

**2011 REPORT
ON
MILWAUKEE POLICE DEPARTMENT
FIREARMS DISCHARGES**



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INTRODUCTION

The discharge of a firearm by a police officer is an act that receives the highest degree of scrutiny by the police department and the public. No other act has a greater potential to disrupt community trust than a firearm discharge that is perceived as inappropriate or unnecessary. A confrontation that involves the exchange of gunfire is one of the most traumatic incidents that a police officer may encounter during their career.

Every instance in which a Milwaukee Police Officer discharges their weapon is recorded and evaluated. Information obtained from these evaluations can be used to initiate tactical and strategic changes with regard to how officers use and deploy their firearms. This report, together with detailed statistical analysis of firearms discharges, can be useful for the development of officer training, instructional scenarios, and the adoption of new technology.

This report may also help the community understand the circumstances of an officer-involved shooting in a more detailed context than television and newspaper media reports of an incident. Tracking the specific circumstances of how, when, where, and why officers discharge their firearms is an important tool for the police department and the community. The publication of this report is another method used by the Fire and Police Commission (FPC) and the Milwaukee Police Department (MPD) to increase community trust and work toward the goal of ensuring that deadly force is the only appropriate and necessary option in every instance that it is utilized.

The conclusions contained in this report are suggestions for possible modifications based upon a limited statistical review of a relatively small number of incidents. The Milwaukee Police Department actively works with the Fire and Police Commission on a regular basis to improve or modify policies and procedures concerning all department activities. All of the recommendations contained in this report are already a part of the regular policy review process in which the Police Chief, Executive Director of the Fire and Police Commission, and the associated subject-matter experts work to continually update and improve department operations. The conclusions in this report may represent the desired end state or may encompass the beginning stages of an extensive process to implement modifications. The Milwaukee Police Department is aware of all of the conclusions in this report, and in some instances, has collaborated in formulating certain conclusions.

CATEGORIES OF FIREARMS DISCHARGES

This report contains information compiled from preliminary and final police offense and incident reports, use of force reports, Professional Performance Division reviews, medical examiner and district attorney reports, and information from various computer databases. As a precautionary note, the very small comparative sample of 2011 incidents necessarily limits its usefulness in predictive analysis, together with the ability to draw definitive statistical conclusions from the data. The data does remain useful for a snapshot understanding of the circumstances of firearms discharges in 2011.

Firearms discharges have been categorized into three types of incidents for purposes of this report:

- ◆ Intentional Discharge – Confrontation
When a firearm is intentionally discharged by an officer during a confrontation with a subject.
- ◆ Intentional Discharge – Animal
When a firearm is intentionally discharged by an officer during a confrontation with an animal.
- ◆ Unintentional Discharge
When a firearm is unintentionally discharged by an officer.

USE OF FORCE

The community grants the right to use force to few members of society. Police officers are granted the right to use force in order to conduct their duties of maintaining public safety. A police officer's right to use force is guided by federal and state statutes, department training and policies, and a long history of case law generated by court review of police shootings. Local factors are also considered, and the laws regulating use of force may vary from one state jurisdiction to another. Police officers, unlike private individuals, are obligated to use force, if necessary, to ensure public safety.

A police officer's obligation, or permission, to use force to ensure public safety is not limitless. As a general rule, in Wisconsin a law enforcement officer making an arrest is entitled to use whatever force is reasonably necessary. Guidelines for when officers may use force are published by the Wisconsin Department of Justice's Training and Standards Bureau in a handbook issued to every Wisconsin law enforcement officer. The Wisconsin Law Enforcement Officer's Criminal Law Handbook states that "In any situation the officer should not use deadly force unless he or she reasonably believes it is absolutely necessary and then only as a last resort." The determination of "reasonableness" is a primary consideration when classifying an officer-involved shooting as justified or not justified. The "reasonableness" determination is viewed through the eyes of the officer, under the time, place, and circumstances of the incident that prompted the officer to discharge their firearm. Reasonableness in the context of the use of deadly force is not viewed from the perspective of ideal circumstances generated after days or weeks of intensive investigation after the event occurred. In other words, reasonableness is not judged in hindsight, but rather from the perspective of the officer, under the circumstance of the particular dangerous situation that they were faced with, the risks inherent at the scene, and the requirement to make a split-second judgment during such confrontation.

The Milwaukee Police Department promulgates its rules for the discharge of a firearm to reflect the Wisconsin Department of Justice training standards, together with the applicable federal and state statutes and case law. The Department's Standard Operating Procedure (SOP) 460-Use of Force provides instructions for the proper use of force by officers. SOP 460 states that one purpose of the instructions is to "determine whether the actions of police

members were justified, and to maintain public confidence in the Milwaukee Police Department.” SOP-460 requires Milwaukee Police Officers to comply with the State of Wisconsin Defense and Arrest Tactics (DAAT) Disturbance Resolution Model to determine what level of intervention, including deadly force, may be used. The DAAT Model is the standard to which all police officers in the State of Wisconsin are trained with respect to the use of force. The standard is determined by the Wisconsin Law Enforcement Standards Board, a state administrative agency that is responsible for establishing uniform state-wide training standards for police officers.

Milwaukee Police Department SOP 460-Use of Force provides specific rules for the use of force that is intended or likely to cause great bodily harm or death:

AMOUNT OF FORCE

- A. Police members making an arrest are entitled to use whatever force is reasonably necessary. Whether the force used is reasonable depends upon the totality of facts and circumstances in each case. Force that is intended or likely to cause great bodily harm or death, may only be used:
 - 1. If reasonable under all the circumstances then existing to prevent great bodily harm or death to the officer or a third party; or
 - 2. When necessary to prevent a suspect’s escape **and** the officer has probable cause to believe that the suspect presently poses a significant threat of great bodily harm or death to the officer or others.
 - 3. To kill an animal if the officer or another person is threatened with serious bodily harm by the animal or otherwise to provide for the safety of the general public.
 - 4. To kill an animal that has been so badly injured that its destruction would prevent further suffering.
- B. The firing of warning shots is prohibited. When feasible, a verbal warning should be given prior to the use of force likely to cause great bodily harm or death.

Milwaukee Police Officers receive initial training in the use of force during recruit school, and a minimum of 40 hours of periodic annual in-service training that includes use of force exercises throughout their career. This training includes classroom, live-fire, and scenario-based exercises that are designed to simulate actual intervention situations that may be

encountered. This training cannot foresee every dangerous circumstance that may be encountered, but does intend to develop the mental and physical skill set necessary to make a correct decision about whether and how to use deadly force. This report will assist the department in maintaining a training program that accurately reflects recent circumstances in which deadly force was utilized by MPD officers.

The Fire and Police Commission implemented a revised strategy in 2009 to oversee and monitor the use of force by MPD officers (See Appendix B). A primary purpose of the FPC strategy is to ensure community trust and confidence in MPD. The FPC also publishes an annual Use of Force Report that reviews all means of force deployed by MPD officers during the previous year. The publication of these reports on use of force, including this firearms discharge report, is intended to provide the public with a better understanding of police department operations.

INVESTIGATION OF A FIREARMS DISCHARGE

Every intentional firearms discharge involving a confrontation is investigated as a critical incident. Investigations are conducted in accordance with written guidelines in SOP 460.30-Critical Use of Force Incidents.

Whenever an officer discharges their firearm a patrol supervisor responds to the incident. The patrol supervisor takes charge of the scene and immediately notifies the chain of command. A Criminal Investigation Bureau (CIB) team of investigators immediately responds to the scene and takes charge of the criminal investigation. Investigations that involve injury or death are supervised by a Police Lieutenant or officer of higher rank. The Milwaukee Police Chief, Milwaukee County District Attorney and Executive Director of the Fire and Police Commission also respond to the scene of all firearms discharges that involve injury or death. Additional investigators from the District Attorney's office and Fire and Police Commission may also respond to the scene as needed. In addition, an investigator from the Milwaukee County Medical Examiner's office responds to all incidents involving a death.

The firearms discharge investigation is exhaustive and thorough. The investigation will typically include witness interviews, area searches, evidence collections, evidence photography, scene measurements and sketches, ballistic tests, laboratory tests, hospital interviews, and other investigatory tasks. The results are recorded in an investigation

summary and use of force report. Every MPD member that is directly involved in an intentional firearms discharge incident is relieved from all police duty and is assigned to temporary administrative duty with all pay and benefits pending the outcome of the investigation.

REVIEW OF FIREARMS DISCHARGE INVESTIGATION

The Milwaukee County District Attorney reviews all firearms discharges that result in death or injury to a person. The MPD, through a supervisory officer, presents the facts of the investigation that was conducted to the District Attorney. In addition, the District Attorney's office conducts its own independent investigation at the scene, and interviews the officers directly involved in the incident and any other pertinent outside witnesses. The District Attorney then makes a determination whether the use of force was reasonable under the circumstances presented.

After the District Attorney's office has made their determination, the MPD assesses the incident for procedural and training issues. Written guidelines have established a Use of Force Committee that is comprised of command staff officers, training academy firearms experts, use of force trainers, and a supervisor from the Police Chief's Office of Management Analysis and Planning that reviews the incident. The committee's findings and/or recommendations are submitted for review to the Chief of Police. The findings of the Use of Force Committee and District Attorney are also submitted to the Fire and Police Commission for review. The Executive Director of the Fire and Police Commission monitors the proceedings and may participate and review the findings and recommendations.

INTENTIONAL DISCHARGE — CONFRONTATION

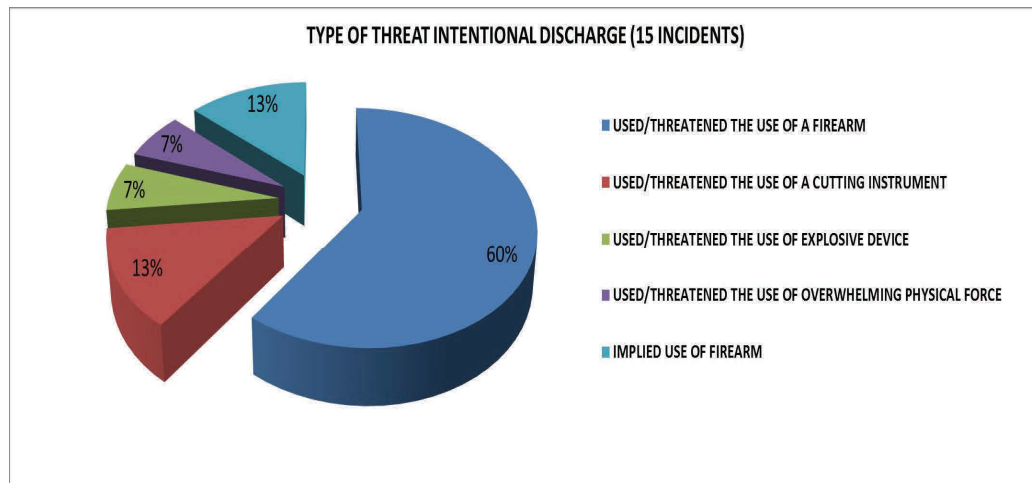
It should be initially noted that when an officer discharges their firearm in a confrontation, it is a statistically rare event. When reviewing the information in this report, it is important to understand the data in the context of the number of police-citizen interactions and weapon-related incidents that occur. The chart below demonstrates the context in which intentional firearms discharges during a confrontation occurred on an annual basis for 2011.

INTENTIONAL FIREARMS DISCHARGE CONTEXT

CATEGORY	TOTAL NUMBER (2011)
City of Milwaukee Population	604,477
MPD Sworn Officers	1,876
Traffic Stops	181,513
Field Interviews	61,201
Dispatched Assignments	238,657
Dispatched Assignments Involving Weapons	10,600
Gun-Related Crimes	4,182
Guns Confiscated	1,970
Arrests Involving Guns	1,219
Criminal Shooting Incidents	485
Officer Intentional Discharge of Firearm During Confrontation	15
Subjects Shot and Injured	6
Subjects Shot and Fatally Wounded	2

There were 15 incidents of intentional firearms discharge during a confrontation in 2011. Summaries of these incidents are located in Appendix A of this report. There were 15 subjects involved in these 15 incidents. Six subjects were injured and two subjects were fatally wounded. One of the six subjects that were injured committed suicide by self-inflicted gunshot at the scene after he was wounded by officers. There were no officers or civilian bystanders injured or killed in 2011 as a result of an intentional firearms discharge.

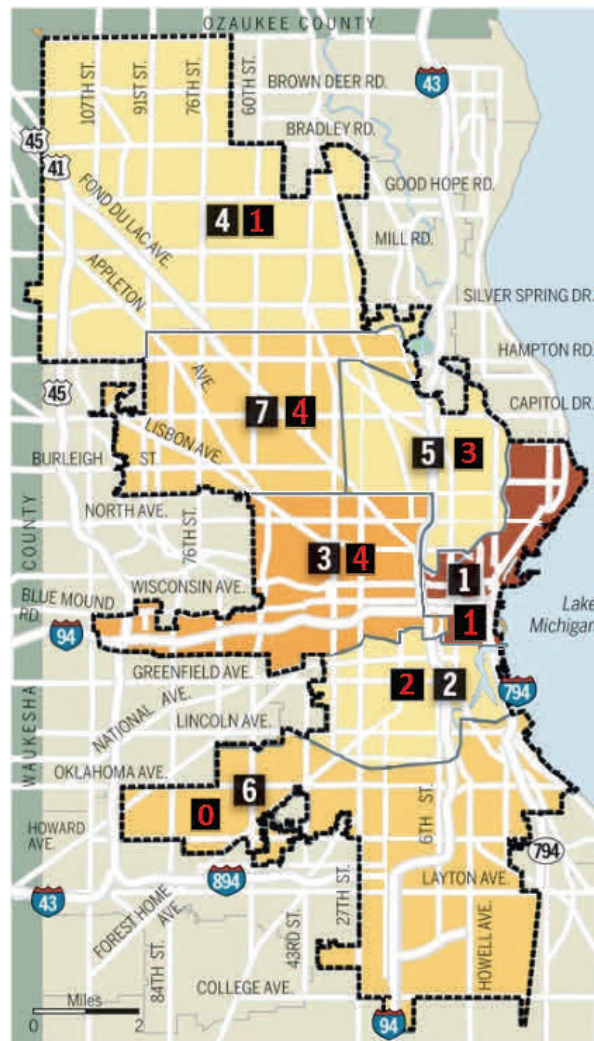
In the majority of these incidents (9) the subjects involved were armed with a firearm. In two incidents the subject was armed with a cutting instrument. One incident involved an explosive device that was perceived as a firearms discharge directed at an officer. Two incidents involved a perceived threat of serious physical injury or death. One incident involved physical force (attempted asphyxiation of the officer) by the subject.



The 15 incidents were distributed equally over the three primary MPD work shifts, with five incidents occurring during each shift. The three primary work shifts are days (8:00 a.m. – 4:00 p.m.), early (4:00 p.m. – 12:00 a.m.), and late (12:00 a.m. – 8:00 a.m.).

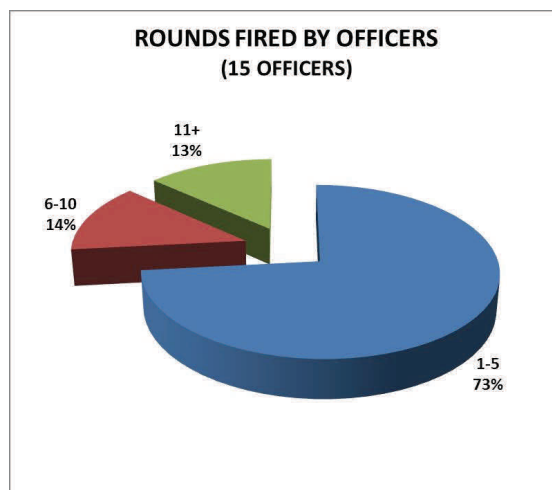
DISTRICT LOCATIONS OF 15 INTENTIONAL DISCHARGES DURING ADVERSARIAL CONFLICT

- ◆ White Number — Police District
- ◆ Red Number — Number of Intentional Discharge Incidents



Most officers (12) were performing patrol duties at the time of the firearms discharge. One officer was performing Detective Bureau duties and two officers were off-duty at the time of the incident. Of the 12 officers that were performing patrol duties, four had been dispatched to the assignment, three were conducting a field interview, three were conducting an investigation, and two were effecting an arrest.

A total of 79 rounds were discharged in 2011. Of officers discharging their firearms during a confrontation, nearly 75% (11) fired five or fewer times during the incident. The median number of rounds fired by officers was three per incident.

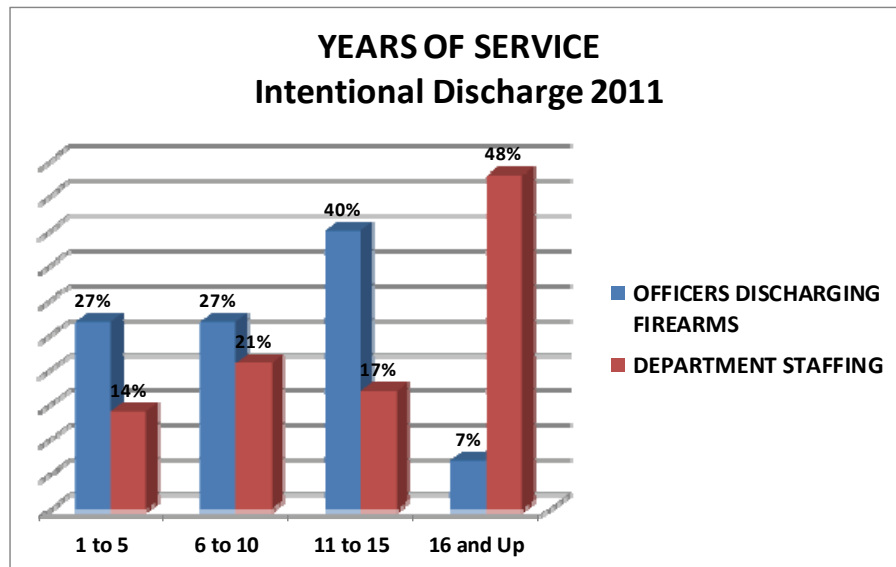


When an officer determines that a threat is severe enough to require the use of their firearm, officers are trained that the objective is to stop the threat by discharging rounds into the subject until the threat is eliminated. This is a pass/fail proposition and is measured by the “objective completion rate.” The objective completion rate is determined regardless of the number of rounds discharged in an incident. The objective completion rate uses the sum of subjects wounded or fatally injured as the denominator. Of the 15 incidents, officers struck at least one target subject per incident eight times, yielding an objective completion rate of 53%.

OFFICERS

Of the 15 officers who intentionally discharged a firearm, 87% (13) were male and 14% (2) were female. This compares to 82% of total MPD sworn personnel that are male and 18% that are female. Forty-seven percent (7) of the officers that intentionally discharged a firearm were

white, 33% (5) were black, 13% (2) were Hispanic, and 7% (1) was Asian. This compares to MPD total sworn personnel of 66% white, 19% black, 12% Hispanic, and 2% Asian. With respect to the total years of service with the Police Department at the time of the incident, 40% (6) of the officers had 11-15 years of service, 27% (4) had 6-10 years of service, 27% (4) had 5 or less years of service, and 7% (1) had more than 15 years of service.

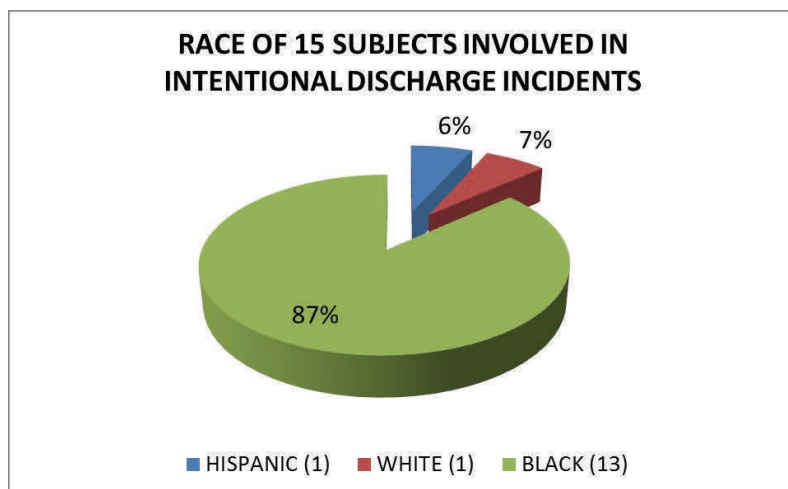


Eighty-seven percent (13) of the officers that discharged their firearm were in the rank of police officer. Nearly 75% (11) of all officers were wearing their full duty uniform. Thirteen percent (2) were detectives in plain clothes, and 13% (2) were in street clothes and off duty. Eighty-seven percent (13) of the officers discharged their department-issued semi-automatic handgun and 13% (2) discharged their department-issued patrol rifle.

SUBJECTS

The race of a subject is generally determined by the officer that files the reports regarding an incident. This determination may be based on a subject's self-identification, identification cards such as a driver's license, or other information. Of the 15 subjects identified by race, 87% (13) were black, 7% (1) were white, and 7% (1) were Hispanic. This compares to 90% of City of Milwaukee criminal shooting suspects overall in 2011 that were identified by race as black, 7% Hispanic, and 3% white. All 15 subjects that were fired upon in the 15 incidents were male. Of the 15 subjects, 20% (3) were under the age of 20, 40% (6) were 20-30 years

old, 27% (4) were more than 30 years old, and 13% (2) were unknown. The two unknown-age subjects were individuals that evaded apprehension and were not identified. The median age of all identified subjects was 24 years old. All of the identified subjects that were involved in firearms discharge confrontations had prior criminal records.



CONCLUSION

1. The MPD should continue to review its firearms training scenarios to maintain the tactical skills necessary to ensure that a perceived threat during a confrontation actually requires a use of deadly force response. Regular and frequent refresher training, using scenarios based in part upon the incidents cited in this report, will help officers prepare for similar encounters.
2. The MPD should review its firearms range proficiency training to ensure that officers are receiving adequate opportunities to hone their accuracy in target acquisition with a handgun, in light of the objective completion rate of 53% for intentional firearms discharge during a confrontation.

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3. The MPD should promulgate a policy or SOP that specifically delineates the responsibilities of a Criminal Investigation Bureau Detective, Lieutenant, and Captain at the scene and during the course of an investigation of any critical incident. This would clarify the role of such department members and provide a uniform investigatory process for critical incidents.
 4. The MPD should continue to work with the Fire and Police Commission in reviewing the process used with respect to the Use of Force Committee, together with its attendant procedures and the continued development of a robust and more timely critical incident review process that is responsive to the community.

UNINTENTIONAL DISCHARGE

In 2011, there were a total of seven incidents of unintentional firearm discharge by officers of the Milwaukee Police Department. One round was discharged in each of the seven incidents, with a total of seven rounds unintentionally discharged in 2011. Four (about 57%) of the incidents resulted in no injuries to any subjects or the officers themselves. One incident involved a self-inflicted unintentional injury to an officer. One incident involved a minor non-fatal penetrating injury to a subject other than the officer. One incident involved a minor non-penetrating fragment injury to a subject other than the officer.

Three (about 43%) of these incidents occurred in District 5 – one during the early shift, one during the late shift, and one on day shift. Two of the incidents occurred in District 6 – both during the day shift. One incident occurred off-duty in District 1 during late shift. One incident occurred off duty during day shift outside of the City of Milwaukee at Southridge Mall in Greendale, Wisconsin.

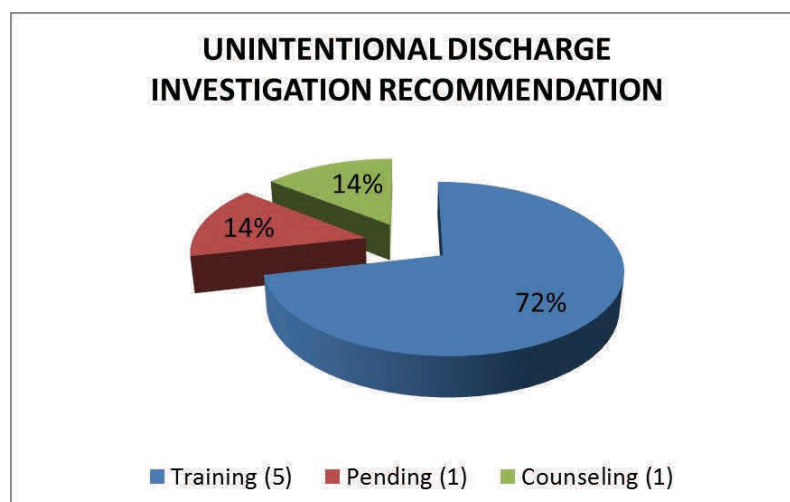
OFFICERS

In three (about 43%) of the incidents of unintentional discharge, the officers involved were carrying out patrol duties, such as a dispatched assignment, effecting an arrest, or conducting a field interview. In two of the incidents, the officers were off-duty when their firearm unintentionally discharged. In one case, the officer was carrying out Detective Bureau duties during a drug investigation and arrest. Lastly, there was one incident in which the Tactical Enforcement Unit was searching a building for a suspect, when an officer's firearm discharged unintentionally during the search. Of the seven MPD employees involved, four (about 57%) were in uniform at the time of the incidents, while three of them were in plain clothes – two were off-duty and one was an on-duty detective.

All seven of the officers who had unintentionally discharged their firearms were males. Six (about 86%) of these officers were white, and one was black. In terms of age, four (about 57%) of the officers were age 39-49, one was age 29-39, and two were age 21-28 at the time of the incidents. Three (about 43%) of the officers had less than five years of service at the time of the incident, two of them had between 15 and 19 years of service, and two of them had 20 or more years of service. Five (about 71%) of the employees involved in these incidents were police officers, one was a sergeant, and one was a detective. The firearms that

all seven of the officers unintentionally discharged were Smith and Wesson semi-automatic handguns.

The majority (five, about 71%) of the officers who had unintentionally discharged their firearms were required to undergo additional training as a result of their incidents, and one officer was referred for counseling. The incident that involved an off-duty police sergeant at Southridge Mall remains an open investigation pending the conclusion of the criminal case, since the sergeant was charged with a Class A Misdemeanor of Endangering Safety by Use of a Dangerous Weapon.

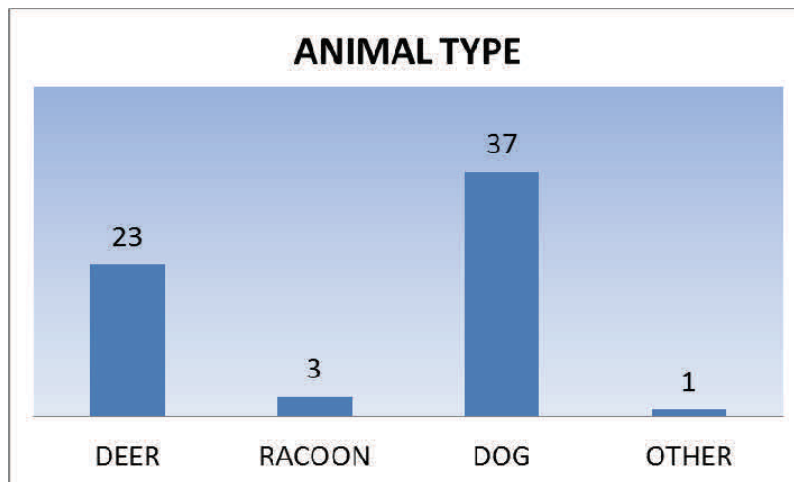


CONCLUSION

1. Both unintentional discharge incidents with off-duty officers involved the failure to properly utilize a holster for the weapon. MPD SOP 340.40 Department and Personal Duty Equipment currently requires an off-duty weapon and ammunition to be approved by the Department, and the officer must demonstrate proficiency with the approved handgun prior to carrying it. This SOP should be modified to include a requirement to utilize, whenever practicable, a holster capable of properly securing an off-duty weapon when not in use and while being carried on one's person.
2. All five of the on-duty unintentional discharge incidents involved one of two scenarios: Either the officer was transferring his handgun from his strong hand to his weak hand in order to grasp another object or subject with his strong hand, or the officer was grasping at an object or subject with his weak hand while having his trigger finger within the trigger guard with his strong hand. During the regularly scheduled department-wide annual firearms training, additional training on these two particular scenarios would improve officer's understanding of the means to reduce the likelihood of an unintentional discharge.
3. MPD SOP 340.40 prohibits officers from carrying a firearm while off-duty during certain circumstances. While addressed in other procedural areas, this particular SOP does not specifically prohibit carrying a firearm while consuming alcoholic beverages. While not an issue in any firearms discharge in 2011, the SOP should be reviewed to clarify and specifically prohibit the consumption of any amount of alcoholic beverages in a private or public setting while off-duty and carrying a firearm.
4. MPD SOP 340.40 should be reviewed to take into account the recent enactment of the state law allowing concealed carry for the general public. In particular, MPD Procedures should specify that the MPD SOP concerning off-duty concealed carry supersedes the concealed carry provisions that are applicable to the general public under the recently enacted state law provisions.

INTENTIONAL DISCHARGE — ANIMAL

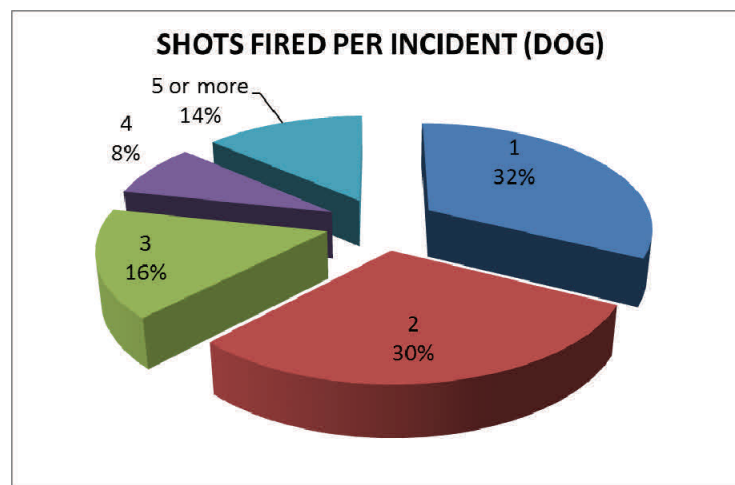
During 2011, the Milwaukee Police Department experienced 63 incidents of intentional firearm discharge with animal targets. These incidents involved a total of 64 animal targets (one incident involved two dogs). Of the 64 animals targeted, 58% were dogs (37), 36% were deer (23), 5% (3) were raccoons, and 2% (1) were opossums. A total of 154 rounds were discharged at the 64 animal targets, most (about 68%) of which were fired at dogs. About 73% (47) of all of the animals targeted sustained fatal injuries, including all of the deer and raccoons, the opossum, and 20 of the 37 targeted dogs.



A total of 66 officers were involved in the 63 incidents of intentional firearm discharge during an animal encounter. Three of the 66 officers were involved in more than one of the incidents; one particular officer was involved in four of the dog incidents, another officer was involved in three of the deer incidents, and another was involved in two deer incidents. In about 14% (9) of the incidents, two officers were involved in the encounter rather than just one, and all of such incidents involved dogs. An officer was injured in about 3% (2) of the cases. The Tactical Enforcement Unit (TEU) became involved in slightly less than 10% (6) of the incidents, all of which were dog-related.

INCIDENTS WITH DOG TARGETS

There were a total of 36 incidents of intentional firearm discharge with dog targets in 2011. These incidents involved a total of 37 dog targets, since one of the incidents involved two dogs. The majority – about 84% (31) – of the dogs targeted were pit-bulls. A total of 105 rounds were discharged at the 37 dogs, with an average of 2.8 rounds per dog. About 54% (20) of the dogs were killed in the encounter, 24% (9) sustained major injuries, 5% (2) sustained minor injuries, and 16% (6) were not injured.



A total of 42 officers were involved in the 36 dog-related incidents. One particular officer was involved in four of the incidents. In 25% (9) of the incidents, two officers were present during the encounter, rather than just one. An officer was injured in only two (about 4%) of the cases. In about 17% (6) of the incidents, the TEU was involved in the encounter.

INCIDENTS WITH DEER TARGETS

There were a total of 23 incidents of intentional firearm discharge with deer targets in 2011. Deer were typically targeted for euthanasia subsequent to being struck by an automobile or injured in some type of human encounter. A total of 42 rounds were discharged at 23 deer targets, with an average of 1.83 rounds per deer. All 23 of the deer targeted were killed in the encounters.

A total of 20 officers were involved in the 23 deer-related incidents. One particular officer was involved in three of the incidents, and another officer was involved in two of the

incidents. None of the officers sustained injuries in any of these cases involving deer targets. The TEU was not involved in any of the 23 incidents.

INCIDENTS WITH OTHER ANIMAL TARGETS

There were a total of three incidents of intentional firearm discharge with raccoon targets in 2011. A total of five rounds were discharged at three raccoon targets, with an average of 1.67 rounds per raccoon. All three of the raccoons targeted were killed in the encounters.

A total of three officers were involved in these three raccoon-related incidents. None of the officers sustained injuries in these cases with raccoon targets, and the TEU was not involved in any of the three incidents.

There was one incident of intentional firearm discharge targeting an opossum. A total of two rounds were fired at the opossum, ultimately resulting in fatal injuries.

One officer was involved in the incident with the opossum. He sustained no injuries in the encounter.

CONCLUSION

1. The MPD should review its training concerning encounters with animals, and in particular, identify the behavioral and physical actions that can be used as an alternative to the use of deadly force on dogs. It appears that the ratio of dogs killed by some other large urban police departments is significantly lower than MPD, and the best practices of those departments may be utilized to improve department procedures and further limit the potential for officer injuries.
2. The MPD should carefully review the historical records of officers involved in two or more incidents of intentional firearms discharge with an animal target to determine if additional individualized training may be useful.

APPENDIX A

INTENTIONAL DISCHARGE — CONFRONTATION INCIDENT SUMMARY

The following is a brief synopsis of each intentional firearms discharge that occurred during a confrontation in 2011. The incident descriptions are abbreviated summaries that are intended to inform the reader about the general circumstances of the event. In twelve of the incidents the officer's actions were found to be in compliance with the applicable rules and procedures. Two incidents remain open investigations pertaining to the use of force review at the time of this report. In one incident an officer received remedial training. The two open use of force review investigations and the remedial training finding are noted in the applicable synopsis. Every officer involved in an intentional firearms discharge is debriefed by the MPD Firearms Instructor, and in addition to any other finding, the MPD Instructor may require the officer to participate in supplemental training.

APRIL 4, 2011

On Monday, April 4, 2011 at 11:30 a.m., two uniformed officers responded to a complaint regarding trouble with a son at a retail store in District 2. While enroute, additional information was provided to the officers that the subject had a knife and had cut his mother. When the two officers arrived at the scene, one of the officers observed the subject displaying a knife in a threatening manner. The subject failed to comply with the officer's verbal commands to drop the knife and approached his mother and the officer. The officer fired three rounds from his duty weapon, striking the suspect but avoiding injury to the subject's mother and other citizens in the store. Despite his injury, the subject still maintained control of the knife. After several more verbal commands to drop the knife, the subject finally complied. The subject's knife was recovered from the scene and the entire incident was recorded on the store video recorder.

April 30, 2011

On Saturday, April 30, 2011 at 1:17 a.m., uniformed patrol officers responded to a complaint of a man with a gun in District 7. Enroute to the scene, officers learned the subject left the residence in the complainant's car. Officers observed the car and attempted to stop it when the driver, later identified as the subject, ran from the car and broke into a garage trying to hide from officers. When the officer entered the garage, the subject pointed a handgun at the officer and fired one round. In return, the officer fired seven rounds from his duty weapon and

backed out of the garage. Once the officer was out of the garage, the subject fired two additional rounds. For the next eight hours, the Tactical Enforcement Unit (TEU) employed a variety of methods to persuade the subject to exit the garage. Throughout this time, the subject continued to fire rounds from inside the garage. After the initial discharge, no other officers discharged a firearm on the scene. The TEU employed an armored car to attempt to gain entry as the subject fired numerous rounds at the car. At 9:15 a.m., the TEU deployed a CS canister of gas and, shortly thereafter, a muffled round was fired from inside the garage. Upon entering the garage, officers and a tactically trained paramedic found the subject in the garage with a self-inflicted fatal gunshot wound to the right temple and an officer-inflicted gunshot wound to the leg. The subject's gun was recovered with four unfired rounds in the magazine and many spent casings in the garage.

May 30, 2011

On Monday, May 30, 2011 at 11:02 p.m., two uniformed District 2 patrol officers were dispatched to a battery complaint. While handling this complaint, the officers heard six to eight gunshots fired nearby. Three more gunshots were heard a short time later. The officer walked toward the sound and observed a dark colored vehicle traveling slowly toward him with the headlights on and a male subject walking behind the vehicle actively firing a handgun. The officer fired four rounds from his patrol rifle at the subject who was shooting the handgun. The suspect fled on foot. A rifle and various bullet casings from a variety of weapons were recovered from the scene.

June 1, 2011

On Wednesday, June 1, 2011 at 10:53 p.m., two uniformed officers were on bicycle patrol in District 3. Despite the warm weather, the officers observed two subjects walking down the street with the hoods attached to their hooded sweatshirts pulled up over their heads. One of the officers became concerned the two subjects may attempt to rob two individuals walking on a nearby street. When the subjects saw the officers, both subjects pulled their hoods down and appeared to intentionally avoid the officers. As the officers approached and asked to speak with the subjects, one subject stopped while the other fled. The officer ran after the fleeing subject and noticed the subject reaching into his front waistband as he ran. Fearing the subject had a weapon, the officer deployed his Taser, striking the subject in the shoulder. Seeming to have no effect on the subject, the subject continued running and retrieved a handgun from his waistband. The subject pointed a handgun at the officer and, when the officer was about 6' from the subject, fired several rounds at the officer. Switching from his

Taser to his duty weapon, the officer returned fire and wounded the subject causing the subject to fall to the ground and he was taken into custody. The subject's stolen handgun and numerous casings were recovered from the scene.

June 5, 2011

On Sunday, June 5, 2011 at 9:35 p.m., two District 7 uniformed patrol officers were dispatched separately to a trouble with a son call. While inside the residence the subject approached the officer while holding a kitchen knife in his hand. The officer ordered the subject to drop the knife, but the subject continued toward the officer. After a moment, the subject stopped and placed the knife on a table. The officer ordered the subject to the ground. The subject argued with the officer and initially refused, but then complied by dropping to his knees and turning away from the officer. While doing this, the subject reached for his ankle. Due to the close proximity of the subject and the belief the subject was reaching for another knife, the officer fired three rounds from his service weapon striking the subject. A second knife was not found on the subject's person.

June 11, 2011

On Saturday, June 11, 2011 at 10:55 p.m., a detective was conducting an investigation related to a series of car break-ins and armed robberies in District 7. The detective parked an unmarked squad car near a tavern and began talking with a security guard outside of the tavern. After a short period of time, three individuals emerged from the tavern and stood at the entrance. Two of the three individuals had glasses of beer in their hands. The security guard informed the individuals they could not be on the sidewalk with open intoxicants. In addition, the detective identified herself as law enforcement and reiterated the security guard's instruction. The two individuals with the glasses of beer complied, but the third did not. The third individual became agitated, yelled insults at the detective, and approached her while she was seated in the squad car. Given his previous encounters with the individual, the security guard told the detective the individual was acting like he had a gun. The detective ordered the subject to stop and move away from the squad. The subject did not comply, however, and continued to move closer to the squad. When the subject moved his right hand quickly toward her, the detective perceived that the subject was drawing a weapon and fired her service weapon once at the subject. The subject was injured and no weapon was recovered from the scene. It was determined that the highly intoxicated subject had removed his black wallet from his pants, retrieved money from the wallet, and threw the money at the officer. The use of force investigation remains open at the time of this report.

June 12, 2011

On Monday, June 12, 2011 at 7:35 p.m., an off-duty police officer living in District 5 reported hearing several loud booms, which he believed may have been rounds discharged from a firearm. Calling in a shots fired incident, a uniformed patrol officer responded to the scene. Upon locating the four involved subjects in a nearby alley, the uniformed officer ordered all four subjects to the ground. Three of the four subjects complied while the fourth was slower to react and behaved in a way the officer perceived to be consistent with concealing a weapon. At this point, the officer heard what was perceived to be a round being fired from a firearm and observed smoke coming from the area near the same subject. The officer feared the subject had fired a weapon and fired three rounds from her duty weapon. As other officers arrived on the scene, the subjects were taken into custody without incident. No gun was recovered as the subjects had been detonating homemade explosives. Pieces of intact and used explosives were recovered from the scene. No one was injured during this incident.

June 26, 2011

On Sunday, June 26, 2011 at 5:30 a.m., two uniformed District 7 patrol officers were called to a report of a man entering a residence by force. When officers arrived at the residence, they observed two male subjects and a female subject on the stairwell leading from the door. The officers feared the complainant was being held against her will and attempted to force open the locked door. Initially, the officer felt resistance. When the resistance stopped and the door opened, two rounds were fired at the officer from close range with one round penetrating the officer's uniform but not impacting his body. The officer returned fire while the subject continued to point a firearm at the officer as he moved away. The subject was fatally wounded and a handgun was recovered from him.

June 30, 2011

On Thursday, June 30, 2011 at 12:20 a.m., two uniformed officers in a marked squad car were on patrol in District 4 when they received a call asking them to check their patrol area for a suspicious subject who was possibly armed. The officers attempted to stop several individuals on foot, one of whom matched the description of the suspicious subject. The subjects fled on foot and one officer pursued on foot. The officer caught up with the subjects in a backyard where one of the subjects fired two rounds from a revolver at the officer. The officer returned fire and fired 15 rounds from his duty pistol. The suspects fled, and were not identified or apprehended, and no one was injured. The officer received remedial training in tactical procedures.

July 11, 2011

On Monday, July 11, 2011 at 1:38 a.m., two uniformed officers in a marked squad car were on patrol on a hot, muggy night in District 5 when they observed a suspicious subject walking down a street wearing a hooded jacket. The officers observed the subject behave in a way they perceived to be consistent with carrying a concealed weapon. When the officers attempted to speak with the subject, the subject fled through nearby yards. One officer pursued on foot while the other officer followed in the squad. When the officer driving the squad caught sight of the subject fleeing through a rear yard, the officer parked the squad and gave chase on foot. The officer made his way to an adjoining yard to find the suspect staring directly at him. The suspect fired one round from a handgun at the officer and the officer returned fire with his service weapon, firing once. The subject fled, the officer pursued, and the subject was apprehended without further incident. The subject's pistol and ammunition were recovered from the scene. Neither the officer nor the subject was injured.

July 15, 2011

On Friday, July 15, 2011 at 2:54 a.m., two uniformed officers in a marked squad car were enroute to District 3 when they observed a group of individuals loitering, playing loud music, and dancing on vehicles inside a restaurant parking lot. The two officers also heard sounds consistent with either gunfire or firecrackers. As one officer exited the squad and attempted to move the crowd out of the parking lot, he heard five to six gunshots immediately next to him. The officer was able to ascertain the rounds came from a subject with a handgun who was driving a vehicle slowly out of the parking lot. The subject's hand came out of the driver's side window with a handgun in it. The officer yelled "Stop, police!" and fired once toward the vehicle. The subject retracted his arm and sped off at a high rate of speed. The officer attempted to give chase, but was unable to apprehend the subject. Numerous casings were recovered from the scene. No one was injured during this incident.

July 16, 2011

On Saturday, July 16, 2011 at 1:40 p.m., a District 5 uniformed officer patrolling in a marked squad observed a subject stealing items from a business. The officer secured the subject by the arm, and asked the subject to accompany him to the rear of the squad car. Before the officer could open the squad door, the subject violently pulled away from the officer and fled down a gangway. The officer gave chase and prevented the subject from scaling the fence at the end of the gangway. The subject grabbed the officer by the collar and attempted to pull him to the ground. As the officer struggled to regain his balance and control the subject, the

officer tried unsuccessfully to reach for his OC canister. The struggle continued and the subject shifted the officer's bullet-proof vest violently against the officer's neck, causing the vest to cut off blood circulation, and causing the officer to fear he would lose consciousness. Fearing that the subject would disarm him and potentially use lethal force against him, the officer drew his duty weapon and fired two rounds with one round striking the subject and the other round missing. The injured subject was then taken into custody. The officer sustained minor injuries and was treated and released.

July 27, 2011

On Wednesday, July 27, 2011 at 9:33 a.m., a subject entered a retail store in District 3. The subject used a handgun to fire one round in the store and took money from one customer and the cash register. Upon exiting the store, the subject observed a uniformed motorcycle officer at a nearby intersection. The subject fired two rounds at the officer and fled on foot. The officer returned fire with two rounds from his duty weapon, but did not strike the subject. After a brief motorcycle and foot chase, the subject was apprehended nearby. The subject's revolver and proceeds from the robbery were recovered. No one was injured during this incident.

October 11, 2011

On Tuesday, October 11, 2011 at 3:15 p.m., an off-duty detective living in District 3 observed two subjects acting suspiciously outside a neighbor's home. The detective observed the two subjects stealing a television from the neighbor's home. He identified himself as an officer and both subjects fled. As the detective gave chase, one of the subjects slowed slightly, turned around, held a black item in his hand, and extended his arm toward the detective. Fearing the subject had a gun, the detective fired his duty pistol three times at the subject. When uniformed officers arrived on the scene, they were unable to locate the subjects and no weapon was recovered. There were no injuries during this incident, but due to the detective's intervention the subjects were later apprehended and charged with burglary.

November 11, 2011

On Friday, November 11, 2011 at 3:39 p.m., two uniformed officers responded to an armed robbery at a bank in District 1. Upon arrival at the scene, a security guard told officers the subject had fled on foot. The officers, along with the security guard, searched for the subject in a marked squad car. Within minutes, the officers located the subject and the security guard identified the subject as the individual who robbed the bank. As the squad approached, the

subject reached into his waistband and fled a short distance. At this point, one officer armed with a patrol rifle exited the squad car, gave chase, and ordered the subject to stop. The subject turned toward the officer and discharged at least one round at the officer. Fearing the second officer would arrive on scene and enter the subject's line of fire, the officer did not immediately return fire, but moved to draw the subject's attention. Again, the officer ordered the subject to stop, but the subject looked over his shoulder a second time at the officer. The officer, fearing the subject would fire at him a second time, fired twice from his patrol rifle fatally injuring the subject. The subject was on parole for armed robbery and had recently robbed various other banks in the area. The use of force investigation remains open at the time of this report.

APPENDIX B

FIRE AND POLICE COMMISSION **USE OF FORCE STRATEGY STATEMENT**

Introduction

One of the most important duties and public expectations of the Fire and Police Commission (FPC) is to ensure that there are appropriate policies and standards in place to address the use of force by Milwaukee Police Department (MPD) officers.

The FPC has implemented a strategy to oversee and monitor the use of force by MPD officers. The purpose of this strategy is to:

- a. Reduce the need for the use of force
- b. Ensure that when force is used it is deployed correctly and minimally
- c. Limit exposure of the City of Milwaukee to liability
- d. Minimize injury to both citizens and officers
- e. Increase community trust and confidence in the MPD

Strategy

1. The FPC will continuously evaluate police policies, practices, and patterns and periodically issue public reports on issues concerning the use of force.
2. The FPC will audit use of force internal investigations to ensure thorough, fair, and credible results while identifying any systemic problems and opportunities for improvement.
3. The FPC will independently monitor and review the use of force reports and records of the MPD to identify patterns or trends and take corrective action to revise training, policies, standards, or procedures.
4. The MPD will utilize a department Use of Force Committee to review:
 - a. Appropriateness of use of force by department members
 - b. Field supervision of use of force incidents
 - c. Effectiveness of department rules, procedures, and training
 - d. Proper use and effectiveness of equipment
5. The FPC will monitor the MPD Use of Force Committee and review its quarterly and periodic reports and recommendations.

(4/9/09)