

Police & Fire Commission Agenda

March 3, 2016
4:00 p.m.

1. Call to Order by President Pleva
 - Commissioners Boknevit, Doan, Early, Jaskulski
 - Fire Chief Lockwood, Police Chief Tom Dietrich
2. Minute Approval
 - Minutes of the Police and Fire Commission meeting November 5, 2015
3. Correspondence
 - Chief Dietrich email dated 12/08/2015
 - PJ Early letter to Common Council dated 02/17/2015
 - Correspondence from Brian Kaebisch re: Police Department Access
 - Emails submitted by Mayor St. Marie-Carls
 - Chief Dietrich correspondence re: garage break-in and graffiti
4. New Business
 - Fire Department Update
 - Police Department Update
5. Old Business
6. Adjourn to Closed Session: The Police and Fire Commission may adjourn into closed session pursuant to Wis. Stat. sec. 19.85(1)(f) considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations. Upon conclusion of the closed session, the Police and Fire Commission will reconvene in Open Session prior to taking any action regarding those matters that were discussed in Closed Session for which action in open session is required. Items for discussion: Request by Common Council for investigation surrounding mayoral request for police department access.

PUBLIC NOTICE

Upon reasonable notice, a good faith effort will be made to accommodate the needs of individuals to participate in public hearings, which have a qualifying disability under the Americans with Disabilities Act. Requests should be made as far in advance as possible, preferably a minimum of 48 hours. For additional information or to request this service, contact the St. Francis City Clerk at 481-2300 Extension #125. The meeting room is wheelchair accessible from the east and west entrances.

NOTE: There is a potential that a quorum of the Common Council may be present.

Minutes of the Police and Fire Commission Meeting Held November 5, 2015

The meeting was called to order by President Pleva at 4:00 p.m.

Present: Commissioners: Pleva, Early, Jaskulski & Boknevitiz

Also Present: Chief Tom Dietrich, Chief Frank Lockwood

Excused: Commissioner Doan

Motion made by Commissioner Boknevitiz and seconded by Commissioner Pleva to approve the minutes of the Police and Fire Commission meeting held on September 10, 2015. Motion carried.

Correspondence: Resignation of Officer Shannon Fettig.

New Business:

Update from Chief Frank Lockwood:

- * Request for promotion of FF Cale Duerstein - Motion made by Jaskulski, seconded by Boknevitiz. Motion carried.
- * Hayes update - doing well
- * Rescue Task Force (Active Shooter Training), joined effort between Police & Fire
- * Electronic advances, Locutin
- * Heroin overdose incidents
- * Not a good year for staffing due to FMLA and Duty incurred injuries - OT \$209,000
- * Looking ahead to 2016 (Finance budget cut, reduce staff by \$80,000)
- * Pete Trost stepped up and took over during the Chief's absence

Update from Chief Tom Dietrich:

- * Oriental massage no longer open - charges pending
- * 3 vehicles stolen from Layton Avenue Motors, 2 recovered - pending arrests
- * Auto entries 1200 block of Norwich/suspect identified but not in custody
- * Increase patrols around businesses during the holiday season
- * Approval of Robert DeFrancesco - swearing in November 16th, formal ceremony to follow
- * Next step: Next round of interviews November 19th
- * Promotion: Budget freeze - impact on department Lt. position

Old Business: None

Adjourn: Moved by Commissioner Boknevitiz and seconded by Commissioner Pleva.
Motion carried at 4:35pm.

Respectfully submitted,

Sandy Jaskulski
Secretary

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Thomas Dietrich

From: Thomas Dietrich
Sent: Tuesday, December 08, 2015 2:16 PM
To: 'Jaskulski, Sandy'
Subject: Police Department Access

PFC Members,

On November 21st Mayor St. Marie-Carls sent me an email requesting access via the key card access system to the police department telling me she had not asked Chief Kaebisch for such access before. In fact I knew she had requested such access from Chief Kaebisch and she was denied by him. I in turn replied to the Mayor informing her that we are required by the State of WI CIB to have an access control policy for the police department and my interpretation of the policy doesn't allow for me to allow her unescorted access.

The Mayor in turn sent another request for access on December 2nd telling me that she has access to other secure facilities that she works. I replied to her that if she disagrees with my interpretation of the policy that she should forward her concerns to the Council.

On Monday December 7th the Mayor came to my office and we talked about her access to the police department. I again informed her that she is always welcome but she would need to be buzzed in like everyone else. During our conversation which lasted over an hour, the Mayor informed me that I report to her and that there are elections in the spring of the year 2016. If she has a majority on her side she can have me removed from my position as Police Chief.

I do not want to have this discontent between the Mayor and myself, but I feel you should be made aware of the current situation.

If you have any questions regarding this email please feel free to contact me. I will keep you posted of any further proceedings.

Tom Dietrich
Police Chief
St Francis Police Department
3400 E Howard Ave
St Francis WI 53235
414-481-2232
Thomas.dietrich@stfranwi.org

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**Anne Uecker, MMC/WCPC
City Clerk/Treasurer**

To be read at the February 17 Common Council meeting, and placed on file.

Members of the St. Francis Common Council:

I would like to go on record with my comments regarding the February 2nd Common Council meeting, specifically the accusations of Alderman Brickner and Police Chief Dietrich against Mayor St. Marie-Carls. It was stated that the mayor demanded free access to the Police Department and threatened Chief Dietrich's job. The mayor has denied the allegation.

As a member of the Police and Fire Commission, I knew nothing of this accusation until the last Council meeting, where Alderman Brickner read a letter from Police Chief Dietrich, not only to the entire Council, but also to the public. It was not emailed to the members of the Police and Fire Commission, nor was it put on the Police and Fire Commission meeting agenda.

I would like answers to two questions. First, how it is permissible for Alderman Brickner to read a letter that never passed through the Police and Fire Commission yet was read to the public?

Second, I would like to know specifically how and why these allegations were brought to light. While I understand no formal complaints were made by Alderman Brickner, Chief Dietrich, or Mayor St. Marie-Carls, I would like to respectfully request an investigation into these accusations.

If the mayor did, indeed, demand free access to the Police Department, it is an abuse of power. If she did not, then the police chief and Alderman Brickner are slandering the mayor and telling lies to the public.

As a concerned citizen, I would like to know the facts. Is the mayor abusing her power, or are the Alderman and police chief lying?

Thank you for looking into this matter, and keeping the public informed of your findings.

**P.J. Early
2921 E Whittaker Avenue
St Francis, WI**

February 11th, 2016

Chief Thomas Dietrich
St. Francis Police Department
3400 E. Howard Ave.
St. Francis, WI 53235

Chief Dietrich,

This correspondence is regarding a past conversation with Mayor Cory Ann St. Marie-Carls. I do not remember the actual date of this conversation, but it was prior to me leaving the position of Chief of Police for the St. Francis Police Department.

During the course of this phone conversation, the Mayor was inquiring about accessing the police department. She did not understand why, as Mayor, she was not entitled to gain entrance at her leisure. I explained a police department and its operations are case sensitive and the facility has to be secure for the safety of all. This conversation also led me to believe she wanted a key to all office areas. She was told that I would not be giving her access to my office for many reasons. I would not expect to have access to her office when she was not present, unless there was an emergency.

I remember asking her if she had concerns regarding police operations, or felt we were not sharing information. We had always been forthcoming with time sensitive information, especially if the media had made an inquiry.

Hopefully this helps to clarify this matter. Please feel free to share with those who have any questions or concerns.

Sincerely,

Brian E. Kaebisch

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Mayor St. Marie-Carls

From: Thomas Dietrich
Sent: Wednesday, December 9, 2015 1:37 PM
To: Mayor St. Marie-Carls
Subject: RE: Statute

For the record
to the Clerk
Feb. 17, 2016
for referral to Fire &
Police Commission

Mayor,

Thank you for the Statute information. After many hours of thought I still maintain my original decision on unescorted access to the police department. If you feel I am incorrect, I will prepare this matter and forward your request to the Council for review.

Respectfully,

Chief Dietrich

From: Mayor St. Marie-Carls
Sent: Monday, December 07, 2015 12:05 PM
To: Thomas Dietrich
Subject: Statute

Chief,
Below are the duties of the Mayor as per State Statute. It really is far from "anybody" as far as an official definition of position...it says chief executive officer.

On page 105-7 this statute is referred to in the City of St. Francis ordinances.

I hope you understand taxpayers speak to me on issues expecting quite a bit of the Mayor. I believe they do see the Mayor as the CEO of the City.

Have you thought of checking with the CIB for further clarity on this?
With proper checks and clearances I feel the State CIB would not object to access by the Mayor with sensitive area restrictions.

Is there a contact you have at the CIB to ask this question? I could call them directly also.

Thanks
Mayor CoryAnn

MAYOR.

62.09(8)(a)(a) The mayor shall be the chief executive officer. The mayor shall take care that city ordinances and state laws are observed and enforced and that all city officers and employees discharge their duties.

62.09(8)(b) (b) The mayor shall from time to time give the council such information and recommend such measures as the mayor may deem advantageous to the city. When present the mayor shall preside at the meetings of the council.

62.09(8)(c) (c) The mayor shall have the veto power as to all acts of the council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval evidenced by the mayor's signature, or upon failing to approve or disapprove within 5

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days, which fact shall be certified thereon by the clerk. If the mayor disapproves the mayor's objections shall be filed with the clerk, who shall present them to the council at its next meeting. A two-thirds vote of all the members of the council shall then make the act effective notwithstanding the objections of the mayor.

62.09(8)(d) (d) Except in cities that have adopted s. 62.13 (6), the mayor shall be the head of the fire and police departments, and where there is no board of police and fire commissioners shall appoint all police officers, and the mayor may, in any city, appoint security personnel to serve without pay, and in case of riot or other emergency, appoint as many special police officers as may be necessary.

62.09(8)(e) (e) The council at its first meeting subsequent to the regular election and qualification of new members, shall after organization, choose from its members a president, who, in the absence of the mayor, shall preside at meetings of the council, and during the absence or inability of the mayor shall have the power and duties of the mayor, except that the president shall not have power to approve an act of the council which the mayor has disapproved by filing objections with the clerk. The president shall when so officiating be styled "Acting Mayor".

CoryAnn St. Marie-Carls

Mayor
City of St. Francis

*3400 E. Howard Ave.
St. Francis, WI 53235
414-316-4323
Mayor@stfranwi.org*

From: Thomas Dietrich
Sent: Monday, December 7, 2015 9:07 AM
To: Mayor St. Marie-Carls
Subject: access

Tom Dietrich
Police Chief
St Francis Police Department
3400 E Howard Ave
St Francis WI 53235
414-481-2232
Thomas.dietrich@stfranwi.org

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Mayor St. Marie-Carls

From: Mayor St. Marie-Carls
Sent: Friday, December 4, 2015 9:05 AM
To: Thomas Dietrich
Cc: Paul Alexy; Tim Rhode; Kevin Hunter
Subject: Background Check of Mike Williams?

I am requesting as Mayor to you in your official capacity as St. Francis Police Chief. Has Mike Williams been fingerprinted and background checked in order to have complete unescorted access to all parts of our building and Police department?

You are avoiding my question and you should be cautious in that regard in your Official capacity.

Sincerely,
Mayor CoryAnn St. Marie-Carls

Sent from my Verizon Wireless 4G LTE DROID

Thomas Dietrich <thomas.dietrich@stfranwi.org> wrote:

Mayor, with all do respect my interpretation of the access policy does not allow for me to accommodate your request. If you feel I am incorrect in my interpretation please feel free to forward your concerns to the Council. As far as Todd Willis having access, he does not. He is buzzed in. Mike Williams has privileges because of his responsibilities specifically related to the IT network.

Sent from my Verizon Wireless 4G LTE DROID

"Mayor St. Marie-Carls" <mayor@stfranwi.org> wrote:

Tom,

Thanks for your reply on my card access key card to your Department.

I took some time to reply to check my unescorted security clearances at the MKE Airport and at the Milwaukee County Sheriff's Department, Court House and Jail. They are updated and valid. I am fingerprinted with FBI and TSA. My Milwaukee Police clearance expired, I am current with the others.

Go ahead and put me through any checks as you would your part time clerks who have access. I am good with that. I am absolutely willing to abide by your policies you have for non sworn personnel.

This access is routine in many cities for the Mayor and citizens have been surprised to see I can't get past the front door without knocking on the window. I also have security concerns when I am in the building alone at

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night and I have waited the Police counter for assistance on several occasions. I would sincerely appreciate your cooperation.

I can bring in my drivers licence and passport in when you let me know. I know Todd our intern does the badging, what is his security clearance? I have seen him enter the PD as well as Mike Williams our IT contractor. I could get their clearance level, just let me know what it is.

I copied Paul and he can look over whatever regulatory needs you have received from agencies. I am certain with fingerprints etc. I would pass clearance. Many times regulation depends on access to restricted areas. I want no access to property areas, weapons, investigations, lockers, jail etc. I do not plan to bring anyone with me without authorization, just like the Airport and all environments I work in for my job.

Thanks
Mayor CoryAnn

Sent from my Verizon Wireless 4G LTE DROID

Thomas Dietrich <thomas.dietrich@stfranwi.org> wrote:

Mayor,

Shannon's last day at work was Nov 3rd.
Here is a list of current Police Officers.

Timothy	J.	Blunt
Thomas	M.	Brummeyer
Shane	M.	Czerniakowski
Thomas	A.	Dietrich
Robert	A.	DiFrancesco
Craig		Frank
Jeremy	P.	Harcus
Kevin	M.	Hunter
Kevin	R.	Jackson
Dimitri	A.	Kamolov
Rodney	P.	Lucht
Daniel	J.	Martinez
Duane	P.	Mazur
Holly	L.	McManus
Johnnie		Mielcarek
John	D.	Plachinski
Michael	J.	Scott
Jeffrey	M.	Skrivanek
Kevin	L.	Weins

The average years of service for all current officers is 14 years.

Regarding your request for access to the police department I will have to refer you to our current policy that is required by the State Crime Information Bureau and the FBI. The police department (Criminal Justice Facility) is considered a physically secure location and we are required to control physical access privileges to the facility.

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I have attached the policy for reference and review. Section "V" "C" specifically states what steps are to be taken to control the physical security within the Police Department.

As in the past you and anyone else are always welcome at the police department, but I can't approve open unescorted access to the Police Department for anyone without violating our policy that is mandated by the CIB and FBI.

Respectfully,

Chief Dietrich

From: Mayor St. Marie-Carls
Sent: Saturday, November 21, 2015 12:16 PM
To: Thomas Dietrich
Subject: Items

Chief,

Could you let me know what day is the last day for Officer Shannon Fetig?

Also, I appreciate your work in finding an experienced officer in the hiring of Officer DiFrancesco. I ask you look for even a few more years of experience in finding the next officer.

I am interested in the new average years of service now in our Department as it stands today. Could you let me know this number?

Also please provide a list of all officers now on the Department that we can have handy for reference.

Also could you get me a key card for the Police Department? I never pursued one from Chief Kaebisch. (this would not include the Jail of course or Amory, property room or locker rooms) I have found from other Mayors that they do have one. I did not ask the other Mayor's the reason they have one, I just assumed it is because by Statue the Mayor is the head of public safety. I was told Milt had one.

Let me know if you have any questions.

Mayor CoryAnn

CoryAnn St. Marie-Carls

Mayor

City of St. Francis

3400 E. Howard Ave.

St. Francis, WI 53235

414-316-4323

Mayor@stfranwi.org