

March 7, 2013

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:31 P.M.

PRESENT: Commissioners: Sarah W. Morgan, Chair
Kathryn A. Hein
Paoi X. Lor
Ann Wilson

ABSENT: Commissioner: Richard C. Cox (Excused)
Michael M. O'Hear (Excused)

ALSO PRESENT: Mark Rohlfling, 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 4:01 p.m. to 5:25 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: performance evaluation of Fire Chief Mark Rohlfling.

SWEARING IN OF COMMISSIONER ANN WILSON:

The Director administered the oath of office to the newly appointed Commissioner, Ann Wilson.

The Director presented for adoption minutes of the Regular Meeting of February 21, 2013. Commissioner Hein moved approval of the minutes as presented, seconded by Commissioner Lor. The motion carried unanimously.

1. UNFINISHED BUSINESS:

a) The Director returned to the Board a decision, filed February 26, 2013, from the United States Court of Appeals for the Seventh Circuit regarding the Milwaukee Police Association (MPA) and Melissa Ramskugler v. Board of Fire and Police Commissioners of the City of Milwaukee, Edward Flynn, and the City of Milwaukee. The Director said this was a lawsuit that alleged that the Commission should follow a hearing procedure in order to terminate probationary employees. The outcome of the case involved a Worker's Compensation settlement with the employee due to an on-duty injury and the MPA portion of the lawsuit was dismissed due to lack of standing. The Director said the law remains as it always has been; i.e., that probationary employees are not entitled to a disciplinary hearing upon termination from the department due to their probationary status.

2. EXAMINATIONS:

a) The Director presented for approval an examination announcement bulletin for the position of Electronic Technician Supervisor in the Police Department. The Director said both he and the department had reviewed the bulletin. The Chair asked if there were any major changes. Val Williams, Personnel Administrator, responded that the bulletin was unchanged. Commissioner Hein moved approval of the bulletin, seconded by Commissioner Lor. The motion carried unanimously.

b) The Director presented for approval an examination announcement bulletin for the position of Police Dispatcher in the Police Department. Toni Vanderboom, staff Human Resources Representative was present to answer questions and said the bulletin was largely unchanged. She said there was no job analysis completed for this position. A job analysis was in process for this position, but because of current staffing

levels, it was decided to go forward with the creation of an eligible list rather than waiting for the job analysis to be completed. This choice was made because waiting for the job analysis would have caused too many delays and caused staffing issues for the department. Commissioner Hein asked when it was expected the job analysis would be finished. Ms. Vanderboom said job analyses typically take between four (4) and six (6) months for a position such as this. The plan is to conduct concurrent job analyses for Police Dispatcher, Police Telecommunicator, and Police Telecommunicator (Seasonal) with the hope that all three positions will have a newly developed testing process prior to the next recruitment. The Chair asked for clarification regarding which testing process would apply for individuals applying during the current recruitment for Police Dispatcher. Ms. Vanderboom said individuals would be covered under the old process. Commissioner Hein moved approval of the bulletin, seconded by Commissioner Lor. The motion carried unanimously.

3. FIRE DEPARTMENT:

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

TO HEAVY EQUIPMENT OPERATOR, on a waiver basis, from eligible list established July 26, 2012, effective March 17, 2013:

#5 – VICTOR J. IZQUIERDO.

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

TO FIRE MECHANIC HELPER, transferring from the Water Department, effective March 17, 2013:

PABLO LLANOS-ALDAPE.

c) The Director presented correspondence dated February 28, 2013, from Chief Rohlfing, wherein he requests classification of one Inventory Control Assistant III position, a new position which will be added to the Department's 2013 budget. Chief Rohlfing said this position would test and repair Fire Department turnout gear. Currently, the department works with an outside vendor for this service. Historically, the department has paid approximately \$125,000/year to this vendor for this service and now the cost has increased to \$250,000+/year. According to Chief Rohlfing, the department can hire an individual to do the work, make a one-time capital expenditure of approximately \$75,000, and still save the department about \$100,000/year. The Chair asked if the capital expense was for the equipment needed to do the repairs. Chief Rohlfing said the equipment would include sewing machines and testing equipment required to meet the NFPA standards and would be purchased with the capital expenditure. The Chair referred the matter to DER for classification.

4. POLICE DEPARTMENT:

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

TO POLICE DISTRICT OFFICE ASSISTANT, from Office Assistant I, effective March 17, 2013:

XENG-JOHN XIONG.

b) The Director noted the second appointment letter has been removed from the agenda. The following appointment, as presented by Chief Flynn, was approved by the Board:

TO POLICE SERVICES SPECIALIST – INVESTIGATOR (FULL-TIME), contingent upon successful completion of a background, medical and drug screening, effective March 18, 2013:

TONY L. HENDRIX.

- c) The Director presented correspondence dated February 26, 2013, from Chief Flynn, wherein he notifies the Board that Police Dispatcher Laneka S. Horton has been granted a one-year leave of absence for the purpose of filling the exempt position of Recruiter for the Fire and Police Commission. The leave shall expire March 4, 2014 and may be renewed upon request.
- d) The Director presented correspondence dated February 27, 2013, from Chief Flynn, wherein he notifies the Board that Administrative Lieutenant Kurt J. Drezek has been reassigned from the Urban Areas Preparedness Planning Coordinator position and reverted in rank to Police Sergeant, effective March 3, 2013.
- e) The Director presented correspondence dated February 20, 2013, from Chief Flynn, wherein he notifies the Board that Police Officer Eric S. DeVries has been discharged for violation of Department Rules and Regulations under Personnel Order 2013-22 dated February 20, 2013. The Director noted that Mr. DeVries has appealed.
- f) The Director presented correspondence dated February 25, 2013, from Chief Flynn, wherein he notifies the Board that Police Officer Carl V. Howell, Jr. has vacated his public office due to a felony conviction under Personnel Order 2013-15 dated February 25, 2013.
- g) The Director presented correspondence dated March 1, 2013, from Chief Flynn, wherein he requests a change to the department organizational structure. Chief Flynn said the proposed organizational structure eliminates the three (3) current Bureaus of the Department, a functional organization, and orients the operations around neighborhoods, a structure based on community policing.

The proposed organizational structure is based on the existing geographically-defined Criminal Investigations Bureau (North, Central, and South Commands). Each of the proposed areas incorporates two (2) or three (3) patrol policing districts. The alignment of each of these areas under each Assistant Chief addresses one of the core recommendations of the PRI report presented by Ed Claughton and is consistent with MPD's own experiences; i.e., that it is very difficult to coordinate the efforts of detectives and patrol officers when they report to different bosses.

In these geographic bureaus, each Assistant Chief is responsible for coordinating investigations with patrol functions. In addition, each Assistant Chief will have some responsibility for part of the administrative mission of the police department as well as the investigation and patrol functions. Traditional functional arrangements of police departments create an extraordinary imbalance of responsibilities. Leadership in Police Organizations (LPO) training defines leadership as accomplishing the agency's mission through other people while at the same time developing individuals and teams for future service. To that end, the proposed organizational structure equalizes the workload (approximately 600 people in Central Command, approximately 700 in South Command, and approximately 700 people in North Command), and each one of the Assistant Chiefs will have responsibility for one city-wide administrative function (Fleet Services, Technical Communications Division, Information Services, etc.) as well as coordinating the investigations and patrol responses to their police districts.

Some functions cannot be split up such as some detective functions (homicide investigations, sensitive crime investigations, and major drug investigations) and will be grouped together under one Inspector. Risk Management functions (Internal Affairs, Human Resources, Inspections, and Early Intervention Program) and Strategic Management functions (Office of Management and Planning, Open Records, Information Systems, and Records Management) will remain part of the Office of the Chief because of the need to limit risk to the department. Chief Flynn said this organizational structure will provide him with a manageable span of control and, more importantly, give his senior leaders an equalized workload, a command opportunity to coordinate important functions at the same time, career development, and a closer connection to the community at the senior level. He believes this will allow for better use of senior leaders in the department and reduce their span of control to help the department do a good job identifying critical incidents that need a

rapid response. In addition, this structure will also aid in identifying issues and circumstances that could develop into problems in the future and aid in prevention by helping them to be aware more quickly. Finally, Chief Flynn said this proposed organizational structure will tighten the span of control for crime control, the reason the department exists.

Commissioner Wilson asked where Public Relations would be. Chief Flynn said it would remain part of his office. Commissioner Lor asked if this would eliminate any positions. Chief Flynn responded that it groups positions together differently and balances workload among Assistant Chiefs, but does not eliminate any positions. Commissioner Hein moved to approve the new organizational chart, seconded by Commissioner Lor. The motion carried unanimously.

5. PUBLIC COMMENT:

The Chair said she attended the final exam for the Firefighter Recruit class of December, 2012, known as the Final Burn, and complimented all involved on a great job. Chief Rohlfing thanked the Chair and the Director for attending.

Mike Crivello, President of the Milwaukee Police Association, welcomed Commissioner Wilson to the Board. He reminded and encouraged the Commission to work closely with the department to fill the detective vacancies. Mr. Crivello again reminded the Board that the authorized strength of detectives in the department is 249. Currently, there are 179 detectives and 70 vacancies. In addition, there are 24 individuals eligible for retirement. According to Mr. Crivello this puts the department at a 37% deficit with regard to investigative resources.

Chris Ahmuty, Executive Director of the American Civil Liberties Union of Wisconsin, noted that next week is Sunshine Week which is when we celebrate open government. Mr. Ahmuty commended MPD, at the urging of Alderman Davis, for putting most of the Standard Operating Procedures (SOPs) online and it appears to him that the SOPs were not overly redacted. Mr. Ahmuty specifically referred to SOP 770 – Drug Testing, adopted in 1996. One part of the SOP says officers should be tested whenever they are directly involved in incidents involving death or great bodily harm as defined by State Statute. The results of this drug test are forwarded to the Chief and the head of the Internal Affairs Division and are excluded from criminal proceedings. Mr. Ahmuty said there is greater openness and we know more about policies than before, but in these circumstances only the Chief and Internal Affairs know the results of these tests for sure. He asked how the public can find out if that is the actual practice of the department.

6. ADJOURNMENT:

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

The meeting concluded at 5:56 P.M.

Respectfully submitted,



Michael G. Tobin
Executive Director

MGT:kj