

## Fire and Police Commission 2009 Proposed Budget

### Research & Analysis – Legislative Reference Bureau

#### Executive Summary

1. The Fire & Police Commission's 2009 Proposed Budget of \$1,072,363 is \$102,446 or 10.56% greater than 2008's Adopted Budget (*page 2*).
2. A new Office Assistant II position is proposed for 2009, increasing the number of authorized staff positions for FPC from 9 in 2008 to 10 in 2009 (*page 4*).
3. Proposed 2009 Wages & Fringes are up \$97,826 or 11.61% due primarily to under-budgeting in 2008 and the addition of a new authorized position (*page 5*).
4. Proposed 2009 Operating Expenditures are up \$63,979 or nearly double 2008's \$65,641 Adopted Budget due primarily to a \$47,640 increase in Professional Services as the FPC professionalizes its citizen compliant and discipline appeal process (*pages 5-6*).
5. A vendor has been selected to conduct the audit mandated by the Common Council (*page 6*).
6. The Fire and Police Commission is requesting \$150,000 in addition to its operating budget to renovate new space (*page 8*).
7. The Fire and Police Commission 2009 Proposed Budget includes \$40,000 to purchase, host and maintain a new software system to better monitor citizen complaint processing (*page 8*).
8. The Fire and Police Commission continues to intensify efforts to perform effective review of Fire and Police Department policies. (*pages 8-9*).
9. The Fire and Police Commission has revamped much of its citizen complaint procedures (*pages 9-10*).

### Fire and Police Commission 2009 Proposed Budget

The 2009 Proposed Budget for the Fire and Police Commission compared to the 2008 Adopted Budget and actual 2007 expenditures follows:

<b>Fire &amp; Police Commission - Budget Comparison</b>			
	'07 Actual	'08 Adopted	'09 Proposal
Wages & Fringes	485,526	842,276	940,103
<i>year-to-year change</i>		<i>73.48%</i>	<i>11.61%</i>
Staff Positions (excluding commissioners)	9	9	10
<b>Operating Expenditures</b>			
General Office Expense	2,638	42,841	2,300
Other Operating Supplies	7,344	0	3,887
Vehicle Rental	0	0	996
Non-Vehicle Equipment Rental	1,126	1,900	2,300
Professional Services	91,044	18,000	65,640
Information Technology Services	0	0	40,000
Other Operating Services	23,947	500	5,500
Reimburse Other Departments	3,171	2,400	8,997
<b>Total Operating Expenditures</b>	<b>129,270</b>	<b>65,641</b>	<b>129,620</b>
<i>year-to-year change</i>		<i>-49.22%</i>	<i>97.47%</i>
Equipment Purchases	6,504	12,000	2,640
Special Funds	0	50,000	0
<b>Total Operating Budget</b>	<b>621,300</b>	<b>969,917</b>	<b>1,072,363</b>
<i>year-to-year change</i>		<i>56.11%</i>	<i>10.56%</i>

## **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 daily.

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 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, 2008, FPC commissioners were supported by a City staff of 6, although there are 9 authorized positions in 2008 and 10 authorized positions proposed for 2009. See the “Personnel” section of this report for more about FPC staffing.

## **Background**

In 2003, the FPC was merged into the Department of Employee Relations (“DER”) in an effort to economize on recruiting and testing of fire and police personnel.

In 2007, the FPC was separated from DER and re-established as an independent City department with its own separate budget. This was the result of recommendations made in the Police Assessment Resource Center (“PARC”) report commissioned by the Mayor’s Office. The PARC report also emphasized the importance of monitoring Police

Department complaints and internal investigations to ensure thoroughness, fairness and credibility.

Although separated from DER so the FPC could more effectively monitor the fire and police departments, routine testing of fire and police personnel, other than department chiefs, was left the task of DER, at the recommendation of the PARC report. The FPC has ultimate responsibility for all fire and police appointments, but actual recruiting and processing of applications for all personnel other than chiefs is conducted by DER in cooperation and under the direction of the FPC.

**Personnel (excluding commissioners)**

<b>Fire and Police Commission Staff (excluding commissioners)</b>			
	2008		2009
	Funded	Filled	Funded
Executive Director	1	1	1
Community Relations Manager	1	1	1
Research & Policy Mgr/Hearing Examiner	1	1	1
Auditing Specialist	1	0	0
Investigator/Auditor	0	0	2
Research & Policy Specialist	2	0	0
Research & Policy Analyst	1	1	2
Paralegal	1	1	1
Administrative Assistant III	1	0	0
Program Assistant III	0	1	1
Office Assistant II	0	0	1
<b>Total</b>	<b>9</b>	<b>6</b>	<b>10</b>

The FPC is not yet fully staffed and continues to fine-tune the job duties of its present and future staff as it searches for the best approach to fulfill its new monitor role.

9 positions were funded in the 2008 Adopted Budget, but only 6 positions are currently filled; 5 full-time and one part-time Research & Policy Analyst. The Milwaukee Police Department is loaning the FPC a staff member (paid through the Police Department's budget) to perform investigations for the Commission until an Investigator/Auditor can be hired. The FPC is also under-filling one vacant Research & Policy Analyst position with a temporary, part-time (0.50 FTE) Office Assistant II who performs clerical duties for the department until a permanent, full-time Research & Policy Analyst can be hired.

There were 3 vacancies in the FPC as of September, 2008: 2 Investigator/Auditors - Salary Grade 7 (\$53,519 to \$64,220), and one Research & Policy Analyst - Salary Grade 5 (\$47,199-\$56,533). The 2009 Proposed Budget includes a new Office Assistant II position - Pay Range 410 (\$28,057 to \$28,695), bringing the total authorized positions proposed for 2009 to 10.

During 2008, 3 unfilled positions were re-classified to better fit the FPC's mission. The Auditing Specialist and one Research & Policy Specialist position were re-classified as Investigator/Auditors, while the other Research & Policy Specialist position was re-classified as a Research & Policy Analyst.

### **FPC Commissioners**

In the past, State law stipulated 5 civilian Fire and Police Commissioners. When it was re-established as a separate and independent department, the FPC sought to have State law changed. In early 2008 State law was changed to allow for 7 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. The 3 commissioner quorum for disciplinary hearings could speed citizen complaint and discipline appeal processing by presenting the possibility of holding 2 official FPC hearings simultaneously, each with a 3-commissioner quorum.

### **Significant Line-item Analysis**

**Wages & Fringes:** The proposed 2009 wages and fringe benefits budget of \$940,103 is up \$97,826 or 11.61% from 2008's \$842,276 Adopted Budget. A third of this increase or \$32,008 is the result of under-budgeting in 2008 for the Executive Director and another 38% or \$36,935 results from adding a new Office Assistant II position. The remaining \$28,883 or 29% comes from reclassifications and raises for other FPC staff.

As mentioned in the Personnel Section, the FPC is still fine-tuning its staff to determine what personnel are needed to fulfill its new monitor role.

**Operating Expenditures:** The proposed 2009 operating expenditure budget of \$129,620 is up \$63,979 or nearly double 2008's \$65,641 Adopted Budget. Three-quarters or \$47,640 is the result of increases in Professional Services and the remaining 25% or \$16,339 is the sum of increases

in most other operating areas as the FPC continues to gear up as an independent City department.

Professional Services expenditures are up because of increased costs for citizen complaint and discipline appeal hearings and a need to eliminate a significant backlog of hearings (court reporters, transcripts, hearing examiners, mediators and process servers) as the FPC seeks to better serve Milwaukee citizens and fulfill its monitor role.

The Information Technology Services line is up \$40,000 but is offset by a similar reduction in General Office Expenses. The \$40,000 in Information Technology Services will be used to purchase, host and maintain the FPC's new Administrative Investigation Management ("AIM") software system to track and monitor all citizen complaints on a real-time basis as they are processed by the Police Department.

**Special Funds:** The 2008 Adopted Budget includes \$50,000 in Special Funds to pay for an audit of the effectiveness of the FPC. The audit, as directed by Common Council Resolution File #070712, will assist in assessing the quality and effectiveness of the citizen complaint procedure, the fairness and objectivity of the investigation results and the level of complainant satisfaction with the overall complaint process.

The FPC has selected a vendor, Prism Technology Management and Marketing, LLC., a Milwaukee Emerging Business Enterprise firm. Prism will conduct a survey of all citizen complaints received by the Police Department and the FPC during the last year. Work is set to begin during the second week of October, 2008, results to be presented by December 23, 2008. The fee will be \$25,000.

The FPC has been given informal approval to direct the remaining \$25,000 in this Special Needs account toward the purchase of the department's Administrative Investigations Management ("AIM") software described on page 8. The FPC is seeking formal approval from the Finance and Personnel Committee for the re-direction of these funds.

## **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, has delegated responsibility for routine testing of fire and police personnel, other than department chiefs, to the Department of Employee Relations ("DER"). DER, in cooperation and

under the direction of the FPC, manages the recruiting, applications processing and testing of fire and police personnel.

The FPC and DER 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 the effectiveness of the relationship between the departments rests on the close communication and goodwill of the department heads.

Entry level police personnel applications are now accepted continuously throughout the year which allows DER to perform initial screening of applicants eligible to begin the testing process as the applications are received, although testing is done periodically in groups once or twice a year depending on need. The FPC determines when police recruit classes should be conducted and works with DER to coordinate recruiting and testing so a list of eligible applicants is ready in time for each class. The last written test for police was in November, 2007, and 37 eligible applicants from that testing were hired and entered the 23-week police class on June 16, 2008. These officers are scheduled to complete their academy training on November 14, 2008.

Police testing (which must be successfully completed before entering the police academy) includes:

- Written test    Writing sample
- Oral Test
- Physical Ability Test ("PAT") and 1.5 mile run
- Background Investigation
- Drug Screen
- Physical Examination
- Psychological Examination

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 approximately 6,000 applications. The last fire class in August, 2007, drew upon an eligibility list that expired in December, 2007.

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. The FPC has not set dates for any police or fire recruit classes due to budgetary uncertainty, but tentatively plans to conduct one fire recruit class (for perhaps 50 firefighters) and 2 police recruit classes (approximately 35 officers each) during 2009.

## **Space Needs**

The FPC is requesting \$150,000 in addition to its operating budget to build-out appropriate space for its operations.

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, and cubicle space is borrowed from neighboring departments to accommodate 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 is seeking other space within the City Hall complex and expects the build-out of such space to cost \$150,000.

## **Administrative Investigations Management (“AIM”) Software System**

The FPC 2009 Proposed Budget includes \$40,000 to purchase, host and maintain the FPC’s new Administrative Investigation Management (“AIM”) software system to track and monitor all citizen complaints on a real-time basis as they are processed by the police department. The AIM software will also enable the FPC to be proactive and help it identify trends and provide a database for performing in-depth and detailed analysis of citizen complaints and police conduct.

This is the same software system developed and used by the Police Department at an approximate cost of \$186,000. The AIM system has been installed and available to the Police Department for most of 2008, but has only come into its own as an effective tool in the last few months when police personnel were fully trained and adept at its use. This system is critical to FPC’s mission to monitor police processing of citizen complaints.

An order for a software package costing \$26,000 was placed in September, 2008. The FPC expects to use \$25,000 remaining in its Special Funds account to pay for this software package, the final \$1,000 coming from the proposed 2009 Information Technology *Services* line-item. The FPC expects the AIM system will be installed and FPC will begin training to use it by the end of 2008.

## **Policy Review**

Per PARC report recommendations, FPC has intensified efforts to review Fire and Police Department policy, especially as it affects the public.



The FPC is increasing its capacity to perform policy review by hiring a full-time Research & Policy Analyst and a graduate student intern.

The Executive Director is interacting regularly with the Fire and Police chiefs and other personnel about policy issues. Policy matters are now placed on the board agenda for information and approval by the board. A good example is the recent public presentation of the Police Department's new Differential Police Response ("DPR") policy. The Police Department presented this new policy initiative for public discussion with the FPC and received the FPC's endorsement. DPR calls for limited-duty officers to handle low-priority calls by telephone. This policy has reduced the priority 3 and 4 calls for service that regular squads must respond to, thus increasing the number of officers available for proactive patrol and rapid response to critical incidents.

### **Citizen Complaints**

73 citizen complaints have been received by the FPC through September, 2008, and 111 were received in 2007. A breakdown of the number and type of complaints received follows:

<b>Fire &amp; Police Commission - Citizen Complaints</b>			
	2006	2007	2008
Use of Force	16	12	10
Misconduct	8	29	21
Courtesy – Civility	23	70	42
Total	47	111	73

The FPC has revamped much of its complaint process during 2008 to remove unnecessary obstacles and to make lodging a citizen complaint easier in response to the 2007 Wisconsin State Supreme Court ruling in the Castaneda case. It has initiated a pilot program to respond to past criticism and improve the transparency and effectiveness of the citizen complaint process.

The FPC has expanded its community outreach efforts, reaching out to various community groups and establishing a community advocate referral program to assist person with filing a complaint.

Complaint forms are now available by phone, on-line and at several community locations including:

- House of Peace Community Center \*
- LGBT Community Center
- Milwaukee Urban League
- NAACP \*
- Sheegee Community
- Sherman Park Community Association
- Southside Organizing Committee
- Spanish Center \*
- Spotted Eagle
- Urban Underground
- Voces De La Frontera

\* Help available to complete and file

### Discipline Appeals

The FPC has resolved 26 of 34 prior and current year discipline appeals through September, 2008, as follows:

<b>Fire &amp; Police Commission - Discipline Appeals</b>			
	2006	2007	2008
Prior Year Pending Appeals	25	32	30
New Appeals	41	29	4
Appeal Resolution			
Sustained	7	13	10
Reduced	5	4	5
Withdrawn	5	5	4
Separation *	7	6	7
Unspecified	10	3	0
* Appellants Resigned, Retired or Discharged			

Prepared by: Aaron Cadle 286-8666  
 Legislative Fiscal Analyst – Lead  
 Legislative Reference Bureau  
 October 6, 2008