implement these changes, the expanded force definition will allow all force data to be captured beginning January 1, 2013. The Director said that the UOF reporting that the FPC does and that MPD does in conjunction with MPD's annual report are among the most comprehensive reviews of UOF done for any large, urban police department. Given the changes to UOF reporting, it would not be a surprise to see an uptick in UOF

incidents in 2013 due to expanding the reporting categories. Commissioner O'Hear moved to approve the changes, seconded by Commissioner Hein. The motion carried unanimously.

5. PUBLIC COMMENT:

The Director said there would be no written decision issued today in the Officer Schoen disciplinary appeal hearing. He indicated the hearing would be noticed to reconvene for possible further action before a written decision is issued, and the hearing will be reconvened during the week of December 10, 2012.

Ms. Rose, community activist, asked the Commission to require that all current and future police officers undergo psychological testing as the actions of Officer Schoen were not justified and are those of a person who hates women. She also asked whether Officer Schoen was suspended with or without pay and she would like to know how each Commissioner voted.

Brian Verdeen, resident of Milwaukee, said the two Commissioners who voted to give Officer Schoen his job back have done a great disservice to the community and he felt it was ironic that it was two women who voted that way. Mr. Verdeen said this ruling has told young men in the community that it is okay to have violence against women and he would like all of the Commissioners to resign.

Maeleen Jordan, great aunt of Derek Williams, said the action of Milwaukee police officers is degrading and inhuman. She is tired of how people are treated in Milwaukee and she would like Officer Schoen to be fired.

Khalil Coleman, Occupy the Hood, said the Commission pretends to have a public forum, but it is the same standard procedure. The officers involved in the Derek Williams incident are still on the force and it is inhumane to come up with policies and procedures that require officers to intervene because it should be automatic. Given that Chief Flynn fired Officer Schoen and the Commission overturned that decision, Mr. Coleman called for the resignation of Mayor Barrett, Chief Flynn, and all of the FPC Commissioners.

Anthony Williams said Chief Flynn and officers were not allowed to beat women in his hood and said Chief Flynn and the Commissioners need to go somewhere. Mr. Williams said citizens pay the salaries of officers and will not be disrespected by officers any more.

Chris Fears recited a poem entitled *System Error*.

Mr. Mahdi said this is about peace, the essence of what police are to protect. It is about holding people accountable. The police department is killing our kids and soon it will be the other way around. Milwaukee is ranked first in the nation for segregation. Racism is thick in this city. If things were reversed racially, there wouldn't be an issue; the officer would have been fired and serving 25 to life for his actions.

An anonymous resident wondered how it is possible for Officer Schoen to have gotten his job back. She said it seemed to her that the FPC condones police brutality. In her mind, the whole Board should be removed because she doesn't know who is corrupt and who condones this behavior. All need to resign.

Tory Lowe said we are at a standstill because one side does not trust the other side in the room. All on the Board should consider resignation because we need to get rid of mistrust. He considers a woman getting beat in the face by a police officer to be domestic abuse; illegal cavity searches are molestation; and homicide in the back of a squad car is a murder. He said he's trying to call it what it is and all those things are elements of mistrust. The Fire and Police Commission was evaluated in 2006 by the Police Assessment Resource Center and none of those things were implemented. When there is mistrust between the people and the police you are going to have problems.

Melissa Hall said she is angry. She said it is unconscionable that two women reinstated Officer Schoen. She told both women they should be ashamed of themselves for reinstating the officer and if they have daughters they should hope their daughters marry someone who doesn't beat them.

Jeanine Tracy said she would like to know what the decision to reinstate Officer Schoen was based upon. She said she feels scared and terrible since the incident.

M. Sedura, Occupy the Hood, expressed his disappointment in the situation.

Tom Leonard said he wanted to know if the Commissioners thought they were wrong. He also wanted to know why the Commissioners would keep someone working for them who beat a woman. Mr. Leonard said 150 years ago the KKK beat black people and today that same white man took off his sheet and put on a police uniform.

Mr. King said Chief Flynn has not been showing respect because he was not paying attention to what they have been saying. He said Chief Flynn couldn't even look people in the eye. Every time a black person wants to stand up for their rights the Chief calls his boys in because people are getting rowdy. They are just trying to stand up for what they believe in. Jasmine Washington said as a woman she would not allow Chief Flynn to come in and beat on her sisters. She said these are our streets and they will run the streets, not Chief Flynn. She will make sure he is out of office by any means. Tom Barrett and the Commissioners will be removed. They will continue to police Chief Flynn and his police officers.

Quentin Smith said this is ridiculous how all of the Commissioners can sit there and be emotionless. He knows how it feels to have lost a parent to the streets of Milwaukee and it is ridiculous how all the Commissioners cannot care about what is happening. Losing a parent makes kids grow up fast and it shouldn't happen. He wanted to know how the Commissioners cannot care when things like this have been going on for years. He asked how many more people have to die before you all realize what's going on.

Mr. Cook expressed his dissatisfaction with the situation and said the Commissioners condone what Chief Flynn does. He said the Commissioners make him sick. He said if he catches Commissioners on the street he doesn't know what he might do.

Supreme Allah said we have listening sessions all the time. Chief Flynn did fire the officer. It was placed in the Board's hands. He would like to have some question and answer sessions. He has some procedural questions: How come it was up to three (3) of you when there are obviously more of you on the Board? Why wasn't it taken to the full Board? What is it in your bylaws or the things that you study that led to this decision? He would like some answers and if the Board can't do that why is the Board here? Citizens want answers and if the Board can't give answers then leave.

Naomi Williams asked the African American on the Board if he sleeps at night with the decision that was made. She asked what it does to him. She said, "You sit there stone-faced and stoic and that is why you have an angry mob of people. What do you do when you take away a citizen's safety, their peace of mind? How do you come to a consensus? She's isn't talking to the women because she knows they are brainwashed. How can you do that to your own?"

Commissioner Cox said he would respond because he was asked a direct question. He said it was inappropriate for him to speak about the proceedings, but there is a public record of how he voted. Before the listening session, Mr. Tobin announced there would be a reconvening of the panel to further consider this decision.

Derek Williams' mother asked why the police are able to cover up their names when they patrol. Then she asked why they aren't allowed to march. The police officers intimidate the marchers. She also asked why citizens involved in domestic abuse are locked up, but not this officer. She said she does not understand why

Officer Schoen does not get arrested for assault and that this tells all the black men that they can beat women.

Angelina Rodriguez-Diaz said she has worked in this community since she was a teenager and she has seen this happen over and over again. She asked how Commissioners could sit back, not as Commissioners, but as citizens and sit here and ignore the pleas of the people. She said that while the people may be a little bit louder and less refined by the Commissioners' standards, they are simply trying to get justice for the woman who was beaten by the police officer. It's difficult when working with young girls, teaching them how to become women, to see the video played over and over on television and wondering what that represents to them. She asked how the Commissioners can let this happen. Chief Flynn did part of his job by firing him and she wondered how kids on the street are supposed to look up to officers and not see them as the enemy when they see things like this happening in their community on a daily basis. She wants to know what is going to be done to make this more participatory and take into account the feelings and opinions of the people who are being directly affected by it. She said they are tired of it and she is tired of sitting here talking to the Board and being unheard.

Dayvonna Headen said she wants to know how is this right. She said the Commissioners are sitting there justifying all of this. The Commissioners are saying it's okay for the men and women who took oaths to beat them and to get their jobs back. She asked if the Commissioners allow this because it wasn't a member of their family and how the Commissioners would feel if it was a member of their individual family. She said the people are here today to show the Commissioners this shouldn't keep happening.

6. ADJOURNMENT:

Commissioner O'Hear moved to adjourn the meeting, seconded by Commissioner Lor. The motion carried unanimously.

The meeting concluded at 6:38 P.M.

Respectfully submitted,



Michael G. Tobin
Executive Director

MGT:kj