

EXECUTIVE SUMMARY

TAKING STOCK

*Milwaukee Police Department policies
and protocols in the context of national reform*



WISCONSIN

POLICY FORUM

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Long before the May 2020 death of George Floyd in Minneapolis and the ensuing national and local protests, Milwaukee had encountered several of its own high-profile incidents of alleged police misconduct that generated calls for reform.

In response, city officials established the Collaborative Community Committee (CCC) in 2017, which solicited the views of Milwaukee residents on police conduct and police-community relations and published a set of [recommendations](#) in fall 2019. Subsequently, the Milwaukee Common Council created the Community Collaborative Commission to address some of the CCC's recommendations, including those involving community-oriented policing and the department's stop-and-frisk policies.

As additional high-profile incidents involving injury or death in police custody have occurred both locally and nationally, however, calls for police reform have intensified. In response, the Wisconsin Policy Forum was asked by Milwaukee Mayor Tom Barrett to conduct research that would help frame reform discussions in Wisconsin's largest city.

In this report, we explore the current policies of the Milwaukee Police Department (MPD) as they relate to prominent police reforms being suggested or pursued locally or nationally, as well as how Milwaukee compares to five peer cities on certain key policies and protocols. Our purpose is to synthesize and explain police reform proposals in a way that will enhance understanding among policymakers and the public. We hope this will assist them in considering and prioritizing both short-term and longer-term policy changes that will improve the operations of MPD and its relationship with city residents, and that will ultimately enhance the safety of all Milwaukee neighborhoods.

To guide our analysis, we rely on published reports by policymakers and elected officials, justice system and law enforcement leaders, and advocates at the local, state, and national levels. We organize our discussion of reform proposals into the following six "buckets":

1. **Re-imagining Public Safety.** Reforms regarding the fundamental job of policing, how it is done, who should be involved, and the role residents play.
2. **Use of Force.** Policies relating to how officers are authorized to use certain types of force in given situations.
3. **Data Collection and Record-Keeping.** Reforms related to how and which policing data and records are kept, including for certain uses of force and officer backgrounds.
4. **Accountability and Transparency.** Policies to communicate police department procedures, resident complaints, and other aspects of police operations to the public, and to allow for appropriate oversight of police activities and for the removal of officers whose actions are inconsistent with department policies.
5. **Training and Support.** The types and extent of training and support that officers receive to ensure equitable and safe policing.
6. **Demilitarization.** Vehicles and chemical agents that police departments are empowered to possess and use.

It is important to point out that our analysis is based on our review of the wording of MPD policies and the interpretations we have gathered from our discussions with MPD and Fire and Police Commission (FPC) officials. It was well beyond our scope to examine and determine the extent to which policies and protocols are *being implemented by the department and adhered to by officers.*

Summary of Findings

Our review of MPD policies and protocols and comparisons with five peer cities (Baltimore, Kansas City, Memphis, Minneapolis, and Tucson) reveal the following key findings:

Re-imagining Public Safety

Despite considerable media attention, little action has occurred thus far to defund police nationally or in Milwaukee. Minneapolis is the only peer city we analyzed that redirected funding from its police department budget to other city services in 2021, and that \$8 million shift was much more modest than what the Minneapolis City Council had been considering. In Milwaukee, while some have called for diversion of tens of millions of dollars from MPD's budget to fund other priorities, the department's 2021 budget decreased only slightly. However, that masked a reduction of 120 officers from MPD's sworn strength roster. The anomaly is attributed to growing salary and fringe benefit costs for MPD personnel. Any savings realized from a cut in police positions must first be used to fund salary and fringe benefit increases for remaining positions, which limits the amount that might otherwise be available to re-invest in other priorities.

Crisis intervention teams respond to certain MPD calls, and the city is considering additional diversion strategies. MPD has teamed up with Milwaukee County's Behavioral Health Division (BHD) to establish three specialized Crisis Assessment Response Teams (CART) comprised of behavioral health professionals and specially trained police officers to respond to certain calls. (BHD also uses mobile crisis teams to address such calls when they are made to the division or other social service-related entities.) The CART teams still do not operate on a 24/7 basis, however, and they only have the capacity to respond to a fraction of mental health-related calls. The city's 2021 budget contains \$300,000 for CART expansion. Also, in March 2021, the Milwaukee Common Council created an MPD Diversion Task Force "to develop a master plan for responding to calls for service that do not involve threats to public safety."

Milwaukee's violence prevention efforts have expanded but are not as robust as those in some peer cities. The Office of Violence Prevention (OVP) within Milwaukee's Health Department has benefited from added resources and capacity in recent years and currently has a staff of nine full-time equivalent employees (FTEs) and a 2021 budget of \$3.7 million. By comparison, the Office of Violence Prevention in Minneapolis has a staff of 24.65 FTEs and an annual budget of \$6.7 million. Baltimore and Kansas City also appear to commit more financial and/or staff resources to violence prevention than Milwaukee, though it is important to note that each city's office is somewhat distinct in its mission and activities.

Use of Force

Milwaukee's use-of-force policies have been strengthened and are similar to those of the peer cities. Actions taken by Milwaukee's FPC in December 2020 strengthen MPD's use-of-force policies and bring the department in line with the recommendations of the 8 Can't Wait campaign, a national advocacy effort that has gained considerable traction over the last year. For example, Milwaukee's policies now require the use of de-escalation tactics and ban chokeholds. Milwaukee's policies also are now consistent with those of the five peer cities we examined, each of which also made changes to its use-of-force policies in 2020 or 2021.

Data Collection and Record-Keeping

MPD and the FPC produce regular reports on use-of-force incidents and traffic and subject stops. The FPC is charged with producing an annual use-of-force report. A December 2020 policy change requires any officer who points a firearm at a person to file a use-of-force report, which was a significant update and will be reflected in future reports. As part of a 2018 ACLU [settlement](#), MPD must also report publicly on traffic and subject stop-related data.

MPD does not publish data on its use of no-knock warrants. MPD leaders say the use of no-knock entries has declined in recent years and rules governing the use of this practice have been strengthened, but there has been no action to ban them and data on their use have not been released (though future policy changes may be in the works). In contrast, Baltimore, Memphis, and Tucson have stopped using no-knock warrants, while in Minneapolis, new guidelines severely restricted the use of no-knock entries and officers are required to state the reason for any no-knock entries in an incident report.

Accountability and Transparency

Milwaukee lacks participation by civilians to review critical incidents. MPD maintains a Critical Incident Review Board comprised exclusively of departmental members and a separate “Use of Force Committee” that reviews the conduct of officers who are involved in a statistically-high number of use-of-force incidents. While the department currently is considering the addition of a civilian member to its Use of Force Committee, Milwaukee appears to be somewhat out of step with the peer cities we examined in not having a civilian-based board to review excessive force and other critical incidents (though the FPC does review critical complaints). Baltimore, Memphis, Minneapolis, and Tucson have review boards comprised primarily of community members, while Kansas City’s Office of Community Complaints plays a similar role and is staffed entirely by non-police city employees.

MPD lacks a whistleblower protection policy for police officers. Though MPD’s Code of Conduct states that officers “will not be punished, but will be protected and supported, for reporting a violation of the Code of Conduct,” MPD’s protocols lack an explicit whistleblower protection policy that defines that protection and support for its officers. By comparison, Baltimore’s police department has a whistleblower protection policy and Kansas City’s mayor recently committed to developing such a policy in that city. The city of Memphis has a similar policy that applies to all city staff, including police officers.

Training and Support

MPD provides crisis intervention training to all officers but specialized training only to a small number. While all MPD officers receive at least 40 hours of crisis intervention training (CIT), some have questioned whether MPD should instead create specialized units with officers who are specially and more intensively trained to respond to incidents involving mental health crisis. The creation and expansion of CART (including specially trained MPD officers) responds in part to that concern. Additionally, officials note that new mandatory CIT guidelines focus on helping officers identify the best resource for addressing the needs of individuals with whom they interact. Most peer cities we examined provide similar amounts of crisis intervention training for all officers, but Memphis is somewhat unique in providing volunteer CIT members with much more training in crisis intervention than non-CIT members, which is the approach recommended by the developers of CIT training.

Demilitarization

MPD's policies regarding its use of chemical agents are not publicly available. Both tear gas and pepper spray are authorized to be used in certain situations, but we are unable to provide further perspective as MPD's policies are heavily redacted; when asked, department leaders clarified that redactions having to do with chemical agents would not be made public due to their strategic nature. Neither Milwaukee nor any of the peer cities we analyzed have made recent changes to their policies regarding the use of chemical agents or military-style vehicles.

Observations and Conclusion

Our analysis indicates that after a series of recent modifications, MPD's policies and protocols generally fall in line with national reform efforts when it comes to use of force, which understandably has generated the most attention over the last year. With regard to the less visible but increasingly scrutinized question of the appropriate role of police in the community, our review finds early signs of progress but opportunity to do more; while for lower profile but still important functions such as transparency, data collection, and information dissemination, we see opportunities for continued attention and reform activity.

As previously emphasized, our analysis does not tell us how MPD's policies and protocols are being implemented by officers or how they are being internally promoted and enforced by leadership. With that caveat, the following are some suggestions on where MPD, the FPC, city elected officials, and community stakeholders might place their focus on further policy and protocol reforms.

- **Increased capacity for violence prevention.** Milwaukee's Office of Violence Prevention has existed since 2008 and has grown to take on an active and high-profile role within the city's Health Department, with nine staff positions and a \$3.7 million budget. However, \$1.6 million comes from grants, which may be time-limited and require activities that are driven by the terms of the grant rather than what may be more pressing priorities. Also, we observe that other cities employing similar offices appear to have more robust staffing levels and budgets. The city's receipt of more than \$400 million in federal American Rescue Plan Act (ARPA) funds may offer a temporary funding source to expand its OVP and gauge the effectiveness of new violence prevention investments, although we cannot verify that this use is allowed under the terms of the relief legislation. Even if violence prevention is not an acceptable use of ARPA monies, it is possible that the city's use of those funds for other purposes could free up local dollars to expand the OVP. In either case, officials also would need to consider how they could secure ongoing funding to continue such efforts once the federal funds are exhausted.
- **Expanded and better coordinated crisis response.** The three Milwaukee CART teams as well as BHD's mobile crisis teams and other community-based crisis services have substantially improved the ability of both MPD and BHD to respond appropriately and effectively to individuals in mental health crisis. Still, both the city and county would agree that more progress can and should be made. In fact, that sentiment was reflected in a proposal the two governments made to the state late last year for \$4.5 million to expand the number and availability of CART teams and pursue several additional crisis service enhancements. While it is still uncertain whether the request will be included in the next state budget, it provides a blueprint for future joint advocacy. As with violence prevention, it is also possible that crisis services expansion could now be financed temporarily with federal relief dollars.

It is worth noting that this is an area that also would benefit from enhanced coordination and collaboration between MPD, BHD, and the city and county as a whole. While there is substantial momentum behind efforts to improve crisis response in Milwaukee and disassociate law enforcement (where appropriate) from crisis incidents, the city and county still operate in a fragmented manner at times. This is exemplified by the two governments' independent efforts to expand CART in their 2021 budgets, as well as the city's creation of a task force to divert crisis police calls and pursue models like CAHOOTS (Crisis Assistance Helping Out on the Streets) from Eugene, OR and STAR (Support Team Assisted Response) from Denver. Both CART and BHD's mobile crisis teams already provide successful models to build upon and the two governments may wish to consider how best to collaborate on their expansion and coordination in addition to looking elsewhere for similar models.

- **Enhanced reporting to the community.** While not uncovering a glaring lack of transparency, our analysis reveals a few areas where MPD's or FPC's reporting to the community could be improved. Those include gathering and reporting data on no-knock entries and on encounters and responses involving individuals in mental health crisis, as well as more timely gathering and reporting of citizen survey data. Overall, the department and FPC could consider mechanisms to improve the synthesis and dissemination of their various forms of reporting to the general public, including additional public information meetings in the community and more strategic efforts to proactively share data with the news media and the public in a user-friendly manner on their respective websites.
- **Continued evaluation, re-imagining, and strengthening of protocols.** As noted throughout this report, MPD and the FPC have made great strides in recent months in updating key use-of-force policies and protocols to achieve consistency with national calls for reform (including those advocated by the 8 Can't Wait campaign). There has been progress in other important areas as well, including soon-to-be-adopted enhancements to community-oriented policing policies. Two areas we identified that might benefit from further scrutiny are whistleblower protection and critical incident review; MPD's policies and protocols fall short of those in peer cities like Baltimore on the former while the department's review of critical incidents currently does not involve citizen participation.

Also, now that progress has been made on use of force, attention might shift to protocols and policies related to re-imagining public safety that also have a substantial impact on Milwaukee residents and neighborhoods. For example, Memphis created a "Re-imagining Policing" council consisting of public and private sector leaders to engage the community and recommend a series of comprehensive reforms. Also, similar to the effort recently initiated by the Milwaukee Common Council, Minneapolis and Baltimore are considering strategies to divert less-serious police calls from law enforcement to other professionals.

Overall, Milwaukee's efforts to appropriately respond to the growing national calls for police reform show a willingness to collaborate thus far among law enforcement leaders, elected officials, and community stakeholders. While there certainly is a need for further analysis and careful reflection on police protocols, policies, and practices, these early efforts optimally will set the stage for thoughtful and inclusive policymaking going forward. We hope this summary of how Milwaukee compares nationally – and where further reform consideration may be warranted – will provide useful perspective as those discussions continue.