

## RESEARCH AND ANALYSIS SECTION – LEGISLATIVE REFERENCE BUREAU

### Executive Summary: 2008 Proposed Budget – Fire and Police Commission

1. The 2008 Fire and Police Commission operating budget will increase by 39% from the 2007 Budget, from \$698,174 to \$969,917 (*page 2*).
2. In 2003 the Fire and Police Commission was merged with DER and Commission services were consolidated into DER's 3 divisions. The 2007 Budget provided the direction and funding to reestablish the Fire and Police Commission as a distinct department (*page 2*).
3. There is no change in the number of authorized positions between 2007 and 2008- both include 16 positions (*page 3*).
4. Through amendment to the 2007 Budget, the Common Council created the Executive Director position to replace the Monitor/Executive Director, eliminated the Assistant Monitor position, and created 2 Investigator positions. The 2008 Proposed Budget maintains the 2007 level of authorized positions, but retitles the 2 Investigator positions to (1) Auditing Specialist and (1) Research and Policy Specialist (*page 3*).
5. The Fire and Police Department Monitoring/Auditing Special Purpose Account was created and funded \$50,000 through an amendment to the 2007 Budget (Amendment #20). The 2008 Proposed Budget eliminates this account and recreates it as a Special Fund within the Fire and Police Commission (*page 4*).
6. 2008 goals of the Commission include devising a methodology that will be used for periodic review and evaluation of the Fire and Police Departments; enabling the Commission to audit citizen complaints, internal criminal investigations, internal investigations of misconduct and review departmental policies and practices; and revamping the citizen complaint process to make it more user friendly and effective (*page 6*).
7. 2008 Commission challenges include processing complaints and disciplinary appeals faster without infringing on or compromising the complaint process, and overcoming community mistrust and dissatisfaction with the current performance of the Commission (*page 6*).

**Research & Analysis Section – Legislative Reference Bureau**

**2008 Proposed Budget Summary: Fire and Police Commission**

<b>Expense Category</b>	<b>2006 Actual</b>	<b>2007 Budget</b>	<b>2008 Proposed</b>	<b>2007-2008 Change</b>
<b>O&amp;M FTE Positions</b>	0	7	8.5	+1.5 position
<b>Total Authorized Positions</b>	0	16	16	No Change
<b>Salaries and Wages</b>	\$0	\$456,905	\$597,359	+31%
<b>Fringe Benefits</b>	\$0	\$191,900	\$244,917	+28%
<b>Operating Expenditures</b>	\$0	\$46,834	\$65,641	+40%
<b>Equipment</b>	\$0	\$2,535	\$12,000	+373%
<b>Special Funds</b>	\$0	0	\$50,000	+\$50,000
<b>TOTAL</b>	<b>\$0</b>	<b>\$698,174</b>	<b>\$969,917</b>	<b>+39%</b>

The Fire and Police Commission is a civilian body composed of 5 citizens who are appointed by the Mayor and approved by the Common Council and serve overlapping 5-year terms. Its role, responsibilities and authority are outlined in s. 62.50 of the state statutes and ch. 314 of the Code. The Commission monitors the Fire and Police Departments to enforce accountability of departmental actions and identify opportunities for systemic change, provides independent and objective review of citizen complaints, carries out appeals from departmental disciplines and conducts citizen complaint hearings. State law provides that the Commission shall conduct annual reviews of police and fire department operations, and may issue directives to the departments' chiefs based on its reviews.

**BACKGROUND**

Prior to 2003, the Fire and Police Commission was a distinct department that carried out its statutorily mandated functions relative to disciplinary appeals, citizen complaints, policy review and oversight, and recruitment and testing for all positions in the Fire and Police Departments. In an effort to consolidate many crossover functions of the Commission and the Department of Employee Relations (DER), in 2003 the Fire and Police Commission was merged with DER and Commission services were consolidated into DER's 3 divisions.

In response to criticism of the Commission's ability to conduct police oversight, the Mayor's Office commissioned the Police Assessment Resource Center (PARC) to evaluate the structure, procedures and practices of the Commission. In 2006 PARC issued the report entitled "*Promoting Police Accountability in Milwaukee: Strengthening the Fire and Police Commission.*" The report made a number of recommendations relating to the organization and function of the Commission, and discussed the importance of reviewing Police Department complaints and internal investigations to ensure thoroughness, fairness and credible results. It asserted performing regular audits of the Police Department would make the Department more credible and transparent.

In response to the recommendations, the 2007 Budget provided the direction and funding to reestablish the Fire and Police Commission as a distinct department, and began the process of transitioning the Commission to a monitor model of oversight. The PARC study further recommended that the personnel-related functions, except for the hiring of Chiefs, should not be the Commission's

responsibility. As a result, these functions and Commission staff members who had been responsible for these functions have been retained in DER.

## **PERSONNEL**

### **Number of Authorized and Funded Positions**

Changes in number of positions, 2007 Budget and 2008 Proposed Budget:

	2007 Budget	2008 Proposed	Change
O&M Funded Positions	7	8.5	+1.5 position
Authorized Positions	16	16	No Change

### **Retitling of Positions Created by 2007 Budget**

The 2007 Budget proposed funding for one Monitor/Executive Director position and one Assistant Monitor position, in addition to other Fire and Police Commission staff. Through amendment (Amendment #20, sponsored by Ald. Murphy, McGee, D'Amato and Hines), the Common Council created the Executive Director position to replace the Monitor/Executive Director, eliminated the Assistant Monitor position, and created 2 Investigator positions, one ½ funded and one unfunded for 2007. See below:

- (1) Monitor/Executive Director, SG 15. Amendment changed to "Executive Director," SG14.
- (1) Assistant Monitor, SG 6 (new position; ½ funded for 2007). Amendment eliminated this position.
- (2) Investigator, SG 6. Amendment created these positions: one ½ funded for 2007 and one unfunded for 2007.

The 2008 Proposed Budget maintains the 2007 level of authorized positions, but retitles the 2 Investigator positions to (1) Auditing Specialist and (1) Research and Policy Specialist, for a total of 2 Research and Policy Specialist positions. These positions were retitled in an effort to more accurately reflect the duties and responsibilities of the Investigator positions. Both positions are fully funded for 2008.

### **Principal Goals and Responsibilities of New Positions**

**Executive Director:** On October 11, 2007, the Public Safety Committee voted to recommend the confirmation of now Assistant City Attorney Michael Tobin as the Executive Director of the Fire and Police Commission. The Common Council will vote on his confirmation at its October 23<sup>rd</sup> meeting.

The Executive Director will provide policy and operational leadership to staff and play a key role in shaping the new direction of the Commission. In addition, the Executive Director will design and implement the monitor model in order to identify problematic areas within the Fire and Police Departments that need to be regularly audited and evaluated.

The Commission states among the principal goals of this position:

- Anticipate, present and follow-through on issues requiring Fire and Police Commission attention.
- Develop a policy agenda.

- Conduct public outreach and meet with community leaders, public officials and professional organizations regarding the Commission's mission.
- Design and implement a complaint process that tracks and monitors citizen complaints filed with the Commission.
- Monitor complaints and internal investigations in the Fire and Police Departments.
- Research problem areas within the Fire and Police Departments and make recommendations.

**Research and Policy Specialists – 2 positions / Auditing Specialist – 1 position:** These positions will assist the Executive Director with the monitoring process. They will be responsible for auditing and reviewing closed investigations and citizen complaints. Through regular data analysis and evaluation, these positions will help identify problematic trends, report on study findings and make recommendations for improvements.

### **SPECIAL FUNDS**

The Fire and Police Department Monitoring/Auditing Special Purpose Account was created and funded in the amount of \$50,000 through an amendment to the 2007 Budget (Amendment #20). The amendment stated that DOA shall develop a request for proposals (RFP), and that the Common Council shall review and approve the RFP. The Common Council approved the RFP on September 25, 2007 through Council File 070712. The RFP stated the audit will assist in assessing the quality and effectiveness of the citizen complaint procedure, the fairness and objectivity of the investigation results, and the degree of complainant satisfaction with the overall complaint process and associated outcomes. In addition, the audit will identify patterns or trends of concern regarding staff interactions with citizens in the community.

The RFP will go out in October, and a committee will be established to evaluate proposals and award the contract. The committee shall be composed of the Mayor or the Mayor's designee, one Common Council member appointed by the Common Council President, the Chair of the Public Safety Committee, one Fire and Police Commissioner, one Fire and Police Commission staff designee and one Milwaukee Commission on Police Community Relations (MCPCR) designee. The awarding of the contract does not require further Common Council approval.

In 2008 a Special Fund of \$50,000 is proposed within the Fire and Police Commission for "Fire and Police Commission Oversight."

### **CITIZEN COMPLAINTS**

**How to file a complaint:** Any aggrieved person can file a complaint with the Fire and Police Commission or the Police Department. A person can call, send E-mail, or come in person to get a complaint form. The complainant needs to indicate in writing who (if known), what (describe the officer's behavior that led to the filing of the complaint), when and where the incident occurred.

The Commission is rewriting its rules to make the citizen complaint process easier, and to revise the process by which citizen complaints are referred to the Police Department. This action comes as a result of the 2007 State Supreme Court Ruling relating to the Castaneda case (the 2002 El Rey grocery store and tortilla factory allegations of police misconduct).

Complaint forms are available on-line and through the offices of the NAACP, MICAH and MCPCR. The Commission has in the past made available brochures outlining the complaint process printed in various languages (English, Spanish, Laotian, Vietnamese, Hmong) and distributed them at community meetings. It plans to do this again in 2008.

**Establishing Jurisdiction For Complaints:** The Commission decides whether it has jurisdiction over a complaint by determining whether, if the alleged facts would be true, there would be a basis for discipline. The Commission offered the example of an individual complaining about being issued a traffic citation. If the basis of the complaint is the fact that he or she was issued a citation, the Commission would not have jurisdiction and the complainant would be referred to Municipal Court. However, if the complainant were complaining about the behavior of the officer while the citation was being issued, the Commission would have jurisdiction.

**Most Common Complaints:** Use of force and complaints alleging discourtesy and incivility are most common. The Commission estimated 5% of all complaints allege something other than use of force and discourtesy.

**2007 Measurements of Complaints and Conciliation:** As of August 17, 51 complaints were filed with the Fire and Police Commission in 2007, and the Commission investigated 26 complaints and resolved 27 complaints (resolved complaints may be from previous years). In 2006, 46 complaints were filed with the Commission, and 524 were filed with the Police Department. The Commission's goal has been to schedule the conciliation within 90 days of the date a complaint is accepted by the Commission.

**How the F&PC and MPD Communicate Complaints:** The Police Chief undergoes regular quarterly reviews and furnishes the Commission at those times with statistical information regarding the complaints the department receives and internal investigations. In addition, when a member of the department is disciplined, the Commission is notified if it is an official reprimand, suspension, demotion, termination or discharge.

## **RULE AND POLICY REVIEW**

The Commission will review more policies in 2008 than in 2007, due to being at full staffing levels, and being completed with the transition to the new model of oversight. The new Executive Director will play a critical role in the policy review process, including identifying and prioritizing policy matters that need to be monitored. Tentative policies to be reviewed in 2008 include: Police and Fire Department disciplines; priority response times by district; the type of complaints filed with the Commission by year, type and length of resolution; the revamping of the complaint process within the Commission; and Police Department policies, procedures and practices, especially use of force, training and risk management.

## **COMMUNITY RELATIONS**

In 2003, the position of Public Relations Officer position and the Community Relations Specialist positions were eliminated. Outreach to the community has been limited to the memberships in various community groups that are held by the current Director, such as the Milwaukee Commission on Police and Community Relations (MCPCR). In response to the 2006 PARC report, the Commission currently

allows public comment at every regular meeting. Regular meetings were held in various locations in 2007, and will be also in 2008. With the appointment of the Executive Director, the new Community Relations Manager position will attend community meetings and reestablish and maintain contact with community leaders to keep them informed of Commission issues and discuss the new complaint process.

In 2008, the Commission will revise the annual report to improve and enhance the information provided so the public can more adequately assess the effectiveness of the Commission. It will also develop and issue policy reports to the public.

## **2008 OBJECTIVES**

- Process disciplinary appeals faster.
- Devise a methodology that will be used for periodic review and evaluation of the Fire and Police Departments, to enable the Commission to audit citizen complaints, internal criminal investigations, internal investigations of misconduct and review departmental policies and practices.
- Revamp the citizen complaint process to make it more user friendly and effective in compliance with the State Supreme Court decision.

## **2008 CHALLENGES**

- Processing complaints and disciplinary appeals faster without infringing on or compromising the process.
- Overcoming community mistrust and dissatisfaction with the current performance of the Commission.
- Getting timely data in usable formats from the Police Department computer system.