

April 18, 2013

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:32 P.M.

PRESENT: Commissioners: Kathryn A. Hein, Acting Chair
Paoi X. Lor
Richard C. Cox
Michael M. O'Hear
Ann Wilson

ABSENT: Commissioner: Sarah W. Morgan, Chair

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 5:00 p.m. to 5:30 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 evaluation of candidate for promotion to Deputy Chief, Fire.

The Director presented for adoption minutes of the Regular Meeting of April 4, 2013. Commissioner Cox 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, effective April 28, 2013:

DANIEL M. BERENDT.

2. POLICE DEPARTMENT:

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

TO POLICE SERVICES SPECIALIST – INVESTIGATOR, effective April 29, 2013:

KURT J. SUTTER.

b) The Director presented correspondence dated April 11, 2013, from Chief Flynn, wherein he notifies the Board that Ms. Diane Marek has been granted a one year extension to her leave of absence for the purpose of continuing to assume the exempt position of Special Assistant to the Finance and Personnel Committee. The leave shall expire June 7, 2014, and may be renewed upon request.

c) The Director presented correspondence dated April 10, 2013, from Chief Flynn, wherein he notifies the Board that Police Officer Robert Garcia was granted an unpaid medical leave of absence until May 12, 2013, effective February 2, 2013 and Police Officer Brad Westergard was granted an unpaid military leave of absence until April 21, 2013, effective February 10, 2013.

d) The Director presented correspondence dated April 11, 2013, from Chief Flynn, wherein he notifies the Board that Police Officer Deborah A. Strzelecki has been suspended for thirty (30) working days and discharged for violation of department Core Values under Personnel Order 2013-38 dated April 11, 2013.

e) The Director introduced Chief Flynn who provided a communication regarding Firearms Violence Summit: Milwaukee's Position and Perspective on a Nationwide Issue. Chief Flynn began his remarks by inviting the Commissioners and the Director to attend the Police Executive Research Forum's (PERF's) annual conference in Milwaukee on May 2 and 3, 2013 where Chief Flynn and a member of his staff will be presenters. Chief Flynn described PERF as a research organization that provides management services, technical assistance, and executive-level education. One of the conditions of membership in the organization is members must commit to applying research to criminal justice policies. The Acting Chair requested Chief Flynn provide the Commissioners with a schedule for the conference so Commissioners can attend particular sessions if they are unable to attend the entire conference.

Chief Flynn's presentation was based upon a series of sessions convened by the University of Chicago where a group of perceived experts participate in structured conversations about a particular problem with the goal of producing publications related to the issue. Chief Flynn said the slides were developed by Jens Ludwig from the University of Chicago and Chief Flynn decided to use the slides with data from Milwaukee for this presentation rather than the Chicago data used by Professor Ludwig.

Chief Flynn's presentation focused on strategies to reduce gun carrying and gun violence. In Milwaukee in 2012, 82% of homicide victims were killed with a firearm compared to 84% in Chicago. Additionally, 37% of homicides were argument/fight related compared with 70% in Chicago. The difference in percentages between the two cities is because the Milwaukee Police Department (MPD) more narrowly defines this category. Regardless, argument/fight related homicides were the leading cause of homicides in 2012. According to Chief Flynn, a significant percentage of gun homicide is impulsive and unpredictable and not rationally part of some retaliation or crime regulation scheme. Over the last five years, Milwaukee has seen a decrease in firearm-related homicides, but there was a 25% increase from 2011 to 2012.

Professor Ludwig's research indicates more effective national and state regulations would have an impact on firearms violence. As a result of this research, Chief Flynn advocates background checks because 60% of firearms are purchased from licensed dealers that require a background check. The remaining 40% of firearms are purchased through private sales where no background check is required. He said 92% of recovered guns were not stolen, but were bought lawfully under current laws. Ninety-two percent (92%) of perpetrators of violence are criminals and 85% of victims of violence are criminals. People who carry firearms are doing it because they believe it is safer for them to carry the gun than not carry. The goal then is to alter the mental calculation of individuals with regard to the decision to carry or not carry a gun.

In New York City, there has been a decrease in homicides from 2500/year to 400/year as a result of the state of New York increasing penalties for the illegal possession of a firearm. Mandatory three-year sentencing coupled with strategy led to the significant decrease. There are tradeoffs, however, to consider because one problem can be exacerbated when trying to fix another; i.e., less guns may lead to more incarceration. Chief Flynn said the goal is to aim for less incarceration and less gun carrying.

In the 1970s and 1980s, crime was up and incarceration was down. As a result, there was a major investment in incarceration in the years that followed, especially for drug offenses. Chief Flynn said this begs the question of who is going to jail for what. This strategy had diminishing returns and currently, homicide rates are down but incarceration rates are still increasing.

There are several mechanisms to tactically reduce gun violence. One is stepped up policing efforts connected to strategic prosecution and sentencing which results in the incapacitation of truly dangerous individuals. Chief Flynn said intervention with children is important because research has shown that violent

offenders were violently abused as children. Intervention with children is important in facilitating different thinking regarding the decision to carry firearms. Another mechanism is deterrence. If the deterrent is big enough, Dr. Ludwig believes theoretically that violence and incarceration can be reduced simultaneously.

Chief Flynn said part of the problem is that there are actually two decisions associated with this; i.e., the decision to have a gun with them and the decision to use it if something happens. Once an individual decides to carry a gun, they are past the point of no return when they make an impulsive decision to use the gun. Impulsive decisions are often made under the influence of alcohol or drugs and when they are surrounded by peers. Rational decision making requires an individual to be sober, alone, and in a calm frame of mind, atypical of the environment where firearm-related violence occurs.

Research has shown that to achieve maximum deterrence, swiftness and certainty matter more than severity. In addition, consequences need to be related in time to the action, not in an unpredictable way issued months or years after the fact. Chief Flynn asked how deterrence can be enhanced in a budget-neutral way.

Prevention strategies need to be focused in three areas:

1. Early childhood education has a significant impact on subsequent criminality.
2. Truancy reduction by working closely with schools.
3. Treatment, rehabilitation, and re-entry which are subsequent to arrest.

Chief Flynn presented data from New York City indicating a 32% decrease in the incarceration rate (despite a 5% increase in the nationwide incarceration rate). New York City has also had a significant reduction in the number of gun-related homicides. According to Chief Flynn, New York City has been able to affect the rational decision-making process of individuals with regard to the decision of whether or not to carry a firearm. MPD has seen an association between an increase in proactive policing and a decrease in crime during the last five years. The challenge lies in how we sanction people who are just caught carrying a gun illegally. Currently, Wisconsin treats this as a misdemeanor offense. If the penalties for carrying a gun illegally are more severe, Chief Flynn said this will impact an individual's decision whether or not to carry a gun in the first place.

An analogy was drawn between carrying a gun and driving drunk. Fifty years ago, according to Chief Flynn, there were no significant sanctions for driving drunk. There was a significant reduction in the number of people who drove drunk once there was a lowering of the blood alcohol level (BAC) that determines when an individual is drunk and the penalties for driving drunk. Thinking has changed and now the thought is that every drunk has the potential to kill someone, so we as a society punish the risky behavior of driving drunk. If we start treating unlawful use of a weapon as we do driving under the influence (DUI), we will punish the risky behavior associated with carrying a firearm and not just dumb luck of getting caught with one. The question remains as to how to treat the unlawful carrying of a weapon as we do DUI and recognize probabilistic harm that carrying a concealed weapon poses for us in the city.

Chief Flynn said all subsequent meetings at the University of Chicago will be related to this issue of gun violence. He looks forward to bringing back whatever he can, applying the research here in Milwaukee and, in turn, sharing MPD strategies that have worked here. For example, Chief Flynn spoke regarding MPD's microbox strategy that looks at small areas within a district squad area to take away anonymity from those who are serial violators in those areas.

Commissioner Wilson asked whether any research had been done regarding school suspension as it is tied to truancy. Chief Flynn said some research had been done and explained that when children are disruptive they may need to be removed from a classroom. That being said, he said schools have a choice whether to suspend the student out-of-school or in-school. Out-of-school suspensions provide no supervision for the

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child and leave them vulnerable to negative influences. In-school suspensions, however, are supervised and don't leave a child as vulnerable.

3. PUBLIC COMMENT:

There was no comment made from the public present.

4. ADJOURNMENT:

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

The meeting concluded at 6:07 P.M.

Respectfully submitted,



Michael G. Tobin
Executive Director

MGT:kj