

To: Joint Committee on the Redevelopment of Abandoned and Foreclosed Homes

Regarding agenda item 2: Communication from the Dept of City Development, Neighborhood Services, Mayor's Office, Fire and Police Commission and the Fire Department relating to policies and practices on placing placards or other signs on buildings relating to building vacancy status.

Acknowledging that the item before the committee is communication from interested stakeholders, I provide the following citations from: Wisconsin State Statutes, Milwaukee City Charter Ordinances, Rules of the Board of Fire and Police Commission City of Milwaukee and the Fire and Police Commission website (emphasis below is mine).

Wisconsin State Statutes

§62.50(1m) <https://docs.legis.wisconsin.gov/statutes/statutes/62/11/50/1m> the Fire and Police Commission has the following authority granted:

(1m) Policy review. The board shall conduct at least once each year a **policy review of all aspects of the operations of the police and fire departments of the city**. The board may prescribe general policies and standards for the departments. The board may inspect any property of the departments, including but not limited to books and records, required for a review under this section.

City of Milwaukee Charter Ordinances Chapter 314 Board of Fire and Police Commissioners <https://city.milwaukee.gov/ImageLibrary/Groups/ccClerk/Ordinances/Volume-3/CH314.pdf>

314-3. Duties.

In accordance with the duties provided in s. 62.50, Wis. Stats., the board of fire and police commissioners shall:

1. Conduct a policy review of all aspects of the operations of the police and fire departments, may prescribe general policies and standards for the departments, and may inspect any property of the departments, including but not limited to books and records, required for such review.

...

4. Use oversight authority to identify systemic problems within the police and fire departments, identify opportunities for improvement through organizational change, and delegate authority for follow-up to the respective chief.

314-5. Executive Director

...The executive Director shall...

2. **Evaluate police and fire department policies, practices and patterns**, including but not limited to deployment of staff, crime and fire prevention training, use of force, search, seizure, **citizen interaction and communication**.

Rules of the Fire and Police Commissioners City of Milwaukee

<https://city.milwaukee.gov/ImageLibrary/Groups/cityFPC/Rules/FPCRrules.pdf>

Rule IV. Board Procedure

The Board shall be provided with any modification of a standard operating procedure, standard operating instruction, standard operating guideline, or other directive affecting the policies and standards of the Fire or Police Departments, in writing at least twenty (20) calendar days prior to its proposed effective date. A requested change, if not material, may go into effect with the approval of the Chair of the Board and the Executive Director; otherwise it shall go on the Board's Regular Agenda for approval. Material change is one that creates an issue of legal consequence or controversy, or creates a change in the meaning or language of a document other than a routine update, or acknowledges changes in state certification standards. **Newly proposed standard operating procedures, standard operating instructions, standard operating guidelines, or other directives affecting the policies and standards of the Fire or Police Departments shall be placed on the Board's Regular Agenda for approval.** (Rev. 7/27/17)

Fire and Police Commission

website <https://city.milwaukee.gov/fpc/About#.W5BR334naAs>

What is the Fire and Police Commission?

Under Wisconsin law and the Milwaukee City Charter, the **Fire and Police Commission oversees all aspects of Fire Department and Police Department operations.** The Commission sets overall policy while the chief of each department manages daily operations and implements the Commission's policy direction and goals. Specific Commission functions also include:...

Conclusion:

The Fire and Police Commission and its Executive Director have oversight and are accountable for the Policies, Practices, Procedures and Operations of the Fire Department. It is their responsibility and obligation to resolve the issue of the Fire Department: "placing placards and other signage on the exterior of any building that relates to the vacancy status of the building".

For an authoritative analysis of the responsibilities of the FPC, please see Dr. Samuel Walker's expert testimony provided for the plaintiffs in the case of Charles Collins, *et al.*, versus the City of Milwaukee, *et al.*, pages 7-10 <https://www.aclu.org/legal-document/expert-report-samuel-walker-phd>.