

Analysis of March 26, 2010 MPD Vehicle Pursuit Policy Revision



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Fire and Police Commission
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PREFACE

Police vehicle pursuit driving is a controversial and dangerous activity. Pursuits that result in accidents and injury are always judged in hindsight. The debate on police pursuits usually encompasses two primary factors: the importance of apprehending a suspect and the danger presented by the pursuit itself. This debate will continue until new technology is developed to terminate vehicle pursuits without the need for dangerous high-speed driving tactics.

The Milwaukee Police Department (MPD) policy attempts to balance the basic dilemma of high-speed pursuits: whether the benefits of potentially apprehending a suspect outweigh the risk of endangering the public and our police officers. The MPD policy was revised on March 26, 2010 to address these concerns, and the Fire and Police Commission has reviewed the practical implications of this policy revision. The revision has resulted in a significant reduction in accidents and the number of persons injured (from 19 to 7) during the evaluation period. In addition, no police officers were injured in pursuits subsequent to the revision compared to five officers that suffered injuries during the same time period prior to the policy change.

Overall, the number of high-speed vehicle pursuits on our city streets have been reduced by almost half (45% reduction) while the number of suspects apprehended immediately following the pursuit only decreased by one-fifth (20%). A key objective of the policy revision was to prevent the initiation of a dangerous high-speed pursuit of an individual who is not an immediate danger to the public. Such individuals can be apprehended at a later time by utilizing proper follow-up investigation techniques.

The MPD vehicle pursuit policy revision on March 26, 2010 has reduced accidents, injuries, and property damage with a nominal reduction in the number of arrests of fleeing drivers. I invite you to review this report and make your own judgments as to the effectiveness of the policy revision.



Michael Tobin
Executive Director

INTRODUCTION

On March 26, 2010, the Milwaukee Police Department (MPD) revised its vehicle pursuit policy¹ in order to address concerns related to citizen and officer safety. The policy prior to March 26, 2010 stated that vehicle pursuits were authorized only when the law enforcement officer knew or had reasonable grounds to believe:

- 1) The suspect has committed or is attempting to commit a serious offense; or
- 2) The necessity of immediate apprehension outweighs the level of danger created by the vehicle pursuit, as in the case of a serious traffic violation such as OWI, reckless driving, etc.

The *current* policy was updated to state that vehicle pursuits are authorized only when the law enforcement officer knows or has probable cause to believe:

- 1) The occupant(s) has committed, is committing, or is about to commit a violent felony (i.e., armed robbery, recklessly endangering safety, and other crimes against a person in which violence is an element to the felony offense); or
- 2) The occupant(s) presents a clear and immediate threat to the safety of others and therefore the necessity of immediate apprehension outweighs the level of danger created by vehicle pursuit.

A primary difference between the two policies is that the revised procedure recognizes that an officer has probable cause (the facts and circumstances within the arresting officer's knowledge are sufficient to warrant a prudent person to believe that a suspect has committed, is committing, or is about to commit a crime), instead of reasonable suspicion (an assessment based on all of the circumstances that would lead one to believe that a crime may have occurred), that a violent felony has occurred or is about to occur. A key objective of the revision to the pursuit policy was to regulate officers' decisions to initiate or continue a dangerous high-speed pursuit with someone who is not an immediate danger to the public.

¹ The following paragraphs contain excerpts from Standard Operating Procedure 660: Vehicle Pursuits and do not reflect the entire document.

This report² presents an analysis of the vehicle pursuit policy revision that occurred on March 26, 2010. Data was collected from two distinct six-month periods, March 26, 2009 to September 26, 2009 and March 26, 2010 to September 26, 2010³. The analyses presented here are designed to show the effects, if any, that the policy revision had on pursuits conducted by the Milwaukee Police Department.

ANALYSIS OF MARCH 26, 2010 VEHICLE PURSUIT POLICY REVISION

A total of 78 vehicle pursuits were initiated by MPD between March 26, 2009 and September 26, 2009⁴. Between March 26, 2010 and September 26, 2010, MPD initiated 43 vehicle pursuits. In the six months following the policy revision, the number of vehicle pursuits initiated by MPD decreased by 35 (44.9%).

In 2009, the highest number of pursuits occurred in May 2009, with 15 pursuits (19.2%), and the fewest pursuits occurred in June 2009, with 9 pursuits (11.5%) (see Table 1). In 2010, the highest number of pursuits occurred in May 2010 and September 2010, with 10 pursuits (23.3%). The fewest pursuits occurred in April 2010, with 4 pursuits (9.3%). For either year, there is no discernible pattern of vehicle pursuits by month.

Table 1. Vehicle Pursuits by Month

	2009	Percent	2010	Percent
March	3 ⁵	3.8%	0 ⁶	0.0%
April	14	17.9%	4	9.3%
May	15	19.2%	10	23.3%
June	9	11.5%	7	16.3%
July	14	17.9%	5	11.6%
August	12	15.4%	7	16.3%
September	11 ⁷	14.1%	10 ⁸	23.3%
Total	78	100.0%	43	100.0%

² The FPC previously published a report analyzing vehicle pursuit data from 2002 to 2009. The report, *An Analysis of Pursuits in the Milwaukee Police Department, 2002 to 2009*, can be viewed at the FPC's website (www.milwaukee.gov/fpc).

³ Another option was to compare the six months prior (September 27, 2009 to March 25, 2010) to the policy revision to the six months after the policy revision. However, after careful consideration, it was determined that using the data from the previous year would be the best fit as the months prior to the pursuit revision could be affected by inclement winter weather and would not offer the same level of consistency.

⁴ In order to differentiate between the two time periods, data from March 29, 2009 to September 26, 2009 will be referred to as 2009 data, and data from March 26, 2010 to September 26, 2010 will be referred to as 2010 data.

⁵ Note: A total of 19 vehicle pursuits occurred in March 2009.

⁶ Note: A total of 7 vehicle pursuits occurred in March 2010.

⁷ Note: A total of 14 vehicle pursuits occurred in September 2009.

⁸ Note: A total of 9 vehicle pursuits occurred in September 2010.

In 2009, no vehicle pursuits were initiated in Police District 1, while the majority of vehicle pursuits were initiated in Police District 7, with 41 vehicle pursuits (52.6%) (see Table 2). Of the 78 vehicle pursuits that occurred between March 26, 2009 and September 26, 2009, 91% of vehicle pursuits were initiated in Police Districts 3, 4, 5, and 7. In 2010, no vehicle pursuits were initiated in Police District 1, but the highest number of vehicle pursuits was initiated in Police District 7, with 18 pursuits (41.9%).

Table 2. Vehicle Pursuits by Police District

	2009	Percent	2010	Percent
Police District 1	0	0.0%	0	0.0%
Police District 2	3	3.8%	7	16.3%
Police District 3	11	14.1%	5	11.6%
Police District 4	10	12.8%	7	16.3%
Police District 5	9	11.5%	5	11.6%
Police District 6	4	5.1%	1	2.3%
Police District 7	41	52.6%	18	41.9%
Total	78	100.0%	43	100.0%

For the 2009 time period, the most vehicle pursuits were initiated in Aldermanic District 15, with 16 pursuits (20.5%), Aldermanic District 1, with 13 pursuits (16.7%), and Aldermanic District 7, with 11 vehicle pursuits (14.1%) (see Table 3). No vehicle pursuits were initiated in Aldermanic Districts 11 or 14. In 2010, no vehicle pursuits were initiated in Aldermanic District 11. The most pursuits were initiated in Aldermanic District 7, with 8 pursuits (18.6%), and Aldermanic District 6, with 5 pursuits (11.6%).

Table 3. Vehicle Pursuits by Aldermanic District

	2009	Percent	2010	Percent
Aldermanic District 1	13	16.7%	3	7.0%
Aldermanic District 2	9	11.5%	3	7.0%
Aldermanic District 3	1	1.3%	2	4.7%
Aldermanic District 4	1	1.3%	2	4.7%
Aldermanic District 5	4	5.1%	3	7.0%
Aldermanic District 6	6	7.7%	5	11.6%
Aldermanic District 7	11	14.1%	8	18.6%
Aldermanic District 8	4	5.1%	2	4.7%
Aldermanic District 9	7	9.0%	3	7.0%
Aldermanic District 10	3	3.8%	3	7.0%
Aldermanic District 11	0	0.0%	0	0.0%
Aldermanic District 12	2	2.6%	3	7.0%
Aldermanic District 13	1	1.3%	1	2.3%
Aldermanic District 14	0	0.0%	2	4.7%
Aldermanic District 15	16	20.5%	3	7.0%
Total	78	100.0%	43	100.0%

Sixty-seven vehicles (97.1%) involved in the 2009 vehicle pursuits had Wisconsin license plates, while 2 vehicles (2.9%) had Illinois plates⁹. In 2010, 34 vehicles (94.4%) involved in pursuits had Wisconsin plates, while 2 vehicles (5.6%) had Illinois plates¹⁰. The years of the vehicles in the 2009 pursuits ranged from 1982 to 2009, with the most vehicles being from 1994 (12 vehicles, 16.7%)¹¹. In 2010, the years of the vehicles involved in the pursuit ranged from 1989 to 2008, with the most common years being 1996 (5 vehicles, 15.2%) and 1997 (5 vehicles, 15.2%)¹². There were 20 different makes of vehicles involved in the 2009 pursuits, with Chevrolet (15 vehicles, 20.5%) and Pontiac (10 vehicles, 13.7%) being the most popular¹³. In 2010, 19 different vehicle makes were involved in the pursuits, with Chevrolet (7 vehicles, 20.0%) and Ford (5 vehicles, 14.3%) being the most common¹⁴. Thirty-eight vehicles (52.8%) involved in the 2009 pursuits were 4-door automobiles, and the remaining types of vehicles included 2-door automobile (10 vehicles, 13.9%), van (8 vehicles, 11.1%), and other types (16 vehicles, 22.2%), such as SUV, truck, motorcycle, etc¹⁵. Eighteen vehicles (51.4%) involved in the 2010 pursuits were 4-door

⁹ Note: 9 missing cases.

¹⁰ Note: 7 missing cases.

¹¹ Note: 6 missing cases.

¹² Note: 10 missing cases.

¹³ Note: 5 missing cases.

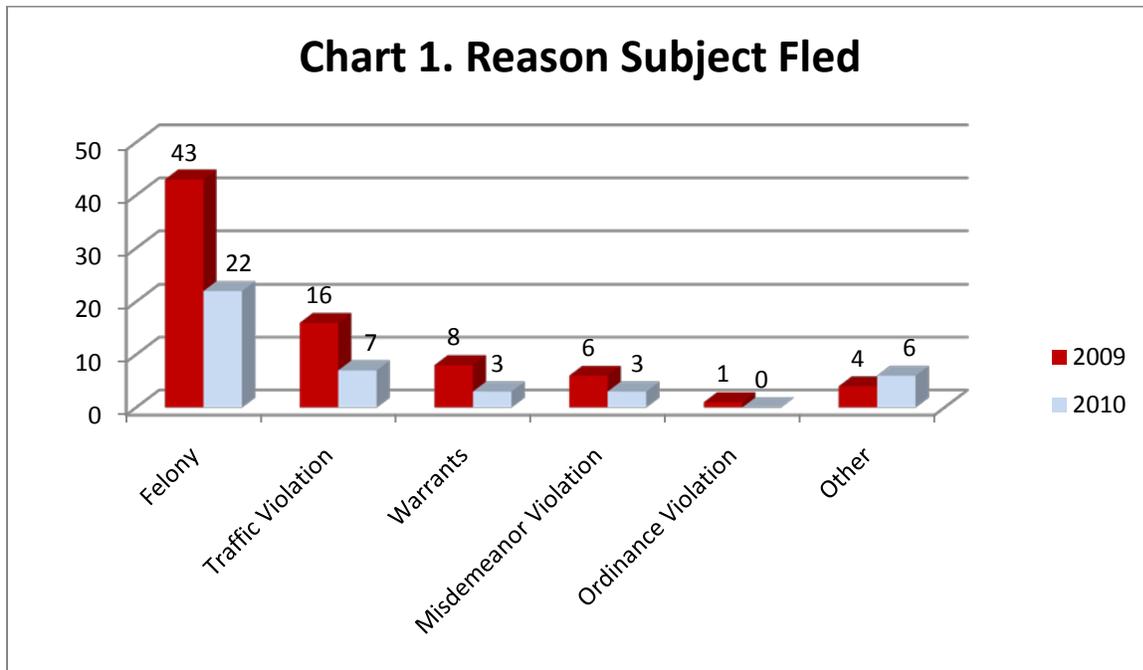
¹⁴ Note: 8 missing cases.

¹⁵ Note: 6 missing cases.

automobiles, followed by SUV (9 vehicles, 25.7%), van (4 vehicles, 11.4%), and 2-door automobile (4 vehicles, 11.4%)¹⁶.

Twenty-one vehicle pursuits (26.9%) in 2009 occurred while the law enforcement officer was on patrol, and 15 pursuits (19.2%) occurred while the officer was conducting a traffic stop. In 2010, 9 vehicle pursuits (23.7%) occurred while the law enforcement officer was conducting a traffic stop, and 6 pursuits (15.8%) occurred while the officer was on patrol¹⁷.

In 43 vehicle pursuits (55.1%) that occurred in 2009, the suspect fled because of a felony (see Chart 1). Other reasons for fleeing included traffic violation (16 pursuits, 20.5%), warrants (8 pursuits, 10.3%), misdemeanor violation (6 pursuits, 7.7%), and other (5 pursuits, 6.4%). In 2010, the most common reason for fleeing was felony (22 pursuits, 53.7%). Other reasons for fleeing included traffic violation (7 pursuits, 17.1%), misdemeanor violation (3 pursuits, 7.0%), warrants (3 pursuits, 7.0%), and other (6 pursuits, 14.6%)¹⁸.



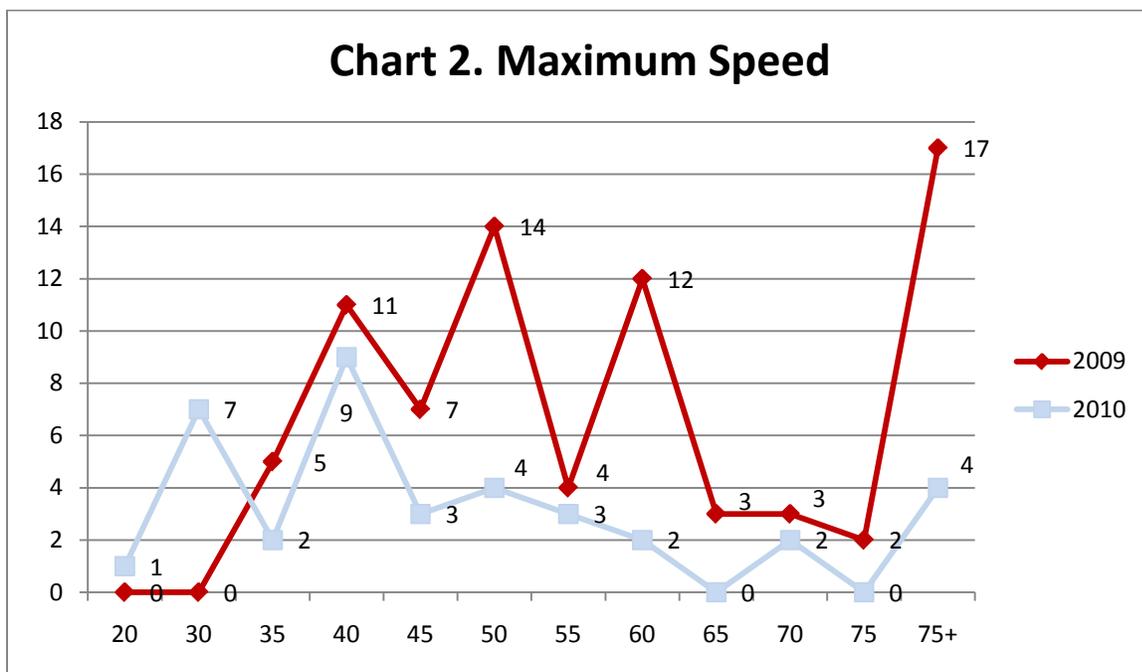
¹⁶ Note: 8 missing cases.

¹⁷ Note: 1 missing case.

¹⁸ Note: 2 missing case.

The amount of time spent on a vehicle pursuit in 2009 ranged from under 1 minute to a maximum of 1 hour 2 minutes. The majority of pursuits (46 pursuits, 59.0%) lasted 2 minutes or less. The average amount of time spent on a pursuit was 4 minutes, with a median and mode of 2 minutes. In 2010, the amount of time spent on a vehicle pursuit ranged from under 1 minute to a maximum of 12 minutes¹⁹. The majority of pursuits (25 pursuits, 64.0%) lasted 1 minute or less. The average amount of time spent on a pursuit was 2 minutes, with a median and mode of 1 minute.

The maximum speed reached during the 2009 pursuits ranged from 35 miles per hour to over 75 miles per hour²⁰ (see Chart 2). In 17 vehicle pursuits (21.8%), the maximum speed reached was over 75 miles per hour. The average maximum speed was 58 miles per hour, the median was 55 miles per hour, and the mode was 80 miles per hour. The maximum speed reached during the 2010 pursuits ranged from 20 miles per hour to over 75 miles per hour²¹. The most common maximum speed was 40 miles per hour (9 pursuits, 24.3%). The average maximum speed was 47 miles per hour, with a median and mode of 40 miles per hour.



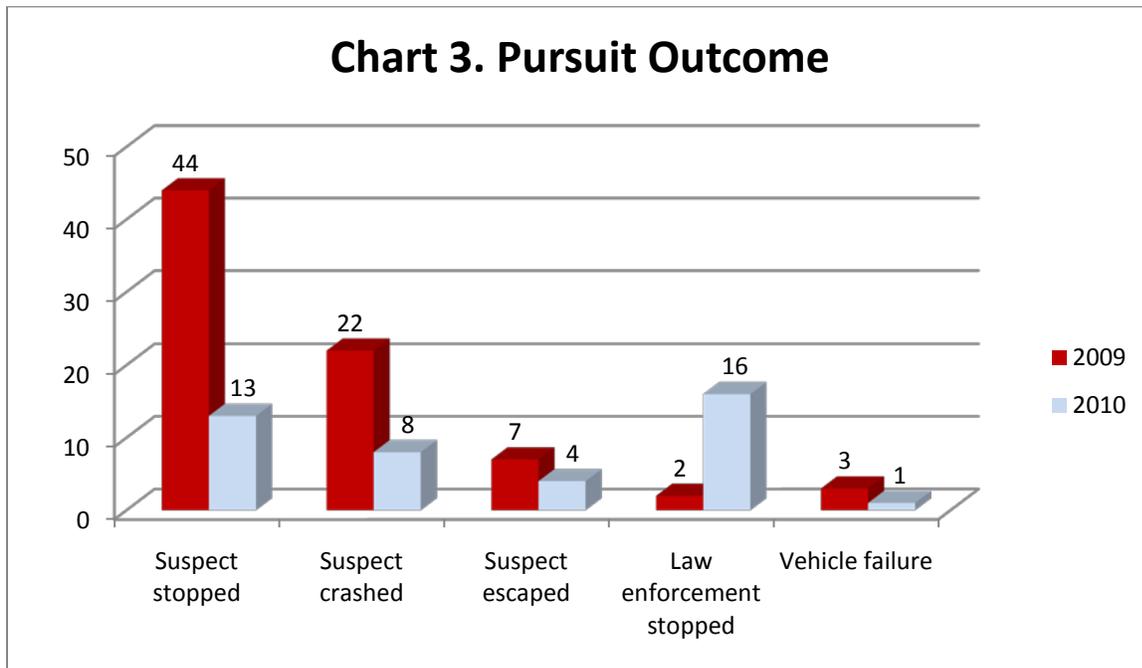
¹⁹ Note: 4 missing cases.

²⁰ For analysis purposes only, reports where the maximum speed reached was listed at "75+" miles per hour, the data was recoded to 80 miles per hour.

²¹ Note: 6 missing cases.

Distance covered during the 2009 pursuits ranged from less than 1 mile to approximately 5 miles. The average distance covered was 1.38 miles, with a median of .88 mile and a mode of 2 miles. In 2010, the distance covered during the pursuits ranged from less than 1 mile to approximately 5 miles. The average distance covered was 1.26 miles, with a median of .75 miles and a mode of .25 miles.

In 2009, 44 vehicle pursuits (56.4%) were terminated because the suspect stopped (see Chart 3). Twenty-two pursuits (28.2%) were terminated because the suspect crashed. The other 12 pursuits ended because the suspect escaped (7 pursuits, 9.0%), the suspect’s vehicle failed (3 pursuits, 3.8%), or law enforcement terminated the pursuit (2 pursuits, 2.6%). In 2010, 16 vehicle pursuits (38.1%) were terminated by law enforcement and 13 pursuits (31.0%) were terminated because the suspect stopped²². The other pursuits terminated because the suspect crashed (8 pursuits, 19.0%), the suspect escaped (4 pursuits, 9.5%), or the suspect’s vehicle failed (1 pursuit, 2.4%).



²² Note: 1 missing case.

Twenty-five vehicle pursuits (32.1%) in 2009 involved an accident²³, while 53 (67.9%) did not. In 2 vehicle pursuits, a third party was injured. In 2010, 12 vehicle pursuits (28.6%) involved an accident, while 30 (71.4%) did not²⁴. In 4 vehicle pursuits, a third party was injured.

Suspect Data²⁵

The majority of drivers²⁶ in the 2009 pursuits were black (64 suspects, 94.1%), followed by white (2 suspects, 2.9%), and Hispanic (2 suspects, 2.9%)²⁷. In 2010, the majority of drivers were black (21 suspects, 77.8%), followed by white (3 suspects, 11.1%) and Hispanic (3 suspects, 11.1%)²⁸.

Sixty-nine suspects (97.2%) from 2009 were male, while 2 suspects (2.8%) were female²⁹. In 2010, 25 suspects (92.6%) were male, and 2 suspects (7.4%) were female³⁰.

Suspect age for the 2009 pursuits ranged from 14 years old to 52 years old³¹. The mean was 27 years old, the median was 26 years old, and the mode was 20 years old. Nine suspects (13.0%) were juvenile. The age of suspects in the 2010 pursuits ranged from 16 years old to 40 years old³². The mean was 26 years old, the median was 27.5 years old, and the modes were 18 years old and 28 years old. One suspect (3.6%) was juvenile.

Twelve suspects from 2009 were injured, with 11 reporting minor injuries and 1 complaining of pain. In 2010, 3 suspects were injured. Two suspects reported minor injuries and 1 reported major injuries.

In 2009, 66 suspects (84.6%) were apprehended, while 12 suspects (15.4%) were not. In 2010, 27 suspects (64.3%) were apprehended, while 15 suspects (35.7%) were not³³.

²³ An accident can/may occur separately from the vehicles directly in the pursuit and may also involve vehicles or people not otherwise involved in the pursuit.

²⁴ Note: 1 missing case.

²⁵ Since some suspects were not captured or remain unknown, the data from those cases are classified as missing. In some cases, the name of the suspect remains unknown but certain characteristics (race, gender, etc.) were apparent and were filled in on the report.

²⁶ This report will focus on the driver of the vehicle involved in the pursuit.

²⁷ Note: 10 missing cases.

²⁸ Note: 16 missing cases.

²⁹ Note: 7 missing cases.

³⁰ Note: 16 missing cases.

³¹ Note: 13 missing cases.

³² Note: 16 missing cases.

³³ Note: 1 missing case.

Officer Data³⁴

The number of officers involved in pursuits between March 26, 2009 and September 26, 2009 ranged from 1 officer to 4 officers, with an average of 1.87 officers per pursuit, and a mode and median of 2 officers. For pursuits between March 26, 2010 and September 26, 2010, the number of officers involved ranged from 1 to 4, with an average of 1.63 officers per pursuit, a median of 2 officers, and modes of 1 officer and 2 officers.

Marked squads were utilized in 65 of the 2009 vehicle pursuits (83.3%), along with unmarked squads (12 pursuits, 45.4%) and a motorcycle (1 pursuit, 1.3%). In 77 of these pursuits (98.7%), emergency equipment was utilized. In 2010, marked squads were utilized in 36 vehicle pursuits (90.0%), while bicycle (2 pursuits, 5.0%), unmarked squad (1 pursuit, 2.5%), and motorcycle (1 pursuit, 2.5%) were also utilized³⁵. Safety equipment was used in 36 pursuits (92.3%)³⁶.

In 2009, 68 (87.2%) of the MPD officers involved in the pursuits were white, 4 officers (5.1%) were Hispanic, 3 officers (3.8%) were black, 2 officers (2.6%) were American Indian, and 1 officer (1.3%) was Asian. In 2010, 28 MPD officers (83.9%) were white, 4 officers (12.9%) were Hispanic, and 1 officer (3.2%) was Asian³⁷.

Seventy-seven officers (98.7%) involved in the 2009 pursuits were male, and 1 officer (1.3%) was female. In 2010, 28 officers (90.3%) were male, and 3 officers (9.7%) were female³⁸.

The age of the officers from 2009 ranged from 25 years old to 49 years old, with a mean of 33 years old, a median of 32 years old, and a mode of 32 years old. The age of the officers in the 2010 pursuits ranged from 24 years old to 52 years old, with a mean of 34 years old, a median of 32 years old, and a mode of 29 years old³⁹.

Years of service for the 2009 officers ranged from 2 years to 19 years, with a mean, median, and mode of 8 years. In 2010, years of service ranged from less than 1 year to 26 years of service, with a mean of 5.5 years, a median of 4 years, and a mode of less than 1 year.

³⁴ Data presented on the officers involved in the pursuit focus on the driver of the pursuit vehicle.

³⁵ Note: 3 missing cases.

³⁶ Note: 4 missing cases.

³⁷ Note: 12 missing cases.

³⁸ Note: 12 missing cases.

³⁹ Note: 12 missing cases.

Of the 78 officers involved in the 2009 pursuits, 74 (94.9%) were at the rank of Police Officer. Three (3.8%) were at the rank of Police Sergeant, and 1 (13%) was at the rank of Lieutenant of Police. In 2010, 28 officers (85.3%) were at the rank of Police Officer, and 5 officers (14.7%) were at the rank of Police Sergeant⁴⁰.

Most officers involved in the pursuits in 2009 were assigned to Police District 7 (32 officers, 42.1%) (see Table 4). No officers assigned to Police District 1 were involved in pursuits. Most officers (15 officers, 37.5%) involved in the 2010 pursuits were assigned to Police District 7.

Table 4. Officer Assignment by Police District

	2009	Percent	2010	Percent
Police District 1	0	0.0%	1	2.5%
Police District 2	3	3.9%	6	15.0%
Police District 3	5	6.6%	3	7.5%
Police District 4	11	14.5%	6	15.0%
Police District 5	14	18.4%	5	12.5%
Police District 6	1	1.3%	2	5.0%
Police District 7	32	42.1%	15	37.5%
Neighborhood Task Force	10	13.2%	1	2.5%
Other	0	0.0%	1	2.5%
Total	76⁴¹	100.0%	40⁴²	100.0%

Most officers involved in pursuits in 2009 were assigned to the early shift (25 officers, 32.9%), followed by the late shift (25 officers, 26.3%) (see Table 5). In 2010, most officers were assigned to the early shift (14 officers, 35.0%) or the late shift (11 officers, 27.5%).

Table 5. Officer Assignment by Shift

	2009	Percent	2010	Percent
Day shift, 7 am to 3 pm	10	13.2%	7	17.5%
Early shift, 3 pm to 11 pm	25	32.9%	14	35.0%
Late shift, 11 pm to 7 am	20	26.3%	11	27.5%
Power shift, 7 pm to 3 am	11	14.5%	6	15.0%
Unknown	10	13.2%	2	5.0%
Total	76⁴³	100.0%	40⁴⁴	100.0%

⁴⁰ Note: 9 missing cases.

⁴¹ Note: 2 missing cases.

⁴² Note: 3 missing cases.

⁴³ Note: 2 missing cases.

⁴⁴ Note: 3 missing cases.

Five officers (6.6%) involved in the 2009 pursuits reported injuries⁴⁵. No officers reported injuries in the 2010 pursuits.

CONCLUSION

Between March 26, 2009 and September 26, 2009, 78 vehicle pursuits were initiated by officers of the Milwaukee Police Department. Between March 26, 2010 and September 26, 2010, 43 vehicle pursuits were initiated by officers of the Milwaukee Police Department. For the vast majority of data captured in the vehicle pursuit report, other than an overall decrease in numbers, there were little to no significant changes between the data extracted from the 2009 and 2010 reports. However, the following variables had a noteworthy change between the two time periods.

- In the six months following the policy revision, the number of vehicle pursuits initiated by MPD decreased by 35 (44.9%).
- Between 2009 and 2010, the number of pursuits decreased for every Police District except for Police District 2⁴⁶. Police District 2 had an increase of 4 pursuits (133.3%), from 3 pursuits in 2009 to 7 pursuits in 2010.
- The average amount of time spent on a pursuit decreased by 2 minutes, from 4 minutes in 2009 to 2 minutes in 2010. Also, the most common amount of time spent on a pursuit went from 2 minutes in 2009 to less than 1 minute in 2010. Additionally, the maximum amount of time an officer reported spending on a vehicle pursuit decreased by 50 minutes, from 62 minutes in 2009 to 12 minutes in 2010.
- The average maximum speed reached during a pursuit decreased 11 miles per hour, from 58 miles per hour in 2009 to 47 miles per hour in 2010. The most common maximum speed reached in 2009 was over 75 miles per hour, while in 2010, the most common maximum speed was 40 miles per hour.
- Distance that a pursuit covered also decreased. While the average distance did not decrease significantly between 2009 and 2010 (from 1.38 miles in 2009 to 1.26 miles in 2010), the most common distance in 2009 was 2 miles, while in 2010 it was .25 miles.

⁴⁵ Note: 2 missing cases.

⁴⁶ On July 12, 2009, the seven Police District boundaries were reshaped to better follow crime patterns and neighborhood boundaries. It is possible that this boundary alteration, which occurred approximately halfway through the 2009 data year, may have been a factor in the increase in vehicle pursuits that occurred in Police District 2.

- The methods by which vehicle pursuits were terminated indicated a change between 2009 and 2010. In 2009, 2.6% of vehicle pursuits were terminated by law enforcement, while in 2010, 38.1% of vehicle pursuits were terminated by law enforcement.
- Vehicle pursuits that involved an accident decreased by 13, from 25 in 2009 to 12 in 2010. However, accidents where a third party was injured increased by 2, from 2 in 2009 to 4 in 2010.
- Suspect injuries decreased from 12 suspects in 2009 to 3 suspects in 2010.
- Officer injuries decreased from 5 officers in 2009 to no officers in 2010.
- The percentage of suspects who were apprehended decreased by 20.3%, from 84.6% of suspects in 2009 to 64.3% in 2010.
- The average years of service for officers involved in vehicle pursuits decreased from 8 years in 2009 to 5.5 years in 2010. The most common number of years of service in 2009 was 8 years while in 2010, it was less than 1 year of service.

While the overall number of pursuits and the number of suspects apprehended decreased after the pursuit policy change, the majority of variables that can be used to determine safety (number of accidents, officer injuries, suspect injuries, distance pursuit covered, maximum speed reached, methods used to terminate a pursuit, and time spent on a pursuit) decreased. Taking into consideration that the policy revision was focused on citizen and officer safety, the revisions to the vehicle pursuit policy have been successful.