



Fire and Police Commission

Leon W. Todd
Executive Director

Edward Fallon
Chair

Amanda Avalos
Vice-Chair

Fred Crouther
Joan Kessler
LaNelle Ramey
Dana World-Patterson
Bree Spencer
Commissioners

Memorandum

To: Leon W. Todd, Executive Director

From: Naomi Gehling, Chief of Staff

Date: 5/10/2022

RE: FPC21586 – Communication from the FPC Department and the Milwaukee Police Department relating to the standards and appeal process for background investigations and chief objections

INTRODUCTION

You requested this memorandum in advance of the communication file referenced above, which is scheduled to be heard by the FPC Testing and Recruiting Committee on May 12, 2022. The first step in discussing the background process is identifying the steps in the process.

In order to become a police officer, a candidate must pass a robust background investigation, which begins with their completion of a very long and thorough personal history questionnaire (“PHQ”) and is returned to MPD for investigation. The investigator first screens, and throughout the process continues to review, the PHQ against the FPC and MPD’s Background Procedures and Standards (“the Procedures and Standards”) to determine if an applicant has anything in their history that would automatically disqualify them.

If not, the PHQ is completely investigated and a background packet is put together for review by the ARC. ARC stands for the Applicant Review Committee and it is the process by which applicants’ personal history questionnaires are scored. The review committee is comprised of members of all levels/ranks of MPD.

Generally, at the end of the ARC process, a candidate receives either a recommend or a not recommend. Applicants receiving a recommendation will proceed with the process of completing the testing criteria (generally the medical and psychological testing will take place



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alongside the background investigation) and entering the academy. Applicants receiving a not recommend are given the option of appealing the finding(s) to the FPC.

THE FPC & MPD'S BACKGROUND PROCEDURES AND STANDARDS

The Procedures and Standards as they currently stand will automatically disqualify individuals for one of several reasons. These include: candidates who have certain felony and misdemeanor convictions; candidates with certain traffic offense occurrences and/or convictions (especially related to driving under the influence and/or reckless driving); candidates with drug related convictions; and candidates with dishonorable discharge from the US military. I have included a copy of these for your reference as well. Individuals who are automatically disqualified by these rules do not have the opportunity to appeal and cannot apply again for two (2) calendar years. FPC staff and MPD executive staff have been working together on possible revisions to these procedures and standards, given the realities encountered in recruiting police officers since the last revision. I have included a redlined version of the Procedures and Standards for your review.

THE APPLICANT REVIEW COMMITTEE

Once the investigator has determined that the applicant does not have anything in his/her questionnaire and/or history that results in automatic disqualification under the Procedures and Standards, the candidate's application goes through the ARC process. As noted above, ARC stands for the Applicant Review Committee and these members score candidates' PHQs. The review committee meets together and evaluates the applicant's responses in eight (8) main areas. These are:

1. Work/School/Military History

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2. Interpersonal Relations
3. Reaction to Conflict and Stress
4. Financial Responsibility
5. Honesty/Integrity
6. Criminal/Ordinance Violations and/or Contacts
7. Traffic Record
8. Drug/Substance Use

Each subject area has specific criteria used to decide whether, and how many, points are assessed for each area. Then the totals for each area are added for the applicant's total score. As the process stands today, a total score of 0 to -23 receives an automatic recommend; a total score between -24 to -33 is considered borderline; and a total score of more than -33 results in an automatic not recommend. The committee must explain their reasons for not recommending a candidate. I have included a copy of both the point assessment and consensus recommendation summary forms for your reference.

BACKGROUND APPEALS AND CHIEF OBJECTIONS

Historically, the Chief reviewed the borderline and not recommended applicants' questionnaires only. If he/she disagreed with the recommendation of the ARC for an individual to proceed with the process, he/she would object and the individual would be given the opportunity to appeal the not recommend to the FPC for final decision. Similarly, the Chief would also have the opportunity to object to an automatic not recommend and the individual would be given the option of appealing that decision as well.

Currently, Chief Norman's practice is to review all of the ARC results regardless of the outcome. He has asked this body to consider allowing him the opportunity to object to both results (recommend and not recommend) and would like the chance to always address the Board regarding his decision during the appeal if one is requested.



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A candidate receiving a not recommend is given written notice of the background fail and an opportunity to appeal the decision. If an applicant chooses to appeal their background fail to the FPC, the appeal is heard by a three-member panel comprised of two FPC Commissioners and one FPC (or other City employee) not directly involved in the hiring process. The background investigator is generally present to answer any questions regarding the investigation process and outcome. The candidate is also allowed to present information regarding the background and their answers or failure to answer. A representative of the Chief's Office is available to speak on behalf of the Chief regarding the reasons for the Chief's objection if the panel requests to hear from him/her. Individuals who receive a not recommend from the ARC process, whether it be after the investigation or appeal, cannot apply again for two (2) calendar years.