June 5, 2014

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 Michael M. O'Hear Ann Wilson Marisabel Cabrera Steven M. DeVougas
ABSENT:	Commissioner:	Kathryn A. Hein (Excused)
ALSO PRESENT:	Mark Rohlfing, Chief, Milwaukee Fire Department and Kurt Leibold, Assistant Chief, representing the Milwaukee Police Department	

The Chair reconvened the Board in Regular Session, having previously met in Executive Session from 4:35 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: Promotion to Assistant Fire Chief.

The Director presented for adoption minutes of the Regular Meeting of May 15, 2014. Commissioner O'Hear moved approval of the minutes as presented, seconded by Commissioner Cabrera. The motion carried unanimously.

1. UNFINISHED BUSINESS:

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

TO ASSISTANT FIRE CHIEF, from Deputy Chief, effective June 8, 2014:

DANIEL M. BERENDT.

b) The Director returned to the Board the May 9, 2014 request of Police Dispatcher Lynn Krause for voluntary demotion to Personnel Payroll Assistant I, originally heard at the May 15, 2014 meeting. Although the request had been signed by the Board on May 15th, to be effective May 25, 2014, no motion to approve or deny had been made. Commissioner O'Hear moved to approve the request, retroactive to the May 15th meeting, seconded by Commissioner DeVougas. The motion carried unanimously.

TO PERSONNEL PAYROLL ASSISTANT I, from Police Dispatcher, effective retroactive to May 25, 2014:

LYNN M. KRAUSE.

2. EXAMINATIONS:

a) The Director presented for adoption an eligible list for the position of Fire Cadet in the Fire Department, consisting of 62 names. Kristin Urban, Human Resources Representative, presented the eligible list. Ms. Urban informed the Board the written test, where many candidates are eliminated, will be offered on several dates next year and at the Academy, which is on a bus line. Commissioner O'Hear moved approval of the eligible list as presented, seconded by Commissioner DeVougas. The motion carried unanimously.

b) The Director presented for adoption an eligible list for the position of Police Aide in the Police Department, consisting of 37 names. Toni Vanderboom, Human Resources Representative, presented the eligible list. Director Tobin informed the Board that eighty percent of the candidates are minorities. Commissioner O'Hear moved approval of the eligible list as presented, seconded by Commissioner Cabrera. The motion carried unanimously.

c) The Director presented for approval a transfer/promotional examination announcement bulletin for the position of Building Maintenance Mechanic I in the Police Department. The Director asked Val Williams, Personnel Administrator about the position being reposted from Maintenance Mechanic II, to which she responded that they had trouble filling it at that level, so they are looking to fill it at the requested level. Commissioner O'Hear moved approval of the job announcement bulletin as presented, seconded by Commissioner DeVougas. 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 eligible list established December 19, 2013, effective June 8, 2014:

#10 – JOHN J. HERRMANN.

TO FIRE LIEUTENANT, on a waiver basis, from eligible list established December 19, 2013, effective June 8, 2014:

#28 – NICHOLAS R. POLIAK.

b) The Director presented correspondence requesting the reclassification of one position of Fire Paramedic Field Lieutenant to Fire Lieutenant due to a retirement, in accordance with Salary Ordinance. Commissioner O'Hear moved approval of the reclassification, seconded by Commissioner Cabrera. The motion carried unanimously.

c) The Director presented correspondence requesting a temporary exception to Rule XI, Appointments, Section 2(b) so Fire Cadets hired in 2012 who have not reached the minimum age of 21, and have not had two full years in the Fire Cadet program may be promoted to Firefighter for the August 4, 2014 class. The Director requested Chief Rohlfing to provide the Board with a copy of the final version of the Fire Cadet Handbook when it is available which sets forth the parameters of successful completion of the program so some permanent rule revisions could be made. Chief Rohlfing stated the handbook is being revised by Captain Joshua Parrish to incorporate some of the changes to the current program because of the way they hire, and that the program may not be a two-year program, but maybe a one-year plus program. Commissioner O'Hear moved approval of the temporary exception, seconded by Commissioner DeVougas. The motion carried unanimously.

d) The Director presented correspondence regarding a change from a medical leave of absence to an ordinary disability pension for Heavy Equipment Operator Daniel Lazarski, retroactive to April 4, 2014.

4. POLICE DEPARTMENT:

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

TO OFFICE ASSISTANT III, from Office Assistant II, effective June 8, 2014:

JAMES KIRSCHLING.

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

TO POLICE OFFICER, from Police Aide, contingent upon successful completion of a drug screen, effective June 22, 2014:

DEREK A. ERTL, ROLANDO R. GONZALEZ, MATTHEW D. LINK, JAMES J. NOWAK, and SEAN M. PATRICK.

Police Aide Sean Patrick spoke on behalf of the Police Aides being promoted. He thanked everyone and acknowledged how important the Police Aide program is to learning what they need to know to be exceptional police officers.
Director Tobin acknowledged and thanked PSSI Brian Otzelberger for being a great mentor for the Police Aides.

TO POLICE OFFICER, contingent upon a successful medical examination, drug screen, psychological test and background update, from the eligible list adopted on December 19, 2013, effective June 23, 2014:

#240 - NICOLAS ROMEO, #243 - CHAD CRIVELLO, #244 - JEROME PERKINS, SR., #247 – ANDREW WILKIEWICZ, #248 – EMILY MARKERT, #251 – GABRIEL CATANZARO, #252 – JAVIER CORNEJO, #253 – LETITIA HOLLOWAY, #254 – SETH EDWARDS, #259 – JOHN DAVIS, #261 – RAYMON PORCHIA, #265 – EDUARDO GARCIA, #270 – JAMES DUERR, #271 – EULIA KAZACHENKO, #272 – ZACHARY SOWIN, #273 – ROBERT KNOLL, #274 – RICHARD TOLENTINO, #276 – MARK FLESSERT, JR., #277 – ANDREW GOLLUP, #280 – DONALD KRENZIEN, #281 – ERIC BRANDT, #283 – DERON COLEMAN, #285 - JUAN GARCIA, #287 – CHARLES JUMES, #288 – DOUGLAS PAVLIK, #290 – KEVIN L. MANLEY, #291 – STEPHEN COOK, #292 – DAVID GRYCOWSKI, #293 – ANDREW STOCKLAND, and #294 – RYAN BALLOGH.

TO POLICE OFFICER, on a contingency basis, contingent upon a successful medical examination, drug screen, psychological test and background update, from the eligible list adopted on December 19, 2013, effective June 23, 2014:

#295 – BRITTNEY MASON-GORDON, #297 – BRIAN WUNDER, #298 – MICHAEL WARD, #300 – RYAN MAXCEY, #301 – MARK HORSTMEYER, #304 – ERIC PETLEWSKI, #305 – ROBERT BALDERAS, and #36 - RYAN MUELLER.

Director Tobin presented Vanessa Armstrong, Human Resources Analyst with the Milwaukee Police Department (MPD), who spoke regarding the procedures used to fill the Crime Analyst positions. Numerous candidates have been interviewed and offers extended.

TO CRIME ANALYST, contingent upon a successful medical examination and drug screen, effective June 9, 2014:

MAURITA R. HOLMES and GERARDO MARES.

TO CRIME ANALYST, contingent upon a successful medical examination and drug screen, effective June 23, 2014:

KYLE D. MCFATRIDGE.

TO OFFICE ASSISTANT I, from the DER eligible list, contingent upon a successful medical examination and drug screen, effective June 23, 2014:

NATALIE C. POLICHT and ELIOT R. TRIMBERGER.

c) The Director presented correspondence dated May 28, 2014 from Chief Flynn, wherein he requests the Board to extend the probation period for Police Telecommunicator Rose M. Ewald for sixty-six days. Commissioner O'Hear moved approval of the extension, seconded by Commissioner DeVougas. The motion carried unanimously.
d) The Director presented correspondence dated May 28, 2014 from Chief Flynn, wherein he requests the Board to extend the probation period for Police Telecommunicator Claire T. Zellner for seventy-four days. Commissioner O'Hear moved approval of the extension, seconded by Commissioner DeVougas. The motion carried unanimously.

e) The Director presented correspondence dated June 2, 2014 from Chief Flynn, wherein he requests the Board to conduct a recruitment, administer an examination and provide an eligibility list for the position of Electronic Technician. The Board referred the request to DER.

f) The Director presented correspondence dated May 15, 2014 from Chief Flynn, wherein he requests a reclassification study of the administrative support positions within the Milwaukee Police Department. Val Williams, Personnel Administrator with MPD stated many positions have not been studied for a long time. Director Tobin stated there were many vacancies and this request should be broken down per position. Ms. Williams informed him she will be meeting with DER to review the breakdown. The Board referred the request to DER.

g) The Director presented Assistant Chief Leibold who spoke regarding the critical incident at Children's Hospital on November 14, 2013. MPD informed Children's Hospital security of a subject on the seventh floor wanted on an open warrant. MPD received a call from a citizen stating the wanted subject was in a room on the seventh floor and armed with a gun. The address of Children's Hospital and Froedtert Hospital, 9000 West Wisconsin Avenue, is a Milwaukee address, so the computer aided dispatch system (CAD) did not flag the location as another jurisdiction. When officers arrived at the hospital, they asked security for directions to the room. They were not asked about their assignment, nor elaborated on it. Once on the seventh floor, they met the suspect, Ashanti Dickerson-Hendricks. In reviewing this incident, the dispatch issue of city boundaries was uncovered. The policy is if the assignment is not in the city of Milwaukee, it will be closed out and forwarded to the appropriate agency. Since the hospital has a Milwaukee address, the CAD system accepted this as being in Milwaukee's jurisdiction. The CAD system has flagged the hospital as being on Milwaukee County property and under the jurisdiction of the Milwaukee County Sheriff's Department. Written policy has been created that when officers need to respond to the hospital, notification will be made to the Milwaukee County Sheriff's Department that MPD officers will be entering their jurisdiction. A written directive has been created so when the officers arrive at the hospital, they will notify security what their purpose for being there is.

Commissioner O'Hear asked if the officers involved should have contemplated their approach, especially in the type of location the incident was involved in. Assistant Chief Leibold stated in hindsight they could have had a better plan. They do not have templates, policies and procedures for everything police officers have to deal with. Police work is inheritably complex and the officers are provided with a lot of training in all different areas. In the academy they receive repetition training so it is ingrained in their memories, so when they have to react, they react with their training. They receive the Code of Conduct and are taught MPD's values and policies on how best to carry out their assignments. They are given discretion and expected to always think of the Code of Conduct, values and procedures when decisions are made. This incident involved two officers in separate squads who met up at the police station. They obtained information and a photograph on the subject and planned to execute the warrant on this person, who was armed. They chose to go directly into the area and it did not turn out the way they intended it to. There is no policy in place to tell them exactly what to do.

Commissioner Morgan asked since this suspect was known to be armed what was the reason the officers reacted as they did. Assistant Chief Leibold responded that the person who contacted them knew the mother of the infant and knew that he did not always treat the mother well. The officers did not know his intent and took that into account when they went to the hospital to arrest him right away.

Director Tobin stated the critical incident review board investigates every shooting and there is a good, thorough, complete review of the incident. The review board looks at four main areas: the reasonableness of the use of force, policies, training and the factors that led up to the use of force itself and how it can be different the next time. Assistant Chief Leibold stated they are always trying to get better and do so from incidents like this. They critique themselves on how they can get better and help the officers make better decisions.

Commissioner Cabrera asked if officers are being trained differently since this incident occurred. Assistant Chief Leibold stated this spring the officers went through active shooter training. Part of the training involved planning for when officers go into schools or hospitals after an armed individual.

h) The Director presented a communication regarding MPD's 2013 Annual Report. The Annual Report will be posted to their website and provided to the FPC for our website.

5. PUBLIC COMMENT:

There was no comment made by the public present.

6. ADJOURNMENT:

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

The meeting concluded at 5:51 p.m.

Respectfully submitted,

Michael G. Tobin
Executive Director

MGT:cj

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