



Fire and Police Commission

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Executive Director

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Memorandum

To: Board of Fire and Police Commissioners

From: Leon W. Todd
Executive Director

Date: June 15, 2021

RE: Recommendation for amendment to psychological evaluation appeal process

The purpose of this memorandum is to request an amendment to the make-up of the appellate panel that the Board of Fire and Police Commissioners ("the Board") has established to hear appeals related to psychological evaluations, as well as the establishment of additional procedures for this appellate process. The following describes the specific nature of and basis for this request:

On January 21, 2021, the Board voted to form an appellate body to hear the appeals of candidates for the Milwaukee Fire and Police Departments who fail their psychological evaluations. That appellate body consists of three members: a clinical psychologist; the FPC executive director; and an FPC commissioner. *See* FPC21007.

Following this vote, I issued a request for proposal (RFP) to procure a clinical psychologist to serve on the panel for psychological appeals. Through this RFP process, the firm Organization Development Consultants, Inc. ("ODC") was selected for this role. Recently, I consulted with Dr. Daniel A. Schroeder, the president and CEO of ODC. During this consultation, Dr. Schroeder recommended that ODC should conduct an independent psychological examination of the candidates who have failed their psychological evaluation, in order to ensure a thorough and comprehensive appellate process. Dr. Schroeder also stated, however, that it would not be ethical or appropriate for him to conduct an independent evaluation and make a hiring recommendation, on the one hand, and also serve on the appellate panel that will make the hiring determination, on the other hand. After having discussed this matter in depth with Dr. Schroeder, I concur with his assessment.

I therefore respectfully recommend that the Board amend the composition of the appellate panel for psychological evaluations so that it consists of the following three members: (1) the FPC executive director; (2) an FPC commissioner; and (3) and an FPC commissioner or a City of Milwaukee staff person who is not the FPC staff person(s) responsible for the testing, hiring, or recruiting of the applicable candidate.

I further request that the Board establish that the appellate process for psychological evaluations shall include an independent evaluation by a clinical psychologist who did not conduct or participate in the initial evaluation and is not affiliated with the psychologist who conducted the initial evaluation. The independent clinical psychologist shall then prepare and submit a written report to the three-member panel stating whether or not they recommend the candidate for the applicable position and explaining the



basis for that recommendation or lack thereof. The appellate panel will then conduct a hearing at which panel members may ask questions of the independent clinical psychologist who prepared the report. Thereafter, the panel will determine by majority vote whether to affirm or overturn the determination of the psychologist who conducted the initial evaluation. If the panel overturns that determination, the candidate will continue in the selection process. If the panel affirms the determination, the candidate will be disqualified from the selection process.

LWT