

2015 FIRE AND POLICE COMMISSION CITIZEN COMPLAINT REPORT

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Introduction

As the citizen oversight authority for the City of Milwaukee Police Department (MPD) and Fire Department (MFD), a primary function of the Fire and Police Commission (FPC) is to provide the city with a process that transparently and fairly investigates citizen complaints. The FPC provides citizens with a system of investigation that is independent of the agency being investigated under the oversight of a diverse board of civilian commissioners and staff. In addition to investigating complaints made directly to the FPC, the FPC also audits complaint investigations made to the respective departments in order to help ensure citizen confidence in the process regardless of where they choose to file their complaint. This report is a summary of the complaints submitted directly to the FPC and of those independently investigated by the respective departments in the year 2015.

Complaints submitted to the FPC

Complaints submitted to the FPC are classified as either formal or informal. Informal complaints may be investigated as necessary, and often FPC investigators answer the citizen's questions such that the matter is able to be closed without proceeding to the formal stage. Informal complaints against a specific Fire or Police Department member are not recorded in an employee's record as a misconduct complaint, while formal complaints are recorded in an employee's record and receive a more thorough investigation. If a citizen calls the FPC office and reports a complaint, an informal case file is opened and an FPC investigator provides the citizen with the process for converting the complaint to formal status by sending him/her the appropriate documentation. If a citizen submits a signed and notarized complaint form, a formal case file is opened immediately.

The FPC classifies complaint allegations into five general categories:

Unauthorized Use of Force: An allegation that an employee used excessive physical force or more force than was needed under the circumstances.

Discourtesy: Unnecessary, unprofessional, rude, profane, derogatory, inappropriate or belligerent language, actions or behavior by an employee.

Disparate Treatment: Language, conduct or behavior that is inappropriate, demeaning or derogatory concerning a person's race, religion, nationality, physical appearance, gender or sexual orientation.

Department Procedures: An unauthorized or inappropriate deviation from established department policies or procedures.

Department Services: An inappropriate, unnecessarily slow or insufficient response by the department employee to an incident, call for service or request for intervention.

Upon investigation the FPC will issue a finding for each allegation. The findings are categorized as:

Not Sustained: The investigation failed to produce a preponderance of evidence to either prove or disprove the allegation.

Unfounded: The allegation is false or not factual.

Exonerated: The allegation did occur but the actions of the employee were legal, justified, proper and/or in conformance with the law and the agency's policy and procedure.

Sustained: There is sufficient evidence to prove the allegation made in the complaint.

Complaint allegations may be dismissed and closed without a finding. There are a variety of circumstances which will warrant this action including but not limited to:

The complaint relates solely to the legitimacy of a criminal arrest or traffic citation. In these cases it is the jurisdiction of the judicial system to determine the legality or merit of the charges.

There is excessive delay in filing. This is especially important for matters which lack physical evidence and participants' memories of the event will be the primary evidence.

The complaint is grossly illogical, improbable, or clearly not made in good faith.

The complaint has already received thorough review. Occasionally complaints are received numerous times after already concluding an investigation.

The complaint is about a general department policy and not related to a specific incident or employee. The FPC complaint process is for the investigation of specific incidents of alleged misconduct.

Cases are sometimes resolved through a process called **rapid resolution**. Rapid resolution involves complaints of a general nature filed with the FPC and then forwarded to MFD or MPD for prompt solution. These complaints usually involve questions related to the conduct of a MFD or MPD employee that, on its face, do not appear to be a violation of a department rule. These complaints can include, but are not limited to, inquiries related to the quality of service provided by public safety employees, their actions or any questions that may be better answered by the department directly.

The Assistant Chief of MFD, the district or bureau Captain of MPD or the appropriate supervisor will directly contact the complainant in order to provide a "rapid resolution." This process gives the supervisor the opportunity to resolve any questions or concerns directly with the individual. The FPC has also historically offered mediation as an alternative to the traditional complaint process. Mediation gives complainants an opportunity to address and resolve their concerns directly with the MFD or MPD employee, while allowing both parties the opportunity to learn from the open discussion and contribute to better community relations. If the citizen and employee agree to mediation, there will be no FPC citizen board trial and no disciplinary action will be taken against the employee. The FPC has used the Milwaukee Mediation Center as an independent mediator. The Milwaukee Mediation Center is a non-

profit community organization that promotes and provides mediation and other effective processes of conflict resolution and restorative justice.

If a complaint does not qualify for mediation or rapid resolution and the FPC’s investigation determines that enough evidence exists to find that the employee violated a department rule, absent conciliation, the complaint is referred to a citizen board trial. The citizen board trial is a quasi-judicial process in which witnesses are sworn, testimony is taken, and evidence is presented. Each party may question the other, call witnesses, present exhibits, and testify. The citizen board, composed of FPC Commissioners, reviews the evidence and ultimately makes its findings and final decision.

Total FPC complaint volume

In 2015 there were a total of 245 citizen complaints filed with the FPC, 155 (63%) informally and 90 (37%) formally. At the time of this report there are 2 outstanding open formal complaints still in process of investigation. The total number of complaints received per year is displayed in Figure 1. The 245 total complaints received by the FPC during 2015 are 9% below the seven year average number of 270 complaints. The past three years have been relatively consistent in the number of complaints received: from 2013 to 2015 the average number of complaint cases is 240 with a standard deviation of 7, while from 2009 – 2012 the average number of complaint cases is 293 with a standard deviation of 48.

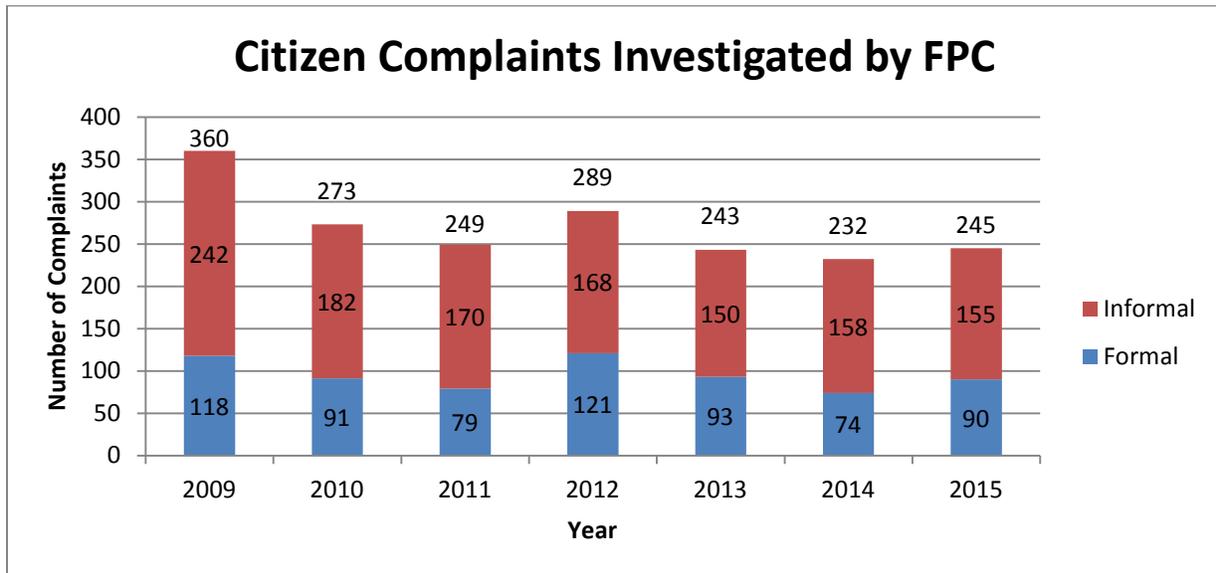


Figure 1

Summary of FPC allegations and findings

The 245 citizen complaints received in 2015 contained a total of 340 distinct allegations, 28 of which were not levied against fire and police personnel (and were thus not within the FPC's investigative jurisdiction). Of the remaining 312 allegations, a total of 178 (57%) of the allegations were cited in informal complaints and 134 allegations (43%) were cited in formal complaints. The findings of each allegation are summarized in Tables 1 and 2. Note that the total in Table 2 is less than the number of formal allegations. This is because 3 allegations (2 regarding department services and 1 regarding discourtesy) are still under investigation and do not yet have a finding. Also note that an individual allegation may be levied against multiple employees. In those cases the allegation is counted multiple times (once for each employee-allegation combination).

		Complaint Category						Grand Total
		Department Procedures	Department Services	Discourtesy	Disparate Treatment	No Allegation	Use of Force	
Complaint Disposition	Informal Allegations (FPC)							
	CLOSED FILE	34	25	29	1	3	5	97
	RAPID RESOLUTION	34	33	11	3	0	0	81
	Grand Total	68	58	40	4	3	5	178

Table 1

		Complaint Category						Grand Total
		Department Procedures	Department Services	Discourtesy	Disparate Treatment	No Allegation	Use of Force	
Complaint Disposition	Formal Allegations (FPC)							
	EXONERATED	1	2	0	0	0	4	7
	CLOSED FILE	4	2	7	0	2	0	15
	COMPLAINT WITHDRAWN	3	0	3	0	0	0	6
	RAPID RESOLUTION	6	9	10	0	0	1	26
	NO RULE VIOLATION	4	0	0	0	0	0	4
	NOT SUSTAINED	19	10	20	2	0	8	44
	SUSTAINED	5	2	1	0	0	0	8
	UNFOUNDED	1	3	2	0	0	0	6
		Grand Total	43	28	43	2	2	13

Table 2

Of the informal allegations which involved MPD or MFD personnel, 97 (54%) were classified as closed files because no subsequent formal complaint was provided and the complaint was not deemed appropriate for further investigation or rapid resolution. The remaining 81 allegations (46%) were resolved through the rapid-resolution process. The most frequent misconduct alleged in informal complaints was in regards to department procedures (68 allegations, 38%). Fifty-eight allegations (33%) were in regards to department services, 40 allegations (22%) were in response to discourtesy, 3 (2%) were deemed to have no allegation at all, 5 (3%) alleged use of force misconduct, and 4 (2%) were in regards to disparate treatment.

Of the 131 closed formal allegations investigated in 2015, the majority (44 allegations, 34%) were not sustained. Twenty-six (20%) of the formal allegations were able to be resolved through the rapid-resolution process. For 15 allegations (11%) the allegation did not rise to the level requiring further investigation and the disposition was recorded as a closed file. Complainants withdrew 6 allegations (5%) and the complainants' allegations were proven to be unfounded in another 6 (5%). The allegations were sustained in 8 instances (6%), and the employee was exonerated in 7 allegations (5%).

For the 8 allegations which were sustained, 6 involved police personnel and 2 involved fire personnel. Four of the sustained allegations regarded police department procedures and 2 of the sustained allegations regarded police department service. All 6 of these sustained allegations resulted in a policy review for the police department members. One fire department employee was suspended for 2 days in response to an allegation regarding department procedures. Another fire department employee had an allegation of discourtesy sustained but the employee retired before action was taken in response.

FPC investigation efficiency

The speed at which formal complaints were resolved in 2015 is summarized in Figure 2 - a histogram depicting the number of calendar days to close a complaint versus the number of cases resolved in each time period. Each bin of the histogram represents 7 days. Eighteen (20%) formal complaints were resolved by the FPC within 7 days and 41 (46%) were resolved within four weeks. The average number of days it took to resolve a formal complaint was 44 while the median number was 29.

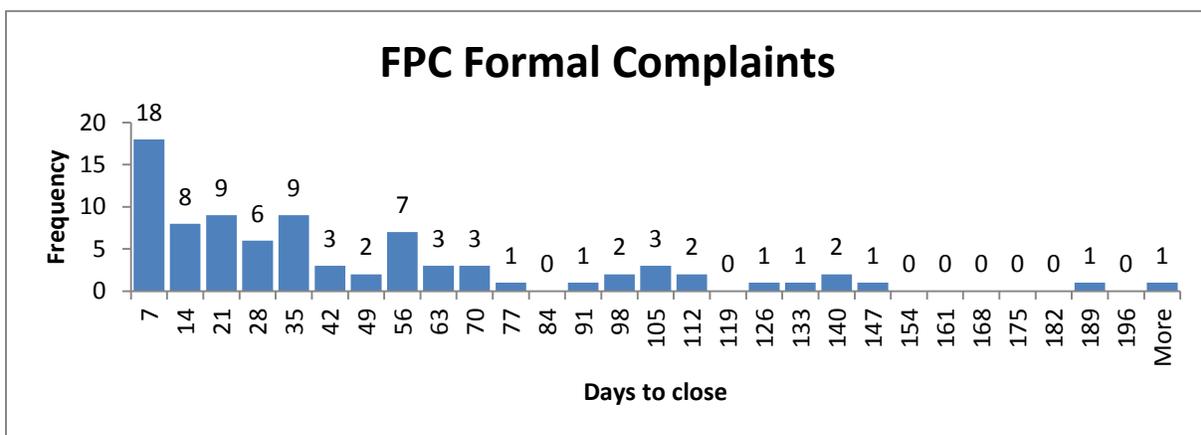


Figure 2

Complaints submitted to the MPD

When a complaint is submitted directly to the MPD (rather than the FPC) it is evaluated by the commanding officer of the Internal Affairs Division (IAD) in order to determine who will investigate the complaint. Serious allegations will be investigated by sergeants in the IAD, while other complaints (such as civility complaints, for example) may be sent to the member's commanding officer to investigate. If it is a criminal allegation, it will go to the special investigation section of the MPD; and upon the conclusion of their investigation, it will be presented to the Assistant District Attorney (ADA) who will decide whether to issue charges. Complaints investigated at the district level are reviewed by the captain, then by the assistant chief, and finally by the commanding officer of the IAD in order to ensure nothing was missed and to determine the disposition of the investigation. Any discipline imposed beyond a district level reprimand is written up as a charge and is submitted to the Chief of Police for review and determination of the appropriate discipline to impose.

Total MPD complaint volume

In 2015 there were 124 citizen complaints submitted directly to the MPD, five of which are awaiting final disposition. While the FPC records and classifies verbal complaints as informal until written filing criteria are met, no such distinction is made in the MPD; thus all complaints detailed in this measure been formally processed by MPD staff. The 124 complaints in 2015 represent a 25% decrease in MPD investigated complaints compared to 2014 and a 66% decrease from the 363 complaints in 2009. Figure 3 illustrates the overall 7 year decrease in the number of complaints filed with and investigated by the MPD.

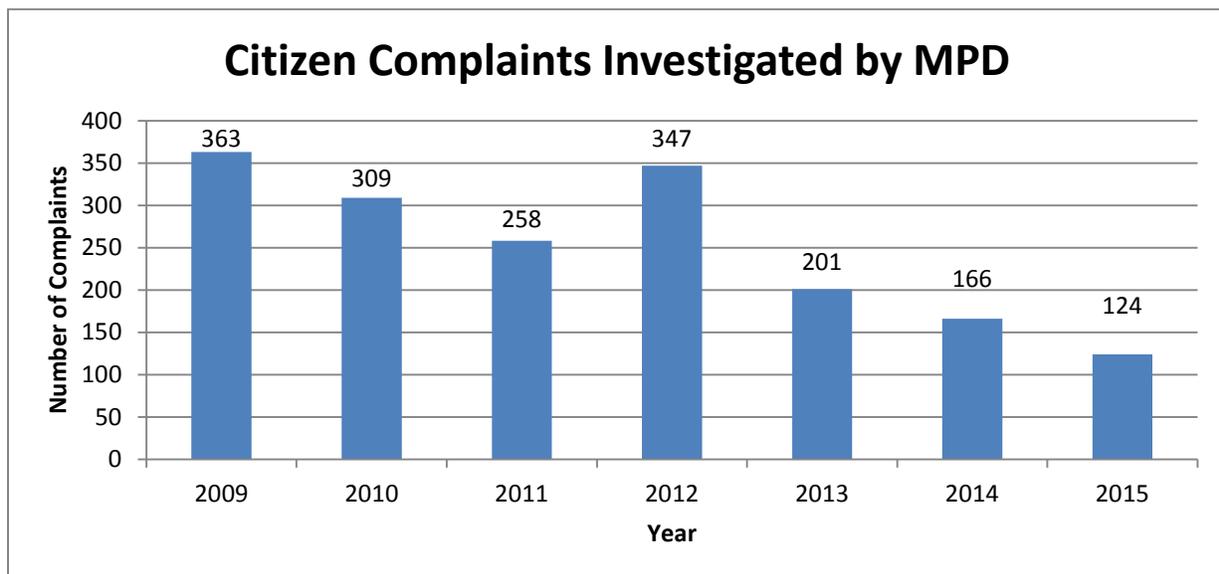


Figure 3

Summary of MPD allegations and findings

The 124 citizen complaints received by the MPD in 2015 contained a total of 224 distinct allegations against police personnel. Allegations investigated by the MPD are classified differently than those investigated by the FPC: the FPC uses general descriptive categories to define an allegation (see Tables 1 and 2) while the MPD uses specific item categories within its Code of Conduct (see Appendix 1). Table 3 summarizes the final dispositions for each code of conduct allegation investigated by the MPD. Note that the total in the table (209) is less than the total number of allegations (224) due to allegations which remain open and without final disposition at the time of this writing.

The most common Code of Conduct complaint allegation category in 2015 was Competence, 1.04 (50, 23.9%) followed by Respect, 5.01 (38, 18.2%) and Integrity, 3.05 (35, 16.7%). Grouping the items by general Code of Conduct category reveals that 78 (37.3%) allegations regarded Competence, 72 (34.4%) regarded Integrity, 43 (20.6%) regarded Respect, and 16 (7.7%) regarded Restraint. There were no allegations categorized under the remaining Code of Conduct categories of Courage and Leadership.

Eighty five of the allegations investigated by the MPD were not sustained (40.7%). Thirty (14.4%) of the allegations were proven to be unfounded and 23 (11.0%) resulted in a policy review with the member. It should be noted that when an investigation finding in this setting is listed as “policy review” it does not indicate that the allegation was proven to be true or false. It indicates that, regardless of the veracity of the allegation, the most reasonable way to address the allegation was determined to be a review of department policy with the member named in the complaint. Policy review may also be the end result action upon a finding of “sustained” at the conclusion of an investigation. In these cases the IAD sustained the allegation, the member was charged, and upon review of the charge the Chief felt the appropriate action was policy review. Of the 10 allegations (4.8%) which were sustained, 9 resulted in district level reprimands and one resulted in a policy review with the member.

MPD Investigated Complaints	Allegation Disposition												Grand Total
	FILED - INFORMATION ONLY	FILED - MEMBER TERMINATED	FILED - PENDING ADDITIONAL INFORMATION	No COC Violation	NOT SUSTAINED	SUSTAINED	UNFOUNDED	POLICY REVIEW	RESOLVED AT DISTRICT LEVEL	REMEDIAL TRAINING	MEMBER COUNSELED	MEMBER RESIGNED/RETIRED	
Competence, 1.02	0	0	0	0	0	0	0	1	0	0	0	0	1
Competence, 1.03	1	0	1	0	0	1	0	0	0	0	0	0	3
Competence, 1.04	4	0	0	8	25	0	8	1	3	0	0	1	50
Competence, 1.05	1	0	0	0	2	4	0	13	0	3	0	0	23
Competence, 1.10	0	0	0	0	0	1	0	0	0	0	0	0	1
Integrity, 3.00	0	0	0	0	2	0	1	0	0	0	0	0	3
Integrity, 3.01	1	0	0	0	0	1	2	0	0	0	0	0	4
Integrity, 3.03	0	0	2	3	10	1	5	4	1	0	0	0	26
Integrity, 3.04	0	0	0	0	1	0	0	0	0	0	0	0	1
Integrity, 3.05	2	1	8	0	13	0	10	0	0	0	0	1	35
Integrity, 3.06	1	0	0	0	0	0	1	0	0	0	0	0	2
Integrity, 3.11	0	0	0	0	0	0	1	0	0	0	0	0	1
Respect, 5.00	0	0	0	3	0	0	0	0	0	0	0	0	3
Respect, 5.01	1	0	5	0	19	2	1	1	6	0	2	1	38
Respect, 5.02	0	0	0	0	1	0	0	0	1	0	0	0	2
Restraint, 6.01	0	0	0	0	10	0	1	3	0	0	0	0	14
Restraint, 6.02	0	0	0	0	2	0	0	0	0	0	0	0	2
Grand Total	11	1	16	14	85	10	30	23	11	3	2	3	209

Table 3

MPD investigation efficiency

The speed at which complaints submitted to the MPD were resolved in 2015 is summarized in Figure 4 - a histogram depicting the number of calendar days to close a complaint versus the number of cases resolved in each time period. Each bin of the histogram represents 7 days. Twelve (10%) of the complaints were resolved by the MPD within 7 days and 21 (18%) were resolved within four weeks. The average number of days it took the MPD to resolve a complaint was 91 while the median number was 72.

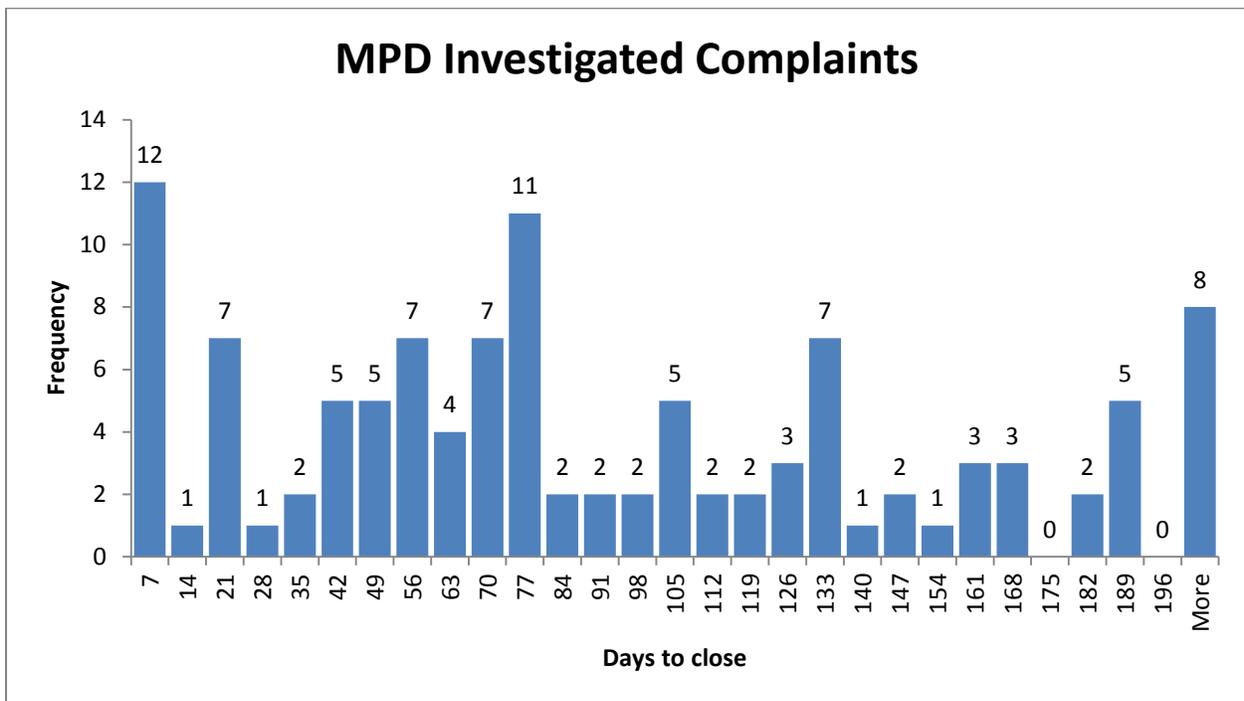


Figure 4

Analysis

Total combined complaints

The total number of complaints recorded for the Fire Department and each Police District are outlined in Figure 5. These totals combine formal complaints received and investigated by the FPC with those received and investigated by MPD.¹ In addition to the Police District (D1, D2, etc.) and MFD categories listed in Figure 5, there is also a category called “MPD General”: this category is for complaints which do not clearly refer to a specific known Police District. The three year per-police-district per-year average number of complaints is 29.2 with a standard deviation of 12.1. The most notable items in this data set are the decline in the number of complaints in Police Districts 7 and 2. Police District 7 has moved from having by far the most complaints in 2013 (68) to having only 27 complaints in 2015, which is now very close to the 3-year average across all police districts. Police District 2 has moved from having a relatively average number of complaints in 2013 (34) to having by far the least number of complaints in 2015 (7 complaints).

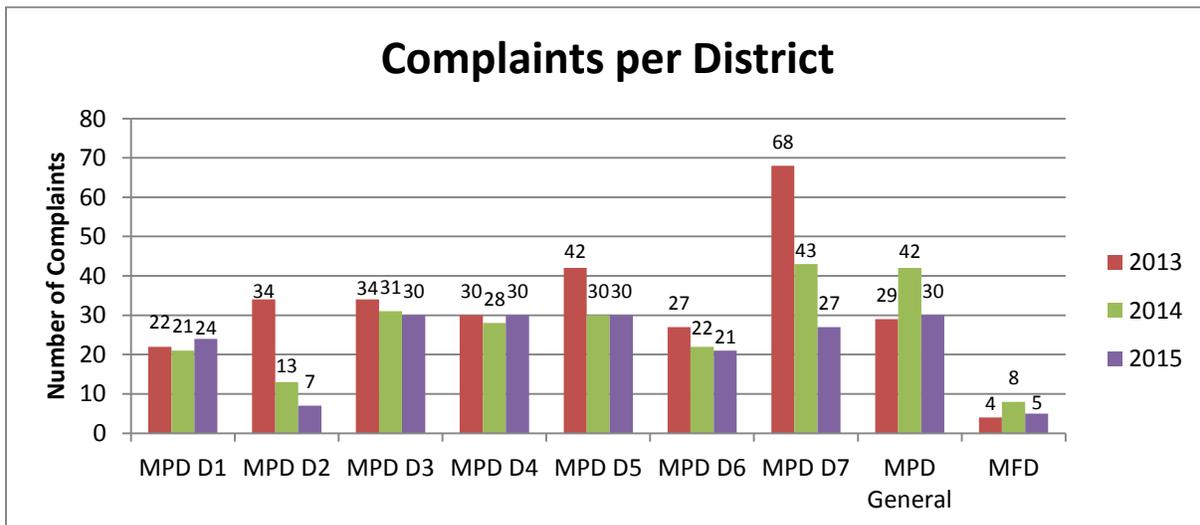


Figure 5

Rate of police complaints per citizen contact

Complaint volume in context of the number of police-citizen contacts in 2015 is outlined in Table 4. Note that the total number of FPC formal complaints in this measure is less than the overall total; this is because only MPD-related complaints are included here. The 2015 rate of 1.01 formal complaints per 1000 police-citizen contacts is 4% lower than the rate of 1.05 in 2014 and 70% lower than the rate of 3.36 in 2009 (see Figure 6). In 2015 Police District 1 had the highest rate of formal complaints (1.37 per 1000 contacts) while Police District 2 had by far the lowest (0.21 per 1000 contacts).

¹ Prior FPC reports have mainly reported on complaints investigated by the FPC while this analysis combines FPC investigated complaints with MPD investigated complaints. Readers should thus exercise caution when attempting to compare the 2015 analysis with previous years' reports.

	Traffic Stops	Subject Stops	Total Police-Citizen Contacts	Formal FPC Citizen Complaints	MPD Citizen Complaints	Total Citizen Complaints	Formal Citizen Complaints per 1,000 Contacts
District 1	12,378	5,180	17,558	12	12	24	1.37
District 2	25,071	8,568	33,639	3	4	7	0.21
District 3	24,417	10,168	34,585	13	17	30	0.87
District 4	17,906	5,205	23,111	12	18	30	1.3
District 5	24,928	8,031	32,959	10	20	30	0.91
District 6	13,636	3,280	16,916	8	13	21	1.24
District 7	27,938	4,908	32,846	10	17	27	0.82
Unknown District	3,447	1,098	4,545	7	23	30	6.6
Total	149,721	46,438	196,159	75	124	199	1.01

Table 4

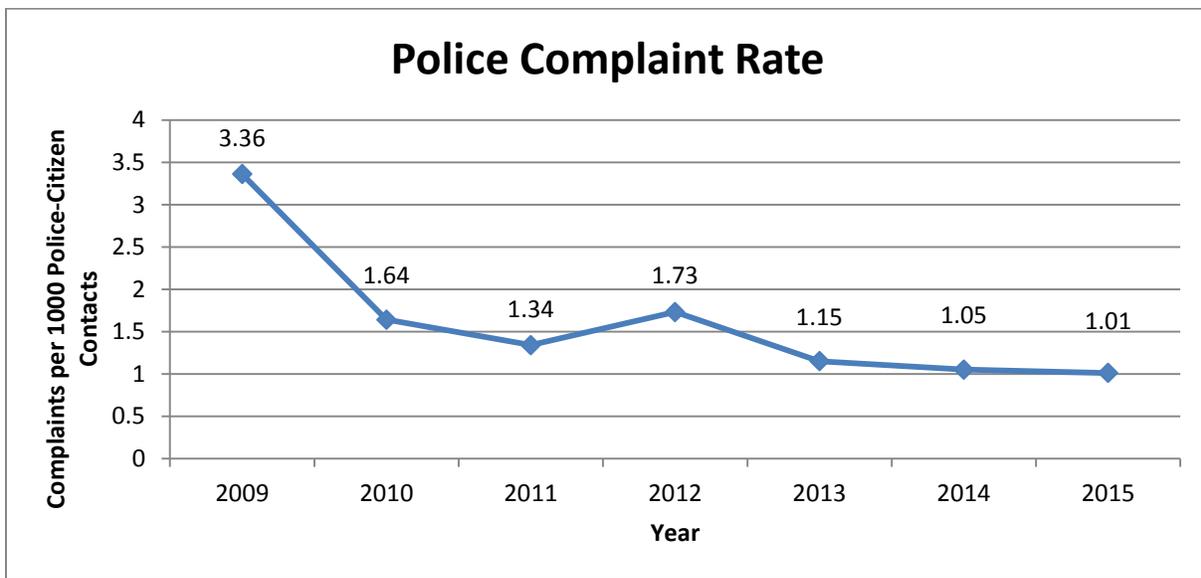


Figure 6

Employee and complainant demographics

Combining all FPC (both formal and informal) and MPD received/investigated complaints during 2015 results in a set of 313 complainants.² There were 147 (47.0%) female and 159 (48.2%) male complainants (7, or 2.2%, did not specify). The reported racial makeup of complainants during 2015 was 175 (55.9%) Black, 87 (27.8%) White, 10 (3.2%) Hispanic, 5 (1.6%) Asian, 2 (0.6%) other races and 34

² Complaints against MFD employees are excluded from this analysis due to the fact that more complete demographic information is accessible in this context for MPD employees and the large majority of complaints are levied against MPD employees.

(10.9%) not specified. The set of employees cited in these complaints numbered 333, of which 52 (15.6%) were female and 276 (82.9%) were male (5, or 1.5%, were not specified). The reported racial makeup of employees was 226 (67.9%) White, 51 (15.3%) Black, 32 (9.6%) Hispanic, 11 (3.3%) Asian, 5 (1.5%) American Indian, and 8 (2.4%) were not specified.

In order to obtain a larger sample size to more reliably test for statistically significant differences from expected values, the past three years of demographic data were combined for analysis.³ Examination of the 3-year distribution of the gender and race of both employees (Table 5) and complainants (Table 6) indicate that the observed distributions are indeed statistically different than one would expect given the actual makeup of the sworn MPD force and the population of the City of Milwaukee.⁴ The larger than expected representation of Asian MPD members cited in complaints and the lack of complaints against employees classified as “other races” were the major contributors to the statistical difference from expectation in regards to employee race. The overrepresentation of Black complainants and underrepresentation of White and Hispanic complainants were the major contributors to the statistical difference from expectation in regards to complainant race.

MPD Employees Cited in Complaints	Year			TOTAL	2015 Sworn MPD
	2013	2014	2015		
Female	63 (13.0%)	51 (13.3%)	52 (15.6%)	166 (13.8%)	17.1%
Male	421 (86.6%)	330 (85.9%)	276 (82.9%)	1027 (85.4%)	82.9%
Not Specified	2 (0.04%)	3 (0.8%)	5 (1.5%)	10 (0.8%)	
Grand Total	486	384	333	1203	
American Indian	7 (1.4%)	6 (1.6%)	5 (1.5%)	18 (1.5%)	1.6%
Asian	21 (4.3%)	6 (1.6%)	11 (3.3%)	38 (3.2%)	1.6%
Black	95 (19.5%)	76 (19.8%)	51 (15.3%)	222 (18.5%)	17.5%
Hispanic	66 (13.6%)	40 (10.4%)	32 (9.6%)	138 (11.5%)	12.8%
Other Races	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0.8%
White	289 (59.5%)	247 (64.3%)	226 (67.9%)	762 (63.3%)	65.7%
Not Specified	8 (1.6%)	9 (2.3%)	8 (2.4%)	25 (2.1%)	
Grand Total	486	384	333	1203	

Table 5

³ Statistically significant difference in this case is defined by the Pearson chi-square goodness of fit at the $p = 0.05$ level.

⁴ The makeup of the sworn MPD force was determined as of the end of 2015 and that of the City of Milwaukee was determined as of the 2010 US Census.

Complainants	Year			TOTAL	2010 US Census: City of Milwaukee
	2013	2014	2015		
Female	193 (47.9%)	176 (49.2%)	147 (47.0%)	516 (48.0%)	51.8%
Male	207 (51.4%)	177 (49.4%)	159 (50.8%)	543 (50.6%)	48.2%
Not Specified	3 (0.7%)	5 (1.4%)	7 (2.2%)	15 (1.4%)	
Grand Total	403	358	313	1074	
American Indian	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0.6%
Asian	3 (0.7%)	3 (0.8%)	5 (1.6%)	11 (1.0%)	3.5%
Black	269 (66.7%)	218 (60.9%)	175 (55.9%)	662 (61.6%)	39.2%
Hispanic	19 (4.7%)	16 (4.5%)	10 (3.2%)	45 (4.2%)	17.3%
Other Races	1 (0.2%)	3 (0.8%)	2 (0.6%)	6 (0.6%)	2.4%
White	90 (22.3%)	99 (27.7%)	87 (27.8%)	276 (25.7%)	37.0%
Not Specified	21 (5.2%)	19 (5.3%)	34 (10.9%)	74 (6.9%)	
Grand Total	403	358	313	1074	

Table 6

Complaint frequency per MPD employee

2015

Combining both formal FPC complaints against MPD officers and MPD received complaints results in a list of 199 complaints against 213 named employees and 44 unknown employees for the year 2015. Given that the total sworn force numbered 1916 in 2015 and 213 employees were named in complaints, it follows that 11% of the sworn force had complaints filed against them during 2015 while 89% of the force did not.⁵ Of the 213 employees named in complaints, 2 are named in 3 complaints each, 36 are named in 2 complaints each, and the remaining 174 are named in one complaint each. There were 370 allegations levied, 43 of which were against unknown employees. There was one employee with 6 allegations, 3 with 5 allegations each, 1 with 4 allegations, 10 with 3 allegations each, 50 with 2 allegations each, and the remaining 148 had 1 allegation each (see Figure 7).

⁵ The total sworn force in this context is considered to be a representative number despite the fact that complaints may be lodged against any MPD employee, not only sworn members. This number is used because historically over 98% of complaints received regarding the MPD are against sworn members.

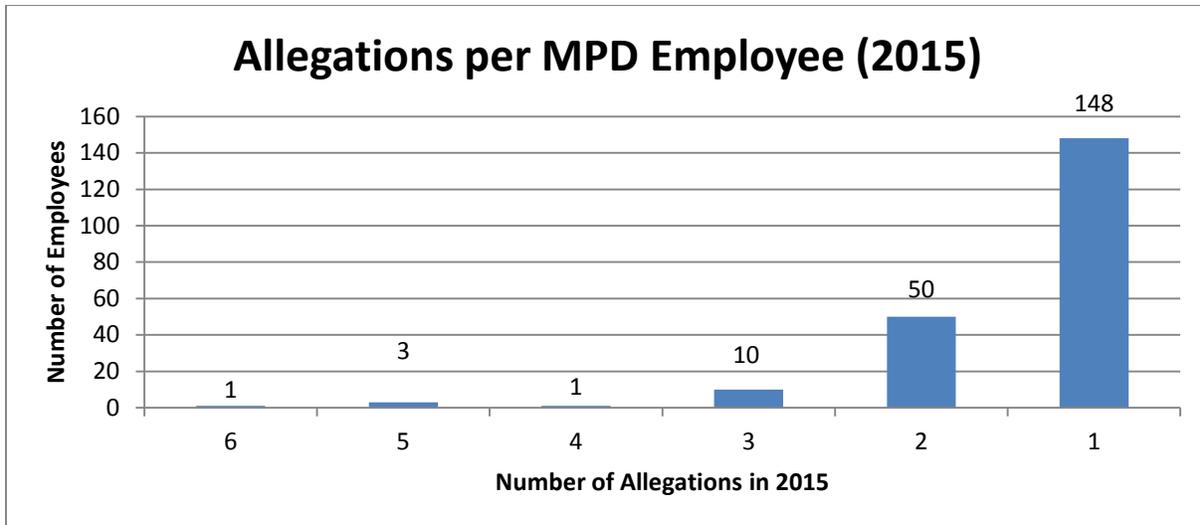


Figure 7

2012-2015 Summary

Analysis of the total MPD related complaints received by both the MPD and the FPC (formal and informal) between 2012 and 2015 indicates that there are 67 employees with 6 or more allegations levied against them during that entire 4-year period.⁶ That set of employees represents 3.5% of the sworn MPD force and 24.9% of the total allegations during that period.⁷ The outlier within that set of data is one employee with 89 allegations (3.7% of the total allegations). This employee was discharged from the force and was sentenced to prison for actions related to the allegations. Two other employees with the highest numbers of allegations (16 and 12 allegations each) either resigned from the force or were discharged.

Removing the data for those three employees leaves a set of 64 employees with 6 or more allegations levied against them, totaling 479 allegations. The maximum number of allegations against one employee in this set was 18. Fifteen of the allegations are still under investigation as of this writing. In this data set the allegations were not sustained in 215 (43.8%) of the cases, the allegations were unfounded in 51 (10.7%) of the cases, in 42 (8.8%) of the allegations the file was closed for various reasons,⁸ 36 (7.5%) resulted in a “policy review” finding, 24 (5.0%) were resolved via the “rapid resolution” process, 20 (4.2%) were sustained, 19 (4.0%) were found to have no rule violation, and 5 (1.0%) allegations resulted in exoneration. Comparing the distribution of “sustained”, “not sustained”, “unfounded”, and “policy review” findings among this set of employees with the overall distribution of

⁶ Note that this is an analysis of the number of allegations, not the number of complaints; a complaint may contain several allegations.

⁷ The total sworn MPD force at the end of 2015 of 1916 is used as the denominator in the calculation.

⁸ 36 of these 42 allegations were processed by the FPC as informal complaints because paperwork was not submitted to proceed with a formal investigation. For a summary of reasons why the remaining 6 may have been closed see page 2.

those findings in 2015 shows no significant difference in the distribution.⁹ This indicates that those employees which receive the most complaint allegations do not have a statistically different set of outcomes for their complaints when compared to the general population of complaint recipients.

Figure 8 illustrates the accumulation of complaint allegations among each percentile of the sworn force. What this demonstrates is that approximately 53% of the sworn force had been named at least once in the past 4 years of allegation data and about half of the complaint allegations have been against approximately 13% of the sworn force. Another visualization of the data is presented in Figure 9, which shows the number of employees versus the number of allegations levied against each of them during the past 4 years. It is clear from Figure 9 that it is uncommon for employees to have received multiple complaint allegations over a 4 year time period, and indeed 1337 members (70% of the 2015 sworn force) had one or zero allegations levied against them during that time period.

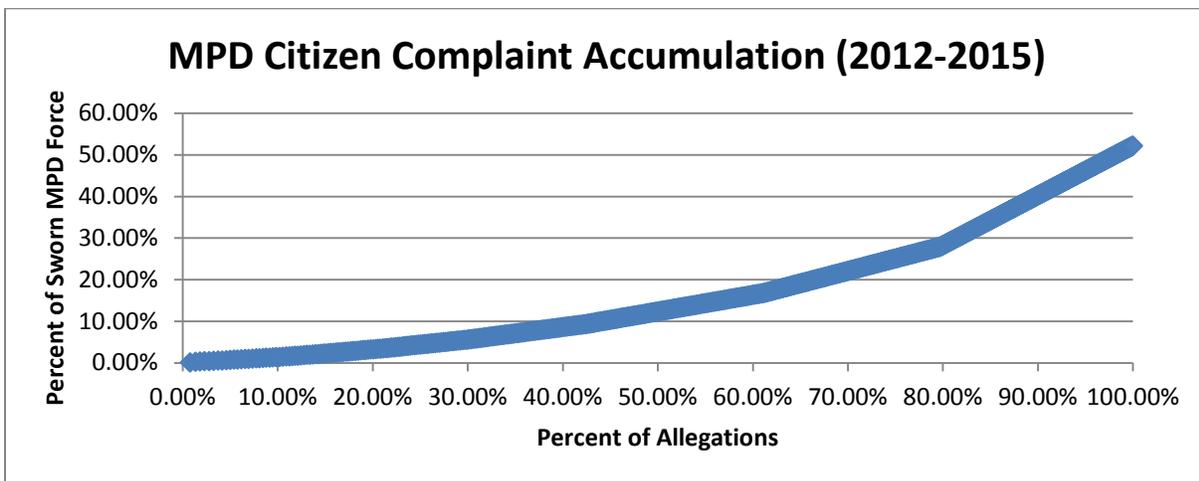


Figure 8

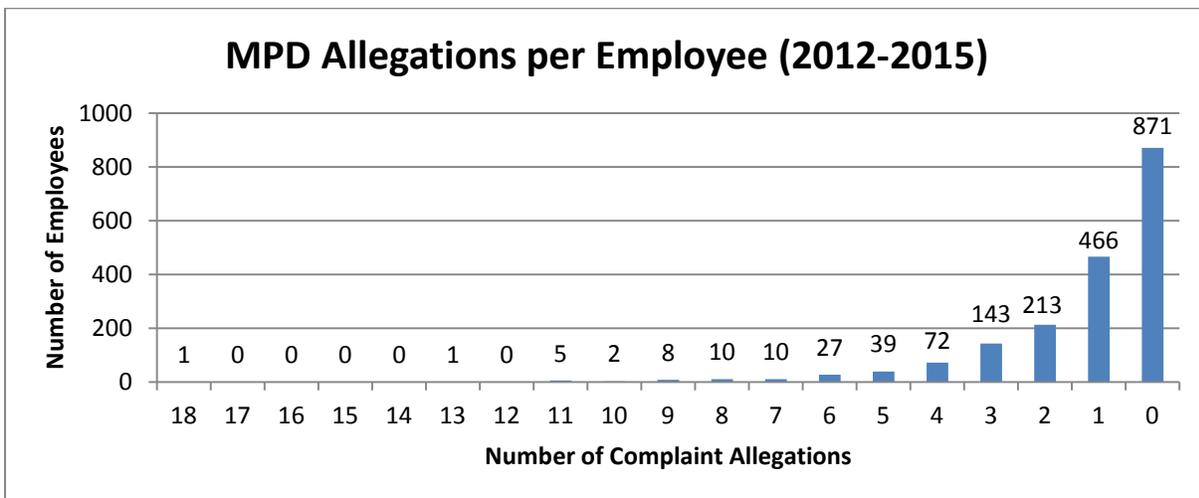


Figure 9

⁹ By Pearson chi-square goodness of fit at the p = 0.05 level.

Conclusion

Though data exists regarding citizen complaints in other US police departments, it is difficult to compare between departments due to variation in the definitions of complaint categories and dispositions as well as the various processes for complaint submission. As such it is most appropriate to focus on year-to-year comparisons in Milwaukee rather than city-to-city comparisons. The number of complaints received per year by the FPC has been relatively constant in recent history, and in 2015 155 informal and 90 formal complaints were received. The number of complaints received and investigated by the MPD has been dropping over the past 7 years, and in 2015 MPD received 124 citizen complaints. The number of complaints per police district has continued to equalize in 2015; every district was within 1 standard deviation (12 complaints) of the 3 year per-district average number of complaints (29 complaints) except for Police District 2 (which is far below the average, counting only 7 complaints in 2015). Except for an increase in 2012, the rate of police related complaints per police-citizen contact has been on the decline since 2009 and was equal to 1.01 complaints per 1000 police-citizen contacts in 2015. However, the year over year decreases seen over the past 6 years seems to be slowing and leveling off to a constant rate. The 3-year demographic trends among employees cited in complaints indicates an increase in the proportion of allegations which are levied against White employees (though within the context of less total allegations levied each year, the raw numbers of allegations against White employees does decrease year to year). The 3-year demographic trends among complainants indicate a decrease in the proportion of Black citizens submitting complaints, though the percentage in 2015 was still far over representative when compared to the city as a whole. In addition, the proportion of complaints submitted by Hispanic citizens was far lower than would be expected and has been dropping over the past three years.

As the MPD continues its implementation of body-worn cameras through 2016 the FPC expects an impact on complaint data in future reporting cycles. While the use of this technology throughout the US is still in its infancy, preliminary studies indicate significant decreases in the number of citizen complaints when body-worn cameras are used.¹⁰ We also expect a decrease in the percent of complaints “not sustained” in disposition (that is, allegations which are neither proven nor disproven). Because the vast majority of police-citizen contacts will be recorded when officers are equipped with the cameras and the FPC investigators will have access to the recorded footage, it will become much easier for the investigators to determine if an event did or did not indeed occur.

¹⁰ For instance:

- Ariel, B., Farrar, W. A., & Sutherland, A. (2015). The effect of police body-worn cameras on use of force and citizens' complaints against the police: a randomized controlled trial. *Journal of quantitative criminology*, 31(3), 509-535.
- Jennings, W. G., Lynch, M. D., & Fridell, L. A. (2015). Evaluating the impact of police officer body-worn cameras (BWCs) on response-to-resistance and serious external complaints: Evidence from the Orlando police department (OPD) experience utilizing a randomized controlled experiment. *Journal of Criminal Justice*, 43(6), 480-486.
- Katz, Charles M., David E. Choate, Justin R. Ready, & Lidia Nuño. (2014). *Evaluating the Impact of Officer Worn Body Cameras in the Phoenix Police Department*. Phoenix, AZ: Center for Violence Prevention & Community Safety, Arizona State University

However, contrary to the expected decrease in complaints due to the body-worn camera implementation, other planned changes for 2016 may serve to increase the number of complaints received and investigated by the FPC. The current complaint form is being revised to eliminate the requirement of a notary public signature, improvements are being implemented in the FPC website which should allow a fully online complaint creation and submission process, and the complaint forms will be translated into both Spanish and Hmong in order to allow increased access to the process for non-English speakers.

Regardless of which policy and process changes have impacts on complaint volume, the FPC will continue to remain committed to providing excellent service to the community and to providing a fair and impartial process by which residents of the City of Milwaukee may submit complaints against protective service personnel.

Appendix 1

Milwaukee Police Department Code of Conduct Core Values (available online at <http://city.milwaukee.gov/Directory/police/About-MPD/Code-of-Conduct.htm>)

1.00 – Competence

We are prudent stewards of the public's grant of authority and resources. We are accountable for the quality of our performance and the standards of our conduct. We are exemplary leaders and exemplary followers.

1.01

All members within their probationary period shall be evaluated on their conduct and fitness for the performance of their duties. If a member's conduct or performance of duties is not satisfactory for continued service to the department, the member shall be discharged, with no right of appeal to the Board of Fire and Police Commissioners.

1.02

We cooperate with our colleagues, other agencies and citizens to ensure public safety, improve the quality of urban life, protect those who cannot protect themselves and enforce the law.

1.03

All department members shall render service to the community promptly and efficiently. When not answering a call for service, members shall use their time to accomplish the mission of the department.

1.04

Police investigations shall at a minimum be based upon reasonable suspicion or an actual or possible offense or crime. Investigations shall be conducted and reports shall be prepared in a prompt, thorough, impartial and careful manner so as to ensure accountability and responsibility in accordance with the law.

1.05

All department members shall be familiar with department policy, procedures and training and shall

conduct themselves accordingly.

1.06

All department members shall report for duty at the time designated by their supervisors.

1.07

All department members shall report to court at the time designated by their subpoena.

1.08

All department members shall report fit for duty, and not be impaired as a result of drinking alcohol, using a drug for non-medical purposes, intentionally misusing a prescription drug or substance abuse.

1.09

No department member shall consume, purchase or possess any intoxicating liquor and/or fermented malt beverage while on duty or in uniform except with the approval of the Chief of Police or designee.

1.10

All department members are responsible for the condition and safeguarding of their personal and department issued equipment. Department members shall not deface, damage, destroy, modify, or carelessly or inappropriately use any department property without permission to do so.

2.00 – Courage

We place the safety of others before our own and accept our moral responsibility to take action against injustice and wrongdoing. Police members are expected to take prudent risks on behalf of the public.

2.01

Police members are required to discharge their duties with composure and determination and in time of danger or adversity shall act together and assist each other in the restoration of peace and order.

2.02

Members shall oppose and, if possible, prevent any violation of the Code of Conduct and report violations if they occur. Members will not be punished, but will be protected and supported, for reporting a violation of the Code of Conduct, unless the report is shown to be malicious or ill founded.

2.03

Failure to intervene when a violation of the Code of Conduct occurs, or is about to occur, shall be treated the same as if the member committed the violation.

3.00 – Integrity

We recognize the complexity of police work and exercise discretion in ways that are beyond reproach and worthy of public trust. Honesty and truthfulness are fundamental elements of integrity. It is our duty to earn public trust through consistent words and actions. We are honest in word and deed.

3.01

Our behavior shall inspire and sustain the confidence of our community. Whether on or off duty, department members shall not behave in such a way that a reasonable person would expect that discredit could be brought upon the department, or that it would create the appearance of impropriety or corruptive behavior.

3.02

Members shall avoid regular or continuous associations with persons or groups they reasonably believe, know or should know are planning to, or are engaged in, criminal behavior, or who advocate the overthrow of government, such that the association would undermine the public trust or affect the member's credibility or integrity. The exceptions are associations that are necessary in the performance of duty or familial relationships of which the Chief of Police or designee is cognizant.

3.03

Police members shall exercise powers of arrest, search, seizure and surveillance only when it is lawful, necessary and proportionate to do so.

3.04

Department members shall treat the official business of the department as confidential, not imparting it to anyone, either orally, electronically or in writing, except those for whom it is intended or under due process of law.

3.05

Department members shall obey local ordinances and state and federal laws, whether on or off-duty. Any violation of ordinances or laws in any jurisdiction shall be reported to the member's supervisor as soon as practical.

3.06

Department members shall not use their official position or membership in the Milwaukee Police Department to unnecessarily interfere with the personal affairs or professional responsibilities of any person or agency.

3.07

Members shall not suggest or recommend a specific attorney to anyone who has been arrested or to someone on their behalf nor become involved in the employment of an attorney for any victim of a crime or accident.

3.08

Department members shall not accept nor solicit, either directly or indirectly, anything of value, including a gratuity, money, reward, gift, fee, loan or special consideration as a consequence of their office. Members are not precluded from receiving very minor courtesies and gratuities (i.e., small amounts of food or non-alcoholic drink) provided that it is not sought nor in exchange or expectation of official favor.

3.09

All department members are bound by City of Milwaukee Charter Ordinance provisions regarding residency and are required to establish and maintain their actual and bona fide residence within the boundaries of the city throughout their period of employment with the department.

3.10

All department members shall be forthright and candid, orally or in writing, in connection with any administrative inquiry or report.

3.11

Department members are required to be complete, honest and accurate with respect to all relevant facts and information pertaining to any criminal or civil investigation, report or inquiry. No department member shall knowingly or with reckless disregard for the truth sign or make any false official statement.

Note:

The provisions of this guiding principle do not apply to a member's questioning or interrogation of a person involved in a criminal investigation or where the member is engaged in an approved undercover role where such representation is not inconsistent with law or is accepted professional practice.

4.00 – Leadership

We seek to influence human behavior to achieve organizational goals that serve the public while developing individuals, teams and the organization for future service. We accept our responsibility to be leaders, both within the community

and among our peers, and for the actions of our colleagues and ourselves. We are all responsible for the performance, reputation and morale of the department.

4.01

We will work together and set an example that embodies respect, compassion, integrity and efficiency.

4.02

Leadership is not solely positional and no rank has unique privileges. The only privilege of rank is increased responsibility.

4.03

Personal failure to intervene to prevent or stop misconduct, when there is an opportunity to do so, demonstrates not only a lack of courage, but also a failure of leadership.

4.04

Supervisors shall be role models for delivering truly professional, impartial and effective police service. Supervisors shall ensure that the individuals for whom they are responsible carry out their professional duties correctly. Supervisors must put the department's mission first, in both word and action, and do nothing to interfere with its accomplishment.

4.05

Supervisors shall ensure the individuals for whom they are responsible are supported, guided on the professional performance of their duties and encouraged to further their professional development. Supervisors have a particular responsibility to secure, promote, improve and maintain professional standards and integrity through the provision of advice and guidance. Supervisors have an obligation to commend exemplary behavior, a responsibility to correct substandard behavior and a requirement to discipline when needed.

5.00 – Respect

We hold life in the highest regard. We treat all citizens and colleagues with dignity and respect, and are fair and impartial as we perform our duties.

5.01

Department members shall treat the public and each other with courtesy and professionalism. Civility and patience are valued attributes, while profane or insolent language or actions undermine the public's confidence.

5.02

Members shall act with fairness, self-control, tolerance and impartiality when carrying out their duties.

5.03

Members shall promptly obey any proper or lawful order emanating from any officer of higher rank. Any improper or unlawful order should be reported to a supervisor of higher rank.

5.04

A conflicting order shall be brought to the attention of the member giving the order. If this member does not change the order, the order shall stand and this member shall bear full responsibility.

6.00 – Restraint

We use the minimum force and authority necessary to accomplish a proper police purpose. We demonstrate self-discipline, even when no one is listening or watching.

6.01

Police members shall exercise restraint in the use of force and act in proportion to the seriousness of the offense and the legitimate law enforcement objective to be achieved.

6.02

Members shall not subject any person to torture or cruel, inhumane or degrading treatment or punishment. No circumstances whatsoever may be invoked as a justification for torture or other cruel, inhumane or degrading treatment or punishment.

2015 Fire and Police Commission Citizen Complaint Report
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