

2017 FIRE AND POLICE COMMISSION CITIZEN COMPLAINT REPORT

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Introduction

As the 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.¹ The FPC provides citizens with a system of investigation that is independent of the agency being investigated and 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 annual report is a summary of the complaints submitted directly to the FPC and of those independently investigated by the respective departments in the year 2017.

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 and/or directing the complainant to the FPC's online complaint portal.

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.

¹ In this context the word citizen is used to denote complaints filed by members of the public. United States citizenship is not required to submit a complaint against a Milwaukee Fire or Police Department member nor is Milwaukee residency.

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.

The complaint is already under investigation by the police or fire department. If an investigation is already underway in the police or fire department the FPC will, instead of conducting a duplicative investigation, close the FPC file and audit the department's investigation at the request of the complainant.

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 also offers 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 uses 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.

Total FPC complaint volume

In 2017 there were a total of 231 citizen complaints filed with the FPC, 159 (69%) informally and 72 (31%) formally. At the time of this report there are 15 outstanding open complaints still in process of investigation. The total number of complaints received per year is displayed in Figure 1. The 231 total complaints received by the FPC during 2017 is 12% below the nine year average number of 262 complaints. The past five years have been relatively consistent in the number of complaints received: from 2013 to 2017 the average number of complaint cases is 237 with a standard deviation of 6, while from 2009 – 2012 the average number of complaint cases is 266 with a standard deviation of 43.

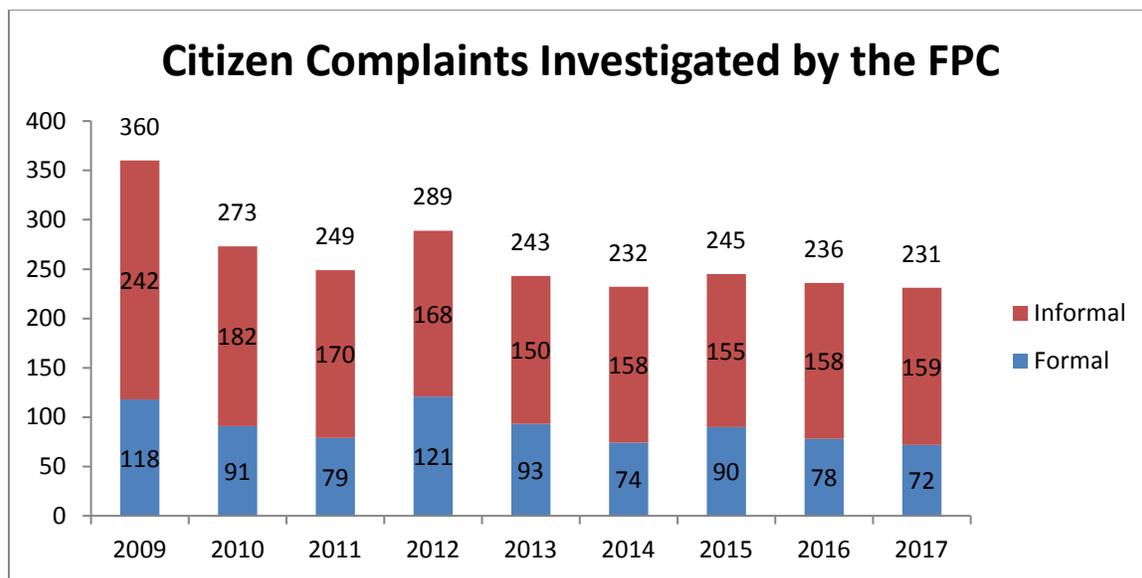


Figure 1: Citizen complaints investigated by the FPC

Summary of FPC allegations and findings

The 231 citizen complaints received in 2017 contained a total of 294 distinct allegations, 16 of which were not levied against City of Milwaukee fire or police personnel (and were thus not within the FPC's investigative jurisdiction). There were an additional 23 allegations that were investigated by the departments (4 by the MFD and 19 by the MPD) and are included in the department totals later in this report. Of the remaining 255 allegations, a total of 176 (69%) of the allegations were cited in informal complaints and 79 allegations (31%) were cited in formal complaints. Two hundred forty nine of the

remaining allegations were levied against members of the Police Department and 6 of the remaining allegations were levied against members of the Fire Department. The findings of each allegation are summarized in Tables 1 and 2. Note that an individual allegation may be levied against multiple employees, and an individual employee may have multiple allegations levied against them in a single complaint. Throughout this report each employee-allegation combination is counted individually.

Allegation Category	Allegation Disposition								Grand Total
	BASELESS	EXONERATED	CLOSED	WITHDRAWN	RAPID RESOLUTION	NOT SUSTAINED	POLICY REVIEW	UNFOUNDED	
Department Procedures	2	4	11		6	3	2	3	31
Department Services	4	2	19	3	72	1		5	106
Discourtesy			4	1	6	1		2	14
Disparate Treatment	2		2						4
No Allegation			17						17
Use of Force			4						4
Grand Total	8	6	57	4	84	5	2	10	176

Table 1 – Informal allegations investigated by the FPC

Allegation Category	Allegation Disposition							Grand Total
	BASELESS	CLOSED	EXONERATED	NOT SUSTAINED	RAPID RESOLUTION	UNFOUNDED	WITHDRAWN	
Department Procedures		10	13	5	1			29
Department Services		5	2	3	10	2	1	23
Discourtesy	1	0		4				5
Disparate Treatment		1		4		1		6
No Allegation		7						7
Use of Force		2	3	1			3	9
Grand Total	1	25	18	17	11	3	4	79

Table 2 – Formal allegations investigated by the FPC

Of the informal allegations which involved MPD or MFD personnel, 57 (32%) were classified as closed files because no subsequent formal complaint was provided and the complaint was not deemed possible for

further investigation or rapid resolution without more information. Eighty four allegations (48%) were resolved through the rapid-resolution process, 6 allegations (3%) were determined to have no rule violation, 10 allegations (5%) were unfounded, 8 allegations (5%) were deemed baseless, 5 allegations (3%) were not sustained, 4 allegations (2%) were withdrawn by the complainant, and 2 allegations (1%) resulted in policy review with the member. The most frequent misconduct alleged in informal complaints was in regards to department services (106 allegations, 60%). 31 allegations (18%) were in regards to department procedures, 17 (10%) were deemed to have no allegation at all, 14 allegations (8%) were in regards to discourtesy, 4 (2%) were in regards to disparate treatment, and 4 (2%) alleged use of force misconduct.

Of the 79 formal allegations investigated in 2017, 25 allegations (32%) were deemed to be inappropriate for further investigation and were closed, 18 allegations (23%) resulted in exoneration, 17 allegations (22%) were not sustained, 11 allegations (14%) were resolved via the rapid resolution process, 4 allegations (5%) were withdrawn by the complainant, 3 allegations (4%) were unfounded, and 1 allegation (1%) was deemed baseless.

FPC investigation timetable

The speed at which formal complaints were resolved in 2017 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. Twenty four formal complaints (33%) were resolved by the FPC within 7 days and 40 (56%) were resolved within four weeks. The average number of days it took to resolve a formal complaint was 37 days and the median number of days was 19.

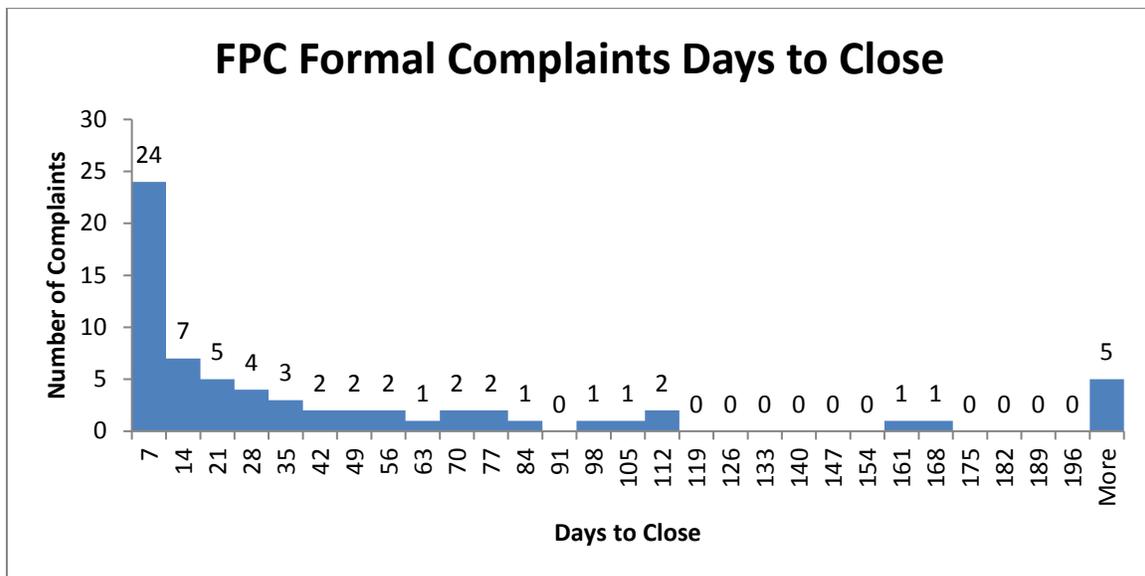


Figure 2: FPC formal complaints: days to close

Citizen Board Trials

The FPC Executive Director, upon receipt of the results of a completed citizen complaint investigation, has the discretion to refer the complaint for resolution by 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. The trial procedures are detailed in [Fire and Police Commission Rule XVI](#). All trials are open to the public.

At the determination of the Executive Director, the trial may be conducted by a hearing examiner alone or a hearing examiner may assist the board in carrying out this duty. If the trial is conducted by a hearing examiner, the FPC Board will convene in closed session to review the record and make the final determination and may adopt or modify, in whole or in part, the proposed findings and recommendations of the Hearing Examiner. Upon request by the complainant, the Board or Hearing Examiner may allow a complainant to be represented by an advocate for any part of the proceedings. If the Board sustains a finding of one or more rule violations, evidence may then be received regarding the member's character, work record, and the impact of the misconduct on the complainant, department, and community. The Board may deliberate in closed session in order to determine whether the good of the service requires that the appellant be permanently discharged, suspended without pay, demoted to a lower rank, or participate in policy training.

Citizen Board Review

If a complainant is not satisfied with a complaint disposition as determined by the Executive Director they may request that the Board review the investigation and disposition. There was 1 such complaint in 2017, reviewed by the [Committee on Complaints and Discipline on November 30](#). The decision of the Executive Director to dismiss the complaint was affirmed by the committee, and the decision of the committee was [adopted by the Board on December 7, 2017](#).

Complaints submitted to the MPD

Though the FPC, as an oversight authority, has an independent process for receiving and investigating citizen complaints regarding the Milwaukee Fire and Police Departments, each department may also receive and investigate citizen complaints directly filed with them. To ensure satisfaction regardless of where a person wishes to file their complaint, FPC Rule XV, Section 6 stipulates that the FPC Executive Director shall review a complaint investigation when a citizen is dissatisfied with the outcome of an investigation that has been completed by the Police or Fire Department.

Complainants who wish to file a complaint directly with the MPD may do so at any police district station, bureau, or division. A complainant may also call the department and ask for a supervisor to meet with them or call the MPD Internal Affairs Division directly at (414)-935-7942. A complaint submitted to the MPD may be submitted by the aggrieved citizen themselves, by an attorney representing the aggrieved citizen, by the parent or guardian of a minor child, or by a translator representing a non-English speaking complainant.

In most cases, when a complaint is filed, a narrative of the complaint will be written by a supervisory officer on the Citizen Complaint Form. The citizen or agent will sign the Citizen Complaint Form, the form

will be notarized, and a copy will be provided. However, if more convenient for the citizen, the Citizen Complaint Form can be completed at a later time, and returned to the Milwaukee Police Department.

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 and 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 Assistant Chiefs and Chief of Police for review and determination of the appropriate discipline to impose.

Total MPD complaint volume

In 2017 there were 116 citizen complaints submitted to the MPD.² 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 116 complaints in 2017 represent a 24% decrease in MPD investigated complaints compared to 2016 and is 56% below the 11 year average number of complaints (262).

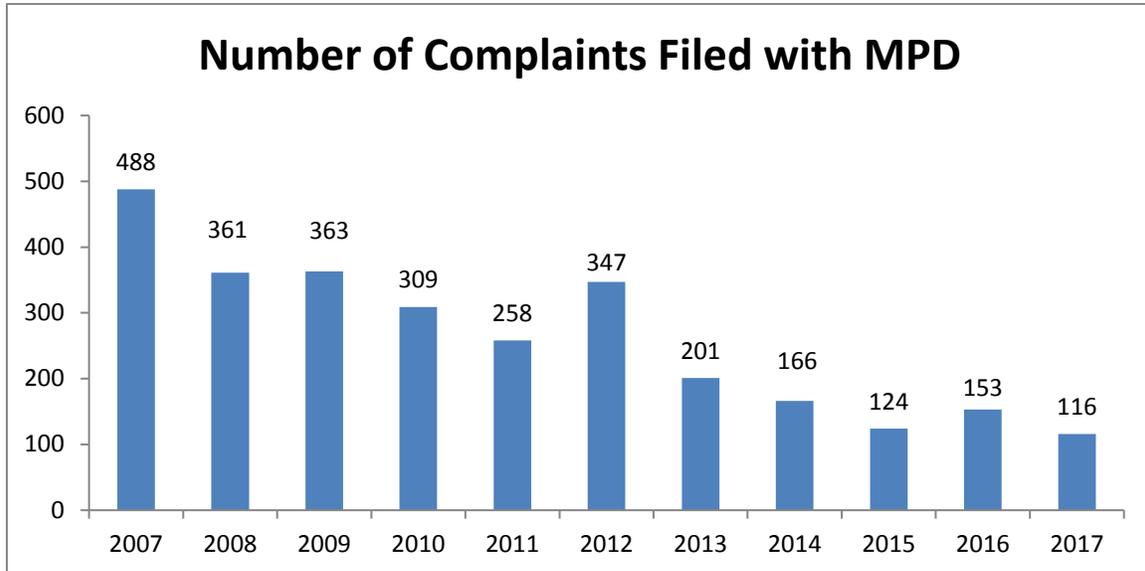


Figure 3: Number of complaints filed with MPD

² Three of the 116 citizen complaints detailed here were referred to the MPD for investigation by the FPC.

Summary of MPD allegations and findings

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](#)). The 116 citizen complaints received and investigated by the MPD in 2017 contained a total of 268 distinct allegations. There were 254 allegations against 160 identified department members, 1 allegation was against a person not employed by the MPD and 13 allegations were against unknown MPD employees. Table 3 summarizes the final dispositions for the 254 allegations investigated by the MPD against known employees.

The most common Code of Conduct complaint allegation category in 2017 were:

- Competence, 1.05 (78 allegations, 31%)
- Respect, 5.01 (41 allegations, 16%)
- Competence, 1.04 (39 allegations, 15%)
- Integrity, 3.05 (29 allegations, 11%)

Of the 257 allegations detailed in Table 3, 72 complaint allegations investigated by the MPD in 2017 were not sustained (28%), 48 (19%) resulted in policy review with the member, 41 (16%) were determined to be unfounded, 38 (15%) were determined to be complaint with the code of conduct and 19 (8%) allegations were sustained.

It should be noted that when a final disposition 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.

Code of Conduct Category	Allegation Disposition													Grand Total
	EXONERATED	FILED - INFORMATION	FILED - MEMBER TERMINATED	FILED - PENDING ADDITIONAL	MEMBER COUNSELED	MEMBER RESIGNED	No COC Violation	NOT SUSTAINED	POLICY REVIEW	REMEDIAL TRAINING	RESOLVED AT DISTRICT LEVEL	SUSTAINED	UNFOUNDED	
Competence, 1.02								1						1
Competence, 1.03													1	1
Competence, 1.04										1				1
Competence, 1.04							6	15	6		2	5	5	39
Competence, 1.05								1	3		3			7
Competence, 1.05					2		3	11	36	2	4	10	10	78
Integrity, 3.00								1						1
Integrity, 3.01		1					3	3					1	8
Integrity, 3.03							7	5				2	8	22
Integrity, 3.05			1	8		2	5	8					5	29
Integrity, 3.06					1			1						2
Integrity, 3.10								1						1
Integrity, 3.11							1						2	3
Leadership, 4.01	1													1
Respect, 5.01				3	2		9	17	2		2	2	4	41
Restraint, 6.01							4	9			1		5	19
Grand Total	1	1	1	11	5	2	38	72	48	2	13	19	41	254

Table 3 – Allegations investigated by the MPD

Table 4 shows the actions taken in response to the allegations sustained after MPD investigation in 2017. There were 9 district level reprimands issued, 5 suspensions were issued, 2 official reprimands were issued, 2 allegations resulted in policy review with the member and 1 remedial training was ordered. The 5 suspensions that were two 5-day suspensions, one 2-day suspension, and two 1-day suspensions. Both 5 day suspensions were reduced to 3 day suspensions during the grievance process.

Code of Conduct Category	Action					Grand Total
	Policy Review	REMEDIAL TRAINING	REPRIMAND - DISTRICT LEVEL	REPRIMAND - OFFICIAL	SUSPENSION	
Competence, 1.04			3		2	5
Competence, 1.05	2		5	1	2	10
Integrity, 3.03		1			1	2
Respect, 5.01			1	1		2
Grand Total	2	1	9	2	5	19

Table 4 – Action taken by MPD after sustained allegations

MPD investigation timetable

The speed at which complaints submitted to the MPD were resolved in 2017 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. Five (4%) of the complaints were resolved by the MPD within 7 days and 13 (11%) were resolved within four weeks. The average number of days it took the MPD to resolve a complaint was 152 while the median number of days was 114.

Note that investigations of complaints by MPD have a number of restrictions based on processes and timelines related to department policy, union contracts and state statutes. For instance, any investigation requiring the IAD to interview an involved member (the vast majority of investigations) requires that the interview be scheduled 7 days out from the original request date. This requirement makes it generally impossible to conclude an investigation in less than 7 days. Another factor that impacts the timeline of complaints are complaints in which allegations are sustained or criminal complaints; in that situation the complaint is not closed until the discipline has been served on the member. This often leads the complaint to remain open for weeks or months after the actual investigation is complete.

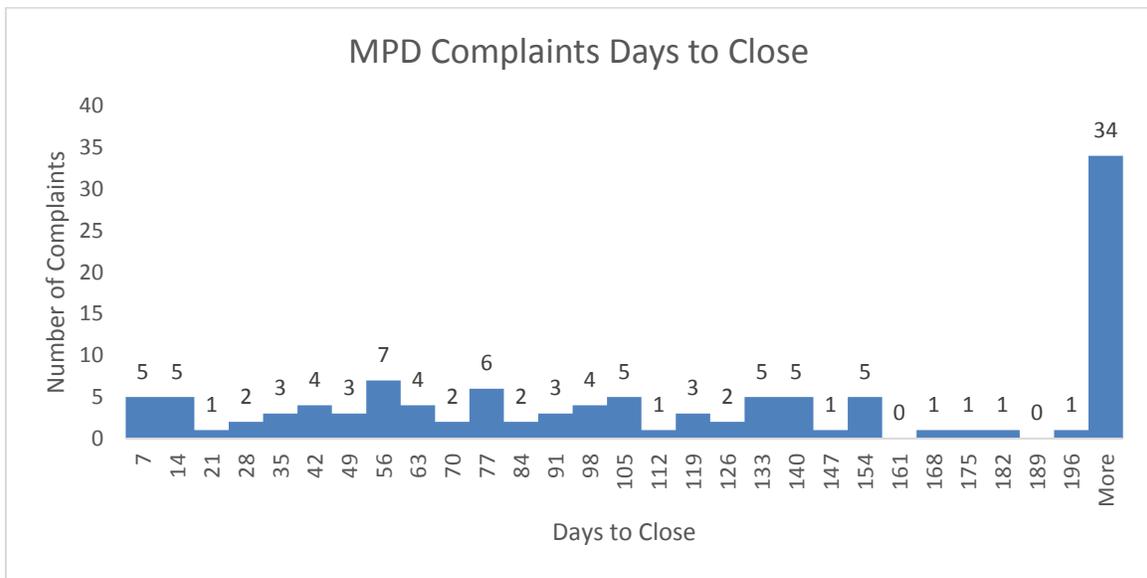


Figure 4: MPD complaints: days to close

Complaints submitted to the MFD

The Milwaukee Fire Department (MFD), like the Milwaukee Police Department, can accept and investigate citizen complaints independent of the Fire and Police Commission. Citizens may contact the MFD by telephone or in person, and staff will record the complaint which will be directed to the Assistant Chief of Support for investigation.

The MFD independently investigated 14 complaints in 2017. Of those 14 complaints, 13 were related to Emergency Medical calls for service (EMS) and 1 was related to a member’s off duty conduct. 11

complaints were submitted directly to the MFD and 3 were submitted to the FPC and referred to the MFD for investigation. Table 5 details the allegations investigated by the MFD in 2017. The 14 complaints contained a total of 16 allegations: 6 regarding discourtesy, 4 regarding department services, 2 regarding department procedures, 2 regarding 911 hold time, 1 regarding a code of conduct violation and 1 alleging an unauthorized use of force. Four allegations were sustained after investigation by the MFD, 3 of which resulted in policy review with the members and one of which resulted in a 2 day suspension of a member.

Case #	Activity	Allegation	Finding	Action Taken	Notes
1	EMS	Discourtesy	Not Sustained		
2	EMS	Department Procedures	Closed		Unable to contact complainant
		Discourtesy			
3	EMS	Discourtesy	Unfounded		
4	EMS	Department Services	Exonerated		
		Discourtesy	Sustained	Policy Review	
5	EMS	Department Procedures	Sustained	Policy Review	
6	Off Duty Conduct	Code of Conduct	Sustained	2 day suspension	
7	EMS	Discourtesy	Sustained	Policy Review	
8	EMS	Unauthorized Use of Force	Unfounded		
9	EMS	Department Services	Exonerated		
10	EMS	Department Services	Exonerated		Complaint highlighted a policy need and resulted in improved definitions for ALS vs BLS service.
11	EMS	Department Services	Exonerated		Complaint stemmed from insufficient information available to responders. Information in the department database was updated to prevent a reoccurrence.
12	EMS	Discourtesy	Unfounded		
13	EMS	911 Hold Time	Exonerated		
14	EMS	911 Hold Time	Exonerated		

Table 5: Complaints submitted to the MFD

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 each department. 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 24.9 with a standard deviation of 9.8. In 2017 Districts 3 and 7 had the highest number of complaints with 41 and 28 respectively. District 2 had the lowest number of complaints with 12.

Because 2017 was the first year in which the Milwaukee Fire Department has formally tracked citizen complaints submitted directly to the MFD Figure 5 includes only the total number of MFD complaints for that year. In addition the 14 complaints detailed under the earlier heading there were 2 formal complaints regarding the MFD investigated by the FPC in 2017.

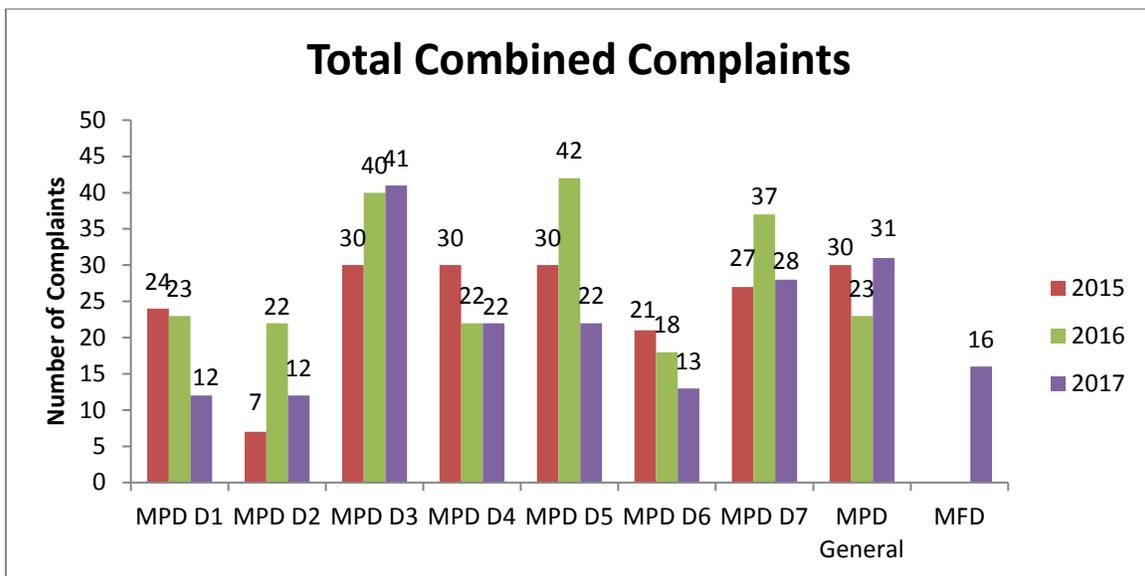


Figure 5: Total combined complaints

Rate of police complaints per citizen contact

Complaint volume in context of the number of police-citizen contacts in 2017 is outlined in Table 5. 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 2017 rate of 1.10 formal complaints per 1000 police-citizen contacts is a 46% reduction when compared to the rate of 2.03 formal complaints per 1000 police-citizen contacts in 2016 (see Figure 6). In 2017 Police District 3 had the highest rate of formal complaints (1.68 complaints per 1000 contacts) while Police District 6 had the lowest (0.53 complaints per 1000 contacts).

	Field Interviews	Traffic Stops	Total Police-Citizen Contacts	Formal FPC Citizen Complaints	MPD Citizen Complaints	Total Citizen Complaints	Formal Citizen Complaints per 1000 contacts
District 1	1,232	18,592	19,824	6	6	12	0.61
District 2	2,516	18,568	21,084	3	9	12	0.57
District 3	2,082	22,342	24,424	17	24	41	1.68
District 4	1,016	15,811	16,827	5	17	22	1.31
District 5	2,969	18,566	21,535	7	15	22	1.02
District 6	1,222	23,339	24,561	4	9	13	0.53
District 7	2,245	28,514	30,759	13	15	28	0.91
Unknown District	193	4,884	5,077	9	21	30	5.91
Total	13,475	150,616	164,091	64	116	180	1.10

Table 6 – Rate of complaints per police-citizen contact

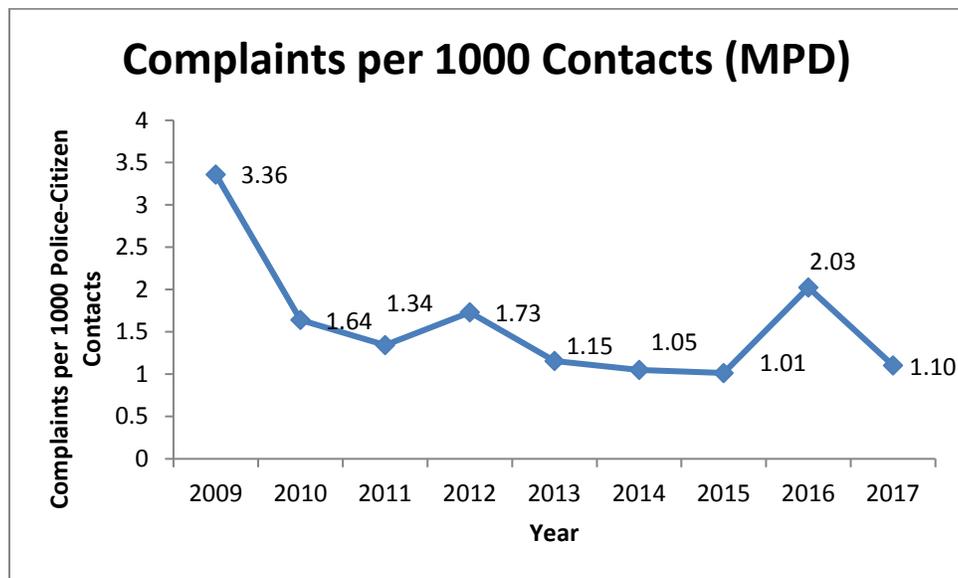


Figure 6: Number of MPD complaints per 1000 police-citizen contacts

Employee and complainant demographics

Combining all FPC (both formal and informal) and MPD received/investigated complaints³ during 2017 results in a set of 327 identified complainants. Two complainants submitted 3 complaints each, 14 complainants submitted 2 complaints each, and the remaining complainants submitted one complaint

³ 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.

each. There were 146 (45%) female and 166 (51%) male complainants (15 (5%) did not specify). The reported racial makeup of complainants during 2017 was 167 (51%) Black, 95 (29%) White, 16 (5%) Hispanic, 1 (0%) Asian, 1 (0%) other races and 47 (14%) not specified. The employees identified in these complaints numbered 249 male (86%) and 39 female (14%). The reported racial makeup of the identified employees during 2017 was 200 (69%) White, 47 (16%) Black, 31 (11%) Hispanic, 7 (2%) Asian and 3 (1%) American Indian.

In order to obtain a larger sample size to more reliably test for statistically significant differences from expected values, the past four years of demographic data were combined for analysis.⁴ Examination of the 4-year distribution of the gender and race of both employees (Table 6) and complainants (Table 7) indicate that the observed distributions for employee and complainant race and gender are statistically different than one would expect given the actual makeup of the sworn MPD force and the population of the City of Milwaukee.⁵

The lower than expected representation of employees identified as Hispanic and female were the major contributors to the statistical difference from the expected values in the employee data. The lower than expected representation of complainants identified as Hispanic and Female and the higher than expected representation of complainants identified as Black were the major contributors to the statistical difference from the expected values in the complainant data.

Note that complainants are not required to report their race or gender when they submit a complaint, and in 2017 14.4% of complainants did not report their race and 4.6% of complainants did not report their gender. The confidence in the analysis of complainant race and gender is impacted by this ambiguity.

Analysis of trends in complainant demographics is also complicated by the complex interplay regarding the decision to file a complaint. Increases or decreases in the rates of complaints submitted can be attributed to changes in the qualities of police-resident interactions or can be attributed to changes in the public's confidence in, awareness of, and access to the complaint process.

⁴ Statistically significant difference in this case is defined by the Pearson chi-square goodness of fit at the $p = 0.05$ level.

⁵ The makeup of the sworn MPD force was determined as of the end of 2017 and that of the City of Milwaukee was determined as of the 2010 US Census.

	Year				TOTAL	2017 Sworn MPD
	2014	2015	2016	2017		
Female	51 (13.3%)	52 (15.6%)	48 (13.7%)	39 (13.5%)	190 (14.0%)	16.6%
Male	330 (85.9%)	276 (82.9%)	303 (86.3%)	249 (86.5%)	1158 (85.4%)	83.4%
Not Specified	3 (0.8%)	5 (1.5%)	0 (0.0%)	0 (0.0%)	8 (0.6%)	
Grand Total	384	333	351	288	1356	
American Indian	6 (1.6%)	5 (1.5%)	5 (1.4%)	3 (1.0%)	19 (1.4%)	1.6%
Asian	6 (1.6%)	11 (3.3%)	4 (1.1%)	7 (2.4%)	28 (2.1%)	1.8%
Black	76 (19.8%)	51 (15.3%)	64 (18.2%)	47 (16.3%)	238 (17.6%)	17.2%
Hispanic	40 (10.4%)	32 (9.6%)	37 (10.5%)	31 (10.8%)	140 (10.3%)	13.8%
White	247 (64.3%)	226 (67.9%)	235 (67.0%)	200 (69.4%)	908 (67.0%)	65.5%
Not Specified	9 (2.3%)	8 (2.4%)	6 (1.7%)	0 (0.0%)	23 (1.7%)	
Grand Total	384	333	351	288	1356	

Table 7 – Demographics of MPD employees cited in complaints

	Year				TOTAL	2010 Census
	2014	2015	2016	2017		
Female	176 (49.2%)	147 (47.0%)	200 (49.3%)	146 (44.6%)	669 (47.6%)	51.8%
Male	177 (49.4%)	159 (50.8%)	172 (42.4%)	166 (50.8%)	674 (48.0%)	48.2%
Not Specified	5 (1.4%)	7 (2.2%)	34 (8.4%)	15 (4.6%)	61 (4.3%)	
Grand Total	358	313	406	327	1404	
American Indian	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0.6%
Asian	3 (0.8%)	5 (1.6%)	3 (0.7%)	1 (0.3%)	12 (0.9%)	3.5%
Black	218 (60.9%)	175 (55.9%)	245 (60.3%)	167 (51.1%)	805 (57.3%)	39.2%
Hispanic	16 (4.5%)	10 (3.2%)	13 (3.2%)	16 (4.9%)	55 (3.9%)	17.3%
Other Races	3 (0.8%)	2 (0.6%)	1 (0.2%)	1 (0.3%)	7 (0.5%)	2.4%
White	99 (27.7%)	87 (27.8%)	83 (20.4%)	95 (29.1%)	364 (25.9%)	37.0%
Not Specified	19 (5.3%)	34 (10.9%)	61 (15.0%)	47 (14.4%)	161 (11.5%)	
Grand Total	358	313	406	327	1404	

Table 8 - Demographics of complainants

Complaint frequency per MPD employee

2017

There were 200 employees identified in the 181 formal FPC complaints and MPD received complaints against MPD members. There was 1 employee identified in 4 complaints, 6 employees identified in 3 complaints each, 26 employees identified in 2 complaints each and the remaining 167 employees were

identified in 1 complaint each. Given that the total sworn force numbered 1853 in 2017 and 200 employees were named in complaints, it follows that 11% of the sworn force had complaints filed against them during 2017 while 89% of the force did not.⁶

In those 181 complaints there were 302 allegations levied against identified employees. There was one employee with 6 allegations, 3 with 5 allegations each, 5 with 4 allegations, 6 with 3 allegations each, 56 with 2 allegations each, and the remaining 131 had 1 allegation each.

2014-2017 Summary

Analysis of the total MPD related complaints received by both the MPD and the FPC (formal and informal) between 2014 and 2017 indicates that there were 1,688 allegations levied against 850 police personnel during that time period.⁷ There were 33 MPD employees with 6 or more allegations levied against them during that 4-year period. That set of employees with 6 or more allegations represents 2% of the sworn MPD force and the 238 allegations within that group represents 14% of the total allegations during that 4-year period.⁸ The maximum number of allegations against one employee during this 4-year time span was 11. Note that this analysis is of allegations. A single complaint may contain multiple distinct allegations, and each allegation within a complaint receives a distinct disposition.

The number of employees with 6 or more allegations levied against them over a 4 year period has been decreasing: in 2015 there were 64 such employees, in 2016 there were 41 such employees and in 2017 there were 33. The percentage of the total number of allegations attributed to this set of employees is likewise declining: in 2015 employees with 6 or more allegations represented 25% of all allegations, in 2016 that set represented 18% of all allegations, and in 2017 that set represented 14% of all allegations.

Figure 8 shows the number of employees versus the number of allegations levied against each of them during the past 4 years. It is uncommon for an employee to have received multiple complaint allegations over a 4 year time period; 1447 members (78% of the 2017 sworn force) had one or zero allegations levied against them during that 4 year time period.

Figure 9 displays the cumulative percent of allegations against the cumulative percent of the sworn force for the 4 year period between 2014 and 2017. What this demonstrates is that approximately 46% of the sworn force had been named at least once in the past 4 years of allegation data and about half of the

⁶ 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. The total number of sworn employees cited here is referenced from the MPD's 2017 4th Quarter race/gender report and is thus an approximation of the number of sworn members over the time period. The number of employees with zero allegations is calculated by subtracting the number of employees with allegations from the total sworn force in that report (1853).

⁷ Note that this is an analysis of the number of allegations, not the number of complaints; a complaint may contain several allegations.

⁸ The total sworn MPD force at the end of 2017 of 1853 is used as the denominator in the calculation.

complaint allegations during that time period have been against approximately 11% of the sworn force. These percentages are essentially unchanged compared to the same analysis in 2016.

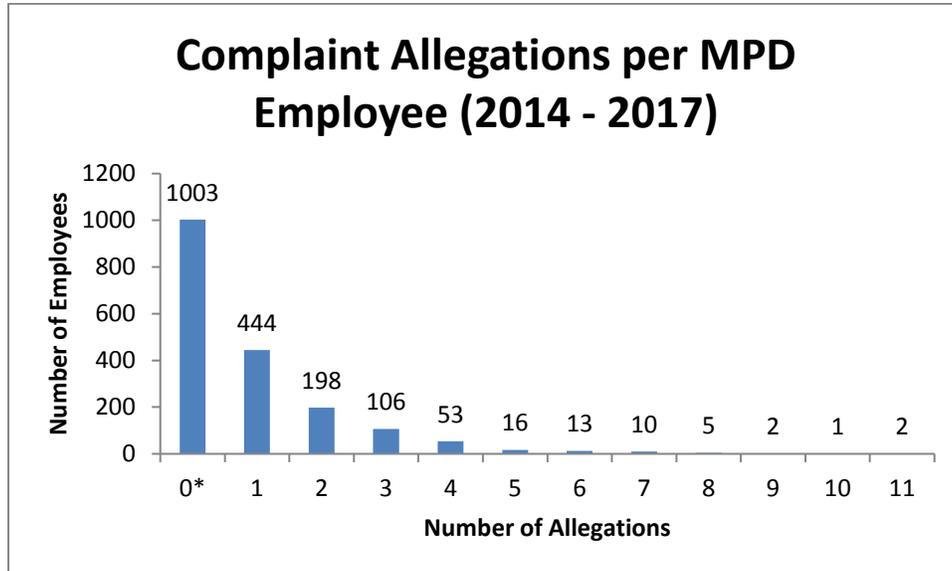


Figure 8: Complaint allegations per MPD employee (2014 – 2017).

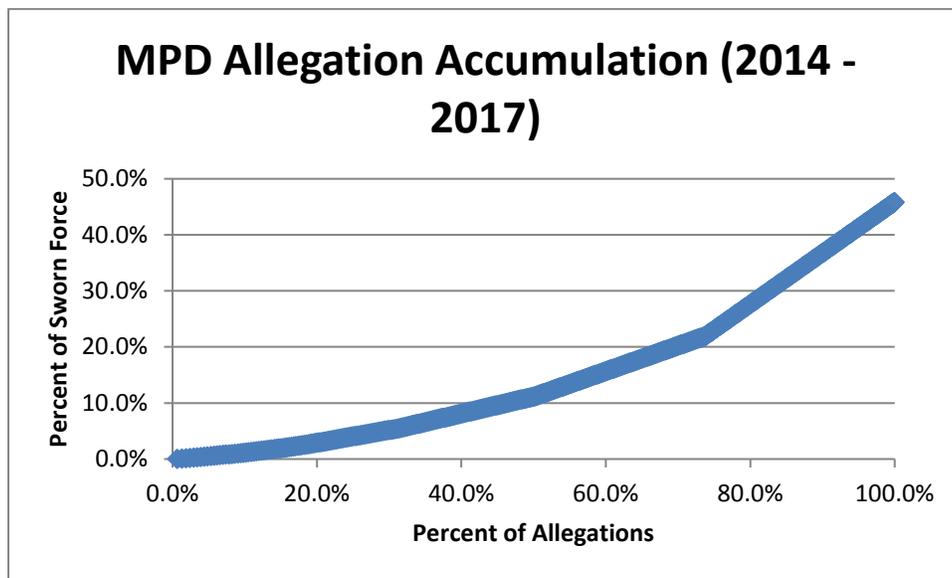


Figure 9: Allegation accumulation (2014 – 2017)

Conclusion

Effects of complaint process changes

The FPC implemented changes to its complaint process at the end of 2016 with the goal of removing barriers to access. This was in response to recommendations set forth by the Board of Fire and Police Commissioners' Research Committee with the intention of improving access to the process, informed by public comment after a series of community meetings throughout 2015. At that time the FPC made complaint forms available in Spanish and Hmong, removed the notarization requirement for formal complaint submission and created a form on the FPC website for submitting complaints online.

These changes appear to have had little, if any, effect on the complaint data detailed in this report. The number of complaints received and investigated by the FPC has remained essentially unchanged, and there were no complaints submitted on the translated complaint forms. The online form was used 80 times by the public during 2017 and has proven to be a popular method for contacting the FPC, but despite that, access to the complaint form online does not appear to have increased the number of submitted complaints.

Body Worn Cameras

2017 was the first full calendar year which had every MPD police officer outfitted with a body worn camera. The investigators working for the FPC have access to the camera footage and have utilized it as needed during their investigations, and the camera footage been a useful tool in the investigative process.

[Recent work by the Urban Institute](#) studied the effects of the MPD's body worn camera program, including potential effects on citizen complaints. Their work found that the body worn cameras appear to have reduced citizen complaints against MPD officers, though the change measured only approached statistical significance. Because the number of complaints against MPD members has already been in a long-term decline (see Figure 3) it is not clear to what degree the continued decline seen in 2017 is attributable to the body worn camera program.

Summary

Though data exists regarding citizen complaints in other US police departments, it is difficult to compare between departments due to the variations in the processes for investigating complaints and the lack of national standards in identifying complaint categories and defining dispositions. Consequently, it is more appropriate to focus on year-to-year comparisons in Milwaukee rather than city-to-city comparisons.

- The number of citizen complaints received per year by the FPC has been quite constant in recent history; in 2017 the FPC received 159 informal and 72 formal complaints.
- The number of complaints received by the MPD has continued in the general declining trend seen since 2007; in 2017 the MPD received 116 citizen complaints.
- The rate of police related complaints per 1000 police-citizen contacts saw a decrease in 2017 to 1.10 complaints per 1000 contacts. After 2016 showed a sharp increase in this measure (2.03 complaints per 1000 contacts), the measure in 2017 is more in line with the historical trend.

- After the 2016 data showed that the percentages of white employees cited in citizen complaints has remained relatively constant, the 2017 data showed an increase in this percentage (from 67.0% to 69.4%).
- The demographic makeup of complainants has changed from year to year with little indicating any definite trends.
 - While the proportion of complainants identifying as Black is lower than previously measured and the proportion identifying as White is higher than previously measured, both are still disproportionate when compared to the city as a whole and more years of data will be needed before a clear trend can be identified.
 - The proportion of complainants identifying as Hispanic remains much lower than their proportion in the city as a whole.
- Eleven percent of the sworn MPD membership had complaint allegations filed against them during 2017 and of the 200 employees named in complaints, 1 employees identified in 4 complaints, 6 employees identified in 3 complaints each, 26 employees identified in 2 complaints each and the remaining 167 employees were identified in 1 complaint each.
- The number of employees with 6 or more allegations levied against them over a 4 year period has been decreasing: in 2015 there were 64 such employees, in 2016 there were 41 such employees and in 2017 there were 33.
 - The percentage of the total number of allegations attributed to this set of employees is likewise declining: in 2015 employees with 6 or more allegations represented 25% of all allegations, in 2016 that set represented 18% of all allegations, and in 2017 that set represented 14% of all allegations.

In conclusion, the FPC continues 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 sworn members, and civilian members designated as emergency personnel, 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 15 miles of the jurisdictional boundaries of the City of Milwaukee throughout their period of employment with the department. The Fire and Police Commission (FPC) has listed the civilian positions that are classified as emergency personnel pursuant to Wis. Stat. § 66.0502(4)(b) in FPC Rule V.

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

Appendix 2

Milwaukee Fire Department Code of Conduct Core Values and Guiding Principles:

Core Values

Courage: "Mental or moral strength to venture, persevere, and withstand danger, fear or difficulty."

1. Members accept their moral responsibility to take action to protect and remove from harm those who are trapped, injured, in need of medical assistance, or in any other situation in which fire department intervention is needed. Members are expected to take prudent risks on behalf of the public.
2. Members will discharge their duties with composure and determination and in time of danger or adversity, will act together to mitigate and resolve the situation.
3. Members will actively oppose, and if possible prevent, any violation of the Code of Conduct, reporting violations to their immediate supervisor. Unless the report is shown to be malicious or ill-founded, members will not be punished, but will be protected and supported for reporting a violation of the Code of Conduct

Integrity: "Firm adherence to a code of especially moral values; incorruptibility."

1. Members understand that honesty is a fundamental element of integrity.
2. Members are duty-bound to earn public trust through consistently appropriate words and actions.
3. Members' behavior will inspire and sustain the confidence of our community. Whether on- or off-duty, members will not behave in such a way that a reasonable person would deem discredits the department or would create the appearance of impropriety or corruptive behavior.
4. Members will 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.
5. Members will 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.
6. Members will obey department rules, local ordinances, and state and federal laws, whether on- or off-duty. Members in violation of same in any jurisdiction are to report the violation to their supervisor as soon as practicable.
7. Members will not use their official position or membership in the Milwaukee Fire Department to unnecessarily interfere with the personal affairs or professional responsibilities of any person or agency.

8. Members will not accept nor solicit, either directly or indirectly, anything of value, including a gratuity, money, reward, gift, fee, loan, or special consideration as consequence of their position. Solicitations for benevolent purposes with prior approval from the Fire Chief are the only exceptions. Members are not precluded from receiving very minor courtesies and gratuities (i.e., small amounts of food or non-alcoholic drink, or discounts on same) provided that it is not sought, or in exchange for, expectation of official favor.

9. Members will be forthright and candid, orally and in writing, in connection with any administrative inquiry or report.

10. Members will be complete, honest, and accurate with respect to all relevant facts and information pertaining to any investigation, report, or inquiry. Members will not knowingly, or with reckless disregard for the truth, sign or make any false statement, whether by act of omission or act of commission. Failure to report full and complete details that any reasonable person would find vital to the overall situation is considered an act (lie) of omission.

Honor: "Good quality or character as judged by other people; high moral standards or behavior; merited respect."

1. Members will hold life in the highest regard, treating all citizens and colleagues with respect, dignity, and tolerance, while performing duties in a fair, impartial manner.

2. Members will treat the public and each other with courtesy and professionalism; maintaining a professional workplace at all times. Civility, patience, and self-control are valued attributes, while profane or insolent language or actions undermine the public's and fellow members' confidence.

Guiding Principles

Competence: "Having the necessary ability or skills to perform well enough to meet a standard."

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

2. Members cooperate with colleagues, agencies, and citizens to ensure fire safety and appropriate medical care. Members work to improve the quality of urban life.

3. Members will render service to the community promptly and efficiently. When not answering calls for service, members will use their time to accomplish the mission of the department.

4. Members will be familiar with department policies/procedures and conduct themselves accordingly.

5. Members will report for duty on time, as designated by their work schedule.

6. Members will report fit-for-duty, and not be impaired as a result of drinking alcohol, using a drug for non-medical purposes, or intentionally misusing a prescription drug.

7. Members will not consume, purchase, or possess any liquor or fermented beverage while on duty or in uniform, except with the approval of the Chief or designee.

8. Members are responsible for the condition and safeguarding of their personal and department-issued equipment. Members will not deface, damage, destroy, modify, or carelessly or inappropriately use any department property.

Accountability: "Willingness to accept responsibility (or to account) for one's actions."

1. Members will be accountable in the acknowledgement and assumption of responsibility for actions, decisions, and policies including administration, governance, and implementation within the scope of their positions, and encompassing the obligation to report, explain, and be answerable for resulting consequences.

2. Members will accomplish work and assignments given to them from verbal or any form of written orders, in a complete, timely, and professional manner.

3. Members will be masterful in the proper implementation of any facet relating to their position, such as Fire Response and EMS Standard Operating Guidelines, the Incident Command System, strategy and tactics, building construction knowledge, various training including but not limited to battalion, company, department-wide, paramedic refresher, including that which is electronically distributed, meeting turnout and response times, logging in to various programs as required each shift, reviewing temporary and numbered notices, and accurately and promptly completing all reporting requirements for fire and medical responses and member "leave" requests.

Leadership: "The power or ability to guide/direct others on a course to advance."

1. Members seek to influence human behavior to achieve organizational goals that serve the public while developing individuals, teams, and the organization for future service. Members accept responsibility to be leaders, both within the community and among peers, and for the actions of colleagues and themselves. All members are responsible for the performance, reputation, and morale of the department.

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

3. Members understand that leadership is not solely positional and no rank has unique privileges. The only privilege of rank is increased responsibility.

4. Members understand that 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.

5. Members will be role models for delivering truly professional, impartial, and effective service. Members must put the department's mission first, in both word and action, and do nothing to interfere with its accomplishment.

6. Officers will ensure that members for whom they are responsible carry out their professional duties correctly. Officers will 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. Officers have a particular responsibility to secure, promote, improve, and maintain professional standards and integrity through the provision of advice and guidance. Officers have an obligation to commend exemplary behavior, a responsibility to correct substandard behavior, and a requirement to discipline when needed.

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2017 Fire and Police Commission Citizen Complaint Report

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