

2003 ANNUAL REPORT
OF THE CITY OF MILWAUKEE
BOARD OF FIRE AND POLICE COMMISSIONERS

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2003 BOARD OF FIRE AND POLICE COMMISSIONERS

Robert Welch
Chairman
Appointed July, 1997
Term Expires July, 2007

Carla Y. Cross
Vice Chair
Appointed May, 1998
Term Expires July, 2004

Leonard J. Sobczak
Appointed October, 2000
Term Expires July, 2005

Ernesto A. Baca
Appointed August, 2001
Term Expires July, 2006

Eric Mandel Johnson
Appointed September, 1998
Term Expires July, 2008

FIRE AND POLICE COMMISSION STAFF

David L. Heard, Executive Director

ADMINISTRATIVE STAFF

Sandra Zelazny, Office Supervisor II

Renee Keinert, Administrative Assistant III

EXAMINATIONS

Cassandra Scherer, Examinations Supervisor

Jane French, Personnel Analyst - Senior

Cynthia Nowak, Personnel Analyst - Senior

Susan Liedtke, Office Assistant IV

RESEARCH

Steven Fronk, Hearing Examiner

Joan Dimow, Research Analyst – Senior

COMMUNITY RELATIONS

Marti Cargile, Recruiting and Training Specialist

REPORT FROM THE EXECUTIVE DIRECTOR

Our mission is to ensure that the Fire and Police Departments are prepared to protect the lives and property of the citizens of the City of Milwaukee. We must:

- Ensure a high quality, diverse public safety workforce, with a high retention rate, through effective recruitment, selections, and promotion processes.
- Ensure the quality and effectiveness of the Fire and Police Departments' policies, practices, and performances through appropriate utilization of the Board's oversight authority.

The Milwaukee Board of Fire and Police Commissioners was established in 1885 by Wisconsin State Statute. The Board sets employment standards and qualifications for entry-level positions, carries out recruitment programs, administers competitive examinations for positions not specifically exempt, and provides for the classification of all positions in both services. Since 1885, no person has been appointed to any position in either the Police Department or Fire Department without Board approval.

The Board has rule-making authority for the Fire and Police Departments, which it has delegated to the respective chiefs, while requiring Board review and approval prior to implementation. The Board has a statutory responsibility to conduct an annual policy review of the operations of the two departments. The Board's judicial function includes the authority to hear appeals from departmental discipline and to conduct citizen complaint hearings. All hearings are open to the public.

The Board has two standing committees, the Committee on Rules and Complaints and the Policy Review Committee. The Board forms other committees from time to time to further the conduct of its business. Members of the Board and Commission staff also serve on other City committees.

Regular meetings of the Board are generally held on the first and third Thursday of each month, and are open to the public. The Board is in recess during August. Prior to regular meetings, the Board may meet in closed executive session. The Board held 73 regular, special, and committee meetings in 2003. Commission offices are located at on the 7th floor of Milwaukee City Hall, at 200 East Wells Street.

The Board's five members are appointed by the Mayor to overlapping five year terms, subject to Common Council approval. Robert “Woody” Welch, retired Director of Intergovernmental Relations for the City, was re-elected Chairman this year, and Eric Mandel Johnson, President of South Star Trucking, was elected Vice Chairman. Other Board members are Ernesto Baca, Contract Manager at UMOS, Inc., Carla Cross, President of Cross Management Services, and Leonard Sobczak, President of Eastmore Real Estate Management, Inc. The Board's day-to-day operations are managed by its Executive Director.

In March, Mayor John Norquist appointed Executive Director Joseph Czarneski to become City Budget Director, and Public Relations Officer David Heard to become Executive Director of the Fire and Police Commission.

The seven-year term of Police Chief Arthur Jones expired in November. The Board conducted a national search, with the four finalists all members of the Milwaukee Police Department. In October, the Board announced the selection of Captain Nannette Hegerty, who was sworn in as Chief on November 18th. Chief Hegerty is the first woman to head the Milwaukee Police Department; she will serve a four-year term, as determined by Milwaukee Common Council ordinance in November 2001.

Initiatives for 2003:

- Select candidates for Police Department and Fire Department recruit classes.
- Continue to monitor the progress of newly hired sworn personnel to ensure a high level of retention and a low number of disciplinary actions and citizen complaints.

One Firefighter class, with 28 recruits, entered the Fire Academy, and one Police Officer class with 61 recruits entered the Police Academy. Recruits included four promoted from Police Aide and thirteen promoted from the Fire Cadet apprenticeship program. Twenty-one Police Aides and thirteen Fire Cadets were appointed in 2003.

The Commission continued implementation of the settlement agreement in *United States of America and Milwaukee Brotherhood of Firefighters v. City of Milwaukee, et al.* Fourteen priority candidates were hired, and two more will be included in the next class after they return from military service.

In total, the Board approved the appointment and promotion of 342 individuals to various public safety positions: 225 in the Police Department, and 117 in the Fire Department.

The overall disciplinary action, termination, resignation, and citizen complaint rate for police and fire academy graduates in their first four years of service was 25% in 2003.

In January of 2003, the Commission became a division of the City Department of Employee Relations (DER), to consolidate all City human resources functions into one department. In August, staff moved to the 7th floor of Milwaukee City Hall. Judith Andrade-Altora, the Commission's Community Relations Specialist, left the staff in the autumn. Marti Cargile, a DER employee, took on the police and fire recruiting function. Rebecca Reyes and Denise Bowers, DER Diversity Specialists who handle complaints about other City employees, now also take complaints against members of the Fire and Police Departments.

The Fire and Police Commission, Milwaukee Fire Department, and Milwaukee Police Department all have pages on the World Wide Web which can be accessed from the City of Milwaukee home page [<http://www.milwaukee.gov>].

The Commission page includes information on how to become a Firefighter or Police Officer, and on the citizen complaint process. Rules of the Fire and Police Commission are also available on the Web site, and agenda information is posted prior to Board meetings. Changes to FPC Rules in 2003 are summarized on the next page. This Report and the *City of Milwaukee Public Safety Report*, which summarizes the activities of the Fire and Police Departments in preventing and responding to fires, crimes, and other calls for assistance in 2002, are also published on the Web. The Commission's e-mail address is fpc@milwaukee.gov.

Rules of the Police Department and Fire Department are public records and available upon request from the applicable department. Police Department rules are also available at all branches of the Milwaukee Public Library system.

Policy Review

Pursuant to Section 62.50(1m) of the Wisconsin Statutes, the Board conducts an annual review of the operations of the Police and Fire Departments. The Board has worked with the Fire and Police Chiefs to develop performance objectives for their positions and for their Departments. The Board met quarterly with each Chief to review his performance and the performance of his Department.

In 2002, the Board created an ad hoc Committee on Cultural Diversity in the Fire and Police Departments, which recommended the establishment of a Citizen Police Academy. The first session began in June 2003, with seventeen attendees completing the program in September.

In April, the Board created an ad hoc Committee, the Sobczak Commission, to propose remedies to negative attitudes and behavior toward lesbian, gay, bisexual, and transgender (LGBT) members of the Fire and Police Departments. In October, the Committee recommended and the Board approved policy revisions and changes in diversity training, creation of an LGBT affinity group, and administration of a climate survey to gauge member attitudes toward LGBT members as well as toward women, persons of color, older members, and others. The results of this survey will be used to update the departments' diversity training. Other policy changes include updating and enforcement of Department diversity statements, and "leadership in diversity" as a performance evaluation category. The full report is available at www.milwaukee.gov/fpc/attitudes.pdf.

The Board modified some of its Rules for clarity or to better reflect actual process and practice. These included Rule II, Section 2, requiring printing of Board rules; Rule III, Section 1(c), to specify that closed meetings will not be recorded by audiotape, videotape, stenography, or any other means; Rule VIII, Section 2 concerning the selection process; Rule VIII, Section 6(b) concerning education points on the Firefighter examination; Rule X, Section 2, to retain persons on military leave on eligible lists as required by law; Rule XI, Section 13a, that candidates for exempt positions will be interviewed at a Board meeting subsequent to the one at which the candidate's name is proposed; and Rule XIII, Section 1, to specify that a "regular member" is one who has completed training.

In March, 2004, we learned of the death of Arlene Kennedy at age 90. Ms. Kennedy, an attorney, served as Executive Secretary (now Executive Director) of the Fire and Police Commission from 1969 to 1975, and as a member of the Board from 1977 to 1982. She is the only woman to have held the Executive position.

For the Board,
David L. Heard, Executive Director

CITIZEN COMPLAINTS

One of the Board's objectives is to ensure that the Fire and Police Departments have quality employees, appropriate policies and practices, and satisfactory performance, as indicated by the rate of disciplinary actions, terminations, resignations, and citizen complaints for new hires. The overall disciplinary action (see page 9), termination, resignation, and citizen complaint rate for police and fire academy graduates in their first four years of service was 25% in 2003.

The Board is empowered to hear complaints by any aggrieved person against a specific employee's alleged act of wrongdoing. Complaints are received by staff of the Department of Employee Relations Office of Diversity, who also conduct conciliation sessions.

Complaints may be resolved through a formal trial or through conciliation, an informal, face-to-face meeting which does not result in the imposition of discipline. Complaints are dismissed by the Board if they are not within its statutory authority, the complainant does not follow through with the process, or the alleged act was not in violation of Department rules.

In 2003, thirty-three complaints were dismissed by the Board for such reasons. Thirteen complaints were referred to the Fire Department or Police Department for resolution, and two were withdrawn by the complainants. Four conciliations were effected. Fifty-nine complaints remained pending at the close of 2003 (next page). Twenty-two of these had been filed in past years, including one dismissed in 1999, reinstated in 2000, and still pending. Thirteen of the 59 were pending trial, sixteen pending conciliation, and thirty in earlier stages of the process.

		<u>Held over from past years for resolution in 2003</u>	<u>Filed in 2003</u>
<u>NUMBER OF COMPLAINTS:</u>		42*	70
<u>RESOLVED IN 2003:</u>		<u>20</u>	<u>33</u>
Dismissed by Board:	Discourtesy	3	5
	Excessive Force	7	5
	Misconduct	3	0
	No rule violation or not within Board's authority	0	10
Referred to Department:	Discourtesy	1	2
	Excessive Force	2	4
	Misconduct	0	4
	No rule violation	0	1
Withdrawn by complainant:	Excessive Force	2	0
Conciliation effected:	Discourtesy	2	2

(continued on next page)

Citizen Complaints, continued

		<u>Held over from past years for resolution in 2003*</u>	<u>Filed in 2003</u>
<u>PENDING AT CLOSE OF 2003</u>		<u>22</u>	<u>37</u>
Set for trial:	Discourtesy	0	3
	Excessive Force	7	2
	Misconduct	1	0
Set for conciliation:	Discourtesy	0	4
	Excessive Force	5	7
Other status:	Discourtesy	3	9
	Excessive Force	5	8
	Misconduct	1	3
	No rule violation	0	1

*includes one case dismissed in 1999, reinstated in 2000, and still pending in 2003.

Staff also receive several hundred phone calls and walk-in inquiries each year from persons who do not file formal complaints. These may be resolved by staff, referred to the appropriate Department Chief, to a Police District Captain, or to other agencies. Some callers are provided materials for filing a formal complaint, but choose not to do so. More information on the complaint process is available on the Commission Web site, <http://www.milwaukee.gov/fpc>.

Many people make complaints directly to the Fire or Police Departments. Complaints may be made at any Fire Station or District Police Station, at the Police Administration Building, 749 West State Street, or at Fire Department Headquarters, 711 West Wells Street.

DISCIPLINARY APPEALS

The Board is empowered to hear Department member appeals from discipline. Any non-probationary employee may appeal a dismissal, demotion, or suspension of more than five days to the Board, which may sustain, modify, or deny the action of the Chief. Nineteen members of the Police Department and one member of the Fire Department filed appeals from disciplinary action in 2003. Seven appeals from past years, and three from the current year, were resolved in 2003.

The Board sustained the discipline in two cases. The Board reduced the number of days in five suspensions, and overturned one suspension, one demotion, and one dismissal. Appellants withdrew two appeals from suspension and one appeal from dismissal. Three suspensions were reduced in length by the Chief of Police, and four appellants resigned or retired before coming to trial. At year end, seven appeals from dismissal and twenty-four from suspension (including the Fire Department appeal) were pending. Fourteen of the pending appeals were held over from prior years.

	<u>Held over from past years for resolution in 2003</u>	<u>Filed in 2003</u>
<u>NUMBER OF APPEALS:</u>	<u>31</u>	<u>20</u>
<u>Resolved in 2003</u>	<u>17</u>	<u>3</u>
Discipline sustained	1	1
Modified by Board		
Suspension time reduced	5	0
Discipline overturned by Board		
Suspension	1	0
Dismissal	1	0
Demotion	1	0
Withdrew appeal		
Suspension	1	1
Dismissal	0	1
Discipline reduced by Chief, appeal withdrawn		
Suspension	3	0
Resigned or retired before trial		
Suspension	2	0
Dismissal	2	0
<u>Pending at Close of 2003</u>	<u>14</u>	<u>17</u>
Appeals from Dismissal	3	4
Appeals from Suspension	11	13
Appeal from Demotion	0	0

APPOINTMENTS AND PROMOTIONS - 2003

One of the Board's strategic objectives is to continue to increase diversity in the sworn ranks of the Fire and Police Departments. In 2003, 15% of Police Officer recruits were minority* and 16% were women, lower than the previous year. Seventy-eight percent of Firefighter recruits were minority and 18% were women. These proportions are much larger than past years, reflecting implementation of a legal settlement. A demographic profile of sworn employees is included in this report.

SWORN – POLICE

- 1 Chief of Police
- 1 Assistant Chief of Police
- 1 Deputy Chief of Police
- 4 Captain of Police
- 2 Lieutenant of Police
- 5 Lieutenant of Detectives
- 18 Detective
- 11 Police Sergeant
- 1 Identification Systems Specialist
- 13 Identification Technician
- 2 Latent Print Examiner
- 1 Court Liaison Officer
- 61 Police Officer (includes one re-hire and four promoted from Police Aide)

NON-SWORN - POLICE

21 Police Aides and 83 other appointments and promotions, to 26 other non-sworn position titles, were approved by the Board of Fire and Police Commissioners from eligible lists, or as nominated by the Chief to exempt positions.

SWORN - FIRE

- 1 First Assistant Chief Engineer
- 2 Deputy Chief
- 6 Battalion Chief
- 10 Fire Captain
- 3 Administrative Captain - EMS
- 22 Fire Lieutenant
- 2 Administrative Fire Lieutenant
- 1 Paramedic Field Lieutenant
- 23 Heavy Equipment Operator
- 28 Firefighter (13 from Fire Cadet)

NON-SWORN - FIRE

13 Fire Cadets, and 6 other appointments and promotions to four non-sworn position titles, were approved by the Board of Fire and Police Commissioners from eligible lists, or as nominated by the Chief to exempt positions.

*African-American, American Indian, Asians and Pacific Islanders, and Hispanic heritage.

EXAMINATIONS

Police Department

Examinations were given for the entry-level position of Police Aide. In addition, the Physical Ability Test, Oral Interview, and Psychological Evaluation were administered to Police Officer candidates remaining on the 2002 eligible list.

Police Officer (from eligible list created in 2002)

Physical Ability Test Participants	232 (second group)
Oral Interview Participants	196
Psychological Evaluation Participants	168

Additional candidates from the eligible list will be tested in 2004.

Police Aide

Total Applicants	345
Written Examination Participants	152
Eligible List	110
Physical Ability Test Participants	98
Oral Interview Participants	75
Psychological Evaluation Participants	75

An entry examination for the non-sworn position of Seasonal Telecommunicator drew 171 applicants and resulted in an eligible list of 66.

An entry examination for Police Dispatcher drew 399 applicants, of whom 88 were placed on an eligible list in January 2004.

Testing staff also gave promotional examinations for the sworn position of Detective, with 108 applicants and an eligible list of 75, and for Lieutenant of Detectives, with 64 applicants and an eligible list of 57 names.

Fire Department

Entry examinations were given for the non-sworn position of Fire Cadet and the sworn position of Firefighter. Because of the large number of applicants anticipated, it was announced in advance that a random selection process would be used to reduce the number of candidates who would proceed through the testing process.

Fourteen priority candidates, as designated in the settlement of a lawsuit (United States of America and Milwaukee Brotherhood of Firefighters v. City of Milwaukee), were hired as Firefighters in 2003. Two additional priority candidates will be placed in the first class after they return from military service.

Fire Cadet

Total applicants	71
Written examination participants	44
Physical ability test participants	35
Oral exercise participants	29
Eligible list	29

Firefighter

Total applicants	2844
Randomly selected for testing	2000
Written examination participants	1447
Physical Ability Test participants	972
Eligible List	887

A promotional examination for Fire Lieutenant drew 88 applicants, resulting in an eligible list of 68 names.

MILWAUKEE POLICE DEPARTMENT - POSITION PROFILE - DECEMBER 2003

<u>POSITION TITLE</u>	<u>BUDGET</u>	<u>ACTUAL</u>	<u>WHITE</u>		<u>ASIAN</u>		<u>BLACK</u>		<u>INDIAN</u>		<u>HISPANIC</u>		<u>TOTALS</u>	
			<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>
Chief of Police	1	1	0	1	0	0	0	0	0	0	0	0	0	1
Assistant Chief	1	1	0	0	0	0	1	0	0	0	0	0	1	0
Deputy Chief	3	3	2	0	0	0	0	1	0	0	0	0	2	1
Commander of Police	2	2	2	0	0	0	0	0	0	0	0	0	2	0
Deputy Inspector	5	5	1	0	0	0	2	0	0	0	2	0	5	0
Captain	24	24*	9	4	1	0	6	3	0	0	1	0	17	7
Lieutenant	33	35*	28	2	0	0	1	1	0	0	3	0	32	3
Admin. Lieutenant	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Health/Safety Coord.	1	1	0	0	0	0	0	0	0	0	0	1	0	1
Lt. of Detectives	34	34	29	1	0	0	3	0	0	0	1	0	33	1
Sergeant	194	193*	109	19	0	0	33	13	4	0	13	2	159	34
Detective	247	247*	136	31	2	2	39	5	9	1	22	0	208	39
Officer	1531	1358*	681	167	12	2	252	65	17	5	137	20	1099	259
^^Comm. Maint. Mgr.	1	1	1	0	0	0	0	0	0	0	0	0	1	0
Alarm Operator	1	1	0	0	0	0	1	0	0	0	0	0	1	0
Chief Document Exam.	1	1	1	0	0	0	0	0	0	0	0	0	1	0
Latent Print Examiner	4	3	1	2	0	0	0	0	0	0	0	0	1	2
Document Examiner	3	3	0	1	0	0	1	1	0	0	0	0	1	2

(continued on next page)

^^Will become a civilian position when incumbent retires.

MILWAUKEE POLICE DEPARTMENT - POSITION PROFILE - DECEMBER 2003 - continued

<u>POSITION TITLE</u>	<u>BUDGET</u>	<u>ACTUAL</u>	<u>WHITE</u>		<u>ASIANS</u>		<u>BLACK</u>		<u>INDIAN</u>		<u>HISPANIC</u>		<u>TOTALS</u>	
			<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>
Identification Supervisor	6	6	2	2	0	0	2	0	0	0	0	0	4	2
Identification Tech.	37	25	10	6	1	0	2	2	0	0	2	2	15	10
Ident. System Specialist	1	1	1	0	0	0	0	0	0	0	0	0	1	0
Audio Visual Spec.	1	1	1	0	0	0	0	0	0	0	0	0	1	0
Court Liaison Officer	2	2	0	1	0	0	0	1	0	0	0	0	0	2
TOTAL	<u>2134</u>	<u>1948*</u>	<u>1014</u>	<u>237</u>	<u>16</u>	<u>4</u>	<u>343</u>	<u>92</u>	<u>30</u>	<u>6</u>	<u>181</u>	<u>25</u>	<u>1584</u>	<u>364</u>

*Limited Duty personnel included in Actual: 2 Captains, 1 Lieutenant of Police, 2 Lieutenants of Detectives, 12 Police Sergeants, 11 Detectives, 111 Police Officers, 1 Police Alarm Operator, 1 ID Technician.

Grant and State funding supports 1 Captain, 1 Lieutenant of Detectives, 5 Detective, 12 Police Officers

Source: MPD Quarterly Report-12/21/2003

MILWAUKEE FIRE DEPARTMENT - POSITION PROFILE - DECEMBER 2002

<u>POSITION TITLE</u>	<u>BUDGET</u>	<u>ACTUAL</u>	<u>WHITE</u>		<u>ASIAN</u>		<u>BLACK</u>		<u>INDIAN</u>		<u>HISPANIC</u>		<u>TOTALS</u>	
			<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>
Fire Chief	1	1	1	0	0	0	0	0	0	0	0	0	1	0
Assistant Fire Chief	1	1	0	0	0	0	1	0	0	0	0	0	1	0
Deputy Chief	8	8	6	1	0	0	1	0	0	0	0	0	7	1
Battalion Chief	22	22	16	0	0	0	5	0	0	0	1	0	22	0
Captain	55	55	43	2	0	0	8	0	1	0	1	0	53	2
Admin. Captain	4	4	1	1	0	0	1	0	0	0	1	0	3	1
Admin. Lieutenant	4	4	1	1	0	0	1	0	0	0	1	0	3	1
Lieutenant	138	138	114	8	0	0	10	0	0	0	6	0	130	8
Heavy Equipment Op.	180	180	150	1	0	0	8	0	5	0	16	0	179	1
Fire/Paramedic Field Lt.	17	17	5	8	0	0	3	0	0	0	1	0	9	8
Firefighter*	603	552	380	20	5	0	95	3	14	0	34	1	528	24
MV Oper. Instructor	1	1	1	0	0	0	0	0	0	0	0	0	1	0
MV Oper. Trng. Coord.	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Chief Dispatcher	1	1	0	0	0	0	1	0	0	0	0	0	1	0
TOTALS	<u>1036</u>	<u>984</u>	<u>718</u>	<u>42</u>	<u>5</u>	<u>0</u>	<u>134</u>	<u>3</u>	<u>20</u>	<u>0</u>	<u>61</u>	<u>1</u>	<u>938</u>	<u>46</u>

*Includes Firefighter-Paramedics.

Source: MFD Race & Gender Report, 1/12/04