

May 2, 2013

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:37 P.M.

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

ALSO PRESENT: Gerard Washington, Assistant Chief, representing the Milwaukee Fire Department; and Mary Hoerig, Inspector, representing the Milwaukee Police Department; David Heard, FPC Community Relations Manager; Tom Barrett, Mayor; and Nik Kovac, 3<sup>rd</sup> District Alderman, representing the Common Council.

The Mayor presented David Heard, Fire and Police Commission Community Relations Manager, with a Proclamation designating May 2, 2013 as David Heard Day in the City of Milwaukee in honor of Mr. Heard's retirement from the City after 28 years of service. Alderman Kovac presented a Common Council Resolution honoring Mr. Heard for his service. Mr. Heard thanked the Mayor, Alderman Kovac, the Executive Director, and the Board for their recognition of his years of service.

The Director presented for adoption minutes of the Regular Meeting of April 18, 2013. Commissioner Cox moved approval of the minutes as presented, seconded by Commissioner O'Hear. The motion carried unanimously.

1. NEW BUSINESS:

a) The Director presented correspondence dated April 24, 2013, from staff, wherein Firefighter Benjamin Baus requests a temporary residency exemption to reside in Hartford until his home is sold. Firefighter Baus has listed with a realtor and will continue showings and open houses until the home is sold. If the home does not sell, Firefighter Baus said he is open to exploring other options regarding renting or supplementing his income to afford to move into Milwaukee. Commissioner O'Hear moved to grant a six month residency extension, seconded by Commissioner Hein. The motion carried unanimously.

The Director presented correspondence dated April 23, 2013, from staff, wherein Firefighter Jeremy Gumm requests a temporary residency exemption to reside in West Allis until his home is sold. Firefighter Gumm has listed with a realtor and has already reduced the price of their home one time. If the home does not sell, Firefighter Gumm said he may drop the price again because he is unable to afford to pay rent in Milwaukee and continue paying his mortgage. Commissioner O'Hear moved to grant a six month residency extension, seconded by Commissioner Hein. The motion carried unanimously.

The Director presented correspondence dated April 22, 2013, from staff, wherein Firefighter David Jauch requests a temporary residency exemption to reside in Wauwatosa until his home is sold. Firefighter Jauch has listed with a realtor and will continue showings and open houses until the home is sold. Firefighter Jauch is unable to afford to pay rent or a mortgage in Milwaukee and continue to pay his mortgage. Commissioner O'Hear moved to grant a six month residency extension, seconded by Commissioner Hein. The motion carried unanimously.

b) The Director presented a classification report dated April 26, 2013, from Maria Monteagudo, Director of Employee Relations, regarding a new position of Fire Equipment Repairer I in the Fire Department budget. Sarah Trotter, Department of Employee Relations, presented the report. Ms. Trotter recommends that in the

Salary Ordinance, under Pay Range 7DN, add the footnote designation “(12)” to the title “Fire Equipment Repairer I” with the footnote to read as follows: “(12) Recruitment is at \$1,441.95 (\$37,490.70) for candidates with at least three years of related experience and at \$1,485.21 (\$38,615.46) for candidates with at least four years of related experience”. In the Positions Ordinance, under Fire Department, EMS/Training/Education Bureau Decision Unit, Training Division, delete one position of “Inventory Control Assistant III” and add one position of “Fire Equipment Repairer I”. Assistant Chief Washington indicated the Milwaukee Fire Department (MFD) requested the position because it would provide a substantial cost savings to perform cleaning and repairs in-house rather than using an outside vendor. Commissioner O’Hear moved approval of the report, seconded by Commissioner Lor. The motion carried unanimously.

c) The Director moved this item to the end of the agenda.

## 2. EXAMINATIONS:

a) The Director presented for adoption an eligible list for the position of Fire Cadet in the Fire Department, consisting of 132 names. Lindsey O’Connor, Human Resources Analyst – Senior, presented the eligible list and provided the following information regarding the testing process:

- Number of applications submitted: 735 with a 17% rejection rate
- Number of applicants:
  - invited to take written test: 618
  - who took written test: 240; 39% show rate (lower than 2012)
  - who failed written exam: 39
  - invited to oral exam: 201
  - who took oral exam: 172 (lower number of no-show candidates than 2012)
  - eliminated as a result of PHQ: 23 (lower than 2012)
  - disqualified for lack of 2.0 cumulative GPA: 6
  - aged out due to change in class date from July 22 to September 16, 2013: 11

Commissioner O’Hear moved approval of the eligible list, seconded by Commissioner Lor. The motion carried unanimously.

b) The Director presented for adoption an eligible list for the position of Electronic Technician Supervisor in the Police Department consisting of five (5) names. Commissioner O’Hear moved approval of the eligible list, seconded by Commissioner Lor. The motion carried unanimously.

## 3. FIRE DEPARTMENT:

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

TO FIRE CAPTAIN, on a waiver basis, from the expired eligible list established February 20, 2011, effective May 12, 2013:

#17 – BRIAN J. GLANCEY.

TO HEAVY EQUIPMENT OPERATOR, on a waiver basis, from the eligible list established July 26, 2012, effective May 12, 2013:

#6 – JOSHUA J. LADUE.

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

TO FIRE EQUIPMENT DISPATCHER, from the eligible list established November 1, 2012, contingent upon successful completion of background, medical, psychological, and drug screening, effective May 28, 2013:

#7 – ARIELLE EWING; #8 – MIRIAM LEMKE-DOLLHOPF; #15 – RENEE SALLEY; and #19 – NICHOLAS OBERMANN.

TO FIRE EQUIPMENT DISPATCHER, on a contingent basis until June 3, 2013, from eligible list established November 1, 2012, contingent upon successful completion of background, medical, psychological, and drug screening, effective May 28, 2013:

#16 – REBEKAH MCALEESE and #12 – RACHEL BUDISH.

c) The Director presented correspondence dated April 23, 2013, from Chief Rohlfing, wherein he notifies the Board that Fire Paramedic Mark G. Tesch's unpaid medical leave of absence has changed to an ordinary disability pension, effective December 8, 2012.

d) The Director presented correspondence dated April 25, 2013, from Chief Rohlfing, wherein he notifies the Board that Firefighter Matthew A. Palmer has been discharged for violation of Department Rules and Regulations effective April 25, 2013. The Director indicated Mr. Palmer has appealed the termination.

#### 4. POLICE DEPARTMENT:

a) The Director presented correspondence dated April 22, 2013, from Chief Flynn, wherein he notifies the Board that Probationary Police Dispatcher Alana C. Pope has been discharged for violation of the Department Code of Conduct under Personnel Order 2013-39 dated April 15, 2013.

b) The Director presented correspondence dated April 15, 2013, from Chief Flynn, wherein he requests that an examination be conducted for the new position of Police Records Manager as soon as possible. The Chair referred the request to the Department of Employee Relations for implementation.

c) The Director introduced Inspector Hoerig to present the Milwaukee Police Department 2012 Annual Report. Inspector Hoerig gave an overview of the report and noted the Office of Management, Analysis, and Planning and Chief of Staff Joel Plant deserve recognition for their efforts in producing this report. Additionally, Inspector Hoerig noted that the organizational structure described in this report reflects the Department's previous structure. The 2013 Annual Report will reflect the newly adopted organizational structure. Commissioner O'Hear moved approval of the report, seconded by Commissioner Hein. The motion carried unanimously.

#### 1. NEW BUSINESS (continued):

c) The Director presented a report entitled "An Analysis of 2012 Use of Force Incidents in the Milwaukee Police Department" for approval. The analysis was conducted by Dr. Steven Brandl of the University of Wisconsin -- Milwaukee, who was present and gave a presentation regarding the report. According to Dr. Brandl, the purpose of the study is to calculate and monitor baseline measures of use of force (UOF), describe UOF incidents, and identify trends or patterns in UOF incidents. This report is based upon MPD's General Order 2009-51 which provides direction to officers regarding UOF incidents and when to file a UOF report. The 2013 analysis will reflect the policy and definition changes recently adopted by MPD.

Dr. Brandl said he analyzed a total of 440 use of force incidents. Compared to previous years, the number of unintentional UOF incidents declined, the number of UOF incidents that involved euthanizing an injured/diseased animal declined, and the total number of intentional UOF incidents (not including animal

ethanizations) declined to the lowest level in four years (2009 – 2012). Overall the data shows that force is used infrequently in incidents and, when used, involves bodily force only, an electronic control device (ECD), or a chemical agent. According to Dr. Brandl, the percentage of UOF incidents that involved ECD (alone or in combination with other types of force) declined in 2012, as did the percentage of UOF incidents that involved a chemical agent (alone or in combination with other types of force). There was discussion regard the steadily declining rate of the use of chemical agents and whether or not chemical agent use is being displaced by the use of ECDs. The Director indicated both MPD and FPC are examining this trend.

With regard to force with a firearm, Dr. Brandl said the largest proportion of incidents involved a call for service about a “subject with a gun”. Compared to previous years, the number of UOF incidents that involved the use of a firearm against a subject declined in 2012. With regard to force with a firearm, Dr. Brandl said the largest proportion of incidents involved a call about a loose dog and five (5) of those incidents involved a citizen who was bitten by a dog. Compared to previous years, the number of UOF incidents where force was used against a dog declined to the lowest level in four (4) years (2009 – 2012).

The Chair asked whether the changed UOF definition adopted by MPD will be reflected in the data being collected for the 2013 report. Dr. Brandl replied that he expects the number and proportion of bodily force incidents to increase, but the frequency of ECD incidents will not change. Dr. Brandl is confident he will be able to deal with the change in the analysis. Commissioner O’Hear said the District 7 data stands out compared to the other districts. While the report raised a number of hypotheses, Commissioner O’Hear said he understands the data do not permit Dr. Brandl to answer the question as to why District 7 is different. Commissioner O’Hear asked if the citywide situational data in the report were broken down by district, would Dr. Brandl be able to identify any situational features of UOF in District 7 that are different than citywide norms. Dr. Brandl said this is an interesting question and he could certainly look at it in the future. Finally, Commissioner O’Hear asked if there had been any audit done on the reliability of UOF data reported by MPD. Dr. Brandl said he was unaware of any audit. Inspector Hoerig said that process for review of UOF incidents is thorough and, to date, there have been no inconsistencies with complaints of a UOF versus a UOF. The Director said the first step in investigating a citizen complaint filed with Internal Affairs or FPC is for the investigator to review the UOF Report. Anecdotally, the Director is unaware of an instance where a UOF complaint was filed and there was no UOF Report completed by MPD. That being said, the Director indicated that the new UOF reporting requirements may encounter gray areas because of the inclusion of decentralizations in the UOF definition.

The Director asked Inspector Hoerig whether the District 7 anomaly would be a good subject for COMSTAT to discuss. Inspector Hoerig said this anomaly had been discussed during a COMSTAT session and is something MPD is looking into.

Commissioner O’Hear moved approval of the report, seconded by Commission Hein. The motion carried unanimously.

##### 5. PUBLIC COMMENT:

David Seager, President of the Milwaukee Professional Fire Fighters Association, spoke regarding the lack of a timeline for the Fire Lieutenant and Fire Captain examination/promotion process. The Director responded that an outside consultant has been selected to complete the job analysis, begin the examination process with the hope that it will be completed by the end of the year.

Chris Ahmuty, Executive Director of the American Civil Liberties Union of Wisconsin, asked if there was any way for the public to know how diverse the Fire Cadet eligible list is with regard to race and ethnicity. The Director responded that this information is unavailable at this time. Additionally, the Director said the list will change as these individuals move through background checks, psychological interviews, medical and drug

screening, and the Physical Ability Test (PAT). When the class is finalized, the demographic data will be made available.

Mr. Ahmuty asked if the data conversion issues have been solved regarding the UOF data Dr. Brandl receives from MPD. The Director responded that the data used for Dr. Brandl's analysis comes from the narrative portion of the UOF Report and must be manually reviewed. The Director is unsure if corrective action can be taken regarding this issue because of the nature of the data.

Marty Wall, Milwaukee resident, spoke regarding the lack of traffic enforcement in the city. He detailed several instances where traffic enforcement would ensure the safety of the elderly, children, and visually impaired individuals. Mr. Wall said that he wonders how people will invest in the city if it is not a safe place to be.

6. ADJOURNMENT:

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

The meeting concluded at 6:39 P.M.

Respectfully submitted,



Michael G. Tobin  
Executive Director

MGT:kj