



Fire and Police Commission

MaryNell Regan
Executive Director

Steven M. DeVougas
Chair

Fred Crouther
Vice-Chair

Kathryn A. Hein
Ann Wilson
Marisabel Cabrera
Angela McKenzie
Nelson Soler
Commissioners

A DIRECTIVE to the Milwaukee Chief of Police Edward A. Flynn
by the City of Milwaukee Board of Fire and Police Commissioners
relating to changes to Milwaukee Police Department Standard Operating Procedure 660
Vehicle Pursuits and Emergency Vehicle Operations.

WHEREAS, The Board of Fire and Police Commissioners serves as the citizens' voice in police and fire matters and as a means of ensuring more responsive and effective city government; and

WHEREAS, The Board of Fire and Police Commissioners has received an overwhelming number of requests from both citizens and their elected representatives to examine the Milwaukee Police Department's vehicle pursuit policy in light of concerns for traffic safety in the City of Milwaukee; and

WHEREAS, On May 18, 2017, The Board of Fire and Police Commissioners was presented with the 2016 Vehicle Pursuit Report and Addendum regarding Non-Pursuits; and

WHEREAS, On June 7, 2017, The Board of Fire and Police Commissioners Committee on Policies and Standards held a public meeting in order to gather further information regarding traffic safety and the Milwaukee Police Department vehicle pursuit policy, and at such meeting Chief Flynn indicated that he does not intend to amend the current Milwaukee Police Department vehicle pursuit policy; and

WHEREAS, Between January and May of 2017 there has been a 53% increase in the number of fatal motor vehicle accidents in the City of Milwaukee compared to the same time period in 2016; and

WHEREAS, Between January and May of 2017 there has been a 160% increase in the number of hit and run fatalities in the City of Milwaukee compared to the same time period in 2016; and

WHEREAS, Between January and April of 2017 there were over 600 vehicles every month fleeing from Milwaukee Police Department officers during traffic stops; and

WHEREAS, The numbers of vehicles fleeing from traffic stops has undergone dramatic year over year increases often in excess of 100%; and



WHEREAS, Owners of vehicles which flee from traffic stops are issued citations for the offense in only 20% of instances; and

WHEREAS, Criminal investigations have identified an increasing pattern in the use of motor vehicles as the primary locations for the distribution of illegal drugs; and

WHEREAS, News reports have reported that the increase in the use of motor vehicles for the distribution of drugs has occurred with the knowledge that Milwaukee Police do not currently give chase for drug dealing, and fleeing the police is part of the plan within drug dealing networks; and

WHEREAS, The Milwaukee County Medical Examiner's Office has stated that, at current pace, the number of drug overdose deaths in Milwaukee County could reach 400 in 2017, and this would break the record high of 343 drug overdose deaths recorded in 2016; and

WHEREAS, The current Standard Operating Procedure governing vehicle pursuits already allows for vehicular pursuit in instances in which the threat to the safety of others is outweighed by the level of danger created by the vehicle pursuit; and

WHEREAS, The current Standard Operating Procedure governing vehicle pursuits does not clearly and unambiguously allow for vehicular pursuit in response to some reckless behaviors that are indeed extremely threatening to the safety of others and that indeed outweigh the level of danger created by the vehicle pursuit; and

WHEREAS, Sec. 62.50(1m) Wis. Stats. provides that, The board shall conduct at least once each year a policy review of all aspects of the operations of the police and fire departments of the city; and

WHEREAS, Sec. 62.50(23) Wis. Stats. provides that, The board may review the efficiency and general good conduct of the departments; and

WHEREAS, The Board has, on an ongoing basis, reviewed the efficiency and general good conduct of the Police Department; and

WHEREAS, These reviews have resulted in the aforementioned findings; and

WHEREAS, Sec. 62.50(23) Wis. Stats. provides that, The board may issue written directives to a chief based on a review of the chief's department; and

WHEREAS, Sec. 62.50(23) Wis. Stats. further provides that, The chief receiving a directive shall implement the directive unless the directive is overruled in writing by the mayor; now, therefore

BE IT RESOLVED, That the Board of Fire and Police Commissioners of the City of Milwaukee, pursuant to Section 62.50 (23) Wis. Stats. does hereby direct Milwaukee Chief of Police Edward A. Flynn to establish a high value target vehicle list that will identify and catalog vehicles that are identified as being used for "mobile drug dealing" and that will identify and catalog vehicles which have been involved in two or more non-pursuit events; and

BE IT FURTHER RESOLVED, That the Board of Fire and Police Commissioners of the City of Milwaukee, does hereby direct Milwaukee Chief of Police Edward A. Flynn to amend Standard Operating Procedure 660 – Vehicle Pursuits and Emergency Vehicle Operations section 660.15 in order to provide the Standard Operating Procedure with a definition of the high value target vehicle list referenced in the previous paragraph of this directive; and

BE IT FURTHER RESOLVED, That an additional change to Standard Operating Procedure 660 shall also include, but not be limited to, an amendment to section 660.20(B) allowing for police members to justifiably pursue fleeing vehicles which are listed on the previously defined high value target vehicle list; and

BE IT FURTHER RESOLVED, That an additional change to Standard Operating Procedure 660 shall also include, but not be limited to, an amendment to section 660.20(B) allowing for police members to justifiably pursue fleeing vehicles when the police member knows or has probable cause to believe that the vehicle has engaged in excessively reckless driving including excessive speeding, reckless lane changes, and failure to stop at stop signals and signs; and

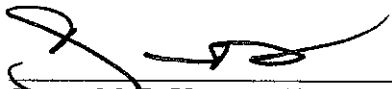
BE IT FURTHER RESOLVED, That the Chief of Police shall submit the amended Standard Operating Procedure to the Board of Fire and Police Commissioners for approval on or before July 27, 2017; and

BE IT FURTHER RESOLVED, That the Chief of Police shall submit a report to the Board of Fire and Police Commissioners on or before September 7, 2017 which will detail the number of non-pursuit events which have occurred between May and August of 2017, the number of non-pursuit subject vehicles during that time period which have had identified license plates, the number of non-pursuit subject vehicles which were identified as stolen vehicles, and the number of non-pursuit subject vehicle owners which were cited under State Statute 346.175; and

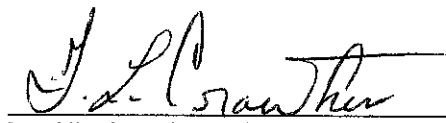
BE IT FURTHER RESOLVED, That the report submitted on or before September 7th shall also include an account of any departmental personnel reassignments, procedure modifications or policy changes which have occurred in order to address the recent increases in non-pursuit events and should identify any areas in which the Chief anticipates future changes to address this issue; and

BE IT FURTHER RESOLVED, That failure to comply with this directive may result in disciplinary action by the Board, including discharge, suspension without pay, or reduction in rank, pursuant to Sec. 62.50 Wis. Stats.

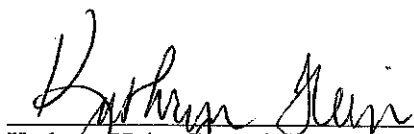
Adopted by the Board of Fire and Police Commissioners this 13th day of July, 2017



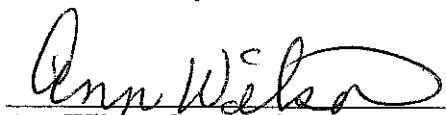
Steven M. DeVougas, Chairman




Fred L. Crouther, Vice-Chair



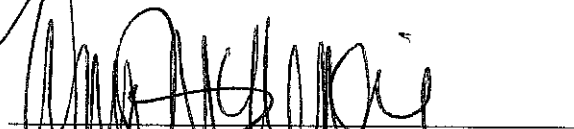
Kathryn Hein, Commissioner



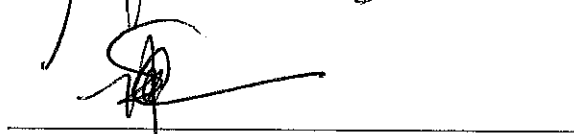
Ann Wilson, Commissioner



Marisabel Cabrera, Commissioner



Angela McKenzie, Commissioner



Nelson Solet, Commissioner