



Report of Investigation: Disciplinary Action –
Chief Alfonso Morales

By: Ronda M. Kohlheim, Inspector General

City of Milwaukee

Introduction and Summary

The Milwaukee Board of Fire and Police Commission

- Established in 1885 by the Wisconsin Legislature.
- Has the authority and responsibility to provide operational oversight for all aspects of both the MFD and MPD. (*Wis. Stat. §62.50 and the Milwaukee Code of Ordinances*)
- Roles – Duties - Responsibility:
 - Hire the chiefs of fire and police.
 - Evaluate the chiefs' performance.
 - Review any policy of either department
 - Approve all MFD and MPD rules.
 - Accept complaints from civilians about misconduct.
 - Conduct trials on those complaints.
 - Hear appeals from serious discipline imposed by the chief or against the chief by the board.



Introduction and Summary

The Milwaukee Board of Fire and Police Commission

- Consist of seven or nine part-time civilian board members.
- Has an executive director who provides leadership, guidance and coordination in public safety matters as the chief administrator of the functions performed by the board.
- Commissioners and the executive director are appointed by the mayor; subject to confirmation by the Common Council.
- Commissioners serve overlapping five-year terms and receive a salary of \$6,600 per year.
- The executive director, a City employee, oversees:
 - FPC staff;
 - Commission staff; and
 - Is responsible for carrying out day-to-day operations of the FPC.



Summary of Issue

Board of Fire and Police Commission

- The issue of due process following the FPC's decision to demote then-Chief Alfonso Morales.

Chronological Timeline of Events:

- **July 20, 2020** – FPC held a special session and issued 11 directives as well as an order to comply with the directives or face disciplinary action (*suspension, demotion or termination*) – some with August 4, 2020 due date.
- **August 6, 2020** – By a unanimous vote, FPC demoted Mr. Morales and returned him to rank of captain.
- **November 2020** –
 - Mr. Morales filed a lawsuit;
 - City Attorney's Office filed a legal document concluding that Chief Morales did not receive due process.



Scope of Investigation

Board of Fire and Police Commission

- Evaluate the FPC's decision to demote then-Chief Morales without due process.
- Ascertain whether the FPC has documented policies and procedures concerning disciplinary actions for MFD and MPD chiefs.
- Review activities included:
 - Examining the process
 - Examining related documentation regarding the decision to demote the chief





Analysis

Board of Fire and Police Commission

Directive Authority - Wis. Stat. §62.50(23)

- This provision provides that the board has the authority to issue written directives to the chief. If the FPC wants to order the chief to act in a certain manner, it may issue a written directive. These are mandatory unless the Mayor rules otherwise.

Disciplinary Action – Wis. Stat. §62.50(19)

***§62.50 (19) Charges by Aggrieved Person
FPC Rule XV Citizen Complaint Process***

- This provision provides that the procedure established under §62.50(19) is the exclusive method by which a chief of MFD or MPD may be removed prior to the expiration of his or her term.





Rule XV

Board of Fire and Police Commission

Rule XV: Citizen Complaint Procedure

- ***Purpose*** – addresses alleged misconduct.
- ***Complaint*** – initiated by mail, email, telephone, website or in person.
- ***Investigation*** – staff conducts every complaint received.
- ***Referral*** - Executive director within 10 days after results refers for resolution.
- ***Resolution*** – complaint resolved by:
 - Rapid resolution complaint inquiry
 - Trial (***conducted in accordance with FPC Rule XVI Trial Procedures***)
 - Dismissal
 - Mediation
 - Policy Training

Note: A complainant includes citizen, board member, elected official, advocacy organization, etc.



Background

Board of Fire and Police Commission

- ***Interviewees***

- Contacted eight individuals
- Conducted two interviews
- Communication with one individual (limited)
- Collaborated with the executive director



- ***Documents***

- Reviewed hundreds of pages of documents
- Report does not include every detail (interviewees and documents)
- Report assesses important facts (pertaining to specific claims)



Report Determination

Board of Fire and Police Commission

Executive director emailed communication to commissioners occurred by using the blind copy feature.

Note: Per a DOJ opinion, a meeting could occur over email if a series of factors are Met:

- Sufficient # of individuals in chain of email.
- Sufficient # of email communications.
- Short timeframe.
- Conversation-like-interaction.



A meeting conducted through email is a violation of the Open Records Law unless the meeting is noticed and reasonably accessible to members of the public.

Note: Consequently, the City Attorney's Office advises that individuals who are sending email communication to all members of a government body should use the blind copy feature to prevent members from replying to all and potentially committing an open meeting violation.



Report Determination

Board of Fire and Police Commission

Evidentiary Records

- Opinions through the executive director (from the City Attorney's Office).
- Rule XV Citizen Compliant Procedure.
- Wis. Stat. §62.50(19) & §62.50(23).



Testimonial Evidence

- Suggests that on at least two occasions the Board's decision to demote the chief was exclusively based on an apparent assertion by the City Attorney "to do what needs to be done" with assurance that the Board's decision would be supported and defended by the City Attorney's Office.

Conclusion: Due process through the Citizen Complaint Procedure (FPC Rule XV), as outlined in Wis. Stat. §62.50(19) and communicated in written opinions by the CAO was not extended to former Chief Alfonso Morales.



Recommendations

Board of Fire and Police Commission

Recommendations or Corrective Actions

- ***Recommendation 1:*** Revise, implement, and document comprehensive, well-defined Rules and Regulations of the Board of Fire and Police Commission specifically outlining each process.
- ***Recommendation 2:*** Develop and implement records management procedures as guidance to promote consistent document and archival management controls.
- ***Recommendation 3:*** Develop a systematic approach to managing records to ensure compliance with applicable requirements.
- ***Recommendation 4:*** Establish and maintain a board information system that focuses on enlightened decision making, stimulate participation and supports an appropriate balance of responsibility between the board, executive director and staff.



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