III. A.

CITY OF MILWAUKEE
Fire and Police Commission

DATE: October 25, 2012

TO: Board of Fire and Police Commissioners

FROM: Michael G. Tobin MT

SUBJECT: Use of Force Reporting Requirements

Since 2009 we have been analyzing Use of Force incidents in greater detail than any previous Milwaukee Police Department (MPD) study. Our partnership with Professor Steven Brandl of the University of Wisconsin – Milwaukee Criminal Justice Department has been beneficial in providing insight into Use of Force reporting. A primary purpose of the analysis is to make determinations regarding proper training, policies, and procedures that are consistent with the Fire and Police Commission Use of Force Strategy Statement. The following recommendations for modifications to the current Use of Force procedures are based upon Professor Brandl's analysis, Fire and Police Commission staff research on best practices, and personal observations:

- Add a new provision or sub-section to Use of Force Standard Operating Procedure (SOP) 460:

  460.XXX

  Police members are not authorized to draw or display their firearm unless the circumstances create reasonable belief that it may be necessary to use the firearm in the performance of their duty.

- Delete the current Use of Force SOP 460.25 B.1. "When to File Report" and replace with the following:

  460.25 B.1. When to File Report

  - Discharges a firearm.
  - Utilizes a baton, other than for escort/control holds.
  - Deploys an Electronic Control Device, including non-contact spark display, contact stun, and probe deployment.
  - Discharges a hand-held chemical agent.
  - Department canine bites a person.
  - Uses bodily force that involves focused or diffused strikes, punches, or kicks.
  - Uses bodily force that results in decentralization or take down of a person.

- Uses any type of force that results in any injury to a person.
- Uses any type of force in which a person claims injury, without regard to whether such claimed injury is immediately visible.

- Add a new provision to Use of Force SOP 460:

  460.XXX Duty to Intervene

  Any police member present and observing another police member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, safely intervene to prevent the use of such excessive force. Police members shall promptly report such observations to a supervisor.

- Accelerate creation of the use of force individual officer database to facilitate additional analysis and review of officer-specific use of force reporting.

- Amend the Use of Force Report to include:
  a. More specific details of officer and subject injuries incurred.
  b. Identification of the chronology of types of force used in multiple-use incidents and multiple-officer incidents.

These recommendations should be reviewed by the department and returned to the citizen board for implementation approval pending any necessary further discussion. Upon completion of a final review the modifications should be implemented effective January 1, 2013 to coincide with the beginning of the next Use of Force annual reporting period.