

# AN ANALYSIS OF USE OF FORCE INCIDENTS IN THE MILWAUKEE POLICE DEPARTMENT IN 2021



## REPORT OF THE FIRE AND POLICE COMMISSION

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## Executive Summary

This report provides an analysis of use of force incidents recorded by the Milwaukee Police Department (MPD) from January 1, 2021 to December 31, 2021. The data are based on “Use of Force Reports” completed by supervisory officers after an MPD officer uses force. Use of force reporting requirements changed near the end of 2020 to require the reporting of incidents that involved officers pointing a firearm at a person and/or displaying a firearm to effect an arrest. This requirement was in place for all of 2021. Therefore, some 2021 data are not comparable to previous years.

In total, there were 1,923 use of force incidents in the MPD in 2021. Of this total, nine were accidental and nine involved euthanizing an injured animal. These 18 incidents are excluded from the aggregate analysis in this report because they are fundamentally different from other use of force incidents in their purpose and intent. Accordingly, 1,905 use of force incidents were analyzed in this report. Further, of the 1,905 incidents, 1,116 involved displaying and/or pointing a firearm only, the categories of force made reportable in 2020; 789 involved other types of force (e.g., hands-on physical force, the discharge of weapons). For the main analyses in this report, the subset of 789 incidents was analyzed. When appropriate, analyses were also conducted on the full set of 1,905 incidents. Findings related to the full set of 1,905 incidents are reported in footnotes.

Of the subset of 789 incidents, 785 incidents involved a person (the other four incidents involved a dog only), and in 702 incidents a person was actually arrested. In 2021, 5.29 percent of arrests made by the MPD involved the use of force. When “pointing and/or display of a firearm only” incidents are included in the calculation, 11.98 percent of arrests involved the use of force in 2021.

Other key findings based on the analysis of the subset of 789 incidents include:

- The most common type of force used by officers was “bodily force only.”
- Of the incidents that involved a person, approximately 43 percent resulted in injuries to that person. When injuries were sustained, “complaint of pain” was the most common.
- There were five incidents that involved a firearm discharge at a person. This is near the lowest level since 2009 when the annual use of force reports began. Three of these incidents involved a subject sustaining a fatal gunshot injury.
- There were six incidents that involved force being used against one or more dogs (two of these incidents involved a dog and a person). Three of the six incidents involved the discharge of a firearm at a dog. One dog sustained fatal injuries. The number of incidents in 2021 that involved the discharge of a firearm at a dog was an all-time low (since 2009).
- There were ten incidents of firearm discharge (including accidental discharges and discharges directed toward a person or dog, not including euthanizing an injured animal). The ten incidents involved 13 officers. No individual officer was involved in more than one of these incidents.

- Police Districts 3, 5, and 7 had the most use of force incidents in 2021 and combined accounted for approximately 60 percent of all force incidents in the city in 2021. These districts accounted for approximately 53 percent of all arrests in the city in 2021.
- When “pointing/display firearm only” incidents were included in the analyses, there were five notable differences in findings:
  - “Pointing/display only” incidents involved more subjects per incident.
  - “Pointing/display only” incidents were less likely to involve subjects who resist arrest.
  - “Pointing/display only” incidents less often resulted in physical injuries to subjects and officers.
  - Inclusion of “pointing/display only” showed that a larger proportion of MPD officers used force in 2021.
  - As already noted, when “pointing/display only” incidents were included in the calculation, a larger proportion of arrests by the MPD involved the use of force.
- There were 19 use of force incidents investigated by Internal Affairs. These 19 incidents involved 24 use of force allegations and 23 officers. The investigations resulted in various outcomes.

The full report elaborates on these and other findings.

## Introduction

This report provides an analysis of use of force incidents recorded by the Milwaukee Police Department (MPD) from January 1, 2021 to December 31, 2021. The report is part of a continuing systematic effort that began in 2009 to provide an understanding of the nature, frequency, and circumstances of use of force incidents in the MPD.<sup>1</sup> The purpose of this report is to provide information on use of force incidents to monitor changes in patterns, trends, and frequency of use of force incidents over time. The report is divided into two main sections: (1) types and frequency of force and (2) descriptive characteristics of use of force incidents. The report concludes with a summary of the findings.

The data analyzed here are based on “Use of Force Reports” completed by supervisory officers after a MPD officer uses force. MPD officers are required to notify a supervisor when they use certain forms of force. The supervisor is then required to complete a “Use of Force” report. Specifically, according to MPD Use of Force policy 460.50:

The *Use of Force Report* shall be completed by a supervisory officer when a department member:

- (a) Discharges a firearm;
- (b) Points a firearm at a person;
- (c) Uses a baton to strike a subject or animal in the line of duty;
- (d) Discharges an irritant, chemical, or inflammatory agent;
- (e) Deploys an Electronic Control Device, to include contact stun and probe deployment;
- (f) Department canine bites a person (except during a training session);
- (g) Forcible blood draws requiring use of force to obtain a sample where a subject claims injury or is injured as a result of police action;
- (h) Uses bodily force that involves focused strikes, diffused strikes, or decentralizations to the ground;
- (i) Uses any type of force in which a person is injured or claims injury, whether or not the injury is immediately visible;
- (j) Draws or displays a firearm to effect an arrest or seizure of a person.

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<sup>1</sup> Every report was written by me except for the 2019 report which was written by David Gelting, a FPC Policy Analyst during that time.

Importantly, MPD Use of Force policy 460.50 changed in December, 2020. This change required additional incidents to be reported as uses of force. Specifically, whenever an officer points a firearm at a person (item b above) it must be reported and whenever an officer draws or displays a firearm to effect an arrest or seizure of a person (item j above) it must be reported. These incidents were reported for the entire year of 2021. *As a result of this policy change, the aggregate number of force incidents in 2021 is not comparable to previous years when these types of force were not required to be reported.* In addition, prior to January 1, 2013, incidents that involved “bodily force only” without injury or complaint of injury from the subject were not required to be reported; starting January 1, 2013 those incidents were required to be reported. As a result of this policy change, some of the data from 2013 onward are not comparable to the data from 2009 to 2012.

The “Use of Force Reports” provide descriptive details on each use of force incident. The data relate to the incident (e.g., date of incident, district of incident, types of force used in the incident) as well as the officers (e.g., officer age, officer rank) and subjects (e.g., subject age, race) involved in the incident. These data are contained in the MPD Administrative Investigation Management (AIM) system. I received the data for this report in Excel format from Barbara Cooley of the Fire and Police Commission (FPC) on April 19, 2022. I converted the data to the Statistical Package for the Social Sciences (SPSS) for analysis.

Along with the entry of data into the AIM system for each use of force incident, narrative descriptions of each incident were also written by supervisory officers at the time of the incident. These written narratives are based on information obtained from the officers involved; the subject; witnesses; and body-worn camera and/or other video, if available. These narratives are stored in the AIM system. The 2021 narratives in aggregate were 9,409 pages in length. In preparing this report, I used the narratives to verify and/or supplement the AIM system data of some of the cases (e.g., circumstances of accidental incidents). Tallies of previous years’ cases

were obtained from previous use of force annual reports. Additional data on the number of officers employed in the MPD, the number of calls responded to by the MPD, the number of arrests made by the MPD in 2021, and use of force incidents investigated by MPD Internal Affairs Division were obtained separately from the MPD via the FPC.

## Types and Frequency of Force

### *Number of Force Incidents*

From January 1, 2021 to December 31, 2021, there were 1,923 use of force incidents recorded by the MPD. Of these 1,923 incidents, nine were accidental<sup>2</sup> and nine involved euthanizing an injured animal.<sup>3</sup> These 18 incidents are excluded from the aggregate analysis in this report because they are fundamentally different from other use of force incidents in their purpose and intent. Accordingly, in 2021 there were 1,905 use of force incidents in the MPD. These 1,905 incidents are analyzed in this report. Further, of the 1,905 incidents, 1,116 (58.6% of the total number of incidents) involved displaying and/or pointing a firearm only, the categories of force made reportable in 2020 (see Table 1). A police officer displaying and/or pointing a firearm at a citizen is serious; however, these incidents are substantially different than incidents that involve hands-on physical force or the discharge of a weapon. As a result, incidents that involved “displaying or pointing a firearm only” are most often analyzed separately and the findings are reported in footnotes.

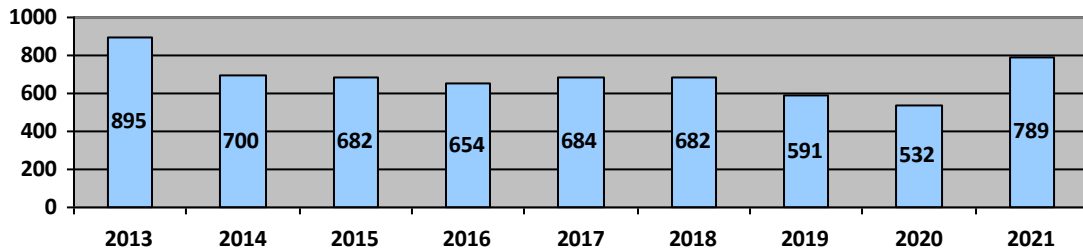
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<sup>2</sup> These incidents are described later in the report (p. 24).

<sup>3</sup> All of these incidents involved deer and the discharge of a firearm.

When the “pointing and/or display of firearm only” incidents are excluded, 789 use of force incidents remain (see Figure 1 for number of force incidents in 2013 to 2021).

**Figure 1. Number of Force Incidents, 2013-2021**



Note: The 2020 total excludes 45 incidents that involved pointing or displaying a firearm only. The 2021 total excludes 1,116 incidents that involved pointing or displaying a firearm only.

In addition, in 2021, four incidents involved force being used exclusively against one or more dogs (an additional two incidents involved force against a person and a dog). These incidents are included in most of the aggregate totals analyzed in this report and are also analyzed separately (see p. 22).

#### *Types of Force Used by Officers*

With regard to the types of force used by the officer(s) in the incident, it is seen in Table 1 that the largest proportion of incidents (49.2%) involved “pointing firearm only.” The second most common type of force used by officers was “bodily force only” (17.4%).<sup>4</sup> Again, the incidents that involved “pointing and/or displaying a firearm only” are excluded from the main analyses in this report because these incidents are substantially different than those involving other types of force.

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<sup>4</sup> The most common form of bodily force was “decentralization.”



Table 1. Types of Force Used by Officers, 2021

Type of Forced Used	Frequency	Percentage
Pointing Firearm Only	938	49.2
Bodily Force Only	365	19.2
Pointing and Display of Firearm Only	101	5.3
Display of Firearm Only	77	4.0
ECD Only*	41	2.2
Chemical Agent Only (OC)**	12	.6
<b>Firearm Discharge Only</b>	5	.3
Baton Only	0	-
Handcuffing Only	13	1.4
Bodily Force and Pointing Firearm	112	5.9
Bodily Force and Handcuffing	83	4.4
ECD and Bodily Force	34	1.8
Pointing, Bodily Force, Handcuffing	18	.9
Pointing and Handcuffing	18	.9
Pointing and ECD	15	.8
Pointing, Bodily Force, ECD	13	1.4
Pointing, Display, Bodily Force	8	.4
Display and Bodily Force	6	.3
ECD, Bodily Force, and Handcuffing	6	.3
Pointing, Display, Handcuffing	4	.2
Bodily Force and OC	4	.2
ECD and Handcuffing	2	.1
Forced Blood Draw	2	.1
Pointing, ECD, Handcuffing	2	.1
Pointing, Bodily Force, OC	2	.1
ECD, OC, Bodily Force	1	.05
Bodily Force, Forced Blood Draw	1	.05
<b>Firearm Discharge and OC</b>	1	.05
<b>Firearm Discharge and Bodily Force</b>	1	.05
Pointing and Canine	1	.05
Pointing, Bodily Force, ECD, Handcuffing	1	.05
Pointing, Bodily Force, ECD, OC, Handcuffing	1	.05
Pointing, Bodily Force, Baton, ECD	1	.05
Pointing and TEU*** – MIRT****	1	.05
Bodily Force and TEU - MIRT	1	.05
Bodily Force, ECD, OC, Handcuffing	1	.05
Display and TEU	1	.05
Pointing, <b>Firearm Discharge</b> , Handcuffing	1	.05
Pointing, Baton, ECD	1	.05
Pointing and OC	1	.05
Pointing and Baton	1	.05
Pointing, Baton, OC, Bodily Force	1	.05
Display, Bodily Force, Handcuffing	1	.05
Display and Handcuffing	1	.05
Pointing, Display, Bodily Force, Handcuffing	1	.05
Pointing, Display, ECD	1	.05
Display, Bodily Force, ECD	1	.05
Pointing, Display, Bodily Force, ECD	1	.05
Pointing, ECD, Less Lethal - MIRT	1	.05
Total	1,905	100.3

Table 1 Notes: Total percentage does not equal 100 due to rounding; \*ECD refers to Electronic Control Device (Taser); \*\*OC refers to Oleoresin Capsicum spray, \*\*\*TEU refers to Tactical Enforcement Unit; \*\*\*\*MIRT refers to Major Incident Response Team

In total, eight incidents involved the discharge of a firearm (highlighted in **bold** in Table 1). As discussed in more detail below, five of these eight incidents involved a subject, three involved a dog. Clearly, in a relative and absolute sense, the discharge of a firearm in a use of force incident was an uncommon event.

Additional analyses were performed to examine patterns in the types of force used over time (Table 2; Figure 2). These analyses are limited to incidents that involved the use of a chemical agent (OC Spray), an ECD (Taser), or the firing of a firearm.<sup>5</sup> The findings include:

- From 2009 to 2021 there has been a decline in police firearm discharges. The 2021 total of eight incidents is the lowest since 2009 when these annual reports began.
- Police use of an ECD increased in frequency from 2009 to 2011, declined from 2012 to 2015, dramatically increased in 2016, declined in 2017 and has remained relatively stable since then.
- With regard to the use of OC spray, there was a steady decline from 2009 to 2016, a slight increase in 2017, and then a large decrease in 2018. In 2021 the use of OC spray was at its lowest level on record.

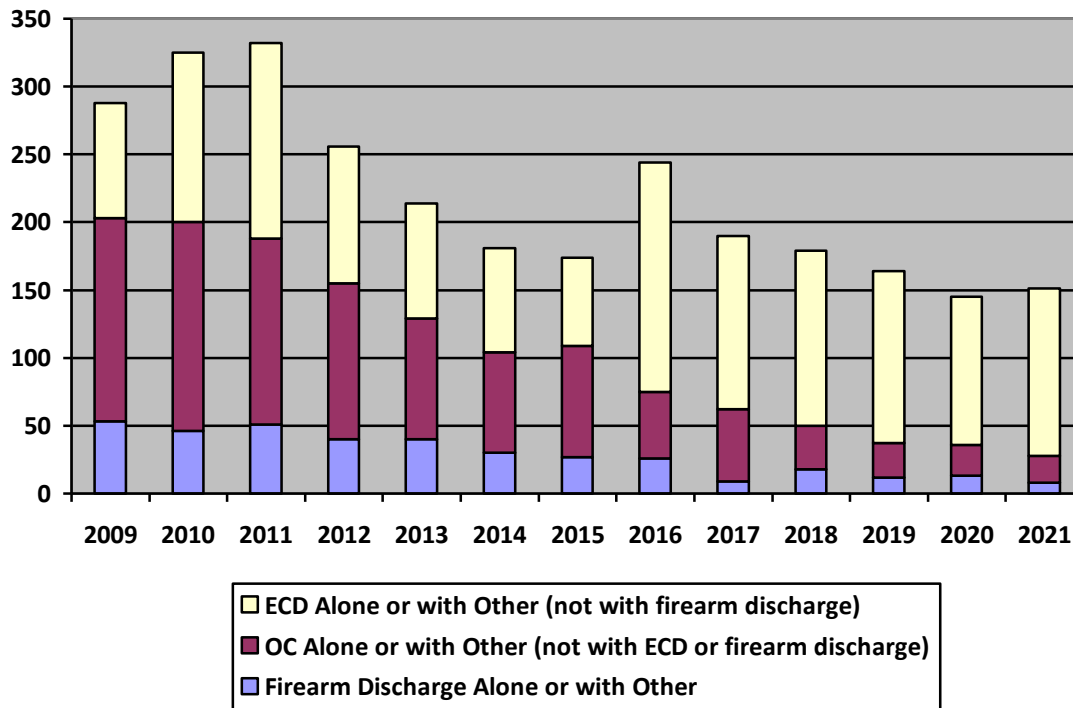
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<sup>5</sup> The 2013 use of force reporting policy change does not preclude an analysis of weapon use (OC Spray, Taser, or firearm discharge) across years but it does preclude an analysis of “bodily force only” incidents. Since 2009, all incidents that involved the use of OC spray, a Taser, or a firearm discharge were required to be reported. However, bodily force incidents that did not result in a citizen injury, or a citizen complaint of an injury, were not required to be reported until 2013.

Table 2. Type of Force Used, by Year (Number of Incidents)

Type of Force Used	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Firearm Discharge Alone or with Other	53	46	51	40	40	30	27	26	9	18	12	13	8
ECD Alone or with Other (not with firearm discharge)	85	125	144	101	85	77	65	169	128	129	127	109	123
OC Alone or with Other (not with ECD or firearm discharge)	150	154	137	115	89	74	82	49	53	32	25	23	20

Figure 2. Type of Force Used, by Year



### *Frequency of Force and Arrests*

Because most use of force incidents occur during arrests, it is necessary to consider the number of use of force incidents in relation to the number of arrests made. Further, in this calculation, it is important to include only the use of force incidents that also involved an arrest. Again, in 2021 there were 789 use of force incidents (not including “display and/or pointing of firearm only”). Of these 789 incidents, 785 involved a person (4 incidents involved a dog only). Of these 785 incidents that involved a person, in 702 of them a person was actually arrested (89.4%).<sup>6</sup> Also during 2021, MPD officers made a total of 13,268 arrests (for felonies, misdemeanors, and ordinance violations). Accordingly, in 2021, 5.29 percent of all arrests involved the use of force ( $702 / 13,268 * 100 = 5.29$ ).<sup>7</sup>

### *Frequency of Force by Calls for Service*

Dispatched calls for service represent a rough estimate of the frequency of contact between police officers and citizens. It is an estimate of police-citizen contacts primarily because it does not include officer proactive activity (i.e., self-initiated activities such as traffic stops). Nevertheless, calls for service can provide a basis on which to assess the relative frequency of use of force incidents. In 2021, the MPD handled 279,818 calls for service. Again, there were 789 use of force incidents during this time. Accordingly, approximately .28% of calls

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<sup>6</sup> For example, a person may not be arrested if the incident involved a suicide attempt, a drug overdose, a mental health crisis, if the person escapes, or if it is determined that a crime was not committed.

When the “display and/or pointing a firearm only” incidents are included in the calculation, 83.6% of incidents (1,589 incidents out of 1,901) involved an arrest.

<sup>7</sup> When “pointing and/or display of a firearm only” incidents are included in the calculation, 11.98% of arrests involved the use of force in 2021 ( $1,589 / 13,268 * 100 = 11.98$ ).

for service involved the police use of force ( $789 / 279,818 * 100 = .28\%$ ).<sup>8</sup> Stated differently, for every 1,000 calls for service there were approximately three use of force incidents.

*Frequency of Force by Month of Year*

With a total of 789 incidents occurring from January 1, 2021 to December 31, 2021, there was an average of approximately 66 use of force incidents per month. Table 3 provides a breakdown of incidents by month. As seen in Table 3, most incidents occurred June through September.<sup>9</sup>

Table 3. Month of Incident

Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
66	32	66	45	64	74	81	85	81	61	67	67	789

It is worthwhile to examine the number of force incidents and the number of arrests by month. Table 4 provides the number of force incidents that involved an arrest and the total number of arrests made by month.

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<sup>8</sup> When “pointing and/or display of a firearm only” incidents are included in the calculation, .68% percent of calls for service arrests involved the use of force in 2021 ( $1,905 / 279,818 * 100 = .68$ ).

<sup>9</sup> When “pointing and/or display of a firearm only” incidents are included, there was an average of approximately 159 incidents per month. There is minimal change in the distribution of incidents across month.

Table 4. Use of Force Arrest Incidents and Total Number of Arrests Made, by Month

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Number of Use of Force Incidents That Involved an Arrest	56	26	59	38	57	67	73	72	76	55	61	62	702
Total Number of Arrests Made	1067	1034	1236	1032	1165	1231	1123	1222	1092	1092	998	976	13268

Table 4 shows that, in general, months with more arrests tend to have more use of force incidents.<sup>10</sup>

*Frequency of Force by Time of Day*

With 789 incidents occurring from January 1, 2021 to December 31, 2021, there was an average of approximately 2.16 use of force incidents per day. These incidents did not occur randomly throughout the day. As seen in Table 5, more than half occurred between 4:01 p.m. and 11:59 p.m., which approximates the MPD “Early” shift.<sup>11</sup>

Table 5. Use of force Incidents by Time of Day

Time / Shift	Frequency	Percentage
8:01am-4pm / Day	173	22.2
4:01pm-11:59pm / Early	405	51.9
12am-8am / Late	203	26.0
Total	781	100.1

Notes: In eight cases the time of the incident was not recorded; these eight cases are not included here. Total percentage does not equal 100 due to rounding

<sup>10</sup> When “pointing and/or display of a firearm only” incidents are included, this conclusion is still valid.

<sup>11</sup> When “pointing and/or display of a firearm only” incidents are included, the “Early” shift accounts for slightly fewer incidents, the “Day” and “Late” shift slightly more.

*Frequency of Force by Aldermanic District*

Table 6 shows the distribution of force incidents by Aldermanic District.

Table 6. Location of Use of Force Incidents: Aldermanic District

Aldermanic District	Frequency	Percentage
1	75	9.7
2	53	6.9
3	27	3.5
4	72	9.4
5	20	2.6
6	117	15.2
7	87	11.3
8	23	3.0
9	40	5.2
10	42	5.5
11	19	2.5
12	58	7.5
13	19	2.5
14	20	2.6
15	98	12.7
Total	770	100.1

Note: In 19 cases the Aldermanic District was not recorded; these 19 cases are not included here. Aldermanic District 6 had the largest share of use of force incidents (15.2%), while District 11 and District 13 had the smallest share (2.5% each).<sup>12</sup>

*Frequency of Force by Police District*

Table 7 shows the number of force incidents for each police district in 2021 along with the corresponding percentage of total incidents. In 2021, District 5 accounted for 25.0 percent of all use of force incidents in the city, followed by District 3 (17.8%) and District 7 (16.9%).<sup>13</sup>

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<sup>12</sup> When “pointing and/or display of a firearm only” incidents are included, there is minimal change in the distribution of incidents across Aldermanic District. Districts 6, 15, and 7 account for the largest share of incidents.

<sup>13</sup> When “pointing and/or display of a firearm only” incidents are included, the distribution of incidents across police district is very similar. Districts 5, 3, and 7 account for the largest share of incidents.

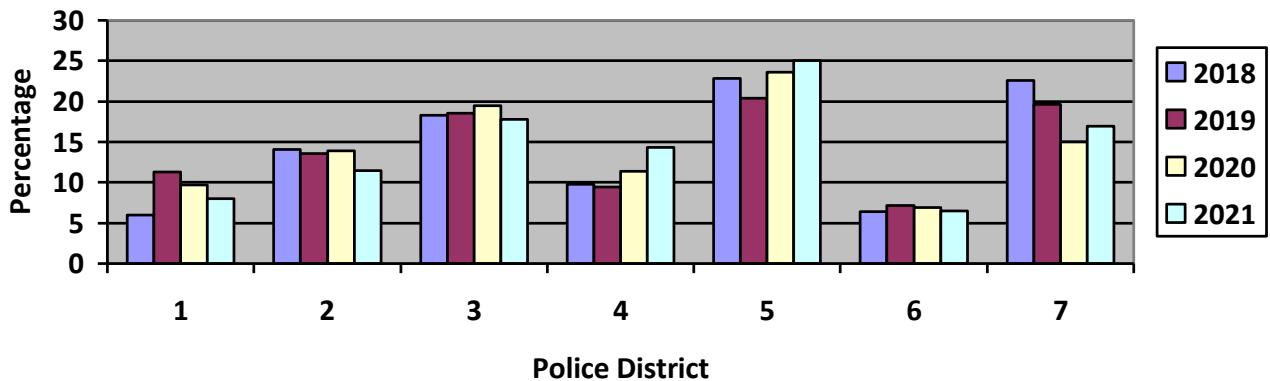
Table 7. Location of Use of Force Incidents: Police District

Police District	Frequency	Percentage
1	62	8.0
2	89	11.5
3	138	17.8
4	111	14.3
5	194	25.0
6	50	6.5
7	131	16.9
Total	775	100.0

Note: In 14 cases the police district was not recorded; these 14 cases are not included here.

The percentage of incidents for each police district for 2018 through 2021 is graphically represented in Figure 2. For each of these years District 5 accounted for the greatest share of incidents, and Districts 3, 5, and 7 accounted for a majority of force incidents in the city.

Figure 2. Percentage of Use of Force Incidents by Police District, 2018-2021



*Use of Force, Arrests, and Police District*

Given the variation in the number of force incidents across police district (Table 7), it may be useful to explore possible corresponding variation in the frequency of force in relation to arrests across districts. Table 8 shows the total number of arrests, the number of arrests that



involved force, and the percentage of arrests that involved use of force for each district (use of force incidents / total arrests \* 100 = percent of arrests that involved force) in 2021.

Table 8. Arrests that Involved Use of Force by Police District, 2021

Police District	Total Arrests Made (1)	Number of Use of Force Incidents That Involved an Arrest (2)	Percent of Arrests that Involved Use of Force
1	633	58	9.16
2	1,896	79	4.17
3	2,451	125	5.10
4	1,897	94	4.96
5	2,144	179	8.35
6	1,072	42	3.92
7	2,469	115	4.66

Notes: (1) 706 arrests excluded because the arrest could not be placed in a district due to the address of the arrest being unknown or out of the city; (2) In ten cases the police district was not recorded; these cases are not included here.

The results in Table 8 show that, in each district, a small proportion of arrests involve the use of force; the percentage of arrests that involve the use of force ranges from 3.92 percent in District 6 to 9.16 percent in District 1. Interestingly, out of all the districts, the most arrests were made in District 7 (2,469); however, District 7 also has the second lowest percentage of arrests that involved the use of force (4.66%), only behind District 6 and District 2. An explanation for this finding cannot be provided using the data analyzed here. Overall, there is a strong statistical correlation between number of arrests and number of force incidents across the police districts (Pearson's  $r = .74$ ). In general, in districts where there were more arrests there were more use of force incidents; where there were fewer arrests there were fewer use of force incidents.

*Use of Force, Calls for Service, and Police District*

Another way to explore the variation in the number of force incidents across police districts is to examine the frequency of force incidents in relation to calls for service across

police districts. Table 9 shows the total number of calls for service, the total number of use of force incidents, and the calculated number of use of force incidents per 1,000 calls for service for each district in 2021 (use of force incidents / calls for service \* 1,000 = number of force incidents per 1,000 calls for service).

Table 9. Use of Force Incidents per 1,000 Calls for Service by Police District, 2021

Police District	Total Calls for Service (1)	Number of Use of Force Incidents (2)	Number of Use of Force Incidents per 1,000 Calls for Service
1	25,228	62	2.5
2	37,771	89	2.4
3	49,496	138	2.8
4	40,987	111	2.7
5	47,669	194	4.1
6	25,331	50	2.0
7	51,786	131	2.5

Notes for Table 9: (1) 1,550 calls for service are excluded due to unknown district; (2) In 14 cases the police district was not recorded; these cases are not included here; (3) Call for service data were obtained from the MPD Computer Aided Dispatch and count distinct dispatched calls for service for the time period of January 1 - December 31, 2021. These data do not include proactive activity, cancelled calls, training units and training calls, Priority 5 calls, misdials, calls where a primary unit was not assigned, and calls with a disposition type of MCSO (Milwaukee County Sheriff's Office), DRU (Differential Response Unit), and MFD (Milwaukee Fire Department). The police district reflects the location of the call rather than the work location of responding officers.

Table 9 shows that Police District 7 has the highest number of calls for service followed closely by District 3 and District 5. As noted earlier, Districts 3, 5, and 7 also account for the largest share of force incidents. However, when considering the number of use of force incidents per 1,000 calls for service, District 5 has the highest rate; District 7 is indistinguishable from the other districts.

## Descriptive Characteristics of Use of Force Incidents

Along with providing information about the types and frequency of force, this report also seeks to provide an understanding of the circumstances of use of force incidents. The following characteristics of use of force incidents are discussed here: (1) characteristics of officers involved in use of force incidents, (2) the characteristics of subjects involved in use of force incidents, (3) injuries to subjects in use of force incidents, (4) injuries to officers in use of force incidents, (5) deadly force used against people, (6) force used against dogs, and (7) accidental use of force incidents. This section concludes with a brief discussion of MPD Internal Affairs investigations into use of force incidents.

### *Characteristics of Officers Involved in Use of Force Incidents*

In the largest proportion of incidents (327 out of 789; 41.4%) one officer used force. In 288 incidents (36.5%), two officers used force, and 174 incidents (22.1%) involved three or more officers. On average, 1.96 officers were involved in each use of force incident.<sup>14</sup> The 789 use of force incidents involved 427 different MPD officers. At the end of 2021, the MPD employed 1,632 sworn officers. As such, approximately 26 percent of all MPD officers ( $427 / 1,632 * 100 = 26.2$ ) were involved in at least one use of force incident in 2021.<sup>15</sup> There were 13 officers who discharged their firearms in 2021 (including accidental discharges, and discharges directed toward a person or dog). No officers were involved in more than one of these incidents.

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<sup>14</sup> When all 1,905 incidents are included in the calculation, an average of 2.02 officers were involved in each incident.

<sup>15</sup> When all 1,905 incidents are included in the calculation, there were 622 different officers who used force in 2021 which equates to approximately 38% of all MPD officers.

In 97 percent of the incidents,<sup>16</sup> the first officer involved was male, in 66 percent the officer was white, in 96 percent of incidents the officer was in uniform, in 99 percent of the incidents the officer was on-duty, and in 87 percent of incidents the officer was assigned to squad patrol. The average (mean) age of the first officer was 36 (range of 23 to 64) and the average length of service was ten years.<sup>17</sup>

### *Characteristics of Subjects Involved in Use of Force Incidents*

Most incidents (89.3%; 701 out of 785) involved just one subject; 84 of the 785 incidents (10.7%) involved two or more subjects.<sup>18</sup> On average, 1.14 subjects were involved in each incident.<sup>19</sup> In 88 percent of the incidents the first subject involved was male; in 84 percent the subject was Black.<sup>20</sup> The average age of the first subject was 29 years (with a range of 12 to 72 – 14 percent of subjects were under the age of 18, and 1 percent were 60 or older). In 23 percent the subject was under the influence of alcohol and/or drugs. In 78 percent of incidents, the officer noted that the subject resisted arrest. In 20 percent of incidents the subject was armed with a weapon (not including personal weapons such as fists or feet); when armed with a weapon, it was most often a firearm (71%).<sup>21</sup>

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<sup>16</sup> Due to the structure of the data set, most descriptive statements regarding the officers relate only to the first officer involved; percentages are rounded.

<sup>17</sup> When all use of force incidents are included in the analyses, there is minimal change in these findings.

<sup>18</sup> Excluded from these analyses are the incidents that involved a dog only.

<sup>19</sup> When all 1,905 incidents are included in the calculation, an average of 1.32 subjects were involved in each incident.

<sup>20</sup> Percentages are rounded. Due to the structure of the data, the descriptive statements relate only to the first subject involved.

<sup>21</sup> When all 1,905 incidents are included, the results are similar except that only 45% (versus 78%) of subjects resisted arrest during the incident.

Analyses were conducted to examine possible disparities in subjects' race and sex in involvement in use of force incidents and arrests. Table 10 shows the representation of subjects, by race and sex, in use of force incidents and total citywide arrests made by the MPD in 2021.

Table 10. Race and Sex of Subjects by Involvement in Force Incidents and Arrests, 2021

		Black	Hispanic	White	Other	Female	Male
Subjects Involved in a Use of Force Incident	Number	627	39	80	4	122	628
	Percentage	83.6%	5.2%	10.7%	.5%	16.3%	87.7%
Subjects Arrested Citywide	Number	9904	1670	1498	189	2786	10484
	Percentage	74.7%	12.6%	11.3%	1.4%	21.0%	79.0%

Note: In 35 cases, the subject's race and sex were not recorded in the AIM system. In nine cases, the subject's race was not recorded in the arrest system. These cases are not included here.

It is seen in Table 10 that Hispanics, Whites, and females were underrepresented as subjects in use of force incidents compared to their representation as arrestees. Black and male subjects were overrepresented in use of force incidents compared to their representation as arrestees.<sup>22</sup> Blacks accounted for 74.7 percent of all arrestees in 2021 and 83.6 percent of use of force subjects. Males accounted for 79.0 percent of arrestees and 87.7 percent of use of force subjects.

### *Injuries to Subjects in Use of Force Incidents*

Injuries to subjects were classified by the MPD in the AIM system into the following categories:

- No injury
- Minor
- Moderate
- Major
- Fatal

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<sup>22</sup> When all incidents are included, the same conclusions are true.

- OC Related Only
- ECD Related Only

Overall, of the 785 incidents that involved a subject, in 444 (56.6%) the subject did not sustain any injuries.<sup>23</sup> When subjects were injured, most of the time those injuries were classified as “minor.” In 20 incidents the injuries were classified as “moderate.” In one incident injuries were “major.” Three incidents resulted in fatal injuries to a subject (see p. 21). The remaining injuries were “ECD or OC related only.” As for the type of injury sustained, “complaint of pain” was the most common. Table 11 shows the type of injury sustained by subjects within each injury category.

Table 11. Type of Injury Sustained by Subjects, by Injury Category

Injury Category	Type of Injury								Total
	Abrasion/ Cut/ Laceration	Broken Bones/ Teeth	Bruise/ Contusion	Dog Bite	Complaint Of Pain	Eye/ Respiratory	Gun Shot Wound	N O N E	
Minor	100		35	1	133	4		2	275
Moderate	12	5	1		2				20
Major							1		1
Fatal							3		3
OC Related Only					1	3			4
ECD Related Only	10		2		11			2	25
Total	122	5	38	1	147	7	4	4	328

Note: In 11 incidents the type of injury sustained was not specified; in four incidents the type of injury was coded as “none” in AIMS.

<sup>23</sup> Due to the structure of the data, these findings relate only to the first subject involved. In 11 incidents the subject’s degree of injury was not specified.

It is important to note that certain forms of force were more likely than others to lead to injuries to subjects. Sixty percent of the time a firearm was used against a subject it led to fatal injuries (3 of 5 incidents). As noted, “bodily force only” was by far the most common type of physical force used against subjects (365). However, most of the time (62.5%; 228 of 365 incidents) when bodily force was used alone by officers a subject was not injured. In an additional 35.1 percent (128 of 365) of the “bodily force only” incidents, injuries to the subject were classified as “minor.”<sup>24</sup>

### *Injuries to Officers in Use of Force Incidents*

Ten percent of officers<sup>25</sup> involved in the 789 use of force incidents were injured during those incidents. Analyses also reveal that certain types of force were more likely than others to lead to *officer* injuries. Specifically, officers were more likely to be injured when using bodily force than when using other types of force. There are two ways to look at this issue: (1) 54 percent of the time that officers were injured during use of force incidents it was when officers used “bodily force only;” however, (2) only 12 percent of “bodily force only” incidents resulted in injury to officers.<sup>26</sup>

### *Deadly Force Used Against People*

In 2021, there were five incidents that involved the use of deadly force (the discharge of a firearm) against a subject. Of these five incidents:

- three involved a subject sustaining a fatal gunshot injury

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<sup>24</sup> No “pointing or display of weapon only” incidents resulted in any physical injuries to subjects.

<sup>25</sup> Due to the structure of the data, these statements relate to the first officer involved.

<sup>26</sup> Less than one percent of “pointing and/or display of firearm only” incidents resulted in officer injury.

- one involved a non-fatal gunshot injury
- one resulted in no gunshot injuries (i.e., a subject was shot at but not struck)

All five of the incidents involved a subject who was armed with a gun. These incidents related to a variety of calls including a subject with a gun, shots fired, reckless driving, and a search for a wanted person. All of the incidents involved on-duty officers.

Table 12 shows the frequency of incidents where a person was the focus of a firearm discharge from 2009 to 2021. It is seen that there has been a substantial but uneven decline in these incidents with a low of five incidents in each of 2017, 2018, 2019, and 2021.

Table 12. A Person as the Focus of Police Firearm Discharge, by Year (Number of Incidents)

Year	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Number	14	12	15	9	14	8	12	7	5	5	5	7	5

### *Deadly and Other Force Used Against Dogs*

In 2021, six incidents involved some type of force being used against at least one dog. Three incidents involved the discharge of a firearm, two incidents involved the use of OC spray, and one involved the use of an ECD. In two incidents an officer was bitten by the dog. These six incidents involved seven dogs. In total, of the seven dogs upon which force was used, one sustained a fatal injury (as a result of a gunshot wound; see below for a discussion of deadly force used against dogs).

Of the seven dogs, all were pit bulls. A variety of calls were associated with force being used against dogs (Table 13).



Table 13. Circumstance of Incidents Where Force was Used Against Dogs, 2021

Circumstance	Frequency	Percentage
Loose Dog / Dog Bite Complaint	1	16.7
Conducting Search Warrant	0	-
Subject w/ Weapon	1	16.7
Shots Fired / Shot-Spotter	1	16.7
“Knock and Talk”	1	16.7
Illegal Entry	1	16.7
Unspecified Call for Service	1	16.7
Total	6	100.2

Note: Percentage does not equal 100 due to rounding.

With regard to *deadly* force used against dogs specifically, in 2021 there were three incidents that involved the use of deadly force (the discharge of a firearm) against a dog. In these three incidents, three dogs were struck by gunfire. One of these dogs was confirmed to have sustained fatal injuries at the scene.

Table 14 shows the frequency of incidents where dogs were the focus of a firearm discharge from 2009 to 2021. There has been a substantial and steady decline in the number of firearm discharge incidents that involve a dog, with 2021 having the fewest such incidents (3) since these annual reports began in 2009.

Table 14. A Dog as the Focus of Police Firearm Discharge, by Year (Number of Incidents)

Year	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Number	39	34	36	31	26	22	15	19	4	13	7	6	3

Unfortunately, it is difficult to put these dog-related incidents into perspective as no reliable estimates of the number of dogs, by breed, in Milwaukee were located, nor are there statistics that indicate the number of dogs that are confronted by MPD officers but upon which force is not used.

### *Accidental Use of Force Incidents*

There were nine incidents in 2021 where force was used accidentally. In these incidents officers used one of the types of force that was required to be reported but that force was not intentionally used. As noted earlier, these accidental incidents were not included in any of the prior analyses conducted for this report. Table 15 shows the types of force that were used accidentally in 2021.

Table 15. Types of Forced Used Accidentally, 2021

Type of Force	Frequency	Percentage
ECD Discharge	3	33.3
Firearm Discharge – Officer’s Gun	2	22.2
Firearm Discharge – Suspect’s Gun	1	11.1
Police Canine Bite	2	22.2
Closed Car Door on Subject’s Hand	1	11.1
Total	9	99.9

Note: Percentage does not equal 100 due to rounding.

Injuries were sustained in the two police canine incidents and the incident that involved the subject’s hand in the car door. With regard to the canine incidents, in one an officer was bitten, in the other incident a bystander was bitten.

With regard to the three accidental discharges of ECDs, two occurred on police department premises during a standard pre-shift test of the weapon. One occurred at a scene.

With regard to the two accidental discharges of firearms, both involved officers’ service weapons. One occurred on-scene, one occurred on police premises. The firearm discharge of a suspect’s seized firearm occurred on-scene while the officer was trying to secure the gun.

Table 16 shows the subset of accidental firearm discharges from 2009 to 2021. There were 46 accidental firearm discharges from 2009 to 2021. The number per year has varied from none (in 2017) to eight (in 2020). In four of the 46 incidents, an officer was injured as a result of

the accidental discharge; in three of the incidents a subject was injured. None of the injuries were life-threatening.

Table 16. Accidental Police Firearm Discharges, by Year (Number of Incidents)

Year	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Number	4	2	7	1	5	3	3	5	0	2	4	8	2

### *Use of Force Internal Investigations*

As explained previously in this report, when officers notify their supervisors that they used force in an incident, supervisors are required to collect the facts about the incident via interviews with the officer(s) involved, other officers at the scene, the subject(s) involved, other witnesses at the scene, and through review of body camera and/or other video footage of the incident. The supervisor is then required to write a narrative report which contains this information. In some instances, use of force incidents come to the attention of the MPD Internal Affairs Division for further investigation. Internal Affairs investigations can be initiated as a result of citizen complaints, internally generated complaints, and/or supervisory referrals. All critical incidents are also investigated by Internal Affairs.<sup>27</sup> Information on the cases investigated by Internal Affairs were obtained for this report via the Fire and Police Commission on October 18, 2022; these cases are briefly summarized here.

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<sup>27</sup> According to MPD SOP 453: Critical incidents (a) involve “a death of an individual that results directly from an action or an omission of a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties,” and (b) involve a department member that results in death or great bodily harm to a person that is caused by a member’s actions, occurs while in police custody, or any incident that the Chief of Police, or his/her designee (must be assistant chief or inspector rank), declare a critical incident. Any injury to a person as a result of a firearm discharge by a department member, not resulting in death, shall also be considered a critical incident.

In 2021, 19 use of force incidents were investigated by Internal Affairs in 18 investigations (one investigation included two incidents). These 19 incidents involved 24 use of force allegations.<sup>28</sup> An incident could involve several officers and more than one allegation could be made against each officer. Accordingly, the 24 allegations involved 23 officers. Of the 24 allegations, 8 involved the intentional use of a firearm (one involved “pointing/display only”), and 16 involved the use of bodily force.

Investigations of the 24 allegations resulted in the following outcomes:

- Six allegations were sustained<sup>29</sup> and four of those resulted in five-day suspensions.
- For one allegation, remedial training was ordered for the officer.<sup>30</sup>
- One officer resigned.
- Five allegations were not sustained.
- For three of the allegations, officers were exonerated.<sup>31</sup>
- Eight allegations resulted in no finding (complaint was dropped).

### Summary

This report is part of a continuing effort on the part of the City of Milwaukee Fire and Police Commission to better understand use of force incidents in the Milwaukee Police Department. Based on an analysis of the reportable incidents that occurred between January 1, 2021 and December 31, 2021, the following summary statements can be made:

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<sup>28</sup> FPC investigations that did not result in any finding were not included.

<sup>29</sup> “There is sufficient evidence to prove either the allegation(s) made in the complaint, or the allegation(s) identified through subsequent investigation” (SOP 450).

<sup>30</sup> “A violation occurred and re-training is required for the member” (SOP 450).

<sup>31</sup> According to MPD SOP 450, exonerated means that “the incident as alleged occurred, however the department member’s actions were lawful/proper.”

- Use of force reporting requirements changed near the end of 2020 to require the reporting of incidents that involved officers pointing a firearm at a person and/or displaying a firearm to effect an arrest. This requirement was in place for all of 2021. Therefore, some 2021 data are not comparable to previous years.
- There were 1,905 force incidents in 2021; 1,116 involved “displaying and/or pointing a firearm only,” 789 involved other types of force (e.g., hands-on physical force, the discharge of weapons) (Table 1).
- For the main analyses in this report, the subset of 789 incidents were analyzed. When appropriate, analyses were also conducted on the full set of 1,905 incidents. Findings regarding the full set of 1,905 incidents are reported in footnotes.
- Although “pointing and/or displaying firearms only” are substantially different forms of force compared to hands-on physical force and the discharge of weapons, the characteristics of these categories of force are quite similar. When “pointing/display firearm only” incidents were included in the analyses, there were five notable differences in findings: (1) “pointing/display only” incidents involved more subjects per incident, (2) “pointing/display only” incidents were less likely to involve subjects who resist arrest, (3) “pointing/display only” incidents less often resulted in physical injuries to subjects and officers, (4) “pointing/display only” showed that a larger proportion of MPD officers used force in 2021, and (5) when “pointing/display only” incidents were included in the calculation, a larger proportion of arrests by the MPD involved the use of force.
- In 2021, four incidents involved a dog only. Two additional incidents involved a person and a dog.

- Based on the 785 incidents that involved a person, in 702 incidents, a person was actually arrested (89.4%). The MPD made 13,268 arrests in 2021. Therefore, 5.29 percent of arrests involved the use of force in 2021.
- There were approximately three use of force incidents for every 1,000 calls for service.
- There were approximately 2.16 use of force incidents per day, varying by month and time of day (Table 3, Table 5).
- Police Districts 3, 5, and 7 had the most use of force incidents in 2021 and combined accounted for approximately 60 percent of all force incidents in the city in 2021 (Table 7).
- Police District 7 had the largest number of arrests made in 2021 but the third lowest percentage of arrests that involved force (Districts 6 and 2 had the lowest percentage of arrests that involved force) (Table 8).
- Police District 7 also had the largest number of calls for service but one of the lowest rates of force per 1,000 calls for service (Table 9).
- On an absolute basis, use of force was a rare event in all districts.
- Approximately 26 percent of MPD sworn officers were involved in at least one use of force incident in 2021.
- The most common type of force used by officers was “bodily force only” followed by “bodily force and handcuffing” and “ECD Only.”
- The typical use of force incident in 2021:
  - Involved one uniformed police officer and one subject. The officer was a white male, 36 years old, with ten years of service. The officer was in uniform and on-duty. The officer used “bodily force only” in the incident.

The officer was not injured. The subject was a Black male, 29 years old. The subject resisted arrest and, if injured, his injuries were “minor.” The subject was not armed with a weapon. The incident occurred in Police District 5 between 4:01 pm and 11:59 pm. As noted, when “pointing/display only” incidents were included, the officer was most likely to have “pointed firearm only” and most subjects did not resist arrest.

- There were 13 officers who discharged their firearms in 2021 (including accidental discharges and discharges directed toward a person or dog). No officers were involved in more than one of these incidents.
- Since 2009, firearm discharges have declined in a steady but uneven manner. In 2009 there were 53 such incidents, in 2021 there were eight incidents (Table 2). The decline is evident with incidents that involved a person (Table 12) and incidents that involved a dog (Table 14).
- Since 2009, use of a chemical agent has declined substantially. The use of an ECD has fluctuated since 2009 (Table 2).
- In 2021, there were five incidents that involved a firearm discharge at a person. This is near the lowest level since the annual use of force reports have been prepared (Table 12).
- In 2021, three incidents involved a subject sustaining a fatal gunshot injury.
- In 2021, there were six incidents that involved force being used against one or more dogs. All of the dogs were pit bulls and these incidents related various calls for service (Table 13). Three of these incidents involved the discharge of a firearm. One dog sustained fatal injuries. The number of incidents in 2021 that involved the discharge of a firearm at a dog was an all-time low (since 2009; Table 14).

- There were nine incidents in 2021 in which force was used accidentally (Table 15). Most of these incidents involved the discharge of an ECD or a firearm. Three of these incidents involved injuries (two police canine incidents and an incident where a subject's hand got slammed by a police squad car door). There were two accidental firearm discharges in 2021. Accidental firearm discharges have varied from none in 2017 to eight in 2020 (Table 16).
- In 2021, there were 19 use of force incidents investigated by Internal Affairs. These 19 incidents involved 24 use of force allegations and 23 officers. The investigations resulted in various outcomes.

This report provides information for understanding and interpreting the nature, frequency, and circumstances of use of force incidents in the MPD. These data can be used to monitor use of force incidents over time.