

Fire and Police Commission 2010 Proposed Budget

Research & Analysis – Legislative Reference Bureau

Impact of 2010 Budget Cutbacks - Summary

There will no be layoffs of Fire and Police Commission staff during 2010, nor any curtailment of the department's statutory-mandated services. The department carefully monitors spending, but as an "emerging" department attempting to meet expanded responsibilities, there is little spending available to cut.

Although the Fire & Police Commission has a long history, its role in City governance was enhanced when the Common Council in 2006 adopted a number of recommendations from the PARC Report and expanded its responsibilities.

Since 2007, the department has been building its staffing to discharge its role in overseeing the Fire and Police Departments, and as of 2009, was fully staffed for its mission. The Office of Homeland Security will be relocated to the Fire & Police Commission in 2010, which will require the department to hire a Compliance Analyst to manage and monitor Homeland Security grants, and write applications for new grants.

As an "emerging" department, the Fire & Police Commission has few areas to trim. Its 2010 Proposed Budget includes savings of \$8,500 from the citywide, mandatory, 4-day furlough, and the department realizes a substantial savings from a Homeland Security grant of \$133,380 to cover additional costs, but this grant is coming from the Department of Administration (Homeland Security's former home) and does not represent a net savings for the city as a whole.

The Fire and Police Commission's 2009 Adopted Budget provides minimal funding to discharge the department's basic, statutory responsibilities, and the fact that when the costs and benefits of housing the Office of Homeland Security are factored out of its 2010 Proposed Budget, the Fire and Police Commission's "normalized" 2010 budget is virtually unchanged from the 2009 Adopted Budget.

Executive Summary

1. The Fire & Police Commission's 2010 Proposed Budget of \$970,473 is down \$100,595 or 9.39% from 2009's Adopted Budget due in large part to an Urban Area Security Initiative ("UASI") grant to fund the Office of Homeland Security relocated to the Fire & Police Commission (*pages 3-4*).
2. Two new positions are funded for 2010 and one position is eliminated – bringing the total number of authorized positions up from 10 in 2009 to 11 (*page 6*).
3. Proposed 2010 Wages & Fringes are down \$104,659 or 11.13% due primarily to \$8,500 in furlough savings and the \$133,380 UASI grant to fund the Office of Homeland Security (*pages 4-5*).
4. Proposed 2010 Operating Expenditures are up \$5,704 or 4.44% from 2009's Adopted Budget. A significant reduction in Information Technology Services budgeted spending is offset by moderate budget increases in 2 operating areas and a substantial budget increase in Professional Services expenses to outsource some of the duties of an eliminated position (*pages 5-6*).
5. The Fire & Police Commission will appoint (hire) 50 new police officers in 2010 funded for 3 years by the COPS ("Community Oriented Policing Services") grant (*page 9*).
6. The Fire & Police Commission continues to more effectively review Fire and Police Department policies. (*page 10*).
7. New citizen complaint procedures seem to be effective (*pages 11-12*).

Fire and Police Commission 2010 Proposed Budget

The 2010 Proposed Budget for the Fire and Police Commission compared to the 2009 Adopted Budget and actual 2008 expenditures is presented below:

Fire & Police Commission - Budget Comparison			
	'08 Actual	'09 Adopted	'10 Proposal
Wages & Fringes	\$ 705,851	\$ 940,103	\$ 968,825 *
Grants & Aids	0	0	(133,380)
Net Wages & Fringes	\$ 705,851	\$ 940,103	\$ 835,445 *
<i>year-to-year change</i>	45.38%	33.19%	-11.13%
Staff Positions (excluding commissioners)	9	10	11
Operating Expenditures			
General Office Expense	3,387	2,300	6,000
Other Operating Supplies	10,962	3,887	4,000
Facility Rental	5,000	0	0
Vehicle Rental	852	996	1,100
Non-Vehicle Equipment Rental	2,205	2,300	2,300
Professional Services	36,885	64,344	90,000
Information Technology Services	0	40,000	11,300
Other Operating Services	1,582	5,500	4,200
Reimburse Other Departments	1,840	8,997	15,128
Total Operating Expenditures	\$ 62,713	\$ 128,324	\$ 134,028
<i>year-to-year change</i>	-51.49%	104.62%	4.44%
Equipment Purchases	8,092	2,640	1,000
Special Funds	0	0	0
Total Operating Budget	\$ 776,656	\$1,071,067	\$ 970,473
<i>year-to-year change</i>	25.00%	37.91%	-9.39%
* includes furlough reductions of (\$8,500)			

Budget Analysis

The proposed 2010 budget for the Fire and Police Commission (“FPC”) of \$970,473 is down \$100,595 or 9.39% from 2009’s Adopted Budget. The Office of Homeland Security will be relocated to the FPC in 2010, increasing funded positions (and personnel costs) from 10 to 11, but also bringing a cost reducing Urban Area Security Initiative (“UASI”) grant to fund Homeland Security personnel. This UASI grant is the primary reason the overall 2010 Proposed Budget has declined.

Wages & Fringes: The proposed 2010 wages and fringe benefits budget of \$835,445 is down \$104,659 or 11.13% from 2009’s \$940,103 Adopted Budget. This decrease is effectuated by an overall increase in underlying wages (including filling a new position) and decreases resulting from the citywide furlough, fringe benefit savings and grants & aids funding. The changes are summarized as follows:

Wages & Fringes - Changes 2009 vs. 2010		
	Amount	Percent
2009 Adopted Budget	\$ 940,103	
Changes for 2010		
Underlying Wages	\$ 67,654	7.20%
Furlough	(8,500)	-0.90%
Fringe Benefit Savings	(30,433)	-3.24%
Grants & Aids	(133,380)	-14.19%
2010 Proposed Budget	\$ 835,445	
Net Change	(\$ 104,659)	-11.13%

The decrease in wages & fringe benefit costs proposed for 2010 is due primarily to the inclusion of the Grants & Aids funding. This is an Urban Area Security Initiative (“UASI”) grant to fund the City’s Homeland Security efforts. The City’s Homeland Security office will be relocated from the Department of Administration to the FPC in 2010. Steve Fronk has vacated his FPC position as Research & Policy Manager/Hearing Examiner (2009 budgeted salary \$90,452) to become Homeland Security Director (2010 proposed salary \$89,386). In addition, the FPC’s 2010 Proposed Budget funds a Compliance Analyst (2010 proposed salary \$61,871). The vacated Research & Policy Manager/Hearing Examiner will be eliminated.

The net effect of relocating Homeland Security to the FPC will be an increase in wages & fringe benefit costs of \$85,735 [\$89,386 plus \$61,871 (for the two new

Homeland Security positions) minus \$90,452 (the vacated Research & Policy Manager/Hearing Examiner position) plus \$24,930 (41% for fringes)]. This \$85,735 will be offset by the UASI grant of \$133,380 for a net decrease in the FPC’s wage & fringe costs of \$47,645.

Operating Expenditures: The proposed 2010 operating expenditure budget of \$134,028 is up \$5,704 or 4.44% from 2009’s \$129,620 Adopted Budget. This \$5,704 is summarized below:

Changes per Operating Line-item - 2010 vs. 2009			
Line-item	'09 Adopted	'10 Proposal	Change
Information Technology Services	\$40,000	\$11,300	-\$28,700
Professional Services	\$64,344	\$90,000	\$25,656
Reimburse Other Departments	\$8,997	\$15,128	\$ 6,131
General Office Expense	\$2,300	\$6,000	\$ 3,700
Other Line Items	\$12,683	\$11,600	-\$ 1,083
Total Change	\$128,324	\$134,028	\$ 5,704

Information Technology Services: – Proposed 2010 expenditures are down \$28,700 or 71.75% from 2009’s Adopted Budget because the FPC made major information technology investments in the past 2 years, including its new Administrative Investigation Management (“AIM”) software system to track and monitor all citizen complaints on a real-time basis, and will be maintaining its technology platform in 2010 with no major technology spending.

Professional Services: - Proposed 2010 expenditures are up \$25,656 or 39.87% over 2009 budget levels in anticipation of an increased reliance on outside professional services after eliminating the Research & Policy Manager/Hearing Examiner position. Annual pay for this position in 2009 was approximately \$85,000 before fringes, so outsourcing a portion of this position’s duties is a net gain for the FPC.

Reimburse Other Departments: Proposed 2010 expenditures are up \$6,131 or 68.14% over 2009’s Adopted Budget for a part-time College Intern needed for occasional research hired through the DER’s Auxiliary Program. The FPC will reimburse DER for the cost of this part-time Intern.

General Office Expenses: Proposed 2010 expenditures are up \$3,700 or 161% over 2009 budget levels because the FPC is using more office supplies to serve increased complaint processing, research/investigation and monitoring volume.

Personnel (excluding commissioners)

Fire and Police Commission Staff (excluding commissioners)			
	2009		2010
	Funded	Filled	Funded
Executive Director	1	1	1
Community Relations Manager	1	1	1
Research & Policy Mgr/Hearing Examiner	1	1	0
Investigator/Auditor	2	2	2
Research & Policy Analyst	2	2	2
Paralegal	1	1	1
Program Assistant III	1	1	1
Office Assistant II	1	1	1
Homeland Security Director	0	0	1
Compliance Analyst	0	0	1
Total	10	10	11

The FPC has been adjusting its staffing needs since 2007 when it was separated from the Department of Employee Relations. It is now fully staffed with 10 authorized positions filled as of September, 2009 – 9 full-time and one part-time (0.6 FTE) Research & Policy Analyst.

Two new positions are authorized and funded in the FPC’s 2010 Proposed Budget – the Homeland Security Director (Salary Grade 12 - \$73,626 to \$103,077) and a Compliance Analyst for Homeland Security (Salary Grade 6 - \$50,206 to \$70,295) – while the position of Research & Policy Manager/Hearing Examiner is eliminated. This results in a net of one additional funded position for the FPC in 2010 for a total of 11 authorized and funded positions.

The City’s Office of Homeland Security will be relocated to the FPC in 2010 from the Department of Administration. The Common Council confirmed the appointment of Steve Fronk as Homeland Security Director on September 22, 2009. Mr. Fronk will vacate his current position as the FPC’s Research & Policy Manager/Hearing Examiner and the position will be eliminated.

The Office of Homeland Security is responsible for the City's response to and prevention of terrorism and for the City's emergency management program in case of manmade or natural catastrophe that impairs the City's delivery of vital services.

The FPC will hire a Compliance Analyst to manage and monitor the millions of dollars the City receives in Homeland Security grants – a function the FPC believes has been neglected in the past due to insufficient manpower - and to write future grants.

Funding in 2010 for the FPC's Office of Homeland Security, including the Director and Compliance Analyst, will come from a multi-year Urban Area Security Initiative ("UASI") grant of \$133,380.

Fire and Police Commission ("FPC")

The Fire and Police Commission ("FPC") is the civilian body tasked under s. 62.50 Wisconsin Statutes, and ch. 314, Milwaukee Code, with overseeing and setting general policy, standards, and rules for the Milwaukee Fire and Police Departments. Day-to-day operations are the responsibility of the Departments.

The FPC is charged with ensuring Fire and Police Department accountability by monitoring how citizen complaints are handled by the departments; independently investigating complaints filed with the FPC; disciplining department employees by conducting citizen complaint hearings; and hearing appeals from firefighters and police officers who have been disciplined by their department. The FPC also acts proactively to identify trends and seek remedies for systemic problems that negatively affect Fire and Police department operations.

State law mandates the FPC conduct reviews at least annually of fire and police department operations, and may issue directives to the department chiefs based on its reviews. The FPC currently conducts these formal reviews quarterly and the staff monitors department operations continually.

The FPC also oversees the recruiting and testing activities conducted by the Department of Employee Relations for all fire and police department personnel except for the chiefs, establishes standards for employment and eligibility lists, and appoints all new employees and approves promotions in the fire and police departments.

The FPC is currently comprised of 7 part-time citizen commissioners. Commissioners, who earn \$6,600 annually, are appointed by the Mayor, approved by the Common Council and serve overlapping 5-year terms.

As of September, 2009, the FPC is fully staffed with all 10 authorized positions filled and no vacancies. A part-time College Intern for research projects will be funded for the remainder of 2009 through the DER's Auxiliary Program.

Background

Although the FPC was merged into the Department of Employee Relations ("DER") in 2003 to economize on recruiting and testing of fire and police personnel, it was re-established as an independent City department with its own separate budget in 2007, as a result the Police Assessment Resource Center ("PARC") report commissioned by the Mayor's Office to ensure Police Department complaints and internal investigations were thorough, fair and credible.

The DER continues to process applications, conduct recruiting and perform routine testing for all police and fire personnel, other than department chiefs, in cooperation with and under the direction of the FPC which has the ultimate responsibility for hiring and promoting all fire and police personnel.

FPC Commissioners

State law was changed in early 2008 to allow for 7 rather than 5 commissioners while keeping the required quorum at 3 for disciplinary actions. This change facilitates FPC hearings by creating a larger pool of commissioners from which to draw a needed quorum and helps create the needed FPC committees of commissioners to conduct their statutory mandates.

Fire and Police Hiring

The FPC has statutory responsibility for hiring, promoting, demoting, and dismissal of all fire and police personnel, but at the recommendation of the PARC report, delegates routine testing of personnel, other than department chiefs, to the DER. The DER, in cooperation and under the direction of the FPC, manages the recruiting, applications processing and testing of fire and police personnel. The 2 departments signed a formal resolution describing their working relationship in July, 2007, but both the Executive Director of the FPC and the Director of the DER maintain that the effectiveness of the relationship rests on the close communication and goodwill of the department heads.

Entry level police personnel applications are accepted continuously throughout the year which allows DER to process as the applications are received, although testing is done periodically once or twice a year as needed.

The last written test for new police officers was in November, 2007 and 44 were appointed (hired) for the 22-week police academy training – 17 graduating on November 14, 2008 and 27 completing their training on August 28, 2009.

The current new police officer eligibility list expires in December, 2009, unless extended by the Fire and Police Commission.

50 new police officers funded for 3 years by a COPS (“Community Oriented Policing Services”) grant from the U.S. Justice Department are expected to enter the police academy in June, 2010.

Applications for entry level fire personnel are accepted only periodically. The last open application period was for 3 weeks during August, 2008, when the City received 5,610 applications. 3,397 of these applicants passed the written examination, the first hurdle for eligibility. 50 new firefighters drawn from this eligibility are scheduled to graduate from the fire academy on November 2, 2009.

Creating an eligibility list for police personnel usually takes 3-4 months. Establishing an eligibility list for fire personnel can be substantially longer due to the volume of applicants.

Space Needs

The FPC was granted the authority to spend \$150,000 in 2009 over and above its operating budget to upgrade its space, but has spent none to date.

The FPC asserts its current location is insufficient in square footage and design for its needs. The current space has no lobby waiting area, secure file storage area, document copy/preparation area, interview/meeting/conference room, or supply area. It lacks appropriate space for serving walk-in complainants and visitors, and has no office accommodations for any of the 7 commissioners to perform their functions. There is insufficient area to accommodate the current staff. As a result, the FPC lacks the space, and privacy and security commensurate with the sensitive and confidential nature of its mission.

The FPC hopes to relocate to the 10th floor of the Zeidler Building when the City Attorney vacates that space in 2011, and will use the previously allocated \$150,000 for any needed build-out.

Administrative Investigations Management (“AIM”) Software System

The FPC’s new Administrative Investigation Management (“AIM”) software system is installed and operating. AIM interfaces with Police Department investigation files, so the FPC can track and monitor all citizen complaints in real-time as these complaints are processed by the Police Department. This access enables the FPC to manage and docket citizen complaints, analyze data, identify trends, and track information seamlessly for complaints filed with the FPC or Police Department.

The FPC knows of no other police oversight agency with comparable access to this critical information and is currently entering 2008 data so 3 years of data will be available by the end 2010 for comparison and trend analysis.

Policy Review

The FPC increased its oversight capacity in 2009 by establishing 3 Citizen Board committees - Recruiting & Testing, Complaints & Discipline and Policies & Standards – to create a more formal climate for operations and policy reviews.

The FPC initiated a new program in 2009 for issuing reports on public safety and department operations, formalized new citizen complaint procedures, reduced the average time to resolve a citizen complaint to less than 90 days, consolidated citizen complaint and disciplinary trial procedures, began auditing Police Department personnel investigations, began reviewing Police Department use of force committee actions, started publishing monthly policy topic reviews, and committed a portion of its policy oversight resources to evaluate the Police Department’s use of force policies and the department’s early employee intervention program.

The FPC staff works regularly with department command staff and consultants on all department operations and initiatives. Every significant policy, standard, and initiative of the Police and Fire Departments is now reviewed for approval by the FPC. Major policies and initiatives are placed on the public agenda for discussion at regular meetings held in City Hall and various community locations.

Citizen Complaints

Council Mandated Audit

The results of an audit of citizen complaints filed against the Fire and Police Departments mandated by the Common Council and funded with a \$50,000 Special Funds allocation in the 2008 Budget was presented to the Common Council in late December, 2008. The survey, conducted by Prism Technology Management and Marketing, LLC., a Milwaukee Emerging Business Enterprise firm, focused on 2007 citizen complaints (the last complete year of data available) and cost \$25,000 to perform. Survey results confirmed FPC's new system of handling complaints was on track to address shortcomings in the complaint process. The FPC formally adopted its new pilot program to deal more effectively with citizen complaints in 2009.

Citizen Complaints Received

Citizen complaints in 2008 were up 25% over 2007 to 120, the highest since 2004, and complaints for the first half of 2009 are 180. Recent complaint history is as follows:

Citizen Complaints Received				
Year	Use of Force	Misconduct	Civility	Total
2008	12	33	75	120
2007	20	22	54	96
2006	17	20	9	46
2005	24	9	22	55
2004	39	33	31	103
2003	26	19	25	70

FPC cites recent increases in citizen complaints as proof that its revamped complaint process has made it easier and less intimidating to lodge complaints. Complaints can be initiated in writing, in person, by telephone, by fax, by e-mail, through the FPC website, and through recognized community referral organizations where help with filing can be found.

Under the FPC's new approach, most citizen complaints are handled in one of 3 ways:

Mediation: There is no FPC Citizen Board Trial, and no disciplinary action. The complainant and the employee must agree, and the complaint cannot allege criminal conduct by the employee, or involve physical injury, or be a in case

where the employee is a witness against the complainant in a pending criminal or traffic prosecution.

The FPC uses the Milwaukee Mediation Center, a non-profit community organization, as an independent mediator.

Mediation allows complainants to be heard and resolve their concerns, which is all many complainants with minor complaints seek, without the time and expense of a full hearing.

Rapid Resolution Complaint Inquiry: Complaints, or inquiries, questioning whether certain behavior or action by public safety personnel conforms to department policy, procedure, rules, or law are often referred directly to the Fire or Police Department for quick resolution. The Assistant Chief or the Captain contacts the FPC to explain how the complaint was resolved, and the FPC follows up with the complainant to ensure satisfaction.

Rapid Resolution Complaint Inquiry is most effective when the complainant seeks clarification on the propriety of actions by fire or police personnel, and reassurance such behavior or action was consistent with department policy.

Citizen Board Trial: Complaints which cannot be mediated or resolved by Rapid Resolution Complaint Inquiry, and investigation determines there is enough evidence to determine if public safety personnel violated department rules, are referred for Citizen Board Trial.

A Citizen Board Trial is a public, quasi-judicial process. Witnesses are sworn and testimony is taken. Evidence is presented and received. Trials are videotaped and a court reporter records testimony. The Citizen Board then reviews the evidence and makes its final findings and decision.

Discipline Appeals

An important oversight function of the FPC is to hear employee appeals of disciplines issued by the Department Chiefs. Fire and Police Department personnel discharged or demoted, and police personnel suspended more than 5 working days or firefighters suspended more than 5 8-hour working days or 2 24-hour working days may appeal their discipline to the FPC citizen board.

There were 30 disciplinary appeals from previous years pending at the beginning of 2008. All were closed during 2008, and the FPC, through procedural changes, significantly reduced the time needed to process such appeals.

Six new disciplinary appeals were received in 2008 and resolved as follows:

2008 Police Personnel Discipline Appeals		
	Discipline Appealed	Appeal Outcome
Appeal #1	10-day Suspension	Appeal Withdrawn
Appeal #2	30-day Suspension	Pending
Appeal #3	Suspended & Discharged	Discharged
Appeal #4	Suspended & Discharged	Resigned
Appeal #5	Suspended & Discharged	Resigned
Appeal #6	Discharged	Discharged

Prepared by: Aaron Cadle 286-8666
Legislative Fiscal Analyst – Lead
Legislative Reference Bureau
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