

Office of  
MILWAUKEE FIRE DEPARTMENT

# 2019 - XX

April XX, 2019

TO: Department Personnel

**RE: LIGHT-FRAME TRUSS-TYPE MARKING PROGRAM**

The Milwaukee Fire Department has partnered with Milwaukee Department of Neighborhood Services (DNS) for the process of implementing a Light-frame Truss-type building marking program, with the goal of safety identification and situational awareness for firefighters.

The purpose of this program is to require the placement of an identifying symbol on structures constructed with a light-frame truss component in a manner sufficient to warn persons conducting fire control and other emergency operations of the existence of light-frame truss-type construction in the structure.

**DEFINITIONS.**

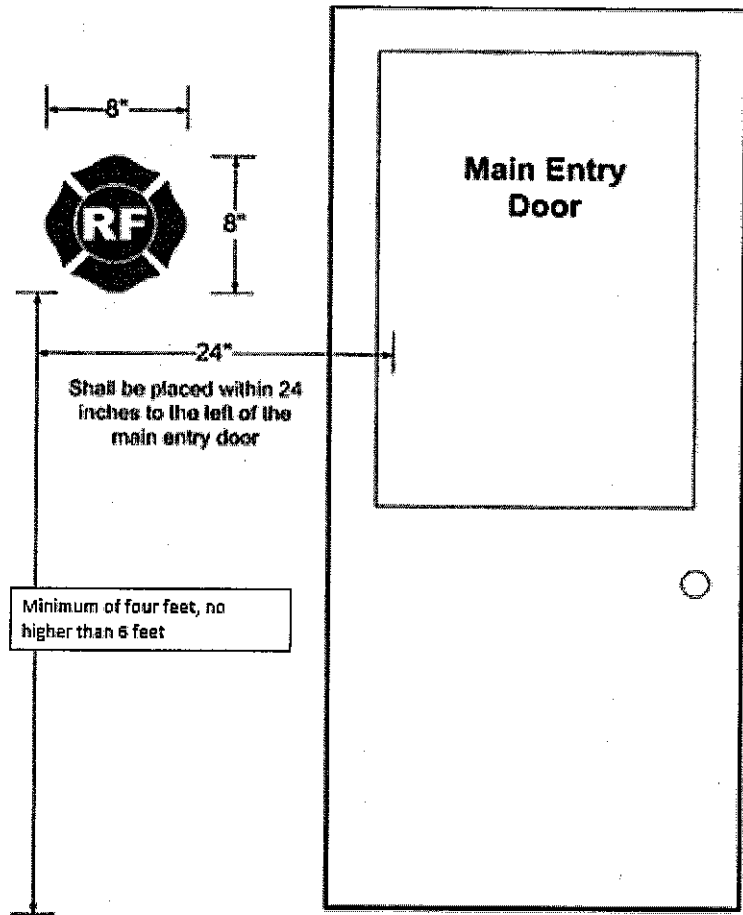
(a) "Light-Frame Truss-Type Construction" means a type of construction whose primary structural elements are formed by a system of repetitive wood or light gauge steel framing members.

(b) "Approved Symbol" means a Maltese Cross measuring 8 inches horizontally and 8 inches vertically, of a bright red reflective color.



Any commercial, industrial, or multi-unit residential structure of three units or more, which uses horizontal or vertical light-frame truss-type construction in any portion shall be marked with the approved symbol. Each approved symbol shall include within the center circle one of the following designations as illustrated above:

- a. Structures with light-frame truss roofs shall be marked with the letter "R".
- b. Structures with light-frame truss floor systems shall be marked with the letter "F".
- c. Structures with light-frame truss floor and roof systems shall be marked with the letters "RF."



In structures with multiple main entry doors, the City of Milwaukee is authorized to require that other main entry doors of the structure also be marked with the approved symbol.

*Mark Rohlfing*  
MARK ROHLFING  
Chief

MR/cf

Communication from Paul Mozina

September 14, 2018

To: Mayor Barrett, Common Council, FPC Executive Director Butler, FPC Operations Manager Crump, FPC Emergency Communications and Policy Director De Haan and FPC Commissioners

Re: Trouble with the FPC!

I am personally delivering this communication to you all on Friday, September 14, 2018 because of the urgency of the matters discussed herein. Like CIA Director George Tenet before 9/11 – “My hair is on fire!”

The recent issue of the Fire Department’s placement of placards on buildings has exposed the underlying disfunction that exists with regards to the acknowledgement of the jurisdiction of the Fire and Police Commission by the Common Council and the FPC’s ability to execute its oversight responsibilities as mandated by the State Statues, City Charter and FPC rules. The Mayor and Common Council appear to be unwilling to empower the FPC to do its job and likewise to hold them accountable for doing it. The broader perspective on this, and the reason that my hair is on fire, is the implications it has for a successful implementation of the ACLU/Collins/Stop & Frisk Settlement Agreement.

At the September 10, 2018 meeting of the Joint Committee on Redevelopment of Abandoned and Foreclosed Homes, Chairman Bauman did not invite FPC Executive Director Butler, or anyone from the Mayor’s Office, to speak on the placards issue despite advertising in the agenda: “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.”

At the September 13, 2018 meeting of the Public Safety and Health Committee, Chairman Donovan did not allow Clifton Crump or Paulina De Haan from the Fire and Police Commission to speak after they came to the table during the discussion of CC File no. 180782: “Communication from the Milwaukee Fire Department and other relevant City departments relating to policies and practices on placing placards or other signs on buildings relating to building vacancy status.”

And, in what appears to be a power struggle between the Mayor and members of the Common Council, Item 5. CC File no. 180446: “Appointment of Everett Cocroft to the Board of Fire and Police Commissioners by the Mayor. (9th Aldermanic District)”, was held. I could be wrong, but I think this is related to the Mayor’s refusal to reappoint Marisabel Cabrera, the current Chair of the Board of Fire and Police Commissioners, to another term.

So, while Milwaukee burns, the Mayor, Common Council and FPC fiddle. The main issue is restoring the FPC to its full potency both in terms of members and its oversight authority.

My hair is on fire because the controversy over the Fire Department's placement of placards on buildings is *child's play* compared to the challenges facing the co-defendants in the ACLU lawsuit. The level of cooperation and coordination that will be required between the FPC, the MPD, Mayor Barrett and the Common Council to faithfully and successfully implement the requirements of the ACLU Settlement Agreement is **ORDERS OF MAGNITUDE** greater than that of the placards kerfuffle.

Deadlines for implementing tasks enumerated in the Settlement Agreement are rapidly approaching, the first of which is September 25, 2018 (using July 25, 2018 as the date of execution of the agreement). Please see:

Collins\_settelment\_agreement\_executed\_by\_parties.pdf <https://www.aclu.org/legal-document/settlement-agreement-executed-parties>

b. Defendants also agree to work with Plaintiffs to **amend the following MPD SOPs within sixty (60) days of entering into this Agreement** to reflect provisions of this Agreement that pertain to policies, procedures, guidelines, and standards addressed in these specific SOPs. Should the Parties be unable to reach agreement, they agree to submit their proposed changes to Judge Lynn Adelman for his recommendation. Any of the following are subject to the process prescribed by Wis. Stats. § 62.50(3) for FPC approval in accord with its rules:

- i. SOP 085—Citizen Contacts, Field Interviews, Search and Seizure;
- ii. SOP 300—Directed Patrol Missions / Saturation Patrols;
- iii. SOP 440—Early Intervention Program;
- iv. SOP 450—Personnel Investigations;
- v. SOP 730—Mobile Digital Video / Audio Recording Equipment;
  
- vi. SOP 747—Body Worn Camera; and
- vii. SOP 990—Inspections.

**Conclusion:** I implore you, Yes, I beg you, please reconcile your differences and restore the Fire and Police Commission Board to its full contingent and acknowledge its statutorily mandated oversight authority and support it in its mission. The ACLU Settlement Agreement is historic – please don't bring shame on the City of Milwaukee by failing to implement it.

With all due respect and sincerity,



Paul Mozina  
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Milwaukee, WI 53222

Below is documentation of the statutorily mandated oversight authority of the FPC, its Rules and Mission and the expert testimony of Samuel Walker PH.D. for the plaintiffs in the ACLU Settlement regarding the same.

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:...

Report\_of\_samuel\_walker\_02202018.pdf <https://www.aclu.org/legal-document/expert-report-samuel-walker-phd> pages 7-10

#### **VI. ROLE OF THE MILWAUKEE FIRE AND POLICE COMMISSION**

16. Pursuant to Wisconsin State § 62.50(1m), the FPC is tasked with, among other things, overseeing the Department's practices and procedures, and engaging in at least an annual "policy review of all aspects of the operations" of the MPD.<sup>7</sup> The FPC is obligated to "[u]se 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."<sup>8</sup> Moreover, under its mandate, the FPC has the authority and responsibility to undertake an independent investigation of controversies involving the MPD and the MPD's related policies and practices.<sup>9</sup> Further, the FPC maintains the authority to hire and fire the Chief of Police.<sup>10</sup>

17. It is my opinion that the FPC is failing to provide proper oversight of the MPD with regard to the issues related to traffic stops, pedestrian stops, frisks, MPD procedures for holding officers accountable for misconduct, and MPD's relations with the community.

18. In her deposition, FPC Executive Director MaryNell Regan testified that when the issue of whether or not the MPD has a quota system arose, the FPC Board of Commissioners “chose to believe management that there is not a quota system.”<sup>11</sup> The FPC Board of Commissioners then “held . . . open” the issue of a quota system, which Regan explained meant that it would be postponed for further discussion if necessary, and there is no indication such further discussion occurred.<sup>12</sup>
19. It is my opinion that the FPC Board of Commissioners’ decision to defer to the MPD leadership, without any effort to investigate what was presented to it as a significant controversy in the community concerning MPD officers’ interactions with members of the public, represents an abdication of its official mandate. On its website, the FPC describes its mission as “oversee[ing] all aspects of the Fire Department and the Police Department.”<sup>13</sup> No further language limits in any way the term “all aspects” in this statement. And as discussed above, Wisconsin statute and Milwaukee ordinance require the FPC to conduct a policy review of “all aspects” of police department operations.<sup>14</sup>
20. It is my opinion, based on over thirty years of research and consulting on the subject of public oversight of the police, that the central purpose of an agency, with a mission of overseeing a police department is to inquire into any and all controversies that should arise with respect to that department, and not automatically defer to the agency’s management. “Inquiry” in this context should include the agency’s ability to conduct its own independent investigation of the issue, hold public hearings, retain outside experts if that step is deemed necessary, and render a public decision on the matter. External oversight agencies have conducted audits of uses of force, uses of chokeholds, civil litigation against agencies, and management practices related to holding officers accountable for their conduct.<sup>15</sup>
21. It is my opinion that the FPC’s failure to provide proper oversight of and guidance to the MPD on its policies and practices related to stops and frisks, accountability for officer misconduct, and community relations is a problem that has existed for some years. A 2006 report by the Police Assessment Resource Center (“PARC”) found that the FPC “underutilizes its policy review powers.”<sup>16</sup> The PARC report recommended a “fundamental overhaul” of the FPC.<sup>17</sup> Yet, there is no evidence available to the author of this report that any such “overhaul” has occurred. It is also my opinion that PARC is one of the most highly respected independent consulting organizations in the field of law enforcement, with a wide range of experience, and that its judgment carries great credibility.
22. It is my opinion that the current Executive Director of the FPC is failing to provide the best professional leadership for the agency. It is the function of an executive director in this context to provide leadership on important issues, including providing the Board of Commissioners informed expert advice on important policy decisions. In her deposition, however, in direct response to this issue, FPC Executive Director Regan testified that “I try not to influence their [the FPC Board] views.”<sup>18</sup>
23. It is my opinion that the definition of the role of the current Executive Director of the FPC, as stated in her deposition and cited in the above paragraph, is not consistent with the

responsibilities of the Executive Director of the FPC to “[e]valuate police and fire department policies, practices, and patterns, including, but not limited to, deployment of staff . . . search, seizure, [and] citizen interaction and communication,” as established by the Milwaukee City Charter Ordinance, § 314-5.

24. It is my opinion that the current Executive Director of the FPC has failed to become familiar with the details of day-to-day policing, and is thereby unable to provide informed advice on important matters, as required under Milwaukee City Charter Ordinance, § 314-5. In her deposition, on a question related to SOP 085 and whether an officer has reasonable suspicion of criminal activity when seeing a person at a location during “inappropriate hours of the day or night,” Executive Director Regan testified that “I’m not a law enforcement officer, nor have I ever served as one.”<sup>19</sup> Yet, she has by her own testimony not taken steps to become familiar with basic police operations (such as stops and frisks by MPD officers) despite the fact that, according to her own testimony, she plays a role in approving MPD SOPs.<sup>20</sup> It is my opinion that based on my own research on citizen oversight of the police, which has included regular attendance at the annual meeting of the National Association for Civilian Oversight of the Police (“NACOLE”), where I routinely converse with the directors of oversight agencies, that many, if not most, of the directors of oversight agencies such as the FPC are not police officers and have no prior experience as police officers.<sup>21</sup> Yet, I have found that these individuals are generally well-informed about the details of day-to-day policing and are consequently able to provide informed opinions and directives about important policy matters.
25. It is my opinion that, given the controversies surrounding MPD practices and its obligations under Wisconsin law, the FPC has a responsibility to undertake an independent investigation of any and all such controversies involving the MPD, and of MPD’s related policies and practices. In my opinion, it is an abdication of the FPC’s basic mandate to provide independent oversight of the MPD for the FPC Board of Commissioners to conclude that it “believe[s] management” on the question of whether the MPD sustains an informal quota for the number of traffic and pedestrian stops conducted by officers, which may lead to unjustified stops of members of the public.





FOR IMMEDIATE RELEASE

FOR INFORMATION CALL

September 7, 2018

Ald. Robert J. Bauman  
(414) 286-3774

## Fire officials to explain reasoning behind marking abandoned homes

On Monday, September 10, the Joint Committee on Redevelopment of Abandoned and Foreclosed Homes will hear from several City agencies about the Fire Department's **placement of placards on buildings** that indicate they are abandoned.

**Alderman Robert J. Bauman**, chair of the Joint Committee on Redevelopment of Abandoned and Foreclosed Homes, is concerned posting a placard indicating a home is vacant **may mischaracterize a neighborhood as blighted while attracting a criminal element.**

"Placing signage on a home that says the property is vacant is essentially a scarlett letter," said Alderman Bauman. "It alerts criminals that the property is ripe for the picking to strip building materials, vandalize or engage in other illegal activities there. Furthermore this activity has been going on without the consent or guidance of the Common Council making it even more problematic."

The committee will receive communication from the Dept. of City Development, Dept. of Neighborhood Services, Mayor's Office, Fire and Police Commission and the Fire Department when it meets **Monday, September 10, at 10 a.m. in room 301-B at City Hall, 200 E. Wells St.** The meeting will be carried live on Spectrum Cable, AT&T U-Verse and the City Channel at [www.milwaukee.gov/channel25](http://www.milwaukee.gov/channel25).

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Fire Department

September 7, 2018

## MEDIA ALERT

### INFORMATIONAL ONLY

**Mark Rohlfing**  
Chief

**Gerard Washington**

Assistant Chief

**Brian Smith**

Assistant Chief

**John Schwengel**

Assistant Chief

#### **WHAT: Milwaukee Fire Department Vacant/Abandoned Structure Placarding Program**

**DETAILS:** Because there has been some confusion and misstatements, below are some facts about the Milwaukee Fire Department's (MFD) Vacant / Abandoned Structure Placarding Program.

The MFD placarding program is a collaborative program between the MFD and the Department of Neighborhood Services (DNS) to protect and keep MFD firefighters safe when responding to vacant / abandoned structures. It is a nationally recognized 'best' practice.

The program has its roots in 2009. It was revisited again in 2011, and the DNS began placarding dangerous properties with MFD input. The MFD and the DNS, in May of 2017, re-established a collaborative committee with the goal of enhancing firefighter safety and preventing future injuries like those suffered by many of our members, and firefighters across the globe, in interior hazardous environments that are undefined upon first responder arrival. This re-established relationship has resulted in better communication and information-sharing regarding vacant and abandoned structures within our city. The goal of placarding vacant and abandoned buildings with a listing of interior hazards, along with formal fire company site visits and CAD Hazard Line Communication, has moved the MFD closer to its goal of providing its responding companies with the timely information necessary to accomplish its tasks safely, and with full situational awareness. Interior hazards to firefighters include open floors and pits, stairways removed from floors, holes in walls contributing to fire spread, compromised structural systems, and compromised suppression systems. With no one usually reporting these fires until they are well-advanced, exposure spread can be expected to occur rapidly, increasing the potential for significantly increased hazards within the building, and also to neighboring homes/businesses if not addressed correctly with a strategy-based firefight based on valid information.

The MFD's vacant building placarding program follows a fire industry standardized system utilized by many departments across the nation for the purpose of alerting firefighters to the conditions inside an abandoned and/or condemned property (residential and commercial). The program is recommended by FEMA and NIOSH and has its own section in the International Fire Code, 2015 edition (Section 311.5), which states: *Any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 110 of this code relating to structural or interior hazards shall be marked as required by Sections 311.5.1 through 311.5.5.* The goal is to assist firefighters in knowing the interior conditions of a hazardous or dangerous/condemned property prior to entry. The placarding assists the MFD when called to a condemned/abandoned property for a fire in which first responders are unable to visually assess the interior or structural stability due to smoke or flames.

The MFD has been working with the DNS for over a year to ensure these procedures were legally sound, and that information was continuously updated and shared with the MFD by trained condemnation and structural stability experts from the DNS. The MFD only placards those buildings shared with them by the DNS identified as abandoned and condemned structures, structures determined to be razed, and structures with significant hazard (structural instability, holes in floors, etc.).



The DNS inspects the structures and makes a hazard determination (1, 2, 3, or raze) and an MFD Incident Safety Officer verifies their determination before placing signs. These determinations can be fluid as structures are brought into code compliance or a building is razed, so the MFD gets monthly reports from the DNS with updates.

Below is a timeline of the MFD's Vacant Structure Placarding Program:

- [2009] MFD begins a Placarding Program for unsafe buildings.
- [2011] Vacant Building Placarding Program is officially begun in coordination with DNS.
- [April 2017] In collaboration, a DNS/MFD Vacant and Abandoned Building Committee is formed for the purpose of updating and creating a more effective and comprehensive Vacant Structure Placarding Program following national guidelines.
- [March 2018] The program is officially re-broadcast based on the newer parameters collaboratively set in committee.

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