

# 2019 CITY OF MILWAUKEE FIRE AND POLICE COMMISSION USE OF FORCE REPORT

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## Introduction

In continuation of a series of reports beginning in 2009, this annual report serves to systematically detail the nature, frequency, and circumstances of use of force incidents in the Milwaukee Police Department (MPD).

Though police use of force is a topic of intense public interest and scrutiny, from a national perspective there is little uniformity to the classification definitions and reporting requirements across the over 18,000 police departments in the United States. While there are multiple entities which attempt to collect nation-wide data on the topic, none are mandatory and none can be considered comprehensive.<sup>1</sup>

Despite the limited ability to compare use of force data across police agencies, the year-over-year data published by the Milwaukee Fire and Police Commission (FPC) on the MPD use of force is one of few comprehensive, longitudinal use of force data reporting projects that can be used to examine trends within a police department.

Any analysis such as this depends on accurate data reporting by department members. The existence of a robust citizen complaint process in which persons may file complaints with both MPD and the Fire and Police Commission (FPC) helps ensure that incidents are properly reported by department members. The utilization of body worn cameras (BWC) by the MPD since 2015 has provided an additional level of detail to supervisors when reviewing these incidents.<sup>2</sup>

## Policy and reporting

The use of force by MPD members is subject to the instructions issued in MPD's Standard Operating Procedure (SOP) 460 – Use of Force as well as 467 – Electronic Control Device and 465 – Hand Held Chemical Agent.<sup>3</sup> The MPD's overarching use of force policy, as detailed in SOP 460, is:

*It is the policy of the Milwaukee Police Department that members hold the highest regard for the sanctity of human life, dignity, and liberty of all persons. It is the policy of the department to accomplish the department's mission with the cooperation of the public and with minimal reliance upon the use of physical force. Members shall only use the force necessary to perform their duties and in accordance with department policy.*

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<sup>1</sup> Police Use of Force: An Examination of Modern Policing Practices, Briefing Report, United States Commission on Civil Rights, 2018 <https://www.usccr.gov/pubs/2018/11-15-Police-Force.pdf>

<sup>2</sup> The potential effects of BWC deployment on use of force was studied in the MPD by the Urban Institute in 2015 and 2016. This research found that utilization of BWCs had no effect on whether MPD officers engaged in uses of force. [https://www.urban.org/sites/default/files/publication/98461/the\\_milwaukee\\_police\\_departments\\_body\\_worn\\_camera\\_program\\_2.pdf](https://www.urban.org/sites/default/files/publication/98461/the_milwaukee_police_departments_body_worn_camera_program_2.pdf)

<sup>3</sup> Refer to the MPD website for the current versions of these SOPs: <https://city.milwaukee.gov/Directory/police/About-MPD/Code-of-Conduct.htm>

MPD members are required to document all uses of force according to the instructions in SOP 460.45. A use of force report shall be completed by a supervisory officer when a department member:

- a) Discharges a firearm except in a training situation or for lawful recreational purposes.
- b) Uses a baton to strike a subject or animal in the line of duty.
- c) Discharges an irritant, chemical, or inflammatory agent (Oleoresin Capsicum, OC, pepper spray)
- d) Deploys an electronic control device (ECD) to include contact stun and probe deployment.
- e) Department canine bites a person (excluding training sessions).
- f) Forcible blood draws requiring use of force to obtain a sample where a subject claims injury or is injured as a result of police action.
- g) Uses bodily force that involves focused strikes, diffused strikes, or decentralizations to the ground.
- h) Uses any type of force in which a person is injured or claims injury, whether or not the injury is immediately visible

The use of force report completed by the supervisor is to be completed in the MPD's Administrative Investigations Management (AIM) database within 3 days of the incident and tracked to the appropriate supervisor / shift commander. Each report shall be thoroughly completed and reviewed within 30 days of the incident, then tracked to the MPD's Internal Affairs Division – Risk Management, who are to review the reports within 14 days of receipt.

#### Policy evolution

Prior to January 1, 2013, use of force incidents that involved bodily force only and which did not result in an injury or complaint of an injury did not require documentation in a use of force report. Under the changes implemented at that time, and continuing through the present, every bodily force incident requires a use of force report regardless of any claim of injury. That policy change impacts comparisons between data pre- and post- 2013; data regarding non-bodily force incidents can be compared across that timeframe while data including bodily force incidents should only be compared beginning in 2013.

#### Data source

The data analyzed in this report is current as of January 29, 2019. At that time there remained 42 incidents which were still classified as "open" and which were under various stages of supervisory review. The data is obtained using a standardized query from the AIM database. There were 988 rows of data each containing 61 potential data elements, resulting in a data set containing 60,268 fields. Fifty-two data elements were edited by the FPC's analyst after a manual review of the incident's narrative account in instances in which there were obvious potential errors. For instance, for all incidents in which a subject was not arrested the incident narrative accounts were reviewed to see if that was indeed the case or if the field was marked in error. Another example would be incidents in which the "subject injured" field was marked "no" but there was injury information in the injury description field. Furthermore, blank cells were checked to determine if the incident narrative account would provide the information.

## Use of Force Data

### Total Number of Incidents

From January 1, 2019 to December 31, 2019 there were a total of 623 use of force incidents recorded in the AIM database (excluding voided and duplicate records). Of those 623 incidents, 16 incidents involved animal euthanasia<sup>4</sup> and 16 incidents were accidental.<sup>5</sup> Consistent with past reporting practice, these 32 incidents are excluded from the analysis in this report because those incidents are fundamentally different from other use of force incidents in their purpose and intent. As such, 591 use of force incidents are analyzed in this report. Of those 591 incidents, eight incidents involved force being used exclusively against one or more dogs.

The 591 incidents recorded in 2019 represents a 13% decrease compared to the 682 incidents recorded in 2018 and is the lowest total number of incidents in the seven years of available comparable data (Figure 1).

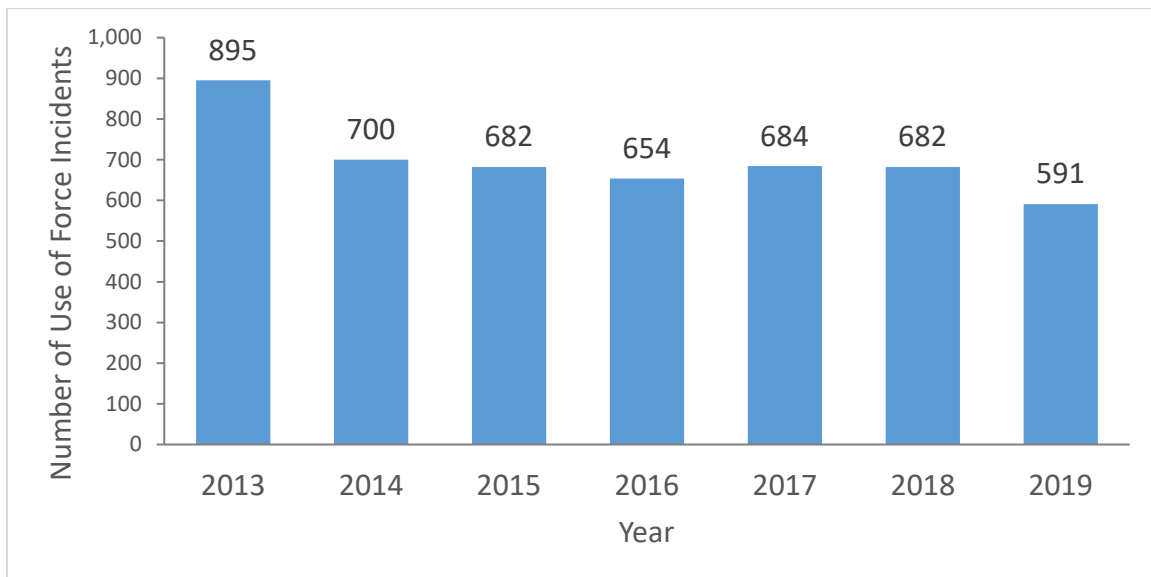


Figure 1: Number of use of force incidents per year

### Time and Place

The average number of use of force incidents per month in 2019 was 49. The months in which the most incidents occurred was May and August (61 incidents) and the month in which the lowest number of incidents occurred was December (36 incidents). This is consistent with past years, where generally the least number of incidents occur in the winter months while the highest number of incidents occur during the summer months. Table 1 details the number of incidents per month each year since 2013, with a color scale shading red the months with more incidents within each year and shading green the months with fewer incidents within each year.

<sup>4</sup> 14 deer, 1 coyote and 1 raccoon.

<sup>5</sup> A summary of the nature of the accidental incidents is provided separately later in the report.

|      |      | Month   |          |       |       |     |      |      |        |           |         |          |          |
|------|------|---------|----------|-------|-------|-----|------|------|--------|-----------|---------|----------|----------|
|      |      | January | February | March | April | May | June | July | August | September | October | November | December |
| Year | 2013 | 77      | 72       | 77    | 95    | 93  | 95   | 84   | 74     | 60        | 62      | 65       | 41       |
|      | 2014 | 53      | 49       | 66    | 67    | 90  | 73   | 77   | 57     | 49        | 50      | 34       | 35       |
|      | 2015 | 56      | 42       | 59    | 61    | 48  | 58   | 59   | 66     | 64        | 68      | 55       | 46       |
|      | 2016 | 45      | 41       | 59    | 65    | 70  | 65   | 68   | 46     | 47        | 49      | 56       | 43       |
|      | 2017 | 43      | 47       | 55    | 60    | 56  | 61   | 83   | 70     | 76        | 53      | 45       | 35       |
|      | 2018 | 51      | 46       | 58    | 62    | 51  | 60   | 76   | 60     | 62        | 62      | 51       | 43       |
|      | 2019 | 48      | 39       | 47    | 48    | 61  | 55   | 47   | 61     | 54        | 41      | 54       | 36       |

Table 1: Number of use of force incidents per month (2013 - 2019)

The number of use of force incidents per Police District for the years 2017, 2018 and 2019 are detailed in Figure 2.<sup>6</sup> The number of incidents declined in 2019 for every District except for District 1. As in past years, Districts 5 and 7 continue to report the highest number of use of force incidents per year and District 6 continues to report a lower number of incidents than other districts. The districts with the largest percentage change in 2019 compared to 2018 were District 1 (65% increase), District 7 (25% decrease), and District 5 (22% decrease).

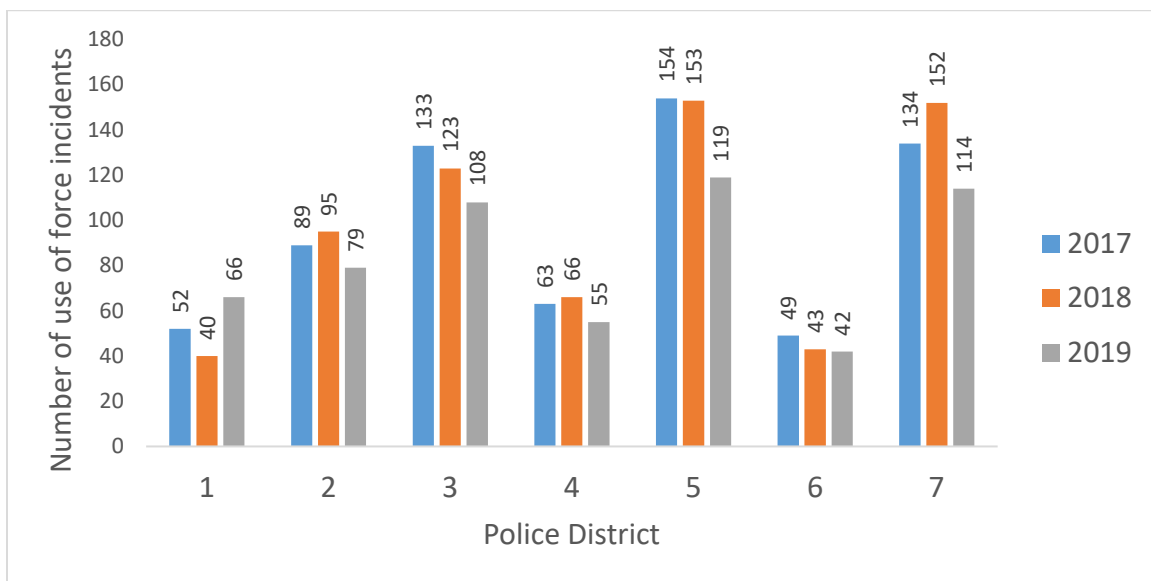


Figure 2: Number of use of force incidents per Police District (2017 - 2019)

<sup>6</sup> For 2019 there were eight incidents, for 2018 there were 10, and for 2017 there were 10 which did not occur within a police district or where the police district was not recorded in the database.

The number of use of force incidents per Aldermanic District for the years 2017, 2018 and 2019 is detailed in Figure 3.<sup>7</sup> The number of incidents declined during 2019 in 11 of the 15 districts. As in past years, Districts 6 and 7 and 15 continue to report the highest number of use of force incidents per year and Districts 11 and 5 continue to report the lowest number of use of force incidents compared to other districts. The districts with the largest percentage change in 2019 compared to 2018 were District 14 (39% increase), District 3 (35% increase), and District 1 (32% decrease).

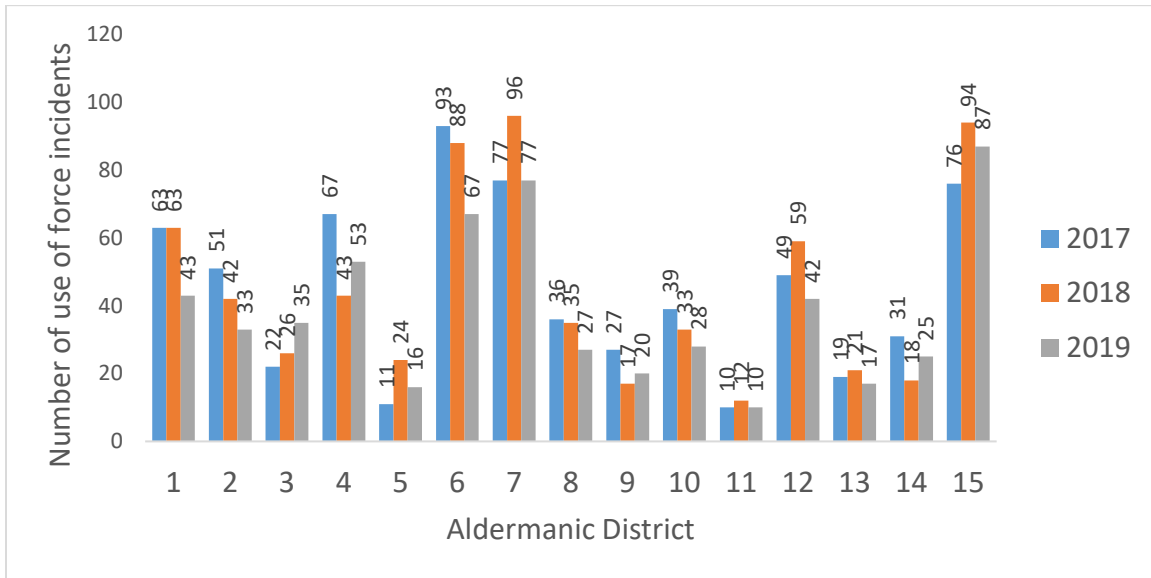


Figure 3: Number of use of force incidents per Aldermanic District (2019)

### Use of Force and Arrests

Historically, the vast majority of use of force incidents involving the MPD occur during arrests. In 2019, 583 use of force incidents involved one or more human subjects. This total number reflects the exclusion of eight incidents which involved only dogs. 564 (or, 97%) of those use of force incidents resulted in an arrest.

There are a number of situations involving a use of force that may not result in an arrest; ...

; for example, instances in which the subject escapes, intervention in suicide attempts, or restraining combative suspected drug overdose victims while medical attention is given.

The MPD conducted 17,085 arrests in 2019, and because there were 564 documented use of force incidents in which an arrest was made it follows that 3.3% of all arrests involved an officer use of force. The percent of arrests involving a use of force decreased in 2019 by 0.1%, and the percent of arrests which involved a use of force each year since 2013 is detailed in Figure 4. Though the number of use of force incidents are relatively constant between 2014 and 2018, the number of arrests fell over that same time period because the percentage of arrests involving a use of force increased.

<sup>7</sup> For 2019 there were 11 incidents, for 2018 there were 11, and for 2017 there were 13 which did not occur within an aldermanic district or where the aldermanic district was not recorded in the database.

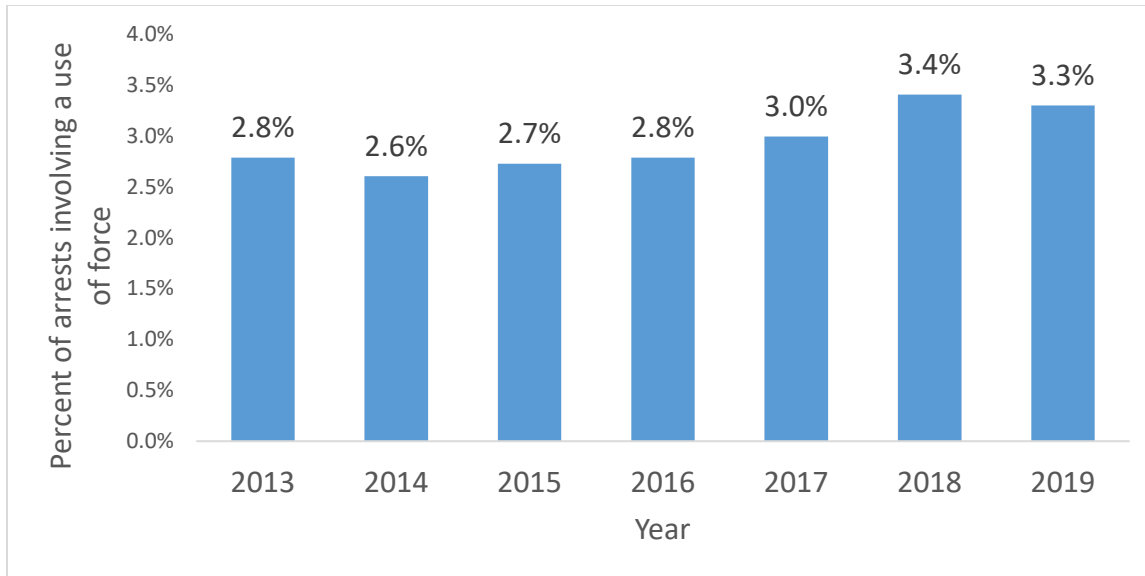


Figure 4: Percent of arrests involving a use of force (2013 – 2019)

Past reporting has highlighted the correlation between the number of use of force incidents involving an arrest and the number of arrests per month. It is reasonable to assume that, in general, when more arrests occur that more incidents might occur wherein force is used during an arrest. The number of arrests and the number of use of force incidents involving an arrest per month for 2019 is detailed in Table 2.

| Month (2019)       | Number of arrests | Number of use of force incidents involving an arrest |
|--------------------|-------------------|--|
| January            | 1,474             | 48   |
| February           | 1,241             | 39   |
| March              | 1,579             | 44   |
| April              | 1,406             | 45   |
| May                | 1,434             | 58   |
| June               | 1,405             | 53   |
| July               | 1,492             | 44   |
| August             | 1,505             | 58   |
| September          | 1,393             | 49   |
| October            | 1,412             | 38   |
| November           | 1,374             | 53   |
| December           | 1,370             | 35   |
| <b>Grand Total</b> | <b>17,085</b>     | <b>564</b>   |

Table 2: Arrests and number of use of force incidents involving an arrest, per month (2019)

Statistically the strength of correlation relationships such as this can be expressed using the Pearson's correlation coefficient (Pearson's  $r$ ). In 2019 the correlation between the number of arrests per month and the number of use of force incidents involving an arrest per month for 2019 can be expressed as  $r = 0.31$ .

The relationship between the number of arrests and the number of use of force incidents can also help contextualize the variation in the numbers of incidents between police districts. While Figure 2 shows the actual number of use of force incidents in each district, the number of arrests that occur within each police district varies. Figure 5 shows the percent of arrests within each district which involved a use of force for the past three years. In this context, at 6.5% District 1 had the highest proportion of arrests which involved a use of force in 2019, almost twice the department-wide rate of 3.3%.

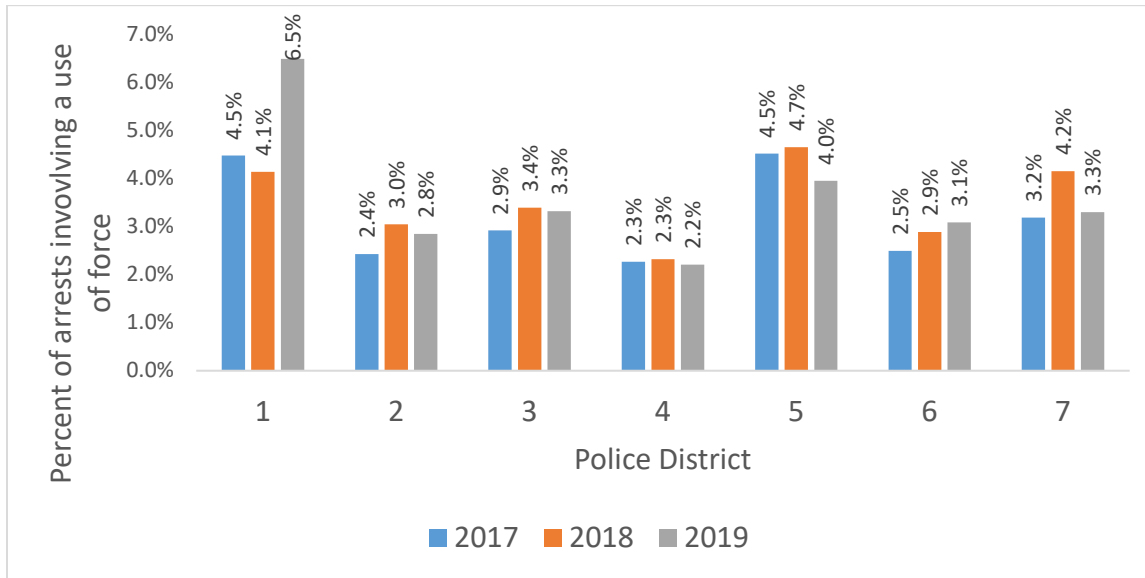


Figure 5: Percent of arrests involving a use of force per police district (2017 – 2019)

### Employee Information

The 591 reported use of force incidents in 2019 involved 535 department members. Considering that at the end of 2019 the MPD had 1,832 sworn members employed,<sup>8</sup> it follows that approximately 29% of the sworn force was involved in a use of force incident during 2019. Figure 6 details the number of employees who were involved in multiple use of force incidents in 2019. Of the 535 involved employees, 298 (56%) were involved in one incident, 153 (29%) were involved in two incidents, 43 (8%) were involved in three incidents, 20 (4%) were involved in four incidents, and the remaining 21 employees (4%) were involved in five or more incidents. The most incidents any one employee was involved in during 2019 was 13 and the most employees involved in any one incident was six.

<sup>8</sup> The actual number of sworn members varies throughout the year due to retirements and new hires. As in past reporting, the number of sworn officers reported references that reported to the FPC by the MPD at the close of the 4<sup>th</sup> quarter of the calendar year.



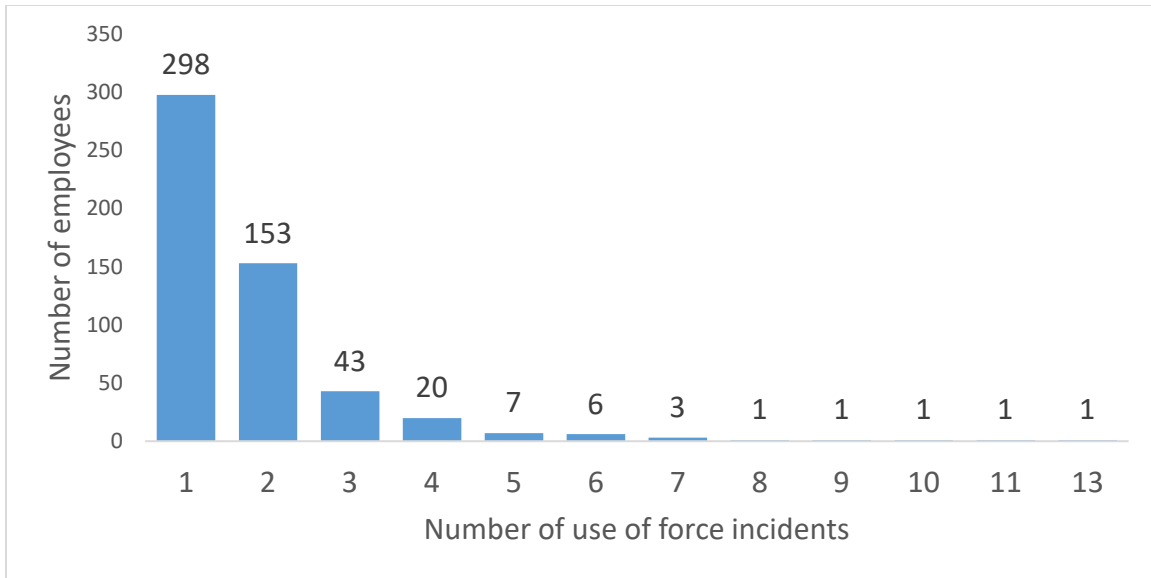


Figure 6: Number of employees whom were involved in multiple use of force incidents

The vast majority of employees involved in use of force incidents held the rank of Police Officer (514, 96%). There were also 14 Police Sergeants, six Detectives, and one Police Lieutenant involved in use of force incidents during 2019. The average age of the involved department member was 33.6 and the average number of years of service for the involved department member was 7.1.<sup>9</sup>

While the distribution of the years of service for department members involved in use of force incidents skews towards fewer years of service, to some degree the same is true of the department overall. Figure 7 displays, using blue bars, the years of service for every police officer involved in a use of force incident as a percent of the total number of police officers involved in a use of force incident. Figure 7 also displays the years of service distribution for all police officers in the MPD using orange bars. Though the police officers involved in use of force incidents tend to have somewhat fewer years of service when compared to the department overall, there are many other factors that would have to be considered in order to attempt a conclusion regarding any potential correlation. For example, the work assignments that more experienced police officers receive may tend to be different than those of newer officers and those assignments likely impact the number of situations that may arise in which force might be used.

Examining the work assignments for police officers involved in use of force incidents reveals that 91% of the police officers involved in use of force incidents are assigned to a district station. This is in contrast with the fact that 68% of police officers overall are assigned to a district station. Considering only police officers assigned to a district station, officers assigned to the day shift are less likely to be involved in a use of force incident while officers assigned to the power shift are more likely (Table 3). This fact could ultimately be associated with potential variance in the numbers of arrests which occur on each shift, but that analysis is beyond the scope of the data readily available for this work.

<sup>9</sup> Members involved in more than one incident during the year may have different ages and years of service listed depending on when each incident occurred. For this calculation each entry was included.

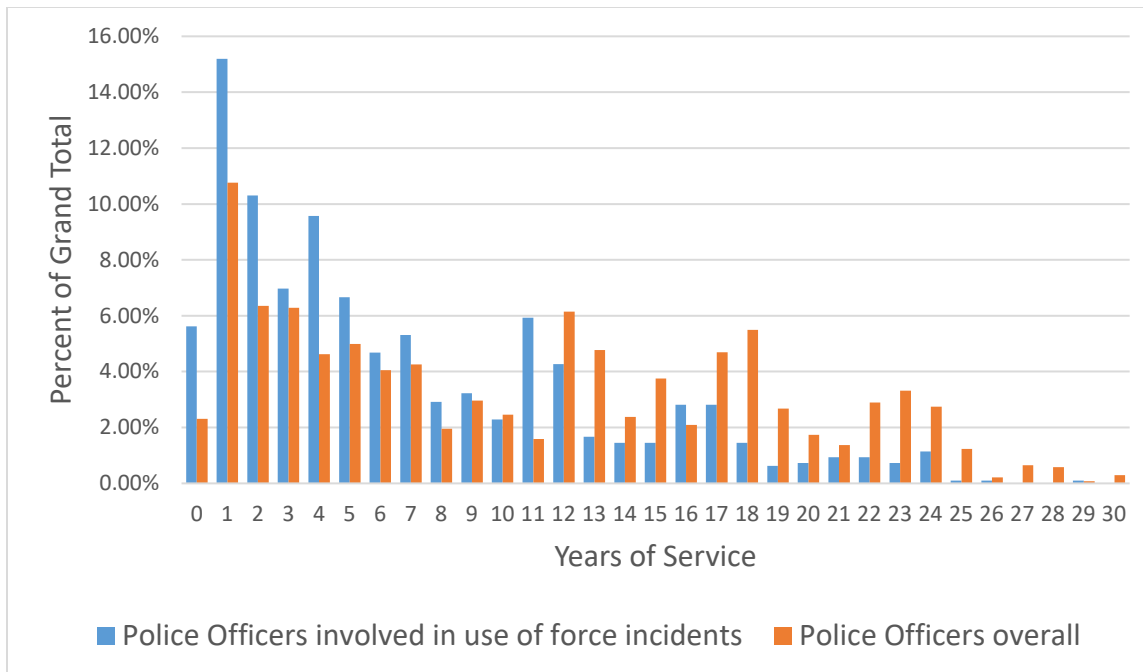


Figure 7: Years of service distribution for police officers

| Police district shift assignment (Police Officer) | Involved in a use of force incident | MPD overall |
|---|-------------------------------------|-------------|
| <b>DAY (8am - 4pm)</b>                            | 12.2%                               | 24.8%       |
| <b>EARLY (4pm - 12am)</b>                         | 39.1%                               | 38.0%       |
| <b>LATE (12am - 8am)</b>                          | 22.5%                               | 20.2%       |
| <b>POWER (11pm - 7am; varies)</b>                 | 26.3%                               | 17.0%       |

Table 3: Shift assignments for police officers assigned to a police district; those involved in use of force incidents and for MPD overall

The demographics of the department members involved in use of force incidents during 2019 is detailed in Table 4, as well as the overall demographics for all sworn members and, because members at the rank of police officer are involved in the majority of incidents, the demographics for police officers. While some of the smaller sample sizes impedes a robust statistical analysis, the racial demographics of employees involved in a use of force is reasonably similar to what one would expect given the racial demographics of the department and of police officers overall. In contrast, the gender of the employees involved in a use of force incident in 2019 is different than what one would expect, with a lower than

expected number of female employees involved in use of force incidents and corresponding greater than expected number of male employees.<sup>10</sup>

|  | AMIND | Asian | Black | HISPA | PACIF | White | Female | Male  |
|--|-------|-------|-------|-------|-------|-------|--------|-------|
| <b>Involved in a use of force incident</b> | 7     | 8     | 82    | 86    | 1     | 351   | 49     | 486   |
|  | 1.3%  | 1.5%  | 15.3% | 16.1% | 0.2%  | 65.6% | 9.2%   | 90.8% |
| <b>Sworn Department Members (2019)</b>     | 1.6%  | 1.9%  | 16.8% | 14.0% | 0.1%  | 65.6% | 16.2%  | 83.8% |
| <b>Police Officers (2019)</b>              | 1.5%  | 2.3%  | 16.5% | 14.9% | 0.0%  | 64.6% | 15.5%  | 84.5% |

Table 4: Demographic profile of employees involved in use of force incidents and employees overall

Section 460.45.D.3.a of SOP 460 requires members to document if they were off or on-duty when the incident occurred. The AIM database also allows for, but does not require, additional information to be notated regarding the employee’s activity surrounding the incident including the type of patrol that the member was on as well as the enforcement activity which the member was engaging in.

In the 591 total use of force incidents reported during 2019 there were two incidents (0.3%) which did not involve an on-duty department member. One of the off-duty incidents occurred while a department member was at a sporting event at which an unruly attendant punched the off-duty officer. The other off-duty incident occurred when a department member’s dog was attacked by another dog while on a walk, and the off-duty member discharged his firearm at the attacking dog.

The vast majority of involved employees (87%) reported that they were assigned to a squad patrol when the incident occurred. Six percent classified their patrol type as “other”, 2% were on foot patrol, 2% were on bicycle patrol, 1% were conducting tactical operations, and less than 1% were on motorcycle patrol.<sup>11</sup> The most common enforcement activity that employees reported to have been engaged in when the incident occurred was effecting arrest (55%). “Effecting an arrest” is the terminology used to classify the type of enforcement activity that members were engaged in when the use of force occurred. This is a separate and distinct calculation from incidents in which an arrest resulted from a documented use of force incident; see Table 5 for a tabulation of all reported enforcement activities.<sup>12</sup>

<sup>10</sup> The statistical significance of this difference is determined by the Chi-Square Goodness of Fit Test at the p = 0.05 level.

<sup>11</sup> Does not add to 100% due to rounding.

<sup>12</sup> In this field employees may enter more than one activity. In this analysis each entry is counted individually, thus the percentages will add to more than 100%.

| <b>Enforcement Activity</b>  | <b>Number of Incidents</b> | <b>Percent of Incidents</b> |
|------------------------------|----------------------------|-----------------------------|
| <b>Effecting Arrest</b>      | 323                        | 54.7%                       |
| <b>Dispatched Assignment</b> | 259                        | 43.8%                       |
| <b>Foot Pursuit</b>          | 123                        | 20.8%                       |
| <b>Investigation</b>         | 103                        | 17.4%                       |
| <b>Traffic Stop</b>          | 59                         | 10.0%                       |
| <b>Field Interview</b>       | 48                         | 8.1%                        |
| <b>Other</b>                 | 26                         | 4.4%                        |
| <b>Booking/Custody</b>       | 25                         | 4.2%                        |
| <b>Crowd Control</b>         | 14                         | 2.4%                        |
| <b>Conveyance</b>            | 12                         | 2.0%                        |
| <b>Search Warrant</b>        | 6                          | 1.0%                        |

*Table 5: Enforcement activity engaged in at the time of the use of force*

Note that while “effecting arrest” is a term which employees may use to classify the enforcement activity which was occurring when the use of force incident occurred, it is distinct from the earlier calculation regarding the number of incidents which ultimately involved the arrest of a subject; that calculation used a separate data field related to each subject which details whether the subject was arrested.

### Subject Information

The 583 use of force incidents involved a total of 577 identified human subjects and four unidentified human subjects. One incident involved three subjects, five incidents involved two subjects each, and the remaining 577 incidents involved one subject each. Nine individuals were identified as the subject in two separate a use of force incidents and the remaining 568 individuals were identified in one incident each.

The average age of an identified use of force subject was 29 years and the median age was 27 years. The demographic profile of use of force subjects is detailed in Table 6.<sup>13</sup> Because 97% of the use of force incidents involved a person who was arrested, for comparison, Table 6 includes the demographic profile of all persons arrested in 2019.<sup>14</sup> Under the assumption that all arrestees would have the same likelihood of being involved in a use of force incident regardless of race or gender, the differences in the race and gender makeup of use of force subjects is statistically different from the expected values given the demographics of all arrestees.<sup>15</sup> The biggest contributions to the deviation from expected values is due to the underrepresentation of use of force subjects identified as Hispanic and Female and the overrepresentation of subjects identified as White.

<sup>13</sup> There were 9 subjects for whom race and gender information was not available.

<sup>14</sup> The 2019 demographic profile of arrestees has greater detail than the demographic information of use of force subjects. While in the AIM database the “race” field for subjects has a Hispanic category, each racial group in the arrest data is itself subdivided into Hispanic or Not Hispanic. The arrest data presented here under Black, White and Asian represents the Not Hispanic totals. The arrest data presented here under Hispanic is the sum of all race category’s Hispanic subset.

<sup>15</sup> The statistical significance of this difference is determined by the Chi-Square Goodness of Fit Test at the p = 0.05 level.

|                                     | Asian | Black | HISPA | White | Female | Male  |
|-------------------------------------|-------|-------|-------|-------|--------|-------|
| Involved in a use of force incident | 1     | 435   | 31    | 102   | 91     | 478   |
|                                     | 0.2%  | 75.1% | 5.4%  | 17.6% | 15.7%  | 82.6% |
| Arrests                             | 140   | 12473 | 2059  | 2351  | 3397   | 13687 |
|                                     | 0.8%  | 73.0% | 12.1% | 13.8% | 19.9%  | 80.1% |

Table 6: Demographic profile of use of force subjects and arrestees

## Injury

Because there were nine individuals identified as the subject in two separate incidents each, there are a total of 586 use of force incidents involving a total of 577 identified human subjects. Of those 586 incidents, 336 (57%) involved some degree of injury to the subject. Injuries are classified in the AIM database as minor, moderate, major, or fatal, and include a general description of the injury sustained by the subject. In 2019, 241 (72%) of injuries resulting from use of force incidents were classified as minor and three (1%) of injuries were classified as fatal. 139 (41%) of subject injuries were described as an abrasion, cut, or laceration and 136 (40%) of subject injuries were described as a “complaint of pain”. In six incidents, a subject sustained a gunshot wound. Of those six reported gunshot wounds, three were fatal. The remaining three were classified as resulting in major, moderate, and minor injuries. Table 7 details the breakdown of injury classification and description.

|               |                  | Injury Description         |      |                       |                     |                   |                    |               | Grand Total |
|---------------|------------------|----------------------------|------|-----------------------|---------------------|-------------------|--------------------|---------------|-------------|
|               |                  | Abrasion Cut or Laceration | Bite | Broken Bones or Teeth | Bruise or Contusion | Complaint of pain | Eye or Respiratory | Gunshot Wound |             |
| Injury Degree | ECD Related Only | 48                         |      |                       |                     | 10                |                    |               | 58          |
|               | Fatal            |                            |      |                       |                     |                   |                    | 3             | 3           |
|               | Major            |                            |      |                       |                     |                   |                    | 1             | 1           |
|               | Minor            | 85                         | 1    | 2                     | 28                  | 119               | 5                  | 1             | 241         |
|               | Moderate         | 6                          |      | 4                     | 1                   | 4                 | 1                  | 1             | 17          |
|               | OC Related Only  |                            |      |                       |                     | 3                 | 13                 |               | 16          |
|               | Grand Total      | 139                        | 1    | 6                     | 29                  | 136               | 19                 | 6             | 336         |

Table7: Subject injury detail

Department employees also sustained injuries during use of force instances. Within the 956 unique employee-incident combinations 123 employees (13%) were reported to have sustained an injury. The majority of these injuries were classified as minor (110, or 89%) and the most common description was a complaint of pain (53, or 43%).

## Type of Force

The type of force used by each employee involved in a use force incident is required to be documented. More than one type of force is sometimes used by an individual employee during an encounter and/or

different types of force are sometimes used by different employees involved in the same incident. Table 8 details the type(s) of force used in each of the 591 incidents. About two-thirds of all incidents (403, 68%) involved bodily force only, 12% of the incidents involved the use of an Electronic Control Device (ECD, or “Taser”) only, and 2% of the incidents involved a chemical agent only (OC, or “pepper spray”) or a firearm only.

| Type of Force                             | Number of Incidents |
|---|---------------------|
| Bodily Force Only                         | 403                 |
| ECD Only                                  | 70                  |
| Bodily Force; ECD                         | 46                  |
| Chemical Agent Only                       | 14                  |
| Bodily Force; Handcuffing                 | 14                  |
| Firearm Only                              | 12                  |
| Handcuffing Only                          | 6                   |
| Bodily Force; Chemical Agent              | 6                   |
| Bodily Force; ECD; Handcuffing            | 4                   |
| Forced Blood Draw Only                    | 3                   |
| Bodily Force; Chemical Agent; ECD         | 2                   |
| Bodily Force; Baton                       | 2                   |
| Chemical Agent; ECD                       | 2                   |
| ECD; Baton                                | 2                   |
| Baton; Handcuffing                        | 1                   |
| ECD; Handcuffing                          | 1                   |
| Police Canine Apprehension Only           | 1                   |
| Bodily Force; Chemical Agent; Handcuffing | 1                   |
| Baton Only                                | 1                   |

Table 8: Types of force deployed

Within the set of use of force incidents in which bodily force was used there were 753 bodily force events detailed in the data. Each of those events is further characterized by the type of bodily force used, and more than one type might be used in each event. The most common type of bodily force used in 2019 was described as decentralization; in 391 of the bodily force events (52%) the force used was described as decentralization only, and in 563 of the events (75%) decentralization was used alone or in combination with other bodily force types. The next most common type of bodily force used was handcuffing; used in combination with other bodily force types in 21% of the bodily force events. See Table 9 for detail regarding the types of bodily force used.

| Bodily Force Type | Used alone (#) | Used alone (%) | Alone or in combination (#) | Alone or in combination (%) |
|-------------------|----------------|----------------|-----------------------------|-----------------------------|
| Compliance Hold   | 3              | 0.4%           | 20                          | 2.7%                        |
| Decentralized     | 391            | 51.9%          | 563                         | 74.8%                       |
| Escort Hold       | 4              | 0.5%           | 27                          | 3.6%                        |

|                      |    |      |     |       |
|----------------------|----|------|-----|-------|
| Focused Strike(s)    | 63 | 8.4% | 110 | 14.6% |
| Ground Stabilization | 21 | 2.8% | 132 | 17.5% |
| Handcuffing          | 8  | 1.1% | 158 | 21.0% |
| Spit Mask            | 0  | 0.0% | 6   | 0.8%  |
| Vertical Stun        | 21 | 2.8% | 56  | 7.4%  |

Table 9: Types of bodily force deployed

Figure 8 details the numbers of incidents each in which a firearm, OC, or ECD was used, alone or in combination with other force, since 2009. The general trend has been towards less firearm and OC usage. The use of ECD increased in 2016 but over the past three years the number of incidents involving ECD has remained relatively constant.

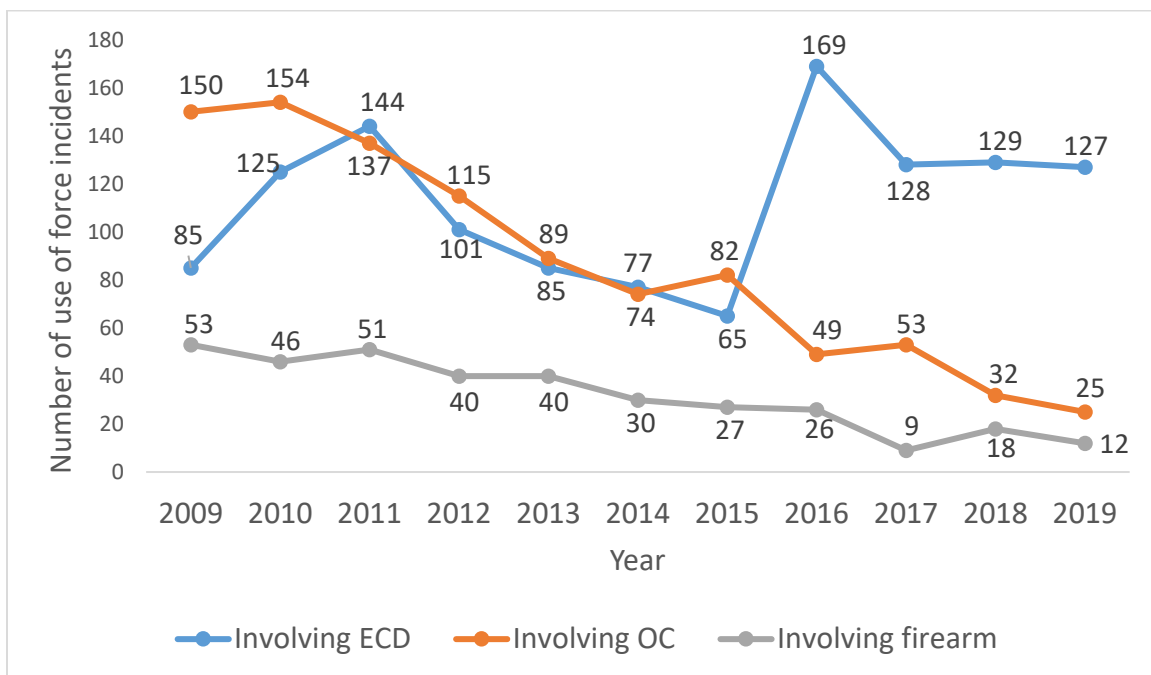


Figure 8: Number of ECD, OC, and firearm incidents (2009 – 2019)

The reported use of firearms detailed in Figure 8 includes incidents in which firearms were utilized against one or more dogs. To understand employee firearm utilization in more detail, Figure 9 demonstrates the number of firearm-involved incidents each year overall as well as the number after excluding dogs. The use of firearms by MPD employees has, in general, been declining since 2009. Though decreases in the number of incidents in which firearms are used against dogs is the main driver of the overall decline, the trend in human-subject firearm use has also been generally in decline over the same time period.

There have been 5 human-subject uses of force involving a firearm in each of the last 3 years. In 2019 four of the 5 instances involved a subject who was armed with a firearm.

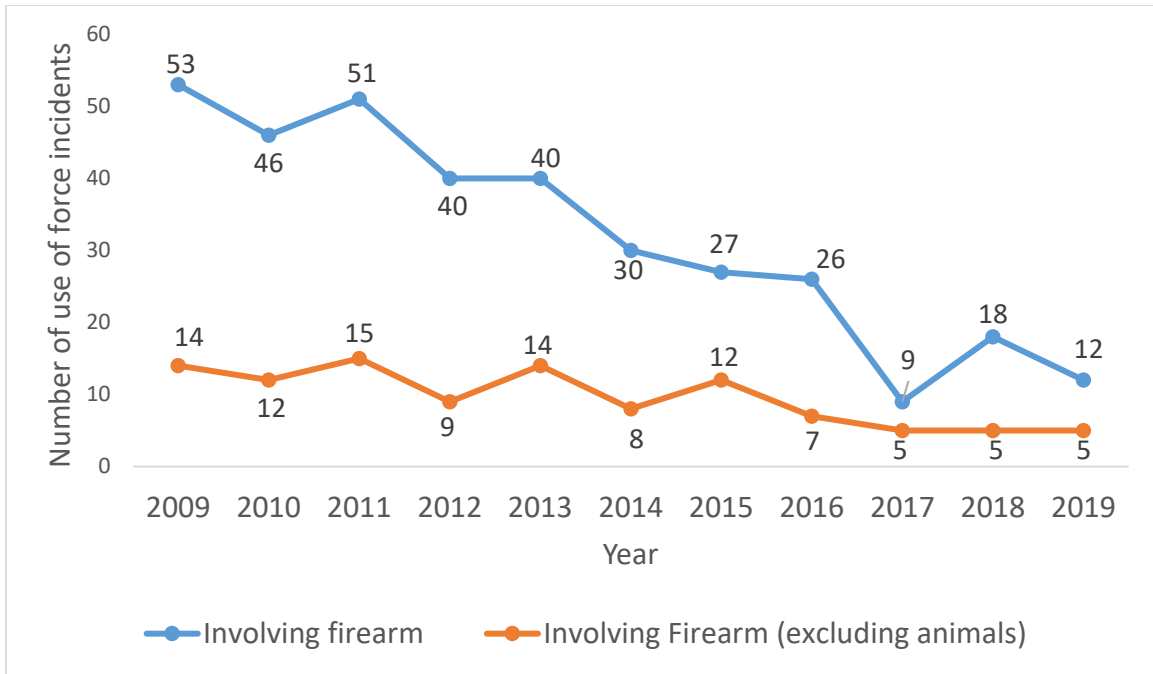


Figure 9: Number of use of force incidents involving a firearm, overall and excluding animals (2009 – 2019)

### Force Type and Injury

There were 21 use of force instances which resulted in moderate, major, or fatal injury to a human subject. Of the 3 fatal injuries, one was self-inflicted gunshot wound with no MPD employees deploying a firearm in the incident; the force used in that incident was a chemical agent deployed into a residence in an attempt to drive out a barricaded subject. In the other two fatalities the type of force used was a firearm, not in combination with any other force type. The one major injury resulted from the use of a firearm, not in combination with any other force type.

Of the 17 subjects who sustained moderate injuries:

- None involved the use of a chemical agent
- One resulted from the use of a firearm, not in combination with any other force type
- Two resulted from the use of an ECD, not in combination with any other force type
- One resulted from a decentralization followed by the use of a baton
- Three resulted from bodily force in combination with the use of an ECD.
- Ten resulted from bodily force, not in combination with any other force type



There were seven use of force instances which resulted in moderate injuries to an involved employee. None of those instances involved the use of a firearm or a chemical agent. One incident resulting in employee injury involved the use of an ECD in combination with handcuffing, one involved bodily force in combination with the use of a baton, and the remaining 5 involved bodily force only.

### Accidental Incidents

Incidents determined to be accidental are not included in the analysis of annual use of force incidents but accidental uses of force, such as accidental discharge of a firearm, do require a use of force report per MPD policy. In 2019 there were 16 incidents determined to be accidental. Of those 16 incidents, 6 were accidental deployments of an ECD and 4 were accidental discharges of a firearm. In none of those 10 incidents were any people struck or injured by the accidental deployment/discharge. The other 7 accidental use of force incidents involved police canine bites. In 5 of the 7 police canine bite incidents the canine bit a police officer during a law enforcement activity, and in one police canine bite incident, the canine bit a department member's family member at their residence.

### Force against Dogs

In 2019 there were 8 use of force incidents involving 8 dogs, 7 of which involved the discharge of a department member's firearm. Five dogs were shot, 4 of which died as a result of the shooting, and one dog died during its capture after a loose dog complaint. Two incidents occurred during the response to a loose dog complaint, 2 incidents occurred during an unrelated dispatched assignment, 2 incidents occurred when dogs were released towards officers while searching for a wanted subject, 1 incident occurred during the response to an animal bite complaint, and one incident occurred during a dog attack involving an off-duty department member.

### Video

According to MPD SOP 747 – Body Worn Cameras (BWC), all non-supervisory officers assigned to the Patrol Bureau shall be assigned a BWC, and non-supervisory officers transferred to the Patrol Bureau shall be assigned a BWC within three (3) weeks of the effective date of the transfer.<sup>16</sup> Employees assigned a BWC are generally expected to activate their BWC during enforcement activities, subject to specific exceptional circumstances detailed under SOP 747.25. In 2019, 555 of the 591 use of force incidents (94%) had BWC footage associated with the incident.

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<sup>16</sup> SOP 747 – Body Worn Cameras (BWC) is available at <https://city.milwaukee.gov/ImageLibrary/Groups/mpdAuthors/SOP/747-BODYWORNCAMERAS.pdf>

## Summary

There were 591 use of force incidents recorded by the MPD during 2019, a 13% decrease compared to the 682 incidents recorded in 2018. This is the largest year-over-year decrease that has occurred since a 22% decrease in 2014. The percent of arrests involving a use of force has ranged from a low of 2.6% in 2014 to a high of 3.4% in 2018; in 2019 the percent of arrests involving a use of force decreased 0.1% and was 3.3%. Police district 1 had the highest percentage of arrests which involved a use of force (6.5%) and police district 4 had the lowest (2.2%).

Approximately 29% of the sworn employees of the MPD were involved in a use of force incident in 2019, and the most incidents any single member was involved in was 13. The vast majority of employees involved in use of force incidents held the rank of police officer and were assigned to a district station. While female employees were involved in fewer use of force incidents, reflecting department gender demographics of the department, the racial demographic of involved employees was similar to that of the department overall.

When compared to the demographics of all arrestees, use of force subjects identified as Hispanic and Female are underrepresented while those identified as White are overrepresented in the 2019 data. There were 577 identified subjects in 586 subject-incident combinations, within which 336 (57%) involved some degree of injury to the subject. In 241 (72%) of the reported injuries they were classified as minor and in three instances (1%) the injury degree was fatal. The most common injury description was an abrasion, cut or laceration (139, 41%) followed by a complaint of pain (136, 40%).

About two-thirds of all incidents (403, 68%) involved bodily force only, 12% of the incidents involved the use of an Electronic Control Device (ECD, or "Taser") only, and 2% of the incidents involved a chemical agent only (OC, or "pepper spray") or a firearm only. The general trend since 2009 has been towards less firearm and OC usage; while the use of an ECD rose sharply in 2016 it has been deployed at a consistent frequency since then. Of the 12 incidents involving firearm use by an employee in 2019 five of the incidents involved a human subject.

Based on the analysis conducted here, the typical use of force incident in 2019:

Involved 1 police officer and 1 subject. The officer was a White male, 34 years old, with 7 years of service. The officer used "bodily force only" in the incident and was not themselves injured. The subject was a 29-year-old Black male. The subject resisted arrest, sustained an injury most commonly described as minor, and was not armed with a weapon.

## Recommendations

While the annual statistical overview that this report provides is an important component within an oversight framework, the situational details of individual incidents are outside of this report's scope. An opportunity for more in-depth and specific reviews of use of force incidents exists through the establishment of a Use of Force Committee in SOP 460.50. This committee is to meet quarterly to examine MPD use of force incidents, and within 10 days of each quarterly review they are to submit a written report to the Chief of Police detailing their findings and recommendations. If distributed to the Board of Fire and Police Commissioners, such reports could offer greater insight and transparency regarding the individual instances in which department members use force.

Additionally, the MPD's Early Intervention Program (EIP), as detailed in SOP 440, enables the department's employees and management to track performance for better recognition of positive performance and identification of work deficiencies. The policy defines a "benchmark" as a point at which a sufficient number of incidents have occurred to necessitate a review of those incident(s). The benchmarks which cause an intervention to be initiated are detailed under 440.30C, and includes a use of force benchmark equaling a total of 3 or more incidents within 90 days. A robust utilization of this process of review could prevent unwarranted uses of force and, potentially, minimize interactions in which force is used by highlighting "teachable moments" within the events that led to members reaching benchmark thresholds.

## 2019 City of Milwaukee Fire and Police Commission Use of Force Report

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