

MINUTES

BOARD OF FIRE AND POLICE COMMISSIONERS

Special Meeting

Wednesday, February 1, 2012

PRESENT

COMMISSIONERS: Robert Schwieder, Chairman
Scott Lohman, Secretary
Gary Koeller

STAFF: Kim Hankins, Chief of Police
Alison Fleming, HR Manager

OTHERS: Interested Parties and Media

1. **Meeting Called to Order**
Chairman Schwieder called the meeting to order at 4:00 p.m.
2. **Roll Call of Members** – Commissioner Koeller – present; Commissioner Lohman – present; Commissioner Schwieder – present.
3. **Public Comment** – None
4. **Executive Session:** None.
5. **Action Item:** Appeal of Police Chief Decision (Titus / DeBacker Matter)
Chairman Schwieder advised that a 15-page document has been prepared for signature: Final Order on Appeal and Probable Cause Determination. With respect to the five categories, Chairman Schwieder asked:
 - I. Summary of Facts – Pages 1 – 4. Has each commissioner read these pages and are there any issues with the contents? None cited.
 - II. Statement of Laws – Pages 5 – 8. Has each commissioner read these pages and are there any issues with the contents? None cited.
 - III. Findings of Fact – Pages 8 – 13. Has each commissioner read these pages and are there any issues with the contents? None cited.
 - IV. Conclusions of Law – Pages 13 – 15. Has each commissioner read these pages and are there any issues with the contents? None cited.
 - V. Rulings – (Read verbatim by Chairman Schwieder.) Chairman Schwieder made a motion to:
 1. DENY THE APPEAL AND UPHOLD the October 17, 2011 decision of Chief Hankins to deny Titus' Citizen Complaint Against Officer DeBacker and not proceed with any charges or discipline against DeBacker. Under Section 26-2314(16) of the City of Moline Code of Ordinances, and Chapter IX (Disciplinary Procedures), Section 9 (Appellate Jurisdiction Procedures) of the Board's Rules and Regulations, the Board sustains Chief Hankins' October 17, 2011 decision to not file charges against DeBacker.
 2. FIND THAT NO PROBABLE CAUSE EXISTS to file charges with the Board seeking any type of discipline, including termination, against DeBacker in regard to the June 16, 2011 incident or any other matters that are contained in the Appeal because there is no evidence to support a finding that DeBacker's actions have resulted in some substantial

shortcoming which renders his continuance in office in some way detrimental to the discipline and efficiency of the police service and which the law and sound public opinion recognizes as good cause for his no longer holding the position.

3. FIND THAT THE BOARD does not have authority to modify or overturn Chief Hankins' September 15, 2011 decision to re-assign and impose certain work limitations on DeBacker as a consequence of the June 16, 2011 incident, because that decision does not involve or relate to any discipline.

This is the final decision of the Board regarding this Appeal. A copy of this Final Order on Appeal and Probable Cause Determination shall be mailed, via United States certified mail delivery, to all parties of record after it is executed by Chairman Robert Schwieder.

Commissioner Koeller seconded the motion. Roll call vote: Commissioner Koeller, aye; Commissioner Lohman, aye; Chairman Schwieder, aye.

6. **Adjournment:**

Upon motion by Commissioner Lohman and second by Commissioner Koeller, the meeting was adjourned at 4:07 p.m.

Jody C. Walker, Recording Secretary
Board of Fire & Police Commissioners