

February 5, 2015

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, Chair
Kathryn A. Hein
Michael M. O'Hear
Ann Wilson
Marisabel Cabrera
Steven M. DeVougas

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 5:05 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: performance evaluation of candidate for promotion to Battalion Chief, Fire.

The Chair announced that the Manney disciplinary appeal hearing will be held during the last week in February. There has been much mis-information regarding when it will be held. Disciplinary appeal hearings are held separately from Fire and Police Commission business meetings. Information regarding the exact date will be posted on the Commission's website shortly.

The Chair presented for adoption minutes of the Regular Meeting of January 22, 2015. Commissioner O'Hear 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 February 15, 2015:

JOHN T. LITCHFORD.

b) The Chair stated that a Research Committee had been formed at the January 22, 2015 meeting. She will chair the committee, and the other members will be Commissioners Cabrera, Wilson, and DeVougas.

2. NEW BUSINESS:

a) The Chair recognized Alderman Joe Davis, Sr. for a statement regarding the psychological examination component of the police officer testing process. Alderman Davis stated the Public Safety Committee had recently heard a presentation regarding the police officer recruitment and testing process, and he believes part of the process may be flawed. He is specifically concerned that a candidate either passes or fails the psychological component based solely upon a single psychologist's decision that has no appeal rights. He believes it is time to reevaluate whether there should be more balance in that decision. The Chair thanked him for his comments and stated no decision can be made tonight. There are legalities incorporated into the testing process which must be examined in connection with this issue. She referred the issue to the Testing and Recruiting Committee as well as the FPC and DER testing staffs, and stated someone from the City Attorney's Office will be at the next meeting to discuss this. The Chair stated that more information will be

obtained from staff and the City Attorney's Office, including a history of psychological testing and what the process would be if the Board wishes to change the current exam procedure.

b) The Chair introduced Professor Steven Brandl of UWM who presented the 2013 Use of Force report. The report provides the number and nature of use of force incidents in the Milwaukee Police Department (MPD) from January 1 through December 31, 2013. The report is available on the Commission's web site (<http://www.milwaukee.gov/fpc>). The release of this report was delayed due to personnel turnover in the Fire and Police Commission, and he expects the 2014 report to be finished in a couple of months.

The report has two primary objectives—to provide information on the number and nature of the use of force incidents for 2013, using seven base line measures and situational characteristics of use of force incidents, and to compare, when appropriate, 2013 data with previous years. Now that we have five years of data, it is possible and appropriate to make comparisons and identify trends. This data comes from Police Department statistics entered into the AIM system. He outlined when an officer needs to complete a use of force report. Prior to 2013, incidents that involved "bodily force only" without injury or complaint of injury from the subject were not required to be documented. That policy changed on January 1, 2013, so any comparison of the total number of use of force incidents and "bodily force only" incidents in 2013 to previous years is not valid.

There were 930 use of force incidents recorded in 2013, of which 26 involved euthanizing an injured animal and 9 were accidental. Therefore, 895 incidents were analyzed in this report, of which 26 involved force against a dog, and 851 incidents involved a subject being arrested. In 2013, the MPD recorded 30,542 arrests. Overall, 2.79% of all arrests involved the use of force. The 895 use of force incidents involved 668 different MPD officers. Approximately half of these officers were involved in just one incident, and approximately 63% of all MPD sworn officers were not involved in any use of force incidents in 2013.

With regard to the type of force used in the 895 incidents, 73.5% involved bodily force only (658); 6.4% involved an electronic control device (ECD) only (57); 5.5% involved bodily force and a chemical agent (49); 3.8% involved a chemical agent only (34); 4.4% involved a firearm only (39); 2.6% involved bodily force and an ECD (23); 0.1% involved a firearm and an ECD (1); and 3.8% involved other force (no firearm) (34). For comparisons of the type of force used, in 2009 there were 53 reports of firearms used alone or with other force types; in 2010 there were 46; in 2011 there were 51, in 2012 there were 40, and in 2013 there were 40. In 2009 there were 85 reports of an ECD used alone or with other force types; in 2010 there were 125; in 2011 there were 144; in 2012 there were 101; and in 2013 there were 85. In 2009 there were 150 reports of a chemical agent (OC) used alone or with other force types; in 2010 there were 154; in 2011 there were 137; in 2012 there were 115; and in 2013 there were 89.

With regard to the 40 incidents that involved use of force with a firearm, 14 involved a person (4 fatal, 7 non-fatal, 3 no injuries, 1 unknown), all of whom were armed with a weapon at the time of the shooting; and 26 incidents involved 27 dogs (17 fatal, 7 non-fatal, 3 dogs shot at but not struck), most of which involved loose dog complaints and Pit Bulls. Of the number of persons subjected to police use of firearm, 14 occurred in 2009; 12 in 2010; 15 in 2011; 9 in 2012; and 14 in 2013. Of the number of dogs subjected to police use of firearm, 39 occurred in 2009; 34 in 2010; 36 in 2011; 31 in 2012; and 26 in 2013.

The largest proportion of use of force incidents in 2013 occurred in District 7 (27.3%); 19.5% occurred in District 3; and 17.8% occurred in District 5. Overall, 64.6% of all use of force incidents occurred in Districts 3, 5, and 7. District 7 also accounted for 32.7% of use of force incidents in 2012, 26.0% in 2011, 31.3% in 2010, and 33.9% in 2009.

Commissioner O'Hear thanked Dr. Brandl for his continued work on this report. He appreciates the district to district comparisons and continued exploration of that issue in the next report. He also appreciates the request for additional data in the future on injuries sustained by police officers and hopes that data will be forthcoming. Commissioner Wilson questioned Chief Flynn on why the data shows such large amounts of

use of force incidents in District 7. Chief Flynn responded they have analyzed this several times with Dr. Brandl and accounted for differences in personnel in command and officer ranks, yet the pattern remains the same. It is a busy, violent district, although the majority of contacts result in no injury. He has investigated to see if there are more officers there who use force more frequently but did not find evidence of that. He will continue to use this data in his search for an explanation but has not found one yet.

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 29, 2013, effective February 15, 2015:

#16 – BRIAN J. GARDNER.

TO FIRE LIEUTENANT, on a waiver basis, from eligible list established December 19, 2013, effective February 15, 2015:

#41 – KRISTIN A. TICCIONI.

TO HEAVY EQUIPMENT OPERATOR, on a waiver basis, from eligible list established July 27, 2014, effective February 15, 2015:

#11 – MICHAEL J. SCIANNI.

4. POLICE DEPARTMENT:

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

TO POLICE RECORDS MANAGER, from eligible list established October 17, 2013, effective February 15, 2015:

#5 – DRITA M. SPAHIU.

TO POLICE SERGEANT, from eligible list established December 19, 2013, contingent upon successful completion of a drug screening, effective February 15, 2015:

#48 – TRACY TABIADON and #49 – BARRY T. WEISSENBORN*.

Note: #49 is promoted on a waiver basis.

TO COURT LIAISON OFFICER, from internal selection process, contingent upon successful completion of a drug screening, effective February 15, 2015:

SCOTT R. DAVIS.

TO POLICE DISTRICT OFFICE ASSISTANT, from Office Assistant I, effective February 15, 2015:

NATALIE C. POLICHT.

5. PUBLIC COMMENT:

Twelve people commented on the 2013 use of force analysis report and the Red Arrow Park incident involving Police Officer Christopher Manney and Dontre Hamilton.

Commissioner Cabrera suggested that in the future, informational reports should be posted on the Commission's website two weeks before the meeting in order to give the public more time to digest the information. The Chair took the suggestion under advisement. Commissioner Cabrera moved to have the 2013 Use of Force Report returned to the next meeting's agenda. The Chair declined to accept the motion. Commissioner Wilson asked how items get onto the agenda. There was general discussion among the Commissioners on how to properly proceed on the matter. Commissioner DeVougas moved to adjourn the meeting, seconded by Commissioner O'Hear. There was more discussion on how to proceed. The motion to adjourn carried unanimously.

The meeting concluded at 6:43 P.M.

Respectfully submitted,

Sarah W. Morgan
Chair

SWM:REK:rk