

2017 CITY OF MILWAUKEE FIRE AND POLICE COMMISSION VEHICLE PURSUIT REPORT

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Introduction

The purpose of this study is to provide an independent review of all vehicle pursuits conducted by the Milwaukee Police Department (MPD) during the year 2017. The goal is to provide the public with an objective measure of the frequency and circumstance of vehicle pursuits engaged in by MPD officers. Vehicle pursuits have been characterized by the US Justice Department as "... possibly the most dangerous of all ordinary police activities".¹ Given the inherent risk of high-speed reckless driving to both the public and the officers, these police actions are generally under heightened scrutiny. Against that backdrop, this report is intended as a factual, informational, and unbiased tool for the public and policy makers to reference when examining this important topic.

Vehicle pursuits are formally defined in [MPD Standard Operating Procedure \(SOP\) 660](#) as:

1. *Eluding / fleeing: An active attempt by one or more law enforcement officers to apprehend a suspect who is either an occupant of or operating a motor vehicle, during which time the operator of the motor vehicle is attempting to avoid capture by using high speed driving or other evasive tactics such as driving off a highway, or making sudden or unexpected maneuvers.*
2. *Refusal to stop: An active attempt by one or more law enforcement officers to stop a motor vehicle by use of emergency lights and siren, during which time the operator of the motor vehicle is driving at a reasonable speed (e.g., at or below the established speed limit), but willfully refusing to pull over and stop.*

It should be noted that it is not considered a pursuit if the officer does not actively attempt to apprehend the suspect. For instance, if a squad activates its lights and/or siren attempting to pull over a vehicle and the vehicle flees, it will not be considered a pursuit until/unless the initiating officer decides to attempt apprehension of the occupants in the fleeing vehicle. Instances such as this are classified as non-pursuits.

Decisions to attempt apprehension are also guided by MPD SOP 660. SOP section 660.20(C) currently states:

Vehicle pursuits are justified when the police member knows or has probable cause to believe:

1. *The occupant(s) has committed, is committing, or is about to commit a violent felony (e.g., armed robbery, recklessly endangering safety, and other crimes against a person in which violence is an element to the felony offense); or*
2. *The specific vehicle was used in or taken during the attempt or commission of a violent felony (e.g., armed robbery, recklessly endangering safety, and other crimes against a person in which violence is an element to the felony offense); or*
3. *The vehicle or occupant(s) present a clear and immediate threat to the safety of others and therefore the necessity of immediate apprehension outweighs the level of danger created by the vehicle pursuit (e.g., misdemeanor shots fired incident in which a specific vehicle is described as being involved); or*
4. *The occupant(s) of the vehicle are engaged in drug dealing proximate in time to the initiation of the vehicle pursuit.*

¹ U.S. Department of Justice *Restrictive Policies for High-Speed Police Pursuits* (1990)

5. *The necessity of immediate apprehension outweighs the level of danger created by the vehicle pursuit, as in the case of the vehicle engaging in reckless driving.*

6. *A “refusal to stop” pursuit, as previously defined within this policy, may be initiated and maintained for a lesser offense than described above.*

Even if a pursuit is justified, officers and their field supervisors have the ability to use their discretion regarding the choice to initiate or continue a pursuit depending on a number of factors. Section 660.10(F)(4) details the considerations that the involved officer and their field supervisor shall take when deciding to initiate or continue a pursuit:

- a. *The seriousness of the offense;*
- b. *Necessity of pursuit by vehicle;*
- c. *Known information on the suspect;*
- d. *Road conditions and configuration (e.g. interstate, divided highway, work zone);*
- e. *Physical location and population density (e.g. residential area, school zone, business district);*
- f. *Existence of vehicular and pedestrian traffic;*
- g. *Lighting and visibility;*
- h. *Weather and environmental conditions;*
- i. *The relative performance capabilities of the pursuit vehicle and the vehicle being pursued;*
- j. *Officer training and experience;*
- k. *Available equipment;*
- l. *Speed and evasive tactics employed by the suspect;*
- m. *The presence of other persons in the police and suspect vehicle; and*
- n. *Any other condition or situation that would create an unreasonable risk.*

Policy Evolution

Vehicle pursuits initiated before March of 2010 were under the guidance of a previous version of SOP 660, which stated that vehicle pursuits were authorized only when the law enforcement officer knew or had reasonable grounds to believe that:

1. *The suspect presents a clear and immediate threat to the safety of others;*
2. *The suspect has committed or is attempting to commit a serious offense; or*
3. *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.*

[In response to a number of pursuit related fatalities, a revision to the policy was adopted in March of 2010](#) that said that an officer must have *probable cause that a violent felony has occurred or is about to occur* instead of reasonable suspicion that a suspect has committed or is attempting to commit a serious offense.² A key objective of this 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 threat to the public. This policy change indeed significantly curtailed the department’s engagement in vehicular pursuit.

² Probable cause is the quantum of evidence which would lead a reasonable police officer to believe that the defendant committed a crime. It is more than a hunch or suspicion, but less than the evidence required to convict at trial.

An additional update to the SOP occurred in June of 2015 in response to increases in the number of vehicles taken in armed robberies (also known as “carjackings”). This policy change expanded permitted pursuits beyond persons involved in certain crimes to also include the vehicles involved in those crimes. Under the previous policy the officer engaging in the pursuit would have had to know that a person in the subject vehicle was involved in a violent felony in order to engage in a vehicle pursuit. Under the 2015 policy revision the department member would only have to know that the *vehicle itself* was involved in a violent felony (for instance, if it was taken during a carjacking) in order to engage in a vehicle pursuit.

The exact wording of the change to SOP 660.20 highlighted here:

B. Vehicle pursuits are justified only when the police member knows or has probable cause to believe:

2. The specific vehicle was used in or taken during the attempt or commission of a violent felony (e.g., armed robbery, recklessly endangering safety, and other crimes against a person in which violence is an element to the felony offense); or

3. The vehicle or occupant(s) present a clear and immediate threat to the safety of others and therefore the necessity of immediate apprehension outweighs the level of danger created by the vehicle pursuit (e.g., misdemeanor shots fired incident in which a specific vehicle is described as being involved).

In September of 2017 another significant revision to the policy was enacted, wherein the categories of permitted vehicle pursuits were again expanded. These revisions were undertaken in an effort to address growing community concerns surrounding reckless driving and vehicle-based drug dealing. In compliance with a directive issued on July 13, 2017 from the board of Fire and Police Commissioners to Chief Edward Flynn, the revised SOP allowed for department members to engage in a vehicle pursuit if the vehicle is engaged in reckless driving, as defined by Wis. Stat. § 346.62(2) and 939.25 or if the occupants of the vehicle are engaged in drug dealing.

The exact text of the change to SOP 660.20 is highlighted here:

C. Vehicle pursuits are justified when the police member knows or has probable cause to believe:

1. The occupant(s) has committed, is committing, or is about to commit a violent felony (e.g., armed robbery, recklessly endangering safety, and other crimes against a person in which violence is an element to the felony offense); or

2. The specific vehicle was used in or taken during the attempt or commission of a violent felony (e.g., armed robbery, recklessly endangering safety, and other crimes against a person in which violence is an element to the felony offense); or

3. The vehicle or occupant(s) present a clear and immediate threat to the safety of others and therefore the necessity of immediate apprehension outweighs the level of danger created by the vehicle pursuit (e.g., misdemeanor shots fired incident in which a specific vehicle is described as being involved); or

4. The occupant(s) of the vehicle are engaged in drug dealing proximate in time to the initiation of the vehicle pursuit.

5. The necessity of immediate apprehension outweighs the level of danger created by the vehicle pursuit, as in the case of the vehicle engaging in reckless driving.

6. A "refusal to stop" pursuit, as previously defined within this policy, may be initiated and maintained for a lesser offense than described above.

When comparing year-to-year historical data in this report the above mentioned revisions should be kept in mind.

Incident Reporting

The vehicle pursuit data for this study was obtained from the Administrative Investigations Management (AIM) software system which MPD uses to manage internal incident investigations and reports. The non-pursuit data examined in this report was obtained from the Computer Aided Dispatch (CAD) database. As an oversight agency for the MPD, the FPC has independent and unencumbered access to these databases. Data used in this report is current as of March 2, 2018.

Per MPD SOP 660, a vehicle pursuit report must be completed in the AIM system by a supervisory officer of a higher rank than the member(s) engaged in the pursuit within three days of the incident. After review and correction by the shift commander/commanding officer these reports undergo subsequent review by the Internal Affairs Division (IAD). Also per MPD SOP 660, if a non-pursuit occurs the department member on scene shall provide an Emergency Communications Operator II in the Technical Communications Division (TCD) information about the incident for documentation in the CAD database.

Over the years, software improvements have been made to the AIM system, and those improvements impacted the data which was available for this report. The earliest vehicle pursuit data available in the system dates back to 2002 but the array of data collected has changed over time; therefore not all data available now is available for all years. Thus, the choices of time span in the various data presentations has been guided by either availability of data or clarity of presentation.

Pursuit Data

Number of Pursuits

The MPD engaged in 369 vehicle pursuits in 2017, a 21% increase from the previous year and the most pursuits engaged in by the Department since at least 2002 (Figure 1). The number of pursuits underwent a fast decrease beginning in 2010 and reached a low of 50 pursuits in 2012. After 2012 there was a doubling in the number of pursuits by 2014 (from 50 to 99) and an additional sharp increase in the number of vehicle pursuits beginning in 2015.

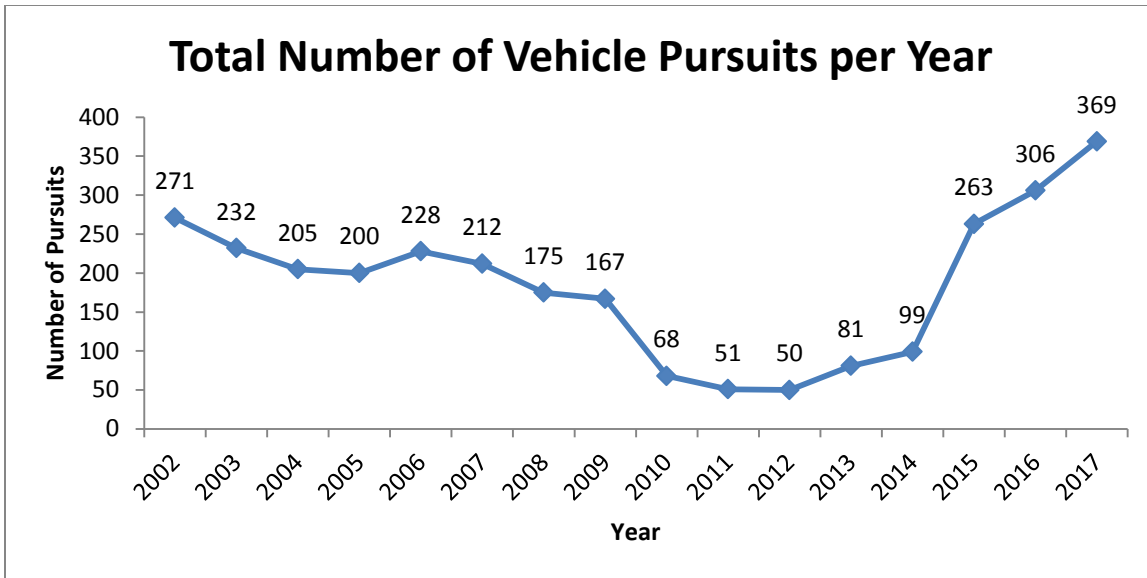


Figure 1

Time and Place

The time of day each pursuit was initiated in 2017 is detailed in Figure 2. During the 8 hours between 5:00 PM and 1:00 AM nearly 64% of the total number of pursuits were initiated.

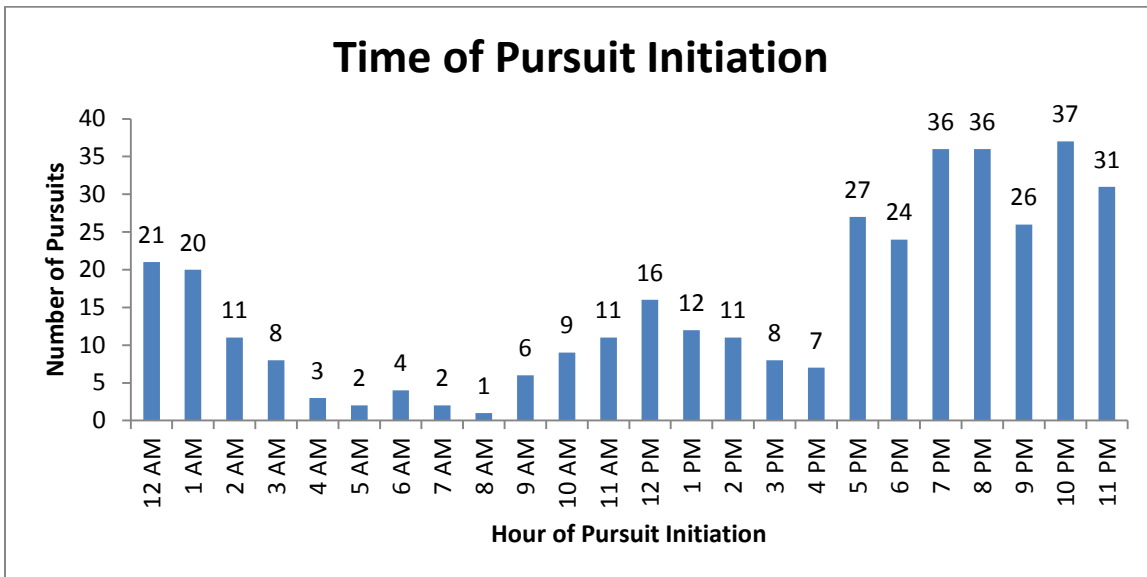


Figure 2

The duration of each pursuit is detailed in Table 1. Seventeen pursuits (4.6%) lasted less than one minute and the majority of pursuits (265; 71.8%) lasted 5 minutes or less. The average pursuit was 5.2 minutes long in 2017. The longest pursuit duration during 2017 was 70 minutes; in that incident the pursuit was of a vehicle taken in an armed robbery. That pursuit terminated with the subject vehicle stopping, the vehicle occupants running from the vehicle and the apprehension of the driver and a passenger.

Number of minutes	less than 1	1	2	3	4	5	6-10	11 - 15	16 - 20	21 - 40	41 - 59	60 - 70
Number of pursuits	17	70	73	47	34	24	64	20	11	6	0	3
Percent of pursuits	4.6%	19.0%	19.8%	12.7%	9.2%	6.5%	17.3%	5.4%	3.0%	1.6%	0%	0.8%

Table 1: Pursuit Duration

A summary of the number of pursuits per month 2016 and 2017 is shown in Figure 3. While the year 2016 saw a decrease in the number of pursuits during the summer months, the year 2017 began with relatively low numbers of pursuits and saw a large increase in the number of pursuits beginning in October, coinciding with the official change in pursuit policy enacted in late September of 2017.

Of the 201 pursuits engaged in after the SOP change on Sept. 22, 2017, 51 occurred for offenses directly related to the SOP change; 46 (23%) were initiated after witnessing reckless driving and 5 (2%) were initiated after witnessing drug related offenses. Removing those 51 pursuits from the yearly total number of pursuits results in 318 pursuits, very close to the 306 pursuits engaged in during 2016. This indicates that the bulk of the increase in the number of pursuits in 2017 was due to the expansion of the permitted pursuable offenses.

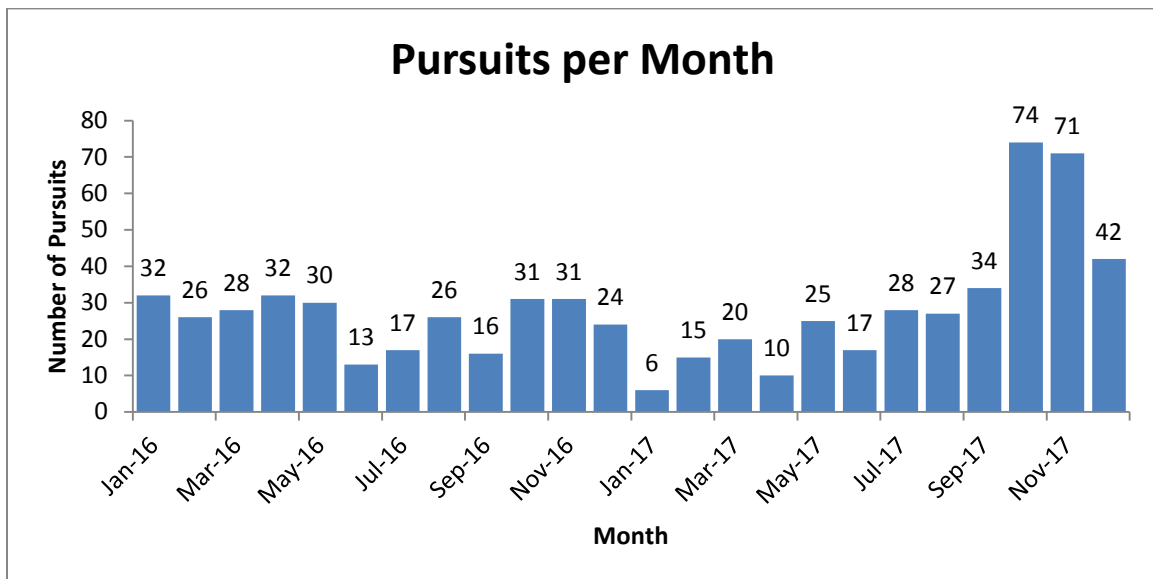


Figure 3

The number of vehicle pursuits per Police District since 2015 is shown in Figure 4.³ The number of vehicle pursuits generally increased in Districts 2, 3, 4 and 5 while the number of pursuits remained relatively constant in Districts 1, 6 and 7. As in prior years, Police Districts 6 and 1 were involved in far fewer pursuits than the other Districts during 2017.

³ There were 4 incidents not represented in this figure because the data did not indicate which police district it occurred in.

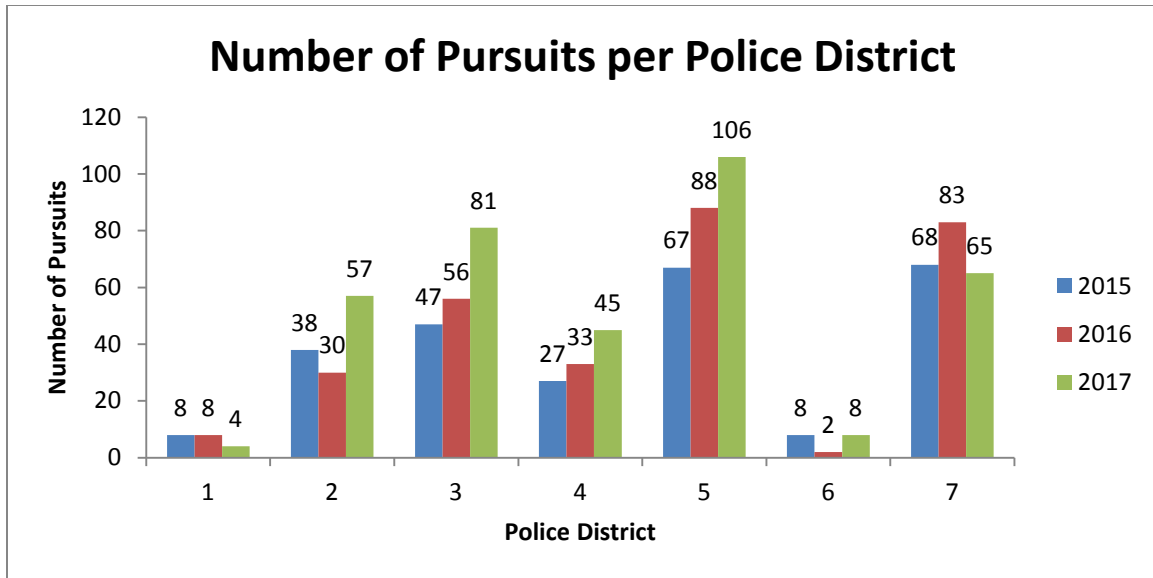


Figure 4

Speed of pursuits

The maximum speed of each pursuit in 2017 is shown in Figure 5. Almost half (49%) of the pursuits in 2017 reached speeds in excess of 75 miles per hour (mph), and over 80% reached speeds at or above 60 mph. These proportions are almost identical to the 2016 data. It is a relatively recent phenomenon for such a large percentage of pursuits to reach such high speeds (Figure 6). From 2007 to 2012 the proportion of pursuits which reached speeds greater than 75 mph was relatively constant between 10% and 20%. There was a modest increase in the years 2013 and 2014 followed by substantial additional increases in 2015 through 2017.

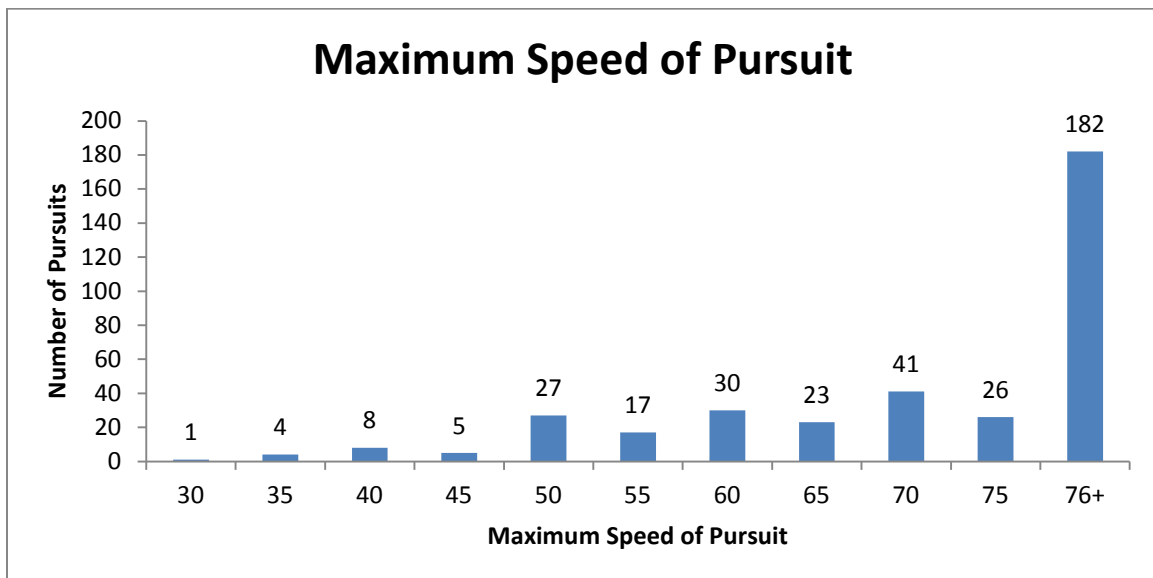


Figure 5

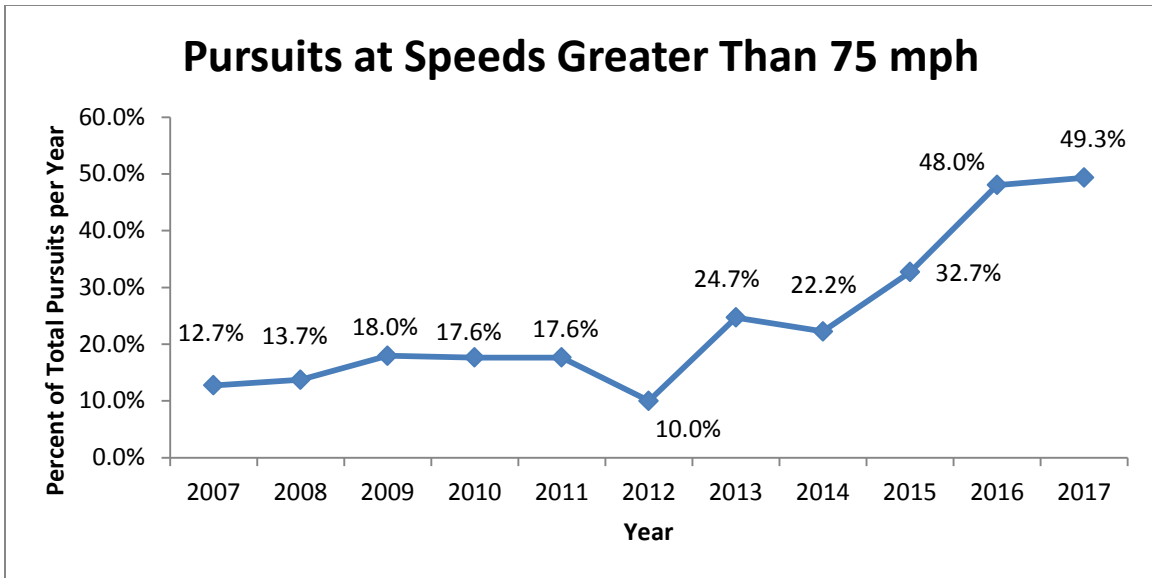


Figure 6

Pursuit Accidents and Injuries

The number of pursuits resulting in vehicle accidents per year since 2007 are shown in Figure 7. The blue bars represent the actual number of pursuit accidents and correspond to the left axis. The red line represents the percent of pursuits each year which resulted in accident and corresponds to the right axis. Though the percent of pursuits resulting in accident has gone up and down year-to-year, the general trend of this data has been a decrease during this time span. In 2007, 47.2% of vehicle pursuits resulted in an automobile accident, while in 2017 the figure was 23.0%; this is the lowest percentage occurrence of pursuit accidents since at least 2007.

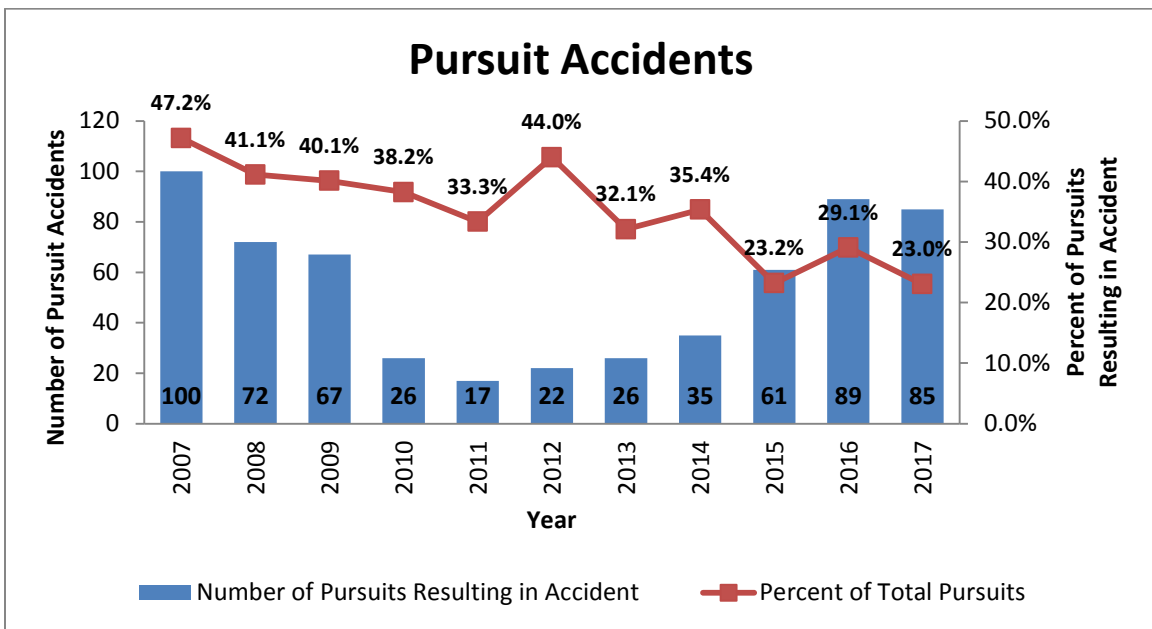


Figure 7

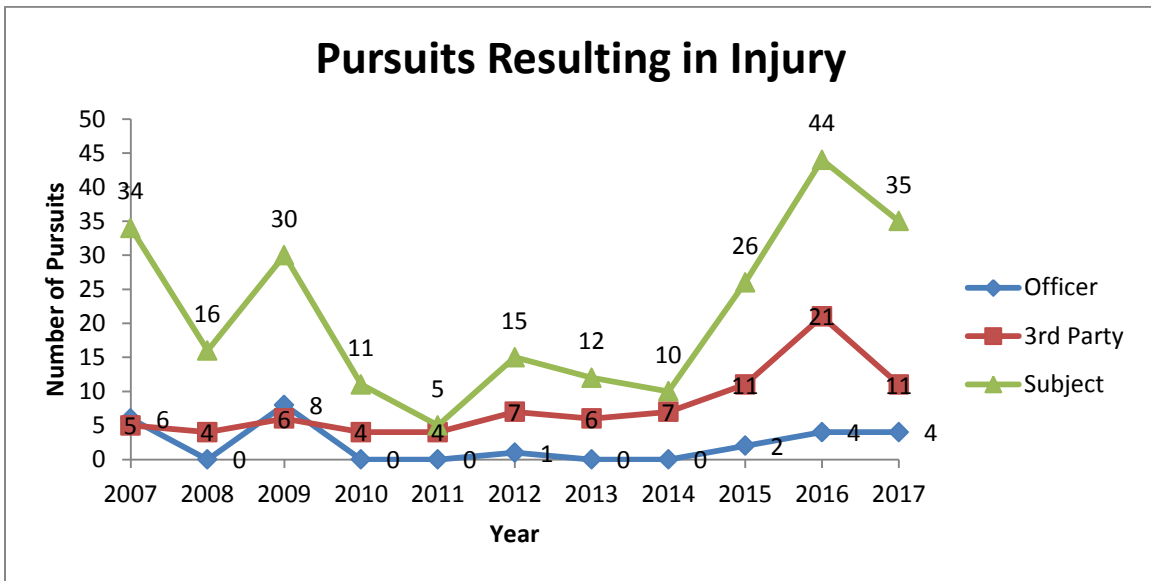


Figure 8

In 2017 there were 4 pursuits resulting in department employee injury (1% of all pursuits), 11 resulting in 3rd party injury (3% of all pursuits), and 35 resulting in pursuit subject injury (9% of all pursuits). The number of pursuits resulting in subject and 3rd party injuries during 2017 both declined when compared to 2016 while the number resulting in officer injury remained the same (Figure 8). The account of accidents and injury in this report is limited to those occurring during an active pursuit. Accidents and injuries occurring after pursuits have been terminated or after non-pursuits are not included. Accidents and injuries occurring peripheral to active pursuits are also not included; for example, an accident occurred while a squad was on the way to a position in which it might be helpful in an ongoing pursuit. In that accident one officer reported an injury of pain. That injury is not included in these totals.

In the 37 pursuits which resulted in subject injury 50 individual subject injuries were recorded. Three subject injuries were fatal, 1 injury was classified as major, 5 injuries were classified as moderate and the remaining 41 injuries were classified as minor. Of the non-fatal injuries, 2 are described as bruises or contusions, 5 as broken bones or teeth, 8 as abrasions, cuts or lacerations, and the remaining 32 were complaints of pain.

In the 11 pursuits which resulted in 3rd party injury there were 19 recorded injuries. One unrestrained vehicle passenger suffered abdominal bruising and potential internal bleeding, 1 person suffered a broken ankle, 2 people had injuries described as "minor", 4 people suffered abrasions, and 11 people reported pain.

In the 4 pursuits which resulted in officer injury there were 5 department members injured. One member suffered a partial dislocation of a shoulder, one member suffered a broken clavicle, one member suffered a contusion to the head and neck pain, and two members suffered pain (shin and arm).

Circumstance of Subject Fatalities

On January 20th a pursuit was initiated by a marked MPD squad of a vehicle taken in an armed robbery earlier that day. The subject vehicle disregarded a red light and was struck by an oncoming vehicle. Both the driver and passenger of the subject vehicle were found pulseless at the scene. Responding officers were able to revive one of the subjects at the scene, however the subject succumbed to injuries while under treatment at the hospital. The driver of the other vehicle involved in the crash suffered a broken ankle.

On August 27th a pursuit was initiated by a marked MPD squad of a vehicle taken in an armed robbery two and half hours earlier. The subject vehicle, after driving against traffic in the wrong lane, quickly turned and lost control, resulting in the vehicle striking a pole. The responding officers found a passenger of the subject vehicle trapped underneath the vehicle. With assistance from Milwaukee County Transit System personnel, the responding officers were able to lift the vehicle off of the occupant, however responding Milwaukee Fire Department (MFD) personnel attempted life saving measures with negative results.

Pursuit Outcomes

The subject apprehension rate of vehicle pursuits is charted in Figure 9. In 2010 62 of the 68 pursuits (91.2%) which were engaged in resulted in subject apprehension. The year 2017 recorded the lowest apprehension rate since at least 2007, in which 113 of the 369 pursuits (30.6%) resulted in subject apprehension.

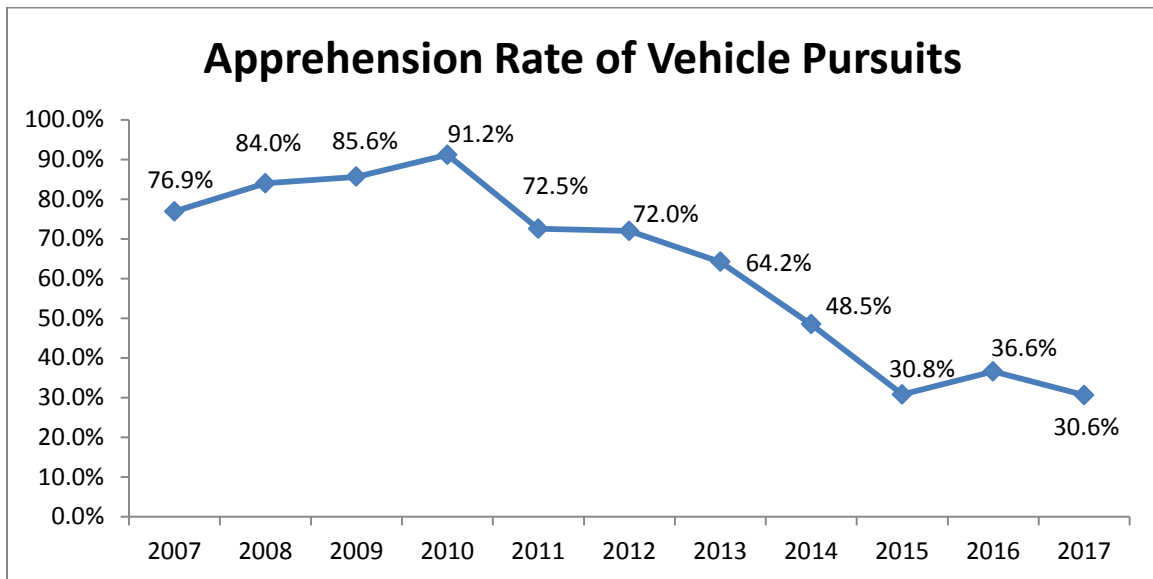


Figure 9

The apprehension rate of vehicle pursuits can be better understood by examining the reported outcomes of the pursuits, detailed for 2017 in Table 2. Pursuits in which the suspect is not apprehended are often terminated by the MPD, and 169 (46%) pursuits were terminated by MPD in 2017 for a variety of reasons which are further detailed in Table 3. Because more than one reason may be listed as a

reason for pursuit termination, the numbers in Table 3 do not add to 169. The most common reason for terminating a pursuit was the subject’s vehicle location or distance.

Outcome of Pursuit	Number of Pursuits
Other	14
Terminated - By Law Enforcement	169
Terminated - Crash	54
Terminated - Violator Stopped	35
Violator Escape	84
Violator Vehicle Failure	13

Table 2: Outcomes of Pursuits

Reason for Law Enforcement Termination	Number of Pursuits
Department Equipment Malfunction	2
Did not meet Criteria under SOP 660	13
Directed by Higher Rank	26
Suspect Vehicle Location/Distance	121
Suspect's Identity Established	1
Traffic, Roadway, Environment Conditions	26

Table 3: Reasons for Pursuit Termination

Figure 10 shows the most common pursuit outcomes since 2007 as a percentage of pursuits for each year. In the years between 2007 and 2010 the various pursuit outcomes were relatively flat. Since 2010, the percentages of pursuits terminating in a crash or the subject stopping have both declined while the percentage of pursuits terminated by Law Enforcement or where the violator escapes have risen.

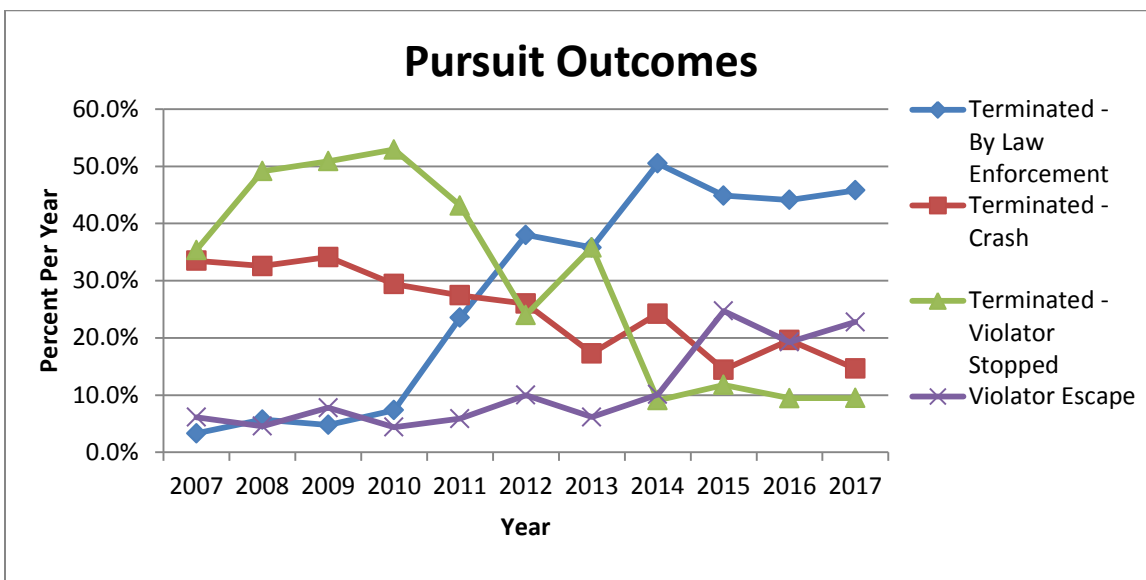


Figure 10

Pursuit Subject Age

The 369 vehicle pursuits that occurred in 2017 involved 258 identified and 321 unidentified subjects. Exactly half of the known pursuit subjects (including drivers and passengers) were age 18 or younger, resulting in a median age of pursuit subjects of 18.5. This median age is relatively unchanged when compared to 2015 and 2016, and remains much lower than in previous years (Figure 11).⁴

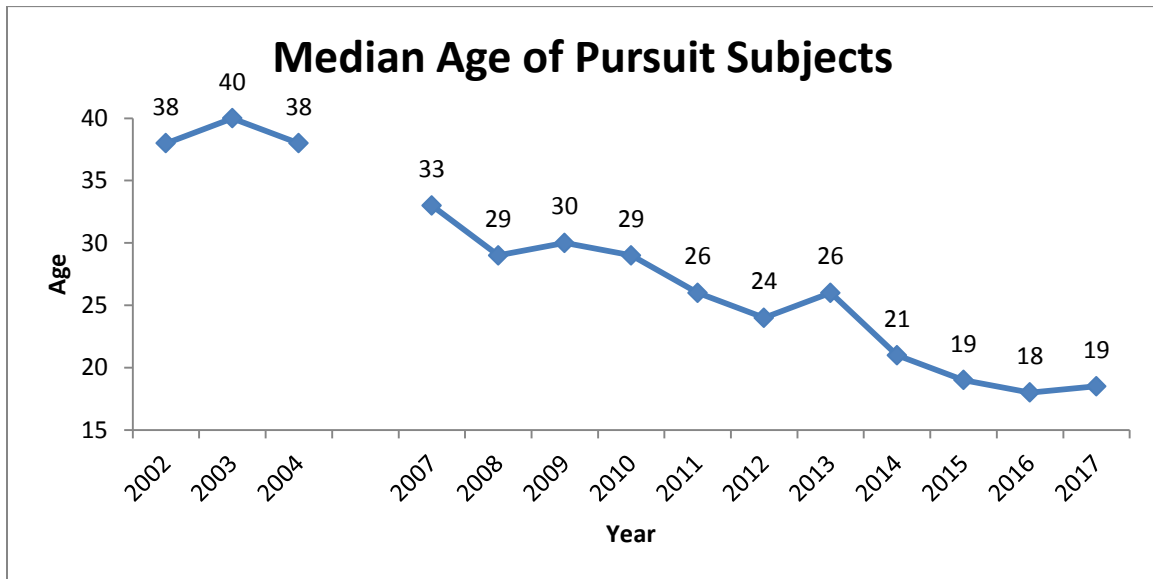


Figure 11

Non-Pursuits

Non-pursuits are incidents in which a stop is attempted, the vehicle continues, and a pursuit is not initiated. Upon the request of members of the Milwaukee Common Council, the FPC released its [first comprehensive review of non-pursuit incidents](#) in concert with the release of the 2016 Vehicle Pursuit Report. The Board of the FPC also directed the Chief to present to them an update on the topic in late 2017. At the [October 5, 2017 FPC meeting](#) Assistant Chief James Harpole and Lieutenant Shannon Seymer-Tabaska provided the Board with updated non-pursuit data and informed the Board of plans to modify the department's approach to non-pursuit incidents.

The non-pursuit report for 2016 analyzed a number of data elements since there was a period of time in 2014 and 2015 in which these events were recorded in detail in the AIM system. However, beginning in late 2015 non-pursuit events were no longer recorded in the AIM system and instead were recorded in the CAD database. Recording the events in the CAD database allows for faster and easier record keeping for department members but limits the detail of and analysis potential for the data. Information regarding the subject vehicle license plate, vehicle description, stolen status, etc. (when known) is contained in a narrative field, which while easy to examine on a case by case basis is not easily analyzed in bulk.

⁴ Age data for the years 2005 and 2006 was unavailable.

Figure 12 details the number of non-pursuit events each month from August 2014 through December 2017. The average number of non-pursuits per month during 2017 was 709. There had been a general rise in the number of non-pursuit events from August 2014 (80 non-pursuits) through August 2017 (1016 non-pursuits). The decreases in frequency seen beginning in September 2017 are a notable trend coincident with the expansion of the pursuit policy in late September 2017. These decreases in non-pursuit occurrences appear to be persisting into the year 2018 according to preliminary data for January and February.

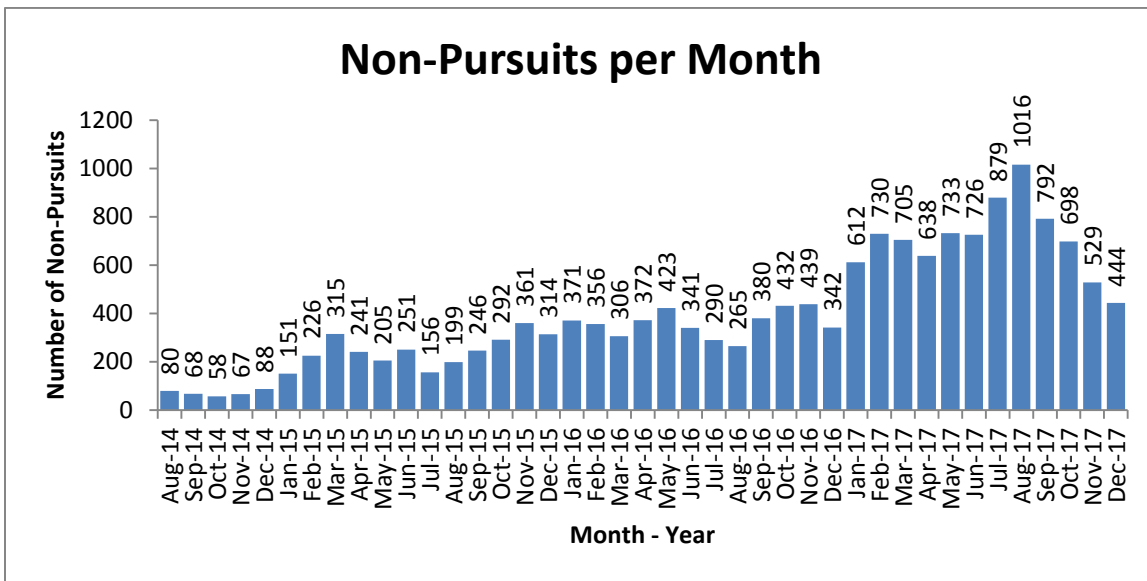


Figure 12

Propensity to Flee

Table 4 details the monthly total number of traffic stops, pursuits and non-pursuits and uses that data to compute the total number of vehicles fleeing traffic stops and total vehicular flight as a percent of the number of traffic stops.⁵ Examining that percentage indicates how likely subjects have been to flee rather than pull over, and Figure 13 plots that percentage by month.

The first 6 months of 2016 had a consistent rate of vehicular flight between 2 and 3 percent of all traffic stops. From July 2016 through August 2017 there were increases in the percentage of traffic stops which resulted in the flight of the subject vehicle, reaching a maximum of 8.7% in July 2017. Beginning in October 2017 a rapid decrease in this percentage was seen, culminating in a rate of 3.4% of all traffic stops in December 2017.

⁵ There is some minor imperfection in these calculations because small numbers of pursuits and non-pursuits are included in the traffic stop totals. For instance, of the 150,616 traffic stops in 2017 there were 217 incidents which were recorded as a traffic stop but ultimately ended as a pursuit or non-pursuit. Given the scale of the number of traffic stops overall, however, discrepancies of this size do not materially impact the results of the analysis.

Month – Year	Number of Traffic Stops	Number of Pursuits	Number of Non-Pursuits	Total Vehicular Flight	Percent of Stops Resulting in Flight
Jan-16	13519	32	371	403	3.0%
Feb-16	16616	26	356	382	2.3%
Mar-16	14294	28	306	334	2.3%
Apr-16	20373	32	372	404	2.0%
May-16	18454	30	423	453	2.5%
Jun-16	15640	13	321	334	2.1%
Jul-16	9227	17	290	307	3.3%
Aug-16	7900	26	265	291	3.7%
Sep-16	11016	16	380	396	3.6%
Oct-16	9819	31	432	463	4.7%
Nov-16	9845	31	439	470	4.8%
Dec-16	8738	24	342	366	4.2%
Jan-17	12164	6	612	618	5.1%
Feb-17	13558	15	730	745	5.5%
Mar-17	14537	20	705	725	5.0%
Apr-17	11245	10	638	648	5.8%
May-17	10340	25	733	758	7.3%
Jun-17	10386	17	726	743	7.2%
Jul-17	10437	28	879	907	8.7%
Aug-17	12340	27	1016	1043	8.5%
Sep-17	10917	34	792	826	7.6%
Oct-17	14804	74	698	772	5.2%
Nov-17	15625	71	529	600	3.8%
Dec-17	14263	42	444	486	3.4%

Table 4: Traffic Stop and Vehicular Flight Data

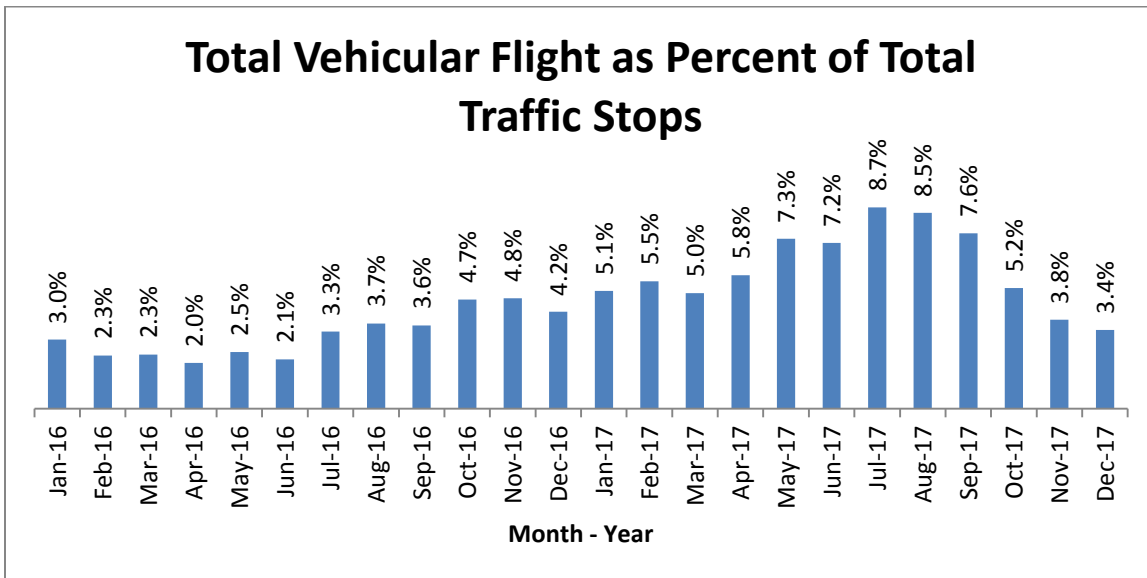


Figure 13

Summary

In 2017 the MPD engaged in 369 vehicle pursuits; this is the highest total number of vehicle pursuits since at least 2002. This was a 21% increase compared to 2016, and most of the increase was due to additional vehicle pursuits engaged in after the implementation of changes to SOP 660 on September 22, 2017 which allowed for department members to pursue vehicles engaged in reckless driving or drug dealing. Along with this increase in the number of pursuits there was a decrease in both the number of non-pursuit incidents and the overall percentage of vehicles fleeing from traffic stops after September 2017.

The percentage of pursuits resulting in an accident has continued a ten year downward trend; in 2017 23% of pursuits resulted in an accident. The number of pursuits resulting in injury reversed the upward trends seen during 2015 and 2016. In 2017 there were 4 pursuits resulting in Department employee injury (the same as 2016), 11 resulting in 3rd party injury (down from 21 in 2016), and 35 resulting in pursuit subject injury (down from 44 in 2016).

The number of pursuits reaching high speeds continues to be high; like 2016, almost half of all pursuits in 2017 reached speeds greater than 75 miles per hour. The age of pursuit subjects also continues to be low; like 2016, about half of all pursuit subjects were aged 18 or younger. The apprehension rate of vehicle pursuits continues to be lower than in past years; in 2017 the percentage of pursuits resulting in subject apprehension was 30.6% while in 2010, 91.2% of pursuits resulted in subject apprehension.

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