



MINUTES OF THE POLICE AND FIRE COMMISSION

**THURSDAY, AUGUST 2, 2018, 3:00 PM
CITY HALL, ROOM 310**

A. ROLL CALL.

Present: Marian Boyle-Rohloff, Rod Goldhahn, Nancy Schopf, Vanya Koepke, Warren Wanezek,
Excused: None.

Others present: Police Chief Andrew Smith, Assistant Fire Chief Rob Goplin, Attorney Jim Kalny of Davis and Kuelthau, s.c., Attorney Jim Macy of von Briesen and Roper, s.c. (in attendance by telephone), Lt. Andy Opperman, Human Resources Operations Manager Melanie Falk, Human Resources Generalist Jen Smits and others.

B. APPROVAL OF THE AGENDA.

Moved by Commissioner Marian Boyle-Rohloff, seconded by Commissioner Nancy Schopf to approve the agenda. Motion carried.

Yes- Marian Boyle-Rohloff, Nancy Schopf, Rod Goldhahn, Warren Wanezek, Vanya Koepke, No- None, Abstain- None

C. APPROVAL OF MINUTES.

I. Approval of the minutes from the regular meeting held July 10, 2018, and approval of the minutes from the special meeting of the Police and Fire Commission held July 10, 2018.

Moved by Commissioner Nancy Schopf, seconded by Commissioner Warren Wanezek to approve. Motion carried.

Yes- Marian Boyle-Rohloff, Nancy Schopf, Rod Goldhahn, Warren Wanezek, Vanya Koepke, No- None, Abstain- None

D. ANNOUNCEMENT OF PAUL SPOERL DECISION.

I. Announcement of decision from the June 6 and June 7, 2018 Hearing on the Statement of Charges Against Officer Paul Spoerl.

PLEASE TAKE NOTICE THAT, pursuant to Wis. Stats. 19.85 (1) (a) the Commission may convene in closed session for purposes of deliberating the case before it. The Commission may then reconvene in open session for purposes of announcing its decision on such matter or for such other matters as allowed by law.

Commissioner Goldhahn convened the hearing. Attorney Macy was in attendance by telephone and Attorney Rettko was unavailable to attend.

Commissioner Goldhahn requested a motion to close the hearing. Moved by Commissioner Warren Wanezek, seconded by Commissioner Marian Boyle-Rohloff to close the hearing. Motion carried. Yes- Marian Boyle-Rohloff, Nancy Schopf, Rod Goldhahn, Warren Wanezek, Vanya Koepke, No- None, Abstain- None

Moved by Commissioner Marian Boyle-Rohloff, seconded by Commissioner Nancy Schopf to go into closed session. Motion carried.

Yes- Marian Boyle-Rohloff, Nancy Schopf, Rod Goldhahn, Warren Wanezek, Vanya Koepke, No- None, Abstain- None

Moved by Commissioner Nancy Schopf, seconded by Commissioner Vanya Koepke to return to regular session. Motion carried.

Yes- Marian Boyle-Rohloff, Nancy Schopf, Rod Goldhahn, Warren Wanezek, Vanya Koepke, No- None, Abstain- None

Commissioner Goldhahn reported out of closed session that the written decision (Findings of Fact, Conclusions and Order) is available for the public. Commissioner Goldhahn read the Order and stated that the Green Bay Board of the Police and Fire Commission has determined and orders that as penalty for the misconduct alleged in the Statement of Charges filed with the Board by Chief Smith on March 14, 2018, Officer Paul J. Spoerl is discharged from and his employment with the City of Green Bay Police Department is terminated effective immediately. He further stated that this was a unanimous decision. Commissioner Goldhahn directed the Police Chief and Human Resources to carry out the directions of the Order. He further stated that the Findings of Fact, Conclusions and Order executed by the members of the Board who participated in the decision is on file in the Human Resources Department. Commissioner Goldhahn directed Attorney Kalny to forward a copy to the Attorneys.

E. INFORMATIONAL.

I. President's Report.

Commissioner Goldhahn reported that the Commission recently made a decision concerning the

motion to dismiss charges against Captain Todd LePine set for hearing in December. The Commission denied the motion to dismiss, but did recognize valid concerns by Captain LePine and his attorney in their difficulty in getting discovery documents from the City to prepare their defense.

As part of their decision, the Commission has requested that the Police Department and their attorney work more closely with the LePine team to provide the appropriate information as expeditiously as possible.

2. Report from the Chiefs.

Police Chief Andrew Smith and Assistant Fire Chief Rob Goplin provided the Commission with information regarding department events and activities.

F. REGULAR BUSINESS.

I. Consideration with possible action on the following communications:

a. Budget Status Report

Moved by Commissioner Marian Boyle-Rohloff, seconded by Commissioner Nancy Schopf to receive and place on file the Budget Status Report and the Budget Spreadsheet. Motion carried.

Yes- Marian Boyle-Rohloff, Nancy Schopf, Rod Goldhahn, Warren Wanezek, Vanya Koepke, No- None, Abstain- None

b. Budget Spreadsheet

2. Consideration with possible action on request to approve the monthly bills.

Moved by Commissioner Warren Wanezek, seconded by Commissioner Nancy Schopf to approve the monthly bills. Motion carried.

Yes- Marian Boyle-Rohloff, Nancy Schopf, Rod Goldhahn, Warren Wanezek, Vanya Koepke, No- None, Abstain- None

3. Consideration with possible action on the voluntary removal of Patrol Officer candidate(s) from the eligibility list.

Commissioner Goldhahn stated that 4 Patrol Officer candidates (Christensen, Wiley, Hobbs and Luedke) have requested voluntary removal from the eligibility list. Reasons include accepting other positions or to stay with their current employer. Moved by Commissioner Warren Wanezek, seconded by Commissioner Marian Boyle-Rohloff to approve the removals. Motion carried. Yes- Marian Boyle-Rohloff, Nancy Schopf, Rod Goldhahn, Warren Wanezek, Vanya Koepke, No- None, Abstain- None

4. Consideration with possible action on the review of Patrol Officer candidate background(s). The Commission may convene in closed session pursuant to Sections 19.85(1) (c) and (f), Wisconsin Statutes, to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercise responsibility. The Commission may thereafter reconvene in open session pursuant to Section 19.85(2), Wisconsin Statutes, to report the results of the closed session and consider the balance of the agenda.

Moved by Commissioner Warren Wanezek, seconded by Commissioner Marian Boyle-Rohloff to go into closed session for items 4 and 5. Motion carried.

Yes- Marian Boyle-Rohloff, Nancy Schopf, Rod Goldhahn, Warren Wanezek, Vanya Koepke, No- None, Abstain- None

Moved by Commissioner Warren Wanezek, seconded by Commissioner Marian Boyle-Rohloff to return to regular order of business. Motion carried.

Yes- Marian Boyle-Rohloff, Nancy Schopf, Rod Goldhahn, Warren Wanezek, Vanya Koepke, No- None, Abstain- None

While in closed session, the Commission reviewed the backgrounds of 8 Patrol Officer candidates, and have eliminated 4 from continuing in the hiring process. Four candidates were interviewed by the Commission, and these candidates will continue in the hiring process.

5. Interviews with Patrol Officer candidate(s). Please take notice that pursuant to §19.85 (1) (c) and (f) Wisconsin Statutes, the Commission may convene in closed session for the purpose of interviewing, evaluating and considering employment of Patrol Officer candidates.

6. Set date of next meeting.

The next regularly scheduled meeting of the Police and Fire Commission will be held on September 6, 2018 at 3:00 p.m.

G. PUBLIC HEARINGS.

H. ADJOURNMENT.

Moved by Commissioner Nancy Schopf, seconded by Commissioner Marian Boyle-Rohloff to adjourn the meeting. Motion carried.

Yes- Marian Boyle-Rohloff, Nancy Schopf, Rod Goldhahn, Warren Wanezek, Vanya Koepke, No- None, Abstain- None

VERBATIM MINUTES

- [Goldhahn] The second regular meeting of the Police and Fire Commission to order. Roll call: Commissioner Wanezek?

- [Wanezek] Here.

- [Goldhahn] Commissioner Schopf?

- [Schopf] Here.

- [Goldhahn] Commissioner Boyle Rohloff?

- [Rohloff] Here.

- [Goldhahn] Commissioner Koepke?

- [Koepke] Present.

- [Goldhahn] Let the record show all commissioners are present. You received a copy of the agenda. Any changes or corrections to the agenda? Hearing none, I'll entertain a motion to approve?

- [Rohloff] So moved.

- [Goldhahn] Moved by Commissioner Rohloff.

- [Schopf] Seconded.

- [Goldhahn] Seconded by Commissioner Schopf. All those in favor?

- [All] Aye.

- [Goldhahn] Opposed? Alright, the agenda's been approved. First item is approve the minutes of the two meetings, both held on July 10th. The first was our regular meeting, and the second was a special meeting to do deliberations. You've had a chance to review the minutes, any corrections or changes to the minutes? Hearing null, entertain a motion to approve?

- [Multiple] So moved.

- [Goldhahn] Moved by Commissioner Schopf, second?

- [Wanezek] Seconded.

- [Goldhahn] Seconded by Commissioner Wanezek. All those in favor?

- [Multiple] Aye.

- [Goldhahn] Opposed? All right, the minutes have been approved. Next item on the agenda is the announcement of the decision from the June sixth and seventh hearing on the statement of charges against Officer Paul Spoerl. Please note that pursuant to Wisconsin statutes 19-25, paragraph 1 sub A: The commission can be in closed session for purposes of deliberating the case before it. The commission may then reconvene in open session for purposes of announcing its decisions on such matter, or for such other matters as allowed by law. Now, the first thing I'd like to do, while in open session is, you've had the testimony, you've had a chance to review the exhibits, had any questions answered, so I would like to formally close the hearing. Is there a motion to formally close the hearing?

- [Wanezek] So moved.

- [Goldhahn] Moved by Commissioner Wanezek. Is there a second?

- [Multiple] Seconded.

- [Goldhahn] Seconded by Commissioner Rohloff. Any discussion? All in favor for calling the hearing officially closed, say aye.

- [Multiple] Aye.

- [Goldhahn] Opposed? A unanimous decision, we close the hearing.

- [Wanezek] Mr. Goldhahn, we probably should announce that Mr. Macy's on the record. He's on the phone and also our attempts to contact.

- [Wanezek] For the record, Attorney James Macy, of von Briesen and Roper, is joining us by phone. Attorney Bill Rettko may join us by phone, he's currently involved in a jury trial. If, the trial ends in time, he will join by phone. If not, I'll contact him separately. We've deliberated, multiple times on the matter. We have reached a decision. I'd like to request that we go into a very brief closed session to do a final review and make sure everything is in place and we're all in agreement, and then go back into open session to announce that decision. Is there a motion to go into closed session?

- [Rohloff] So moved.

- [Goldhahn] By Commissioner Rohloff.

- [Schopf] Seconded.

- [Goldhahn] Seconded by Commissioner Schopf. All those in favor?

- [All] Aye.

- [Goldhahn] Opposed? Let the record show we have a unanimous consent to go into closed session. Again, this will only take probably about five minutes. Goldhahn, we are back in open session.

- [Macy] Thank you.

- [Goldhahn] While in closed session, we just did one final review of our decision statement on this formal manner and assured that everyone was in agreement for that. This was a complex and difficult case. The investigation that proceeded the charges took over eight months. The commission listened to two days of testimony, several dozen exhibits, and hours of video interviews. It's clear that Officer Spoerl's interview

responses changed; the question was whether those changes were based on finding clarity in clouded memory, or the results of efforts to protect his friends accused of reprehensible conduct towards fellow officers. A critical foundation of a police department is trust: trust that the community has towards the department and its officers, and the trust of the officers in each other to do their jobs as a effective and supporting member of the team. Some members of the department violated that trust, as they directed those reprehensible comments and actions, noted above, towards their fellow officers. When questioned about that conduct, Officer Spoerl's responses changed. The District Attorney judged that those changes were meant to mislead the investigators and protect his friends. Because of that, he issued what is referred to as a Brady letter, which limits the ability of the department and the county to use Officer Spoerl as a witness in court proceedings, and thereby, his effectiveness as a police officer. The Commission, after careful consideration of all of the evidence presented, concurs that the changes in Officer Spoerl's testimony resulted in untruthful statements being made after being directed to be truthful and complete. We, thereby, issue the following order: The City of Green Bay Board of Police and Fire Commission, upon the entire record of this matter, pursuant to Section 6-2.1-3, paragraph 5 of the Wisconsin Statutes, hereby determines and orders that as penalty for the misconduct alleged in the statement of charges filed with the Board by Police Chief Smith, on March 14th, 2018, Officer Paul J. Spoerl is discharged from his employment with the City of Green Bay Police Department and terminated, effective immediately. So I ask that the HR department, with the police department and Officer Spoerl, to execute that. This was a unanimous decision by the four members of the commission that were in place at the time the hearing commenced and the evidentiary hearing took place. Commissioner Koepke was appointed after those actions, so he felt it was not appropriate for him to be involved in this decision.

- [Wanezek] Mr. Goldhahn, President Goldhahn? Will you see to it, would you want me to see to it, that a copy of that decision is sent to all the counsel?

- [Goldhahn] If you would, yes, thank you. All right, that is the last item on that. Attorney Macy, I'm assuming that you would like to sign off now?

- [Macy] I can sign off, and thank you for letting me participate, and also, thank all of you for your service in working on the commission. Thank you, have a good day.

- [Goldhahn] All right, thank you. All right, next item on the agenda? We go into our informational portions. We start with the President's report and then report from the chiefs. I do want to note that we do have copies of the decision and the background with that here available if anyone has an interest in those. Earlier last month, the commission met and made a final determination on a decision concerning the motion to dismiss charges against Captain Todd LaPine. That hearing was set for December. Captain LaPine's attorney filed a motion to dismiss. We held a hearing on that. We denied the motion to dismiss but we did recognize very valid concerns by Captain LaPine and his attorney in their difficulty in getting discovery documents from the city to prepare their defense. As part of that decision, we requested the police department and their attorney to work more closely with the LaPine team to provide the appropriate information as expeditiously as possible. That concludes my report. We'll move on for the police and fire departments. We have a lot of police action later on in the agenda, but I'm gonna start with fire.

- [Goplin] All right just a brief update on the status of our probationary firefighters that are now working on the floor. We review their performance reviews on a regular basis. I just took a look at the latest ones that came in most recently. Their initial reviews were very good and their current reviews are even better, so they're all doing quite well. Unfortunately, they've been getting many opportunities to use their new skills in recent rash of fires that we've had but I have personally witnessed them doing really, really good work at those incidents. So very happy to report that they're all doing quite well. Other than that, the 2019 budget cycle is coming up and we're working on that and are very hopeful that we'll be able to add two more firefighter paramedics which would complete the staffing of Med 7, out at Station 7 on Humble Road. Just today, as I was listening to the radio, that unit when it is in service, it's going out all the time so it's a definite need and we're certainly hopeful to wrap that up this year. The last thing I have is Assistant Chief Chris Neimann has announced his pending retirement as of 12/21/18. The chief has put out a notice looking for interested parties

to fill that position. We'll be working on that coming up here in the next few weeks so we hope to get a little bit of overlap where we can transition that over. Depending on where that position comes from, it may be that we utilize the existing battalion chief promotional list. That's all I have.

- [Female] He was one that was technological.

- [Fire] Yes, yep.

- [Male] Any other questions? I think that concludes any fire-related items we have, Rod, so all right, thank you.

- [Fire] Have a good day.

- [Male] Thank you. Chief Smith?

- [Smith] Sir, obviously first and foremost, we look at the crime and crime in the city is down a total of 4%. I send you a note a week, it kinda gives you a little outlook of that. One of the things we did is we saw in the end of July, our crime numbers started creeping up a little bit and that was a concern, so we canceled most of the training that we had in August and redeployed some of our resources to some other areas, some of our foot beats we changed where they were working, those overtime foot beats. So I couldn't say that that's everything, but we're down. We have a reduction of 4% right now and we're hoping we can continue to drive that down. A bunch of us attended a funeral yesterday. I think I cc'ed you on the note about that. That was a very moving funeral in Milwaukee. We sent our honor guard down there. Our motorcycles came on their own time. Myself and some of the other staff were down there as well. Thousands of officers from across the country. New York, California, Iowa, everywhere were there. Very moving, especially going in the motorcade through the little cities and little towns surrounding Milwaukee. We would stop and the overpasses with hundreds of people, thousands of people lining the roads. Really very moving. We had a use of force yesterday that I think I cc'ed you on that one as well. Last night, it was involving an individual that was high on narcotics and it involved a bunch of our officers. Fortunately, no one was hurt. The individual was taken into custody but it was kind of a long, lengthy deal and we'll release more information on that after the DA files charges on it. Speaking of complaints, there was a short period of time last week where we had actually zero complaints pending. All of them were done and completed. I was gonna send a note to everybody and thank you for all your work on that and then we got a couple of complaints in but they do appear to be very minor in nature involving some of our detectives. I think we're gonna be cranking those out in the next couple of weeks. I don't anticipate any of those are gonna reach your desk. We did a press conference with the attorney general on what's called smurfing. I don't know if you saw that, but that is where people buy cold capsules, bronchodilators and things like that and use that as a precursor for methamphetamine. Smurfing is when someone recruits a bunch of their pals to do it for them and knowingly or sometimes unknowingly, they're buying three or four packs of cold packs or whatever the maximum is. I put it out that my neighborhood over on the far east side, I find hundreds of these little cold capsule bronchodilators packs every time I go for a run. I've picked up and brought in for fingerprinting dozens and dozens of them. But there are literally hundreds of them out there. So we did a press conference on that. We're gonna do another press conference on some more ways that the attorney general is gonna be here to combat stuff, so he's doing great. Finally, the Wisconsin Chiefs Conference is here in Green Bay next week. The exhibit hall is open for police personnel, public safety personnel on Monday and Tuesday. If you have time and you're downtown at the KI Center, I'm sure they'll let you come in and take a look at everything in there. It's all the latest police equipment. There will be police chiefs from across the state meeting here for three days of conference. I'll be there, some of our senior staff are gonna be there. Should be an interesting time. Usually, an attorney general shows up to say a few words, but if you want to and you're interested in any of the police equipment, swing by the KI Center. If you have trouble getting in, give me a call. I know some of the people that work in the front, make sure we'll get you in. We're looking forward to Packers' season starting family night on Saturday and then next Thursday is the first game, exhibition against the Titans. We're looking forward to that. So it's almost fall and doesn't feel like it yet but it's almost here.

- [Male] What are the hours of that session at KI?

- [Chief Smith] I think it starts at 8:00 in the morning. So anytime after 8:00, you can come to the exhibit hall is open all day. Best time is to go on Monday, later on in the day. End of day Tuesday, they start to shut things down, so Monday is the best time to go in there and check it out. That will conclude my report.

- [Male] Any questions for the chief?

- [Female] Just a comment. I was at Cozumah Somali Center just for lunch and they spoke so highly of the police department and the relationship that's been formed. Really felt that they've had such a warm welcome here and appreciate that. So I just wanted to let you know.

- [Chief Smith] Thanks for saying so. We went over there, they had a religious ceremony there that usually blocks up traffic, so we went over there. It was a great opportunity to meet hundreds of people from the Somali community and then we had the police soccer game last Saturday. Of course it was pouring rain, but we invited the sheriffs and so it was the police with the Somali community and the Hispanic community against the sheriffs. They started off great. The sheriffs, they've got some guys with some good physical abilities, but we had a couple of tricks up our sleeve. One was one of our Somali guys was a really tall, thin guy but he was a UWGB soccer player who plays in the Somali soccer league between here and Minnesota, so a couple times, it was hilarious to watch. He'd be going, he'd change directions and the sheriffs would ... Very athletic guy, would just be waiting for the ball to go over here and it's already passing him on the other side. It was fantastic, we won 7-5. It was great, great game and a great time. That was good. The police foundation paid for the barbecue so we had some folks out there. We did a postoric tacos, carne asada tacos, hot dogs and stuff. It was really, really neat in the pouring rain. The sheriffs were good sports. They came, they started off great. They're really athletic, but we wore them down. But anyway, thank you. We work well with them.

- [Goldhahn] Are you gonna try to recruit a couple of Bellview officers to come over to Green Bay? I'm glad they didn't come there. All right, nothing further for the chief. Our next item is a consideration with possible action on the following communications. First is the budget status report. Looks like we had about \$478.50 last month, just physicals and drug screens and then the spreadsheet shows us at about, just under 80% of our spending done to date. Any questions on that? If not, I'll entertain a motion to receive those and place on file.

- [Multiple] So moved.

- [Goldhahn] Moved by Commissioner Rohloff. Is there a second?

- [Schopf] Second.

- [Goldhahn] Second by Commissioner Schopf. Any further discussion? Hearing none, all those in favor?

- [Multiple] Aye.

- [Goldhahn] Opposed? Receive those and place on file. Next is consideration of possible action on a request to approve the monthly bills. You have the bills in your packet. Again, mostly all background, physicals, things of that nature. Moving too fast, Jen?

- [Smits] I'm good.

- [Goldhahn] Is there a motion to authorize payment?

- [Wanezak] So moved.

- [Goldhahn] By Commissioner Wanezak. Is there a second?
- [Schopf] Second.
- [Goldhahn] Second by Commission Schopf. Any further discussion? Hearing none, all those in favor of authorizing payment.
- [Multiple] Aye.
- [Goldhahn] Opposed? Motion approved. Next item is consideration of possible action on the voluntary removal of patrol officer candidates from the eligibility list. I have it here somewhere. We have four officers that requested voluntary removal. Candidate Libke, Candidate Hobbs, Candidate Wiley and Candidate Christenson. They all either took jobs with other jurisdictions or in one case, decided to stay with their current job. Is there a motion to accept those voluntary requests for removal?
- [Female] Those were people that we interviewed?
- [Goldhahn] No, hadn't been interviewed yet. They were on the eligibility list.
- [Female] Okay.
- [Goldhahn] We didn't necessarily interview those yet. Moved by Commissioner Wanezek.
- [Rohloff] Second.
- [Goldhahn] Seconded by Commissioner Rohloff. Any further discussion? Hearing none, all in favor.
- [Multiple] Aye.
- [Goldhahn] Opposed? We remove those four. The next two items on the agenda are closed session items, I'm going to read one closed session statement and we're going to go into closed session for both of those. Item four is consideration with possible action on the review of patrol officer candidate backgrounds and item five concerns interviews with patrol officer candidates. The commission may convene in closed session pursuant to sections 19.85, paragraph one, sub C and F, Wisconsin Statutes to consider employment for motion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or to exercise responsibility. The commission may thereafter reconvene in open session pursuant to section 19.85, paragraph two, Wisconsin Statutes to report the results the closed session considered the balance of the agenda. So again, this is asking for a motion for closed session on both these items. Is there a motion to go into closed session?
- [Wanezek] So moved.
- [Goldhahn] By Commissioner Wanezek. Is there a second?
- [Rohloff] Second.
- [Goldhahn] Second by Commissioner Rohloff. All those in favor.
- [Multiple] Aye.
- [Goldhahn] Opposed? Let the record show we have unanimous consent to go into closed session. We are in closed session. All right, we are back in open session. While in closed session, we interviewed four candidates and reviewed the background on eight candidates. Of those eight, we chose to continue four in the hiring

process and are rejecting four from the consideration. The only other remaining item on the agenda is the time and date of the next meeting. Our regular schedule would put that on September 6th at 3:00 PM. Does that work for folks?

- [Female] Sounds good. Will we have any interviews before then?
- [Goldhahn] Would we have any interviews before then?
- [Female] Background checks or anything?
- [Goldhahn] I don't know for sure. If we do, we can--
- [Female] We don't have any here? No, we don't have any hearing dates set.
- [Goldhahn] Correct. Well, we do in December.
- [Female] December, nothing before that.
- [Goldhahn] Correct.
- [Female] Okay.
- [Goldhahn] All right, then I'll entertain a motion to adjourn.
- [Schopf] So moved.
- [Goldhahn] By Commissioner Schopf.
- [Rohloff] Second.
- [Goldhahn] Second by Commission Rohloff. All those in favor?
- [Multiple] Aye.
- [Goldhahn] Opposed? We are adjourned.
- [Female] Awesome.
- [Goldhahn] Thank you.