

October 4, 2012

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:55 P.M.

PRESENT: Commissioners: Sarah W. Morgan, Chair  
Richard C. Cox  
Kathryn A. Hein  
Paoi X. Lor

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

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 4:32 p.m. to 5:50 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 Fire Captain to Battalion Chief, Fire and performance review of Chief of Police.

The Director presented for adoption minutes of the Regular Meeting of September 20, 2012. Commissioner Cox moved approval of the minutes as presented, seconded by Commissioner Hein. The motion carried unanimously.

1. UNFINISHED BUSINESS:

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

TO BATTALION CHIEF, FIRE, from Fire Captain, effective October 14, 2012:

JOHN J. SCHWENGEL.

2. NEW BUSINESS:

a) The Director presented a letter dated October 1, 2012, from staff, wherein Police Sergeant Steve Herrmann requests a temporary residency exemption to reside at his mother-in-law's home in Menomonee Falls during the building of his new home. Sergeant Hermann requires the exemption because he must vacate his current home on November 23, 2012 and his new home will not be completed for approximately five to six months. Commissioners Hein and Morgan asked questions regarding the building contract and other building issues. Commissioner Cox moved to approve the temporary residency exemption for six (6) months from November 23, 2012 until May 16, 2013, seconded by Commissioner Lor. The motion carried unanimously.

b) The Director presented to the Board for approval a report titled "An Overview of Milwaukee Police Department Use of Force Incidents: January 1, 2012 to June 30, 2012" (<http://city.milwaukee.gov/fpc>). The analysis was conducted by Dr. Steven Brandl of UW-Milwaukee, who was present and gave a presentation regarding his report. According to Dr. Brandl, the purpose of the interim report is to monitor the frequency and nature of use of force incidents in the Milwaukee Police Department (MPD). Dr. Brandl stated the analysis for this interim report is based on incidents recorded on MPD Use of Force Reports from January 1, 2012 to June 30, 2012. According to Dr. Brandl, there were 214 use of force incidents recorded in the first six months of 2012 compared to 253 incidents recorded during each of the first six months of 2011 and 2010, representing a decline of approximately 15% from 2011 and 2010. Further, Dr. Brandl presented his findings related to the type of force used (bodily force, electronic control device, chemical agent, and/or gun), force

with a firearm, and the location of incident. Commissioner Hein moved approval of the report, seconded by Commissioner Lor. The motion carried unanimously.

c) The Director presented the Public Statement Regarding the Investigation of the Homicide of Darius Simmons on May 31, 2012. The Chair stated the board met with Chief Flynn during his performance evaluation and discussed the Darius Simmons incident with him. The Chair said the Board had reviewed the incident and authorized the Executive Director to finalize and release a report to the public. The Chair said the report will be released shortly.

### 3. FIRE DEPARTMENT:

a) The Director presented a letter dated September 26, 2012, from Chief Rohlfing, wherein he nominates Deputy Chief Michael T. Romas to the exempt position of Assistant Fire Chief in the Fire Department, to be effective October 28, 2012. Pursuant to Rules of the Board, final action on this nomination was laid over to permit the nominee to be interviewed.

The Director presented a letter dated September 26, 2012, from Chief Rohlfing, wherein he nominated Battalion Chief Daniel C. Lipski to the exempt position of Assistant Fire Chief in the Fire Department, to be effective October 28, 2012. Pursuant to Rules of the Board, final action on this nomination was laid over to permit the nominee to be interviewed.

The Director presented a letter dated September 26, 2012, from Chief Rohlfing, wherein he nominated Battalion Chief Aaron D. Lipski to the exempt position of Deputy Chief, Fire in the Fire Department, to be effective October 28, 2012. Pursuant to Rules of the Board, final action on this nomination was laid over to permit the nominee to be interviewed.

The Director presented a letter dated September 26, 2012, from Chief Rohlfing, wherein he nominated Fire Captain Michael M. Blackwood to the exempt position of Battalion Chief, Fire in the Fire Department, to be effective October 28, 2012. Pursuant to Rules of the Board, final action on this nomination was laid over to permit the nominee to be interviewed.

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

TO FIRE CAPTAIN, on a waiver basis, from eligible list established February 20, 2011, effective October 14, 2012:

#15 – Christiaan D. Hoose.

b) The Director presented correspondence from Chief Rohlfing, dated September 20, 2012, wherein he requests that the appointments of #6 – Amber S. Bridges and #15 – Seth W. Biermann from the Fire Cadet Eligible List established September 6, 2012, approved at the September 6, 2012 Regular Meeting, be rescinded as these candidates either withdrew or did not qualify for the position. Commissioner Cox moved to rescind the appointments, seconded by Commissioner Hein. The motion carried unanimously.

c) The Director presented correspondence from Chief Rohlfing, dated September 20, 2012, wherein he notifies the Board that the contingency appointments of #17 – Dylan A. P. Banks and #21 – Tyler Morgan from the Fire Cadet eligible list established September 6, 2012, approved at the September 6, 2012 Regular Meeting, were utilized effective September 17, 2012.

4. PUBLIC COMMENT:

Mike Crivello, President of the Milwaukee Police Association (MPA), spoke in support of Chief Flynn. Mr. Crivello acknowledged this is a difficult time for the community and, while the MPA has not always agreed with Chief Flynn, the MPA believes the Chief has consistently tried to make Milwaukee a better place for everyone.

Jonathan Safran, a Milwaukee attorney representing Patricia Larry, mother of Darius Simmons, spoke regarding the Public Statement Regarding the Investigation of the Homicide of Darius Simmons on May 31, 2012 agenda item. Attorney Safran indicated family, friends, and community members were present to hear what the Board had to say and expressed disappointment that the Board did not actually release a public statement regarding the incident as the Board did when the public statement regarding the in-custody death of Derek Williams was an agenda item. Additionally, Attorney Safran wondered whether there was a Use of Force Report filed regarding the Derek Williams incident and if that information would be provided soon.

Khalil Coleman, community resident, spoke and said that when there is an injustice there is a responsibility by the Board, the city, and those in charge to make sure that justice is served for the community. Mr. Coleman expressed his dissatisfaction with the insensitive nature Chief Flynn has shown with regard to the Derek Williams and Darius Simmons incidents. Additionally, Mr. Coleman said he would like to implement a community review board that would oversee the Fire and Police Commission and the Police Department in order to ensure that the police department is not violating civil human rights and to provide best practices and solutions to the police department with regard to community relations. Mr. Coleman said there is no strong relationship between the community and the Milwaukee Police Department. He asked that the rights of the people be upheld. He requested that Chief Flynn resign and all involved in the murder of Derek Williams be held responsible.

Lamont Harris, community activist, spoke and said he was disturbed by what is happening. Mr. Harris questioned why there are secret meetings related to Derek Williams when the city and the police department are both public entities. Mr. Harris found the videotape of Derek Williams' death disturbing and asked how things such as this can be justified. In addition, Mr. Harris indicated he was disturbed when he learned from the media that the same two officers involved in the Derek Williams incident were also involved in cases where African American men were being sodomized. Mr. Harris called for a public meeting regarding the Derek Williams incident in order to give the community information and to help the community get to the bottom of what happened.

Gilbert Johnson, UW – Milwaukee and various other labor affiliations, spoke against Chief Flynn. Mr. Johnson said the white men promoted earlier in the evening were reflective of the racial problems in the community. Mr. Johnson said he is upset with Chief Flynn's behavior and seeming lack of morality. Mr. Johnson said he is sick of cover ups and the rubber stamping of the police department's behavior. Additionally, Mr. Johnson said the police are committing crimes by allowing prostitution and drug dealing to happen in black neighborhoods, but not in white neighborhoods. Mr. Johnson called for Milwaukee to change police chiefs and said Chief Flynn should be terminated immediately.

Yasmine Cameron, Franklin High School sophomore, stated that if Derek Williams had been white this would not have happened and if the officers were black they would probably have been charged immediately. Ms. Cameron said she does not understand why everything has to be about race. In addition, she said the police do not have any respect for anyone and she feels that is not right.

Maeleen Jordan, great aunt of Derek Williams, expressed how hard it is for her to deal with this situation. She said that whoever is responsible for the death of her nephew should pay and she will go to her grave fighting for justice. Ms. Jordan asked why the police officers involved have not been fired and, if the police are supposed to protect and serve the community, she wondered how this could have happened to her nephew. Ms. Jordan also said she would go to her grave seeking justice for her nephew.

Michael Harris said he believes it is time for Chief Flynn to resign. Mr. Harris stated that Chief Flynn's callous attitude interferes with the city moving in the right direction. Mr. Harris said the Chief should be the measure of integrity and Chief Flynn has not shown integrity with regard to the Darius Simmons or Derek Williams incidents. Mr. Harris asked the Board to think long and hard about the direction the city is going in. Mr. Harris said he would prefer to see money spent on baseball cards to give to kids rather than repainting squad cars. Further, Mr. Harris said the treatment of Ms. Larry and Derek Williams was not just negligent, but was malicious. Finally, Mr. Harris said he doubts the accuracy of the statistics discussed by Dr. Brandl in light of the issues related to the accuracy of MPD crime statistics. Mr. Harris closed his comments by saying that if Chief Flynn is there to take the credit when things go well, he should also take the blame when they don't.

Cheryl Manns, resident, expressed her feelings that the treatment of Derek Williams was unjustified. In addition, Ms. Manns said she does not understand why a complaint filed with the Fire and Police Commission (FPC) isn't thoroughly investigated even if the person who files the complaint has additional witnesses. Ms. Manns said the FPC investigators simply go off of the police report and say the police did nothing wrong. Ms. Manns said if the FPC investigators can't do their job then they should find someone who can.

Troy Lowe, resident, said this is a larger issue than everyone sitting in the room and people need to keep in mind what is best for Milwaukee. Mr. Low said situations such as these cause hostile relations between citizens and the police. Mr. Low said community leaders asked Chief Flynn to resign in order to start fresh because Chief Flynn's leadership has created a hostile community environment. In order to make a fresh start, Mr. Low said all officers involved in illegal strip searches and those officers who were involved in or had any knowledge of the Derek Williams incident should be gone. In addition, according to Mr. Low, Chief Flynn should be asked to step down because the community has lost trust. Mr. Low said in order to regain trust Milwaukee must start fresh with a clean slate. Finally, Mr. Low said that when the facts of a situation are denied people get frustrated; when people get frustrated they get confused; and when people get confused they do things they wouldn't normally do. Mr. Low said you can't predict what people will do in order to try to move forward because people can't move forward with a rock in the way and Chief Flynn is that rock.

Maeleen Jordan, great aunt of Derek Williams, continued her comments by asking Chief Flynn when the police officers involved in the incident with her nephew would be fired. Ms. Jordan asked how long it will take for something to be done about these officers. In closing, Ms. Jordan said she will continue to fight for what is right and asked that the officers be fired.

Peter Onzak (sp?) spoke regarding the video of Derek Williams. Mr. Onzak said he watched the video of Derek Williams, feels a crime was committed when the officers didn't help him, and it is unacceptable. Mr. Onzak further said that Chief Flynn and all the police officers associated with the Derek Williams incident need to go.

##### 5. ADJOURNMENT:

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

The meeting concluded at 6:47 P.M.

Respectfully submitted,

Michael G. Tobin  
Executive Director

MGT:kj