

May 4, 2017

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:45 P.M.

PRESENT: Commissioners: Steven M. DeVougas, Chair
Kathryn A. Hein
Marisabel Cabrera
Fred Crouther
Angela McKenzie
Nelson Soler

ABSENT: Commissioner: Ann Wilson (Excused)

ALSO PRESENT: Mark Rohlfig, Chief, Milwaukee Fire Department; and Edward Flynn, Chief, Milwaukee Police Department.

The Chair reconvened the Board in Regular Session, having previously met in Executive Session from 4:10 p.m. to 5:35 p.m. pursuant to Section 19.85 (1)(f) Wis. Stats. to consider financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations, to wit: review of residency exemption request; and pursuant to Section 19.85 (1) (c) Wis. Stats. to consider employment, promotion, compensation or performance evaluation data of any public employee over whom the Board has jurisdiction or exercises responsibility, to wit: performance evaluation data of candidates for promotion to Captain of Police, Police Sergeant, and Fire Lieutenant.

The meeting was staffed by Executive Director MaryNell Regan. The Chair opened the meeting with Public Comment.

1. PUBLIC COMMENT:

Mr. Shonell Zanders spoke about his concerns with the testing and recruiting process for Police Officer. He feels the process was rushed and that candidates were not given enough time to arrange for time off from work to attend the testing events.

Mr. Jarrett English of the ACLU asked questions about information he did not find contained in the 2016 Use of Force report that is on this meeting's agenda. He has asked that this information be added to the report several times in the past.

Alderman Robert Donovan spoke about the letter signed by 13 alderpersons requesting that the Board direct Chief Flynn to re-prioritize traffic safety and re-draw his pursuit policy. He believes the Police Department needs to increase their traffic enforcement as red light running and speeding is out of control. He suggested that the Sheriff's Office and/or State Patrol be contacted for assistance. The pursuit policy was changed in 2010 due to deadly traffic accidents connected to police chases. Since the policy is now seven years old, it warrants a review. Ald. Donovan believes that there are no consequences for reckless drivers, and the non-pursuit policy has contributed to that and the increase in drug dealing. He also spoke about the low levels of police staffing, slow response times, and the decrease in homicide clearance rates. Ald. Donovan asked that the Board use whatever influence they have on the state legislature and Governor to get them involved in working on this problem.

The Chair noted that while the Board does not respond to public comments, he will allow Commissioners to comment as the pursuit policy request is on the agenda. Commissioner Crouther asked

Ald. Donovan what recommendations he had to resolve the situation. Ald. Donovan asked that the pursuit policy be amended to include any felony and increase traffic enforcement. Commissioner Cabrera asked when Ald. Donovan would want police to engage in a pursuit. Ald. Donovan stated officers used to be allowed to use their discretion when deciding whether to pursue or not, and that was monitored by a supervisor. He believes the current policy has created an atmosphere of "anything goes" and criminals are taking advantage of that. At least some of the old policy should be reinstated to allow officers to enforce the law, and then pressure should be placed on the other components of the justice system to do their job as well.

Chief Flynn agreed that this is a serious issue. Pursuits should not be made for traffic violations only. He believes that if innocent lives are going to be put at risk through a pursuit, it should be because there is a belief that the person represents a serious risk to the community. The policy changed in 2010, and between 2010-2012 stolen vehicles, crime, pursuits and crashes all decreased. In 2014, as stolen cars and robberies increased, fatal crashes started increasing and the numbers keep rising. The same person is being arrested 3-4 times in one year for being in a stolen vehicle. The judicial system is burdened and cases are pled down, but it needs to recognize that early intervention is important in order to have an impact on immature brains still developing. Those who are not reached don't learn about the consequences waiting for their criminal behavior and become hardened criminals. The increased number of police pursuits is not having an impact on driving behavior. An intervention program is being created this year and has already started in several districts. Pursuits are happening for crimes of violence, but people are running from the police for minor issues even when there is no pursuit. Other departments are adopting our pursuit policy. In response to a question from Commissioner Crouther, stop sticks and Star Chase have been used with mixed results in pursuits.

Ald. Donovan reminded the Board that all alderpersons are in agreement on this issue which is why the request was sent, and he hopes testimony will be taken from a variety of people on this issue. The Chair stated that the request will be sent to committee.

2. CONSENT AGENDA:

The Director presented the following items for approval on the consent agenda. (Detailed information concerning the items can be found under the appropriate regular meeting agenda heading in the minutes.)

- A. Regular Meeting Minutes – April 20, 2017
- B. Appointments:
 - 1. Crime Analyst (3 positions)
 - 2. Police Fleet Supervisor
 - 3. Maintenance Technician II
- C. Request to Rescind Fire Equipment Dispatcher Appointment
- D. Correspondence regarding Suspension and Demotion of Police Lieutenant
- E. Correspondence regarding Suspension of Police Officer (4 positions)
- F. Correspondence regarding Termination of Data Communications Specialist (Police Dept.)
- G. Request for Forensic Ballistics Specialist Examination

There being no objections, all of the items were approved for adoption.

3. UNFINISHED BUSINESS:

- a) The following promotions, as presented by Chief Flynn, were approved by the Board:

TO CAPTAIN OF POLICE, from Police Lieutenant, contingent upon successful completion of a drug screening, effective May 7, 2017:

WILLIAM R. BEAUCHENE, PAUL J. MORMOLO, JEFFREY B. NORMAN, ALEXANDER RAMIREZ, and KRISTIN M. Riestra.

b) The Director returned to the Board the 2016 Use of Force report which had been posted on the website after the last meeting. Dr. Steven Brandl presented an analysis of the report (see attachment). After the presentation, the Chair asked Dr. Brandl some of the questions which had been voiced earlier by Mr. English during the Public Comment section. The Chair asked if Dr. Brandl had seen a correlation between the age of the offender and the force used. Dr. Brandl answered that he did not break out the distribution of subjects upon whom force was used, but it could be done. The Chair asked if the officers listed in use of force reports actually used force or were just bystanders. Dr. Brandl stated that the officers actively used force. The Chair asked who makes the classification of injuries to the subject. Assistant Chief Carianne Yerkes answered that if the subject refuses medical assistance, the classification is done by the officer. Commissioner Hein asked how big the increase of the use of Tasers was in 2016. Chief Flynn answered it was around 100 more incidents. More Tasers are in the field because more officers have been trained in their use. It correlates with a significant decrease in the use of OC spray. Assistant Chief Yerkes also informed the Board that recruit officers are now trained in Taser use where before it was specialized training for certain officers.

The Chair asked if the department has made any changes over the years based on these use of force reports. Chief Flynn stated the reports are helpful, especially from a third party, and indicate that regardless of whether or not there were unusual controversies in a given year, force overall is used at a low rate that keeps declining. Reasons for that may be better training, e.g. the entire department went through de-escalation techniques and crisis intervention training. This city suffers from a high rate of non-fatal shootings and gun-related homicides. Guns are seized here at the highest rate of any city in the country, and yet the rate at which force is used is low. Lessons have been learned and training adjusted on how to defuse situations.

Commissioner Cabrera asked, for officers who consistently have a high number of use of force incidents, does the department look into whether there is some issue that needs to be addressed? Assistant Chief Yerkes answered that there is a use of force committee that does a quarterly report of use of force outliers (members of the force whose numbers of use of force incidents are higher than the average). When an outlier is identified, every use of force incident involving them is analyzed by a member of the committee, and that is then discussed to determine what they believe is going on with the officer. If there is an issue, a remedy is determined. Some of the outliers could be officers who are equipped with Tasers and get called to an incident to use it, or it could be the fastest officer in a chase who always takes down the subject at the end. If the use of force is deemed to be inappropriate or de-escalation is not being used appropriately, some of the remedies can be re-training or transfer to another location. Commissioner Crouther asked how incidents involving use of force against dogs are rated. Assistant Chief Yerkes stated that officers go into dog complaint situations with a snare, but sometimes the animal is very aggressive. The department has done a lot of training with animal rights groups to ensure it is doing everything it can to not have to kill an animal. Chief Flynn added that many of the incidents involve serving warrants at drug houses that are guarded by dogs who have been trained to attack. When an animal is killed, a use of force report is filed.

4. NEW BUSINESS:

a) The Director presented a temporary residency extension request from Police Officer Robert Nelson to allow him to live outside the 15-mile jurisdictional boundary for emergency personnel while construction is completed on his new house. FPC staff recommended granting a temporary extension for good cause for three months until September 21, 2017. Commissioner Crouther moved approval of granting the extension as recommended, seconded by Commissioner McKenzie. The motion carried unanimously.

b) The Director presented a request signed by 13 alderpersons requesting that the Board direct the Chief of Police to re-prioritize traffic safety and to redraw his pursuit policy. The Director recommended sending the request to the Committee on Policies and Standards. The Chair so ordered.

c) The Director presented a request from Alderpersons Milele Coggs, Chantia Lewis and José Pérez for Chief Flynn to provide either a draft of the promised revised Milwaukee Police Department internal policy

on employee-involved domestic violence or a timeline for when they can expect the revised policy to be available for their review. The Director recommended sending the request to the Committee on Policies and Standards. The Chair so ordered.

The Director announced that the remaining items under New Business would be held over to the next Regular Meeting.

5. EXAMINATIONS:

a) The Director presented a request from staff to amend the Fire Lieutenant Eligible List to include a candidate who was unable to take a portion of the examination due to military obligation. The candidate, Jason Leistiko, has now completed the testing and should be placed in position 12a on the list. Commissioner Soler moved approval of the request, seconded by Commissioner Crouther. The motion carried unanimously.

b) The Director presented for approval an examination announcement bulletin for the position of Garage Attendant in the Police Department. Nola Nelson, Human Resources Analyst – Sr., gave a short presentation on the duties of the position and the selection process that will be used. Applications will be accepted from May 5 through 25, 2017. After some brief questions by the Commissioners, Commissioner McKenzie moved approval of the bulletin, seconded by Commissioner Hein. The motion carried unanimously.

6. FIRE DEPARTMENT:

a) The following promotions, as presented by Chief Rohlfing, were approved by the Board:

TO FIRE LIEUTENANT, on a waiver basis, from eligible list established February 18, 2016, effective May 7, 2017:

#37 – LEONARD R. BRANDT, JR. and #38 – LLOYD D. ELLIS*.

*Contingent upon successful completion of a drug screening.

b) The following communication was previously approved by the Board under the Consent Agenda, Item C:

A letter dated April 25, 2017, from Chief Rohlfing, wherein he requests that the appointment of #37 – Caronda S. Hunt to Fire Equipment Dispatcher, approved at the April 20, 2017 Regular Meeting, be rescinded as Ms. Adams either withdrew or did not qualify for the position.

7. POLICE DEPARTMENT:

a) The Director presented a letter dated April 28, 2017, from Chief Flynn, wherein he requests that the promotion of #27 – Jerome Battles to the position of Police Sergeant be held in abeyance until a pending investigation is concluded. Commissioner McKenzie moved to approve the request, seconded by Commissioner Hein. The motion carried unanimously.

b) The following promotions, as presented by Chief Flynn, were approved by the Board:

TO POLICE SERGEANT, on a waiver basis, from eligible list established November 3, 2016, contingent upon successful completion of a drug screening, effective May 21, 2017:

#26 – MARLON E. DAVIS and #28 – CHRISTOPHER E. MCBRIDE.

TO MPD SAFETY DIVISION MANAGER, from eligible list established February 2, 2017, effective May 21, 2017:

#3 – LISHUNDA L. PATTERSON.

c) The following appointment, as presented by Chief Flynn, was approved by the Board:

TO IT SUPPORT SPECIALIST – SENIOR, an exempt position, contingent upon successful completion of a background investigation, medical examination and drug screen, effective May 22, 2017:

KAOUTAR MAGHFOUR.

d) The following appointments were previously approved by the Board under the Consent Agenda, Items B1-3:

TO CRIME ANALYST, an exempt position, contingent upon successful completion of a medical examination and drug screen, effective May 8, 2017:

RICHARD R. FRANZ, DIAMOND D. HANSON and KALEN M. WAITE.

TO POLICE FLEET SUPERVISOR, from eligible list established January 12, 2015, contingent upon successful completion of a background investigation, medical examination and drug screen, effective May 8, 2017:

#2 – ALLEN J. STANCZAK.

TO MAINTENANCE TECHNICIAN II, a transfer from the Department of Public Works, contingent upon successful completion of a background investigation, medical examination and drug screen, effective May 8, 2017:

KENNETH C. KOESTER.

e) The following communications were previously received by the Board under the Consent Agenda, Items D-G:

A letter dated April 26, 2017, from Chief Flynn, wherein he notifies the Board that Police Lieutenant Steven J. Kelly has been suspended for ten days for violating department Core Values under Personnel Order 2017-38 dated April 26, 2017.

A letter dated April 25, 2017, from Chief Flynn, wherein he notifies the Board that Police Officer Bradley M. Johnson has been suspended for 15 days for violating department Core Values under Personnel Order 2017-40 dated April 25, 2017.

A letter dated April 25, 2017, from Chief Flynn, wherein he notifies the Board that Police Officer Richard J. Menzel, Jr. has been suspended for six days for violating department Core Values under Personnel Order 2017-39 dated April 25, 2017.

A letter dated April 18, 2017, from Chief Flynn, wherein he notifies the Board that Police Officer Tony Saffold has been suspended for ten days for violating department Core Values under Personnel Order 2017-35 dated April 18, 2017.

A letter dated April 25, 2017, from Chief Flynn, wherein he notifies the Board that Police Officer Brian Young has been suspended for 15 days for violating department Core Values under Personnel Order 2017-41 dated April 25, 2017.

Personnel Order 2017-32 dated April 6, 2017, from Chief Flynn, terminating Data Communications Specialist Heidi L. Wolfram effective immediately. Ms. Wolfram does not have appellant rights as she is a non-sworn, exempted, at-will employee.

A letter dated April 26, 2017, from Chief Flynn, wherein he requests that an examination be held for the position of Forensic Ballistics Specialist. This request will be referred to the Department of Employee Relations for implementation.

8. ADJOURNMENT:

Commissioner Crouther moved to adjourn the meeting, seconded by Commissioner Cabrera. The motion carried unanimously.

The meeting concluded at 6:54 P.M.

Respectfully submitted,



MaryNell Regan
Executive Director

MNR:REK:rk

Att.

An Analysis of
2016 Use of Force Incidents in the
Milwaukee Police Department

Steven G. Brandl, Ph.D.
University of Wisconsin-Milwaukee

Purpose of Study

- ▣ To provide information on the number and nature of police use of force incidents in the MPD from January 1, 2016 to December 31, 2016
- ▣ To compare, when appropriate, 2016 data with previous years
- ▣ Data based on MPD “Use of Force Reports” (AIM System)

MPD Use of Force Reporting Policy

According to MPD Use of Force policy 460.35: “The Use of Force Report shall be completed by a supervisory officer when a Department member discharges a firearm; uses a baton in the line of duty; discharges an irritant, chemical, or inflammatory agent; deploys an Electronic Control Device, to include non-contact spark display, contact stun, and probe deployment; Department canine bites a person; 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; uses bodily force that involves focused strikes, diffused strikes, or decentralizations to the ground; uses any type of force in which a person is injured or claims injury, whether or not the injury is immediately visible.”

Use of Force Policy Change

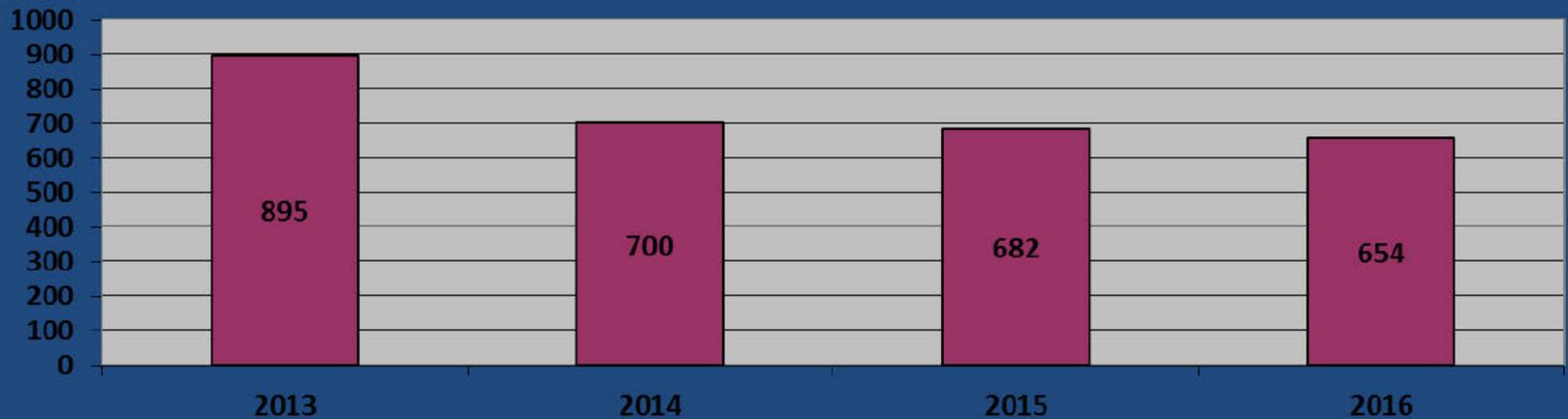
- ▣ Prior to 2013, incidents that involved “bodily force only” without injury or complaint of injury from the subject were not required to be documented.
- ▣ Therefore, comparison of “total number of use of force” incidents and “bodily force only” incidents in 2016 to those in years before 2013 is not valid.

Select Findings

- ▣ There were 670 use of force incidents recorded in 2016
 - 5 involved euthanizing an injured animal
 - 11 were accidental

- ▣ 654 incidents analyzed in this report

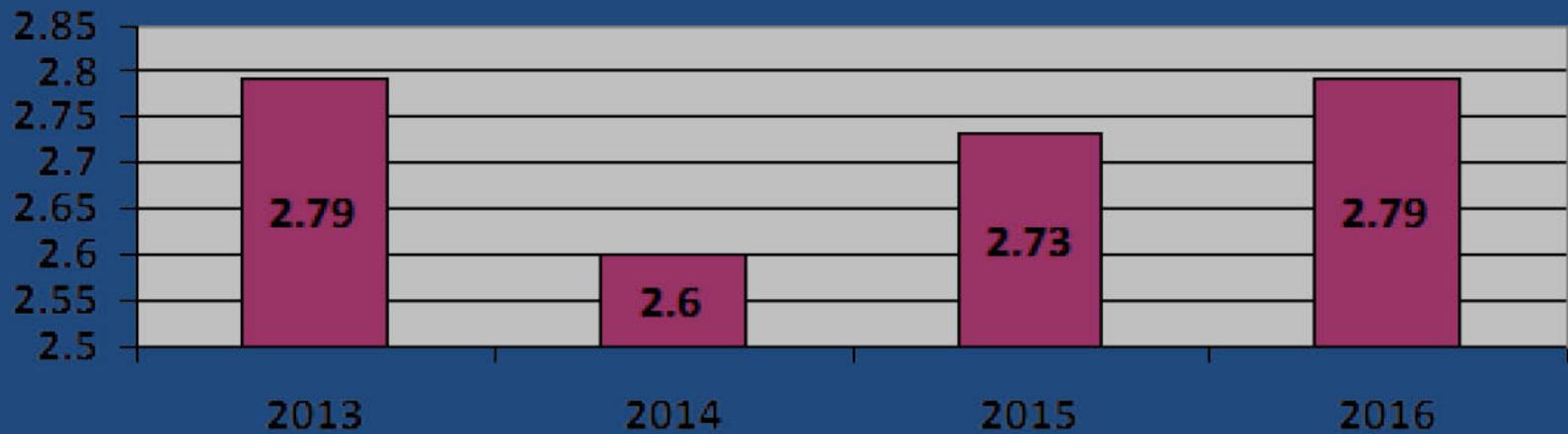
Figure 1.
Number of Use of Force Incidents



2016 compared to 2015 = 4.1% decline
2016 compared to 2013 = 26.9% decline

- ▣ 573 use of force incidents involved a subject being arrested
- ▣ In 2016, the MPD recorded 20,562 arrests
- ▣ Overall, 2.79% of all arrests involved the use of force

Figure 2.
Percent of Arrests
that Involved the Use of Force



- ▣ The 654 use of force incidents involved 505 different MPD officers (out of 1,923 sworn officers; 26%)
 - Approximately 58% of the 505 officers were involved in just one incident

- ▣ Approximately 74% of all MPD sworn officers were not involved in any use of force incidents in 2016

- ▣ Of the 654 incidents in 2016:
 - 58.4% involved bodily force only (382)
 - 15.0% involved an ECD only (98)
 - 3.8% involved a chemical agent (OC) only (25)
 - 3.8% involved a firearm only (25)
 - 8.6% involved bodily force and an ECD (56)
 - 3.1% involved bodily force and a chemical agent (20)
 - 0.2% involved a firearm and other force (1)
 - 7.2% involved other force (no firearm) (47)

Type of force used, by year (Table 8)

Type of Force Used	'09	'10	'11	'12	'13	'14	'15	'16
Firearm Alone or with Other	53	46	51	40	40	30	27	26
ECD Alone or with Other	85	125	144	101	85	77	65	169
OC Alone or with Other	150	154	137	115	89	74	82	49

With regard to force with a firearm...

- ▣ Of the 26 incidents that involved a firearm in 2016 (Table 9):
 - 7 incidents involved a person (3 fatal; 2 non-fatal; 2 no gunshot injuries)
 - ▣ These incidents involved various calls for service including robbery, battery, and shots fired, among others
 - 19 incidents involved a dog (22 dogs total; 12 fatal; 5 non-fatal; 5 dogs shot at but not struck)
 - ▣ Most incidents involved a loose dog
 - ▣ Most incidents involved pit bulls

Subject of police use of firearm, number of incidents by year (Table 10)

	2009	2010	2011	2012	2013	2014	2015	2016
Person	14	12	15	9	14	8	12	7

Subject of police use of firearm, number of incidents by year (Table 10)

	2009	2010	2011	2012	2013	2014	2015	2016
Dog(s)	39	34	36	31	26	22	15	19

Finally, with regard to district of incident (Table 4)...

- ▣ In 2016, 134 use of force incidents occurred in Police District 7 (20.7% of total)
- ▣ However, District 7 is not different than District 3 (135) or District 5 (124) in this regard
- ▣ The number of incidents has declined in District 7 from 242 in 2013 to 134 in 2016 (a 44.6% decline)
- ▣ The number of incidents also declined in District 3 and District 5 from 2013 to 2016

Questions and Comments

AN ANALYSIS OF 2016 USE OF FORCE INCIDENTS IN THE MILWAUKEE POLICE DEPARTMENT



REPORT OF THE FIRE AND POLICE COMMISSION

200 East Wells Street
City Hall, Room 706A
Milwaukee, WI 53202
(414) 286-5000

Website: <http://www.milwaukee.gov/fpc>

April 20, 2017

Prepared by:
Steven G. Brandl, Ph.D.
University of Wisconsin-Milwaukee
Department of Criminal Justice

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Introduction

The purpose of this study is to provide an analysis of use of force incidents recorded by the Milwaukee Police Department (MPD) from January 1, 2016 to December 31, 2016. This 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. One of the objectives of this study 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) summary metrics and (2) situational 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 when an MPD officer uses force. 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. For this report, the data were manually converted to Excel and then to the Statistical Package for the Social Sciences (SPSS) for analysis.¹

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 narratives provide a written description of the incident. They are based on information obtained from the officers involved as well as the subject and other witnesses, if available. These narratives are stored in the AIM system. In preparing this report, these narratives were reviewed and used to verify and, in some cases, supplement the AIM system data. Additional

¹ These conversions were performed by David Gelting of the Fire and Police Commission.

data on the number of arrests, traffic stops, and subject stops made by officers in 2016 were obtained separately from the MPD.

According to MPD Use of Force policy 460.35:

The *Use of Force Report* shall be completed by a supervisory officer when a Department member discharges a firearm; uses a baton in the line of duty; discharges an irritant, chemical, or inflammatory agent; deploys an Electronic Control Device, to include non-contact spark display, contact stun, and probe deployment; Department canine bites a person; 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; uses bodily force that involves focused strikes, diffused strikes, or decentralizations to the ground; uses any type of force in which a person is injured or claims injury, whether or not the injury is immediately visible.

This policy was put into place January 1, 2013. Prior to this policy, incidents that involved “bodily force only” without injury or complaint of injury from the subject were not required to be documented, now they are. As a result of this policy change, some of the data from 2013, 2014, 2015, and 2016 are not comparable to the data analyzed in 2009 to 2012. Only when appropriate is pre-2013 data compared to post-2013 data.

Frequency of Use of Force Incidents: Summary Metrics

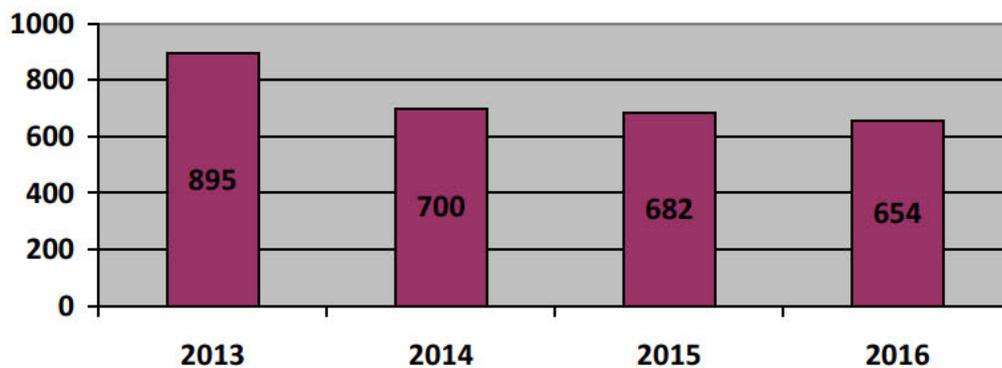
From January 1, 2016 to December 31, 2016, there were 670 use of force incidents recorded by the MPD. Of these 670 incidents, eleven were accidental² and five involved euthanizing an injured or diseased animal.³ As these 16 incidents are fundamentally different from other use of force incidents in the purpose and intent of the force, these incidents are

² Five of these incidents involved the accidental discharge of a firearm and six involved an accidental discharge of an Electronic Control Device (ECD; Taser). One of the firearm incidents involved a subject pulling the trigger on an officer’s holstered firearm, resulting in a graze wound to the subject’s leg. No other incidents involved a subject.

³ Four of these incidents involved deer and one incident involved an injured dog. All of the incidents involved the use of a firearm.

excluded from all subsequent analysis. Accordingly, 654 incidents are analyzed in this report (a 26.9% decline since 2013; see Figure 1).

Figure 1.
Number of Use of Force Incidents



In addition, of the 654 incidents, 25 involved force being used exclusively against one or more dogs. These incidents are included in most of the aggregate totals analyzed in this report and they are also analyzed separately (see p.16).

On the basis of the AIM system and other departmental data, several comparison metrics were computed and are discussed here: (1) number of incidents per day and per month, (2) number of incidents in relation to number of arrests, (3) number of incidents in relation to number of traffic stops, (4) number of incidents in relation to number of subject stops, (5) number of incidents in relation to city population, and (6) number of incidents in each police district and aldermanic district. Each is discussed below.⁴

⁴ The metrics used here have been calculated in other police departments as well; however, comparing use of force metrics across departments is hazardous because practices of defining and recording use of force incidents (as well as arrests, traffic stops, etc.) are not standard across police departments.

Metric 1: Use of Force by Day/Month

With 654 incidents occurring from January 1, 2016 to December 31, 2016, there was an average of approximately 1.80 use of force incidents per day (54.5 per month). Table 1 provides a breakdown of the incidents by month.

Table 1. Month of Incident

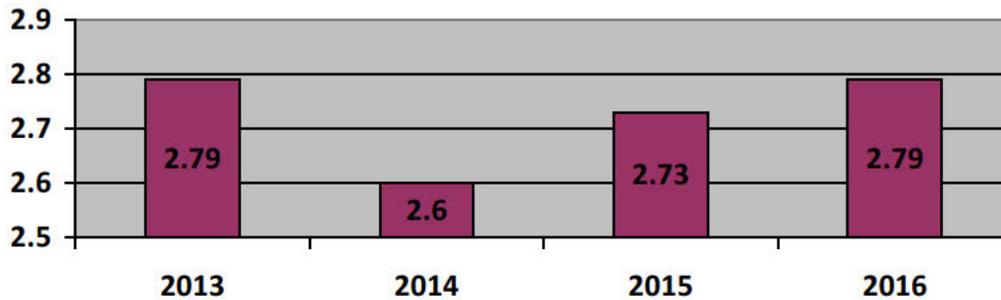
Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
45	41	59	65	70	65	68	46	47	49	56	43	654

As seen in Table 1, April, May, June, and July had the largest number of incidents, February the fewest. In most previous years, June, July, and August had the greatest number of incidents, December the fewest.

Metric 2: Use 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 2016 there were 654 use of force incidents. Of these 654 incidents, 629 involved a person who could have potentially been arrested (25 incidents involved only a dog). Of these 629 incidents where someone could have been arrested, in 573 of them a subject was arrested. Also during this period, MPD officers made a total of 20,562 arrests (for felonies, misdemeanors, and ordinance violations). Accordingly, for each arrest where force was used, there were approximately 36 arrests where force was not used ($20,562/573 = 35.9$). Overall, in 2016, an average of 2.79 percent of all arrests involved the use of force ($573/20,562 * 100 = 2.79$) (see Figure 2).

Figure 2.
Percent of Arrests
that Involved the Use of Force



Interestingly, and as expected, there is a strong correlation between the number of force incidents that involved an arrest and the total number of arrests, by month ($r = .68$; see Table 2). In other words, one can reasonably (but not perfectly) predict the number of force incidents each month based on the total number of arrests that were made each month. In short, more arrests translate into more use of force incidents, fewer arrests translate into fewer use of force incidents.

Table 2. 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	42	37	55	62	64	54	56	36	41	43	48	35	573
Total Number of Arrests Made	1,786	1,680	1,855	1,948	1,982	1,962	1,689	1,699	1,684	1,549	1,405	1,323	20,562

Metric 3: Use of Force and Traffic Stops

The third metric is a comparison of the number of use of force incidents that resulted from traffic stops to the total number of traffic stops made by officers. As the overwhelming majority of traffic stops that involved force also involved at least one arrest, it must be understood that the traffic stop tallies are not independent of the arrest statistics discussed in Metric 2.

In 2016, MPD officers made 155,441 traffic stops and 44 of them involved the use of force. In total, there were approximately 3,533 traffic stops for each traffic stop that involved the use of force ($155,441 / 44 = 3,532.8$). Overall, an average of approximately .03 percent of traffic stops involved the use of force ($44 / 155,441 * 100 = .03$). This percentage is similar to previous years.

Metric 4: Use of Force and Field Interviews

The fourth metric is a comparison of the number of field interviews (subject stops) where force was used to the total number of field interviews conducted by officers. As with traffic stops, the overwhelming majority of field interviews that involved force also involved at least one arrest. Therefore, once again, the field interview figures are not independent of the arrest statistics discussed in Metric 2.

In 2016, MPD officers conducted 27,534 subject stops and 65 of them involved the use of force. There were, on average, 424 subject stops for each stop that involved the use of force ($27,534 / 65 = 423.6$). Overall, an average of approximately .24 percent of subject stops involved the use of force ($65 / 27,534 * 100 = .24$). This percentage is similar to previous years. Based on these data, it is reasonable to conclude that use of force in subject stops is an extremely rare event, and the use of force in traffic stops is even more uncommon.

Metric 5: Officers Involved in Use of Force Incidents

The 654 use of force incidents that occurred in 2016 involved 505 different MPD officers. In 2016, the MPD employed 1,923 sworn officers. As such, approximately 26 percent of all MPD officers ($505/1,923 * 100 = 26.3$) were involved in at least one use of force incident in 2016. In other words, approximately 74 percent of all sworn officers were *not* involved in any use of force incidents in 2016. This percentage is similar to previous years.

Metric 6: Use of Force and City Population

According to the 2010 U.S. Census, the City of Milwaukee had a population of 594,833. Considering the 654 use of force incidents in relation to the population of the city, there was approximately one incident for every 910 Milwaukee residents in 2016. This figure is similar to previous years.

Metric 7: Use of Force and Geographic Location of Incidents

Two variables are related to the geographic location of the incidents: aldermanic district (Table 3) and police district (Table 4). Aldermanic District 15 had the largest share of use of force incidents (14.5%), while District 11 had the smallest share of incidents (1.4%) (See Table 3, p. 8).

Table 4 (p. 8) shows the number of force incidents for each police district from 2013 to 2016. Four aspects of Table 4 are especially noteworthy. First, in 2013 to 2015, District 7 accounted for the greatest share of force incidents; however, in 2016 District 7 is indistinguishable from Districts 3 or 5 in this regard. Second, and relatedly, the decline in use of force incidents in District 7 from 2013 to 2016 is remarkable – from 242 incidents to 134 incidents, a decline of 44.6%. Third, from 2013 to 2016, the number of use of force incidents

declined in each police district except for District 1 and District 4. Finally, and similar to previous years, Districts 3, 5, and 7 accounted for a large majority of use of force incidents in the city (60.6% in 2016, 60.2% in 2015, 59.8% in 2014, and 64.7% in 2013).

Table 3. Location of Use of Force Incidents: Aldermanic District

Aldermanic District	Frequency	Percentage
1	60	9.3
2	47	7.3
3	23	3.6
4	53	8.2
5	11	1.7
6	74	11.4
7	88	13.6
8	42	6.5
9	36	5.6
10	24	3.7
11	9	1.4
12	46	7.1
13	18	2.8
14	22	3.4
15	94	14.5
Total	647	100.1

Notes: (1) 7 cases are excluded due to unknown district; (2) percentage does not total 100 due to rounding.

Table 4. Location of Use of Force Incidents: Police District 2013-2015

Police District	2013 (1)		2014(2)		2015(3)		2016 (4)	
	Freq	%	Freq	%	Freq	%	Freq	%
1	33	3.7	58	8.4	48	7.1	39	6.0
2	138	15.6	79	11.5	101	15.0	84	13.0
3	174	19.6	126	18.3	129	19.2	135	20.8
4	84	9.5	77	1.2	66	9.8	87	13.4
5	158	17.8	123	17.9	124	18.4	124	19.1
6	58	6.5	62	9.0	53	7.9	45	6.9
7	242	27.3	162	23.6	152	22.6	134	20.7
Total	887	100.0	687	99.9	673	100.0	648	99.9

Notes: (1) 8 cases are excluded due to unknown district; (2) 13 cases are excluded due to unknown district, percentage does not total 100 due to rounding; (3) 9 cases are excluded due to unknown district; (4) 6 cases are excluded due to unknown district, percentage does not total 100 due to rounding.

Given the variation in the number of use of force incidents across police district, it may be useful to explore possible corresponding variation in the frequency of force in relation to arrests and population across districts (Table 5 and Table 6, respectively). Table 5 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).

Table 5. Percent of Arrests that Involved Use of Force, by Police District

Police District	Total Arrests Made (a)	Number of Use of Force Incidents That Involved an Arrest (b)	Percent of Arrests that Involved Use of Force
1	1,423	33	2.32
2	3,441	72	2.09
3	4,185	125	2.99
4	2,657	73	2.75
5	3,226	109	3.38
6	1,589	41	2.58
7	3,707	116	3.13

Notes: (a) 334 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; (b) 9 missing cases (unknown district).

The analyses provided in Table 5 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 2.09 percent in District 2 to 3.38 percent in District 5. However, District 5 is not substantially different from District 3 or District 7 in this regard.

Table 6 shows the total number of force incidents, the population of each police district, and the number of residents for each use of force incident, across each district (population / use of force incidents = number of residents for each use of force incident).

Table 6. Frequency of Force and Population, by Police District

Police District	Total Number of Use of Force Incidents (a)	Population (b)	Number of Residents for Each Use of Force Incident (c)
1	39	47,807	1,226
2	84	85,671	1,020
3	135	82,030	608
4	87	94,295	1,084
5	124	67,841	547
6	45	114,117	2,536
7	134	102,336	764

Notes: (a) 6 missing cases (unknown district); (b) Population based on 2010 U.S. Census data as reported in the “Milwaukee Police District Statistics” web site; however, the total district population does not equal the city population reported by the 2010 U.S. Census; (c) figures are rounded.

Table 6 shows that, in relation to the population of the district, use of force is least common in District 6 (2,536 residents for each use of force incident) and most common in District 5 (547 residents for each use of force incident). However, District 5 is not substantially different from District 3 or District 7 in this regard. Overall, it is seen from Table 5 and Table 6 that in an absolute and relative sense, the use of force is very uncommon event, even in Districts 3, 5, and 7.

Situational Characteristics of Use of Force Incidents

Along with providing metrics on the use of force, the other purpose of this study is 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 and subjects involved in use of force incidents, (2) types of force used, (3) other characteristics of use of force incidents, and (4) frequency of force used against dogs.

Characteristics of Officers and Subjects Involved in Use of Force Incidents

The 654 use of force incidents involved 505 MPD officers. Similar to previous years, most incidents (415 out of 654; 63.5%) involved one officer, 184 incidents (28.1%) involved two officers, and 55 incidents (8.4%) involved three or more officers. With regard to the number of officers involved in the incidents, 291 officers (of the 505 officers; 57.6%) were involved in just one incident in 2016 and 33 officers (6.5%) were involved in five or more incidents. The most incidents an officer was involved in was 13. Previous analyses show that the best predictor of the number of use of force incidents an officer is involved in is the number of arrests made by that officer. In other words, officers who make more arrests are more likely to be involved in force incidents.

In 96 percent of the incidents,⁵ the first officer involved was male, in 71 percent the officer was white, in 97 percent of incidents the officer was in uniform, in 99 percent of the incidents the officer was on duty, in 94 percent of incidents the officer was the rank of police officer, and in 83 percent of incidents the officer was assigned to squad patrol. The average (mean) age of the first officer was 36 and the average length of service was ten years. In 14 percent of the incidents, the first officer involved in the incident was injured (compared to 18% in 2015). These characteristics are similar to previous years.

The 629 incidents involved 616 different subjects.⁶ Most incidents (96.7%; 608 out of 629) involved just one subject, 18 of 629 incidents (2.7%) involved two or more subjects. In 82 percent of the incidents, the first subject involved was male, in 75 percent the subject was Black,

⁵ Due to the structure of the data, most descriptive statements regarding the officers and subjects relate only to the first officer or subject involved.

⁶ In 8 cases the name of the subject was unknown or not provided. Excluded from these analyses are the incidents that involved a dog only.

in 32 percent the subject was under the influence of alcohol and/or drugs, the average age of the first subject was 27 years (with a range of 12 to 65), and in 62 percent of incidents the subject was injured, with the greatest proportion (45%) of injuries classified as “minor.” In three incidents, the injuries sustained by the subject were fatal (firearm-related). In 18 percent of incidents the subject was armed with a weapon (not including personal weapons such as fists or feet). In 85 percent of incidents, the officer noted that the subject resisted arrest. These characteristics are similar to those in previous years.

Type of Force Used by Officers

With regard to the type of force used by the officer(s) in the incident, it is seen in Table 7 that the majority of incidents (58.4%) involved “bodily force only.”

Table 7. Type of Force Used

Type of Forced Used	Frequency	Percentage
Bodily Force Only	382	58.4
ECD Only	98	15.0
Chemical Agent Only (OC)	25	3.8
Firearm Only	25	3.8
Baton Only	2	.3
Bodily Force and OC	20	3.1
Bodily Force and ECD	56	8.6
Bodily Force and Baton	6	.9
Police Canine	5	.8
Bodily Force and Handcuffing	7	1.1
Firearm and ECD	1	.2
Other Combination (no firearm)	27	4.1
Total	654	100.1

Note: Percentage does not total 100 due to rounding; ECD refers to Electronic Control Device (Taser), OC refers to Oleoresin Capsicum spray.

In total, 26 incidents (4.0%) involved the use of a firearm alone or in combination with another form of force⁷ and, as discussed in more detail below, 19 of these incidents involved a dog only. Clearly, in a relative and absolute sense, the use 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 8). These analyses are limited to incidents that involved the use of a chemical agent (OC Spray), an ECD (Taser), or a firearm.⁸ First, it is seen that there has been a steady decline in police use of firearms over time. Of the eight years under examination, 2009 to 2016, 2016 had the fewest number of incidents that involved the police discharge of a firearm (either at a person or a dog). Second, police use of an ECD increased in frequency to 2011, declined from 2012 to 2015, and then dramatically increased in 2016. Finally, with regard to the use of OC spray, there has been a steady decline from 2009 to 2016, with a significant decline from 2015 to 2016. Overall, 2016 shows a major increase in the use of ECDs and a major decline in the use of OC spray compared to 2015.

Table 8. Type of Force Used, by Year

Type of Force Used	2009	2010	2011	2012	2013	2014	2015	2016
Firearm Alone or with Other	53	46	51	40	40	30	27	26
ECD Alone or with Other (not with firearm)	85	125	144	101	85	77	65	169
OC Alone or with Other (not with ECD or firearm)	150	154	137	115	89	74	82	49

⁷ Pointing or aiming a firearm (or ECD) without discharging the weapon was not a reportable use of force category.

⁸ The 2013 use of force reporting policy change does not preclude an analysis of weapon use (OC Spray, Taser, or firearm) across years but it does preclude an analysis of “bodily force only” incidents. Prior to the policy change of January 1, 2013, all incidents that involved the use of OC spray, a Taser, or a firearm were required to be reported, but bodily force incidents that did not result in a citizen injury, or a complaint of an injury, were not required to be reported.

It is important to note that certain forms of force were more likely than others to lead to “major” or fatal injuries to subjects. In total, three incidents involved “major” or fatal injuries to subjects, all of which involved a subject being struck by gunfire. Approximately 43 percent of the time a firearm was used against a subject it led to major or fatal injuries (3 of 7 incidents). As noted, bodily force is by far the most common type of force used against subjects. In approximately 49 percent (189 of 382) of the incidents when bodily force was used alone, a subject sustained at least “minor” injuries.

Analyses also reveal that certain forms of force were more likely than others to lead to officer injuries. Specifically, officers were most likely to be injured when using bodily force. There are two ways to look at this issue: (1) 70 percent of the time that officers were injured it was during “bodily force only” incidents and (2) 16 percent of “bodily force only” incidents resulted in injury to officers.

Table 9 shows how firearms were used in force incidents. In the rare instance that a firearm was used, 73.1 percent of the time it was used to neutralizing a dog.

Table 9. Incidents Where the Force Used was a Firearm

Subject of Firearm	Frequency	Percentage	Result
Dog(s)	19	73.1	16 dogs struck
Subject	7	26.9	5 subjects struck
Total Number of Incidents	26	100.0	--

Of the seven incidents that involved the use of a firearm against a subject, three involved fatal injuries, two involved non-fatal injuries, and two resulted in no gunshot injuries (i.e., a subject was shot at but not struck). In six of the seven incidents, the subject was armed (5 with a gun, 1 with a knife).⁹ These seven incidents involved a variety of situations including robbery,

⁹ The other incident involved an in-progress robbery of a store.

battery, and shots fired calls, among others. Six of the seven incidents involved on-duty officers.¹⁰

Table 10 shows the frequency of incidents where dogs and subjects were the focus of the firearm from 2009 to 2016. It is seen that there has been an uneven decline in incidents that involve firearm force against a person (with a low of 7 incidents in 2016 and an 8 year mean of 11.4 incidents) and a steady decline in the number of firearm incidents that involve a dog (with a low of 15 incidents in 2015 and an 8 year mean of 27.8 incidents).

Table 10. Subject of Police Use of a Firearm, by Year (Number of Incidents)

Target of Firearm	2009	2010	2011	2012	2013	2014	2015	2016
Person	14	12	15	9	14	8	12	7
Dog	39	34	36	31	26	22	15	19

Other Characteristics of Use of Force Incidents

Along with the situational characteristics of use of force incidents that have already been discussed, two additional characteristics are worthy of mention. First, as seen in Table 11 (p. 16), approximately equal proportions of use of force incidents occurred at night as during daylight. Second, most incidents occurred outdoors. These findings are similar to those of previous years.

¹⁰ The off-duty officer incident involved an in-progress robbery of a store.

Table 11. Other Characteristics of Use of Force Incidents

Characteristic	freq	%
Time/Lighting of Incident (1)	652	100.0
Dark/Night	298	45.4
Light/Daytime	315	48.3
Dusk/Dawn	41	6.3
Location of Incident (2)	651	100.0
Indoors	154	23.7
Outdoors	497	76.3

Notes: (1) 2 cases missing; (2) 1 case missing, 2 incidents occurred indoors and outdoors.

Force Used Against Dogs

Of the 654 use of force incidents that occurred in 2016, 25 involved force being used against at least one dog.¹¹ Four incidents involved the use of a Taser, one involved the use of OC spray, one involved the use of a Taser and OC spray, and 19 involved the use of a firearm. These 25 incidents involved 28 dogs. Seventeen of the dogs were struck by gunfire. In total, of the 28 dogs upon which force was used, 12 were confirmed at the scene to have sustained fatal injuries.

Of the 28 dogs, 26 (92.9%) were pit bulls. The most common circumstances in which force was used against dogs was when officers were dealing with a loose dog or other dog complaint (see Table 12).

¹¹ Note that Table 9 and Table 10 (p. 14, p. 15) only include those incidents where a firearm was used against a dog; the analyses reported here include any type of force used against a dog. For comparison, in 2015 there were 16 incidents that involved at least one dog. In 2014 there were 26 incidents that involved at least one dog. In 2013 there were 26 incidents that involved at least one dog. In 2012 there were 32 incidents that involved at least one dog. In 2011, there were 38 such incidents, in 2010, there were 35 such incidents, and in 2009 there were 43 such incidents.

Table 12. Circumstance of Incidents Where Force was Used against Dogs

Circumstance	Frequency	Percentage
Loose Dog	7	28.0
Other Dog Complaint	5	20.0
Domestic Violence/Battery Complaint	3	12.0
Search Warrant	1	4.0
Other	9	36.0
TOTALS	25	100.0

Unfortunately, it is difficult to put these 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.

Summary

This report is part of a continuing effort 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, 2016 and December 31, 2016, the following summary statements can be made:

- There were 654 use of force incidents in 2016, a decrease of 4.1 percent from 2015 and a decrease of 26.9 percent from 2013.
- There was an average of 1.80 use of force incidents per day in 2016.
- There were 36 arrests for every one arrest that involved the use of force.
- Approximately 2.79 percent of arrests involved the use of force in 2016, compared to 2.73 percent in 2015.
- There were 3,533 traffic stops for each traffic stop that involved the use of force.
- Approximately .03 percent of traffic stops involved the use of force.

- There were 424 subject stops for each subject stop that involved force.
- Approximately .24 percent of subject stops involved the use of force.
- Approximately 26 percent of MPD sworn officers (505 of 1,923) were involved in at least one use of force incident in 2016. Approximately 58 percent of these 505 officers were involved in just one incident; approximately seven percent of the 505 officers were involved in five or more incidents.
- There was one incident of force for every 910 persons in Milwaukee in 2016.
- Police districts 3, 5, and 7 had about equal number of use of force incidents in 2016 and combined accounted for approximately 61 percent of all force incidents in the city in 2016.
- From 2013 to 2016, the number of use of force incidents declined in every police district except District 1 and District 4, which showed small increases. District 7 showed the largest decline in use of force incidents during these years.
- In relation to use of force and arrests made, Districts 3, 5, and 7 had the highest rates of use of force in 2016 and District 2 had the lowest rate. In relation to use of force and population size, District 5 had the highest rate of use of force and District 6 the lowest rate. In an absolute basis, use of force was a rare event in all districts.
- The most common type of force used by officers was “bodily force only” (58.4% of all incidents) followed by “ECD Only” (15.0%).
- Since 2009, the use of a firearm has declined; from 53 incidents in 2009 to 26 incidents in 2016. The number of incidents that involved shooting at a subject and shooting at a dog have declined since 2009.
- In 2016, seven of the 26 firearm incidents involved shooting at a subject (3 fatalities); 19 of the 26 incidents involved shooting at a dog (12 fatalities).

- Since 2009, the use of a chemical agent has declined in frequency with a small increase in 2015 and a large decline in 2016; the use of an ECD increased to 2011, declined from 2012 to 2015, and significantly increased in 2016.
- Approximately four percent of force incidents (25 of 654) involved force being used against one or more dogs (usually via a firearm but also OC spray and Taser). Most of the dogs were pit bulls and the largest proportion these incidents related to a loose dog.

Based on the analyses conducted here, and similar to previous years, the typical use of force incident in 2016:

- Involved one uniformed police officer and one subject. The officer was a white male, 36 years old, with ten years of service. The officer used “bodily force only” in the incident. The officer was not injured. The subject was a Black male, 27 years old. The subject resisted arrest and sustained “minor” injuries as a result of the incident. The subject was not armed with a weapon. The incident occurred outdoors and in daylight.

This study provides information for understanding and interpreting the nature, frequency, and circumstances of use of force incidents in the MPD. The study also provides useful information on data collection practices concerning use of force incidents. These data can be used to monitor use of force incidents over time.