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FOR IMMEDIATE RELEASE

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FOR INFORMATION CALL

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July 14, 2017

Ald. Michael J. Murphy  
(414) 286-3763

## **Alderman Murphy: FPC Directive on MPD pursuit policy appropriate, necessary**

Alderman Michael J. Murphy said he is grateful for the directive issued last night (**attached**) to Police Chief Edward Flynn by the Fire and Police Commission related to the Milwaukee Police Department's vehicle pursuit policy.

Alderman Murphy, chair of the Judiciary and Legislation Committee, said the unusual step of issuing a directive to the Chief is meaningful for his constituents and other city residents. "I want to publicly thank the members of the Fire and Police Commission for listening to the citizens of Milwaukee on this important matter," he said.

"The overwhelming amount of input provided to the FPC and calls for action on the topics of reckless driving, speeding and mobile drug trafficking have been heeded and the process of serious review of the MPD pursuit policy has begun. It is a complex problem but we must address it without further delay," Alderman Murphy said.

According to the FPC, between January and May of 2017 there was a 53% increase in the number of fatal motor vehicle accidents and a 160% increase in the number of hit and run fatalities compared to the same time period in 2016. Furthermore, between January and April of 2017 there were more than 600 vehicles every month fleeing from MPD during traffic stops, a number that has increased year by year, often in excess of 100%. The FPC states that perpetrators fleeing from traffic stops are issued citations for the offense only 20% of the time.

In April Alderman Murphy sent a letter (**attached**) to FPC Executive Director MaryNell Regan asking for a review of the MPD pursuit policy "in light of the current number of vehicle flights, mobile drug transactions, and more."

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## **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

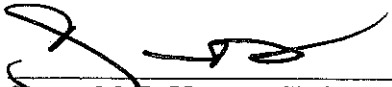
BE IT FURTHER RESOLVED, That the Chief of Police shall submit the amended Standard Operating Procedure to the Board of Fire and Police Commissioners for approval on or before July 27, 2017; and

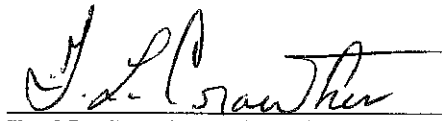
BE IT FURTHER RESOLVED, That the Chief of Police shall submit a report to the Board of Fire and Police Commissioners on or before September 7, 2017 which will detail the number of non-pursuit events which have occurred between May and August of 2017, the number of non-pursuit subject vehicles during 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

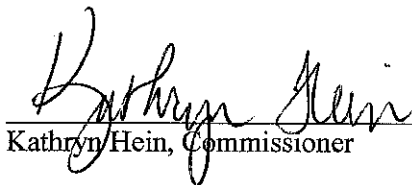
BE IT FURTHER RESOLVED, That the report submitted on or before September 7<sup>th</sup> shall also include an account of any departmental personnel reassignments, procedure modifications or policy changes which have occurred in order to address the recent increases in non-pursuit events and should identify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

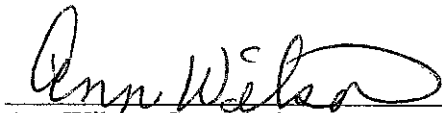
BE IT FURTHER RESOLVED, That failure to comply with this directive may result in disciplinary action by the Board, including discharge, suspension without pay, or reduction in rank, pursuant to Sec. 62.50 Wis. Stats.


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

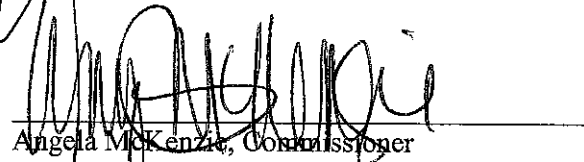
  
Steven M. DeVougas, Chairman

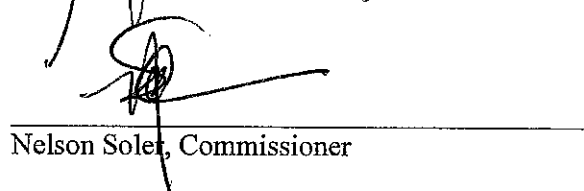
  
Fred L. Crouther, Vice-Chair

  
Kathryn Hein, Commissioner

  
Ann Wilson, Commissioner

  
Marisabel Cabrera, Commissioner

  
Angela McKenzie, Commissioner

  
Nelson Soler, Commissioner

## **COMMITTEE ASSIGNMENTS**

### **CHAIR**

- Judiciary and Legislation
- Milwaukee Arts Board
- Housing Trust Fund Advisory Board

### **MEMBER**

- Finance and Personnel
- Steering and Rules



**MICHAEL J. MURPHY**  
ALDERMAN, 10TH DISTRICT

April 7, 2017

City of Milwaukee Fire & Police Commission  
Attn – MaryNell Regan, Executive Director  
200 E. Wells St., Rm. 706A  
Milwaukee, WI 53202

Dear Executive Director Regan,

After reviewing statistics on City of Milwaukee Police Chief Edward Flynn's police pursuit policy, I am requesting that the Milwaukee Fire & Police Commission (FPC) review said policy given the amount of crime we are currently experiencing when it comes to vehicle flights, mobile drug transactions, and more.

As you know, the pursuit policy changed in 2010 under the direction of Milwaukee Police Chief Edward Flynn when four innocent civilians were killed as a result of high-speed pursuits. I respect Chief Flynn's rationale based on the protection of civilian lives and officer safety, but I feel that the pursuit policy must be reexamined and possibly amended based upon current pursuit data. I encourage you to examine the data below from the Milwaukee Police Department (MPD) Office of Management, Analysis & Planning:

Vehicle Pursuits & Non-Pursuits by the MPD								
Police Activity	2012	2013	2014*	2015*	2016*	YTD 2016	YTD 2017	YTD % Change
Vehicle Pursuits	49	82	102	263	305	71	27	-62%
Non-Pursuits	12	36	689	2,544	4,317	863	1,675	94%

*\*Indicates both pursuit and non-pursuit data is not comparable due to policy changes or reporting practices*

In 2016, there were 305 vehicle pursuits and 4,317 non-pursuits. As you can see, vehicle pursuits decreased 62% from January 1 through March 13, 2017 (27) from the same time period in 2016 (71); however, non-pursuits dramatically increased by 94% from 863 in YTD 2016 to 1,675 in YTD 2017. If current trends continue, we will likely exceed the 2016 figure this year. Again, while I respect Chief Flynn's rationale, I also wonder whether some of these should be pursued to prevent further illegal acts.

Page 2


MPD Pursuit Policy

It is worth noting that prior to year's end in 2015, MPD officers had to have a reasonable belief that a vehicle occupant was a suspect in a violent felony before they could actually pursue the vehicle. Chief Flynn later modified the policy to allow vehicle pursuits used in a violent felony whether officers had reasonable belief or not that occupants were actually involved.

According to many citizens, the lawlessness occurring today in regards to speeding, reckless driving, and traffic violations is astounding. The number of individuals not responding to basic traffic stops and standard traffic calming measures has an adverse effect on our citizens' public safety concerns. Both in public perception and in reality, I often hear residents expressing fears of driving on our streets. Criminals in our city believe that there are no consequences to their actions – Criminal behavior continues to escalate because appropriate action, both enforcement and court system, are not taken.

I am not declaring that I have all the answers. I am simply respectfully requesting that the FPC review and, if deemed appropriate, make modifications to the current pursuit policy because of the staggering statistics.

Sincerely,



Michael J. Murphy  
Alderman, 10<sup>th</sup> District

Enclosure

CC: Tom Barrett, City of Milwaukee Mayor







Milwaukee Police Department  
Vehicle Pursuits & Non-Pursuits

March 23, 2017  
Page 1 of 1

Milwaukee Police Department  
Police Administration Building  
Office of Management, Analysis & Planning  
749 West State Street, Room 713  
Milwaukee, Wisconsin 53233  
omap@milwaukee.gov | 414.935.7835

**Milwaukee Police Department  
Vehicle Pursuits and Non-Pursuits by MPD**

**Request:** Data pertaining to vehicle pursuits that resulted from fleeing from January 1, 2012 to March 13, 2017.

**Data Notes:** Fleeing from MPD includes both “vehicle pursuits” and “non-pursuits”. A vehicle pursuit is initiated by officers to apprehend a suspect(s) of a violent felony (or an occupant(s) of a vehicle used or taken in commission of a violent felony) in a motor vehicle attempting to evade law enforcement (SOP 660). A non-pursuit is when an officer does not attempt to pursue a vehicle that flees in accordance with Standard Operating Procedure (SOP 660).

Table 1 illustrates vehicle pursuits and non-pursuits for the full years 2012-2016 and YTD 2016 & YTD 2017. **Due to variation in reporting methods of non-pursuits and the policy change of police pursuits, full year data should not be compared.** Year-to-date data was provided for 2016 and 2017, which can be compared.

In June 2015, the vehicle pursuit policy was modified to include the pursuit of vehicles that were used or taken in the commission of a violent felony. This may include a stolen auto that was subsequently used in the commission of a violent felony, such as a carjacking. In 2014, MPD began to consistently track and record non-pursuits.

**Summary:** In 2016, there were 305 “vehicle pursuits” and 4,317 “non-pursuits”. Vehicle pursuits declined 62% from January 1 - March 13, 2017 (27) from the same time period in 2016 (71). In contrast, non-pursuits increased 94% in 2017 (1,675) from 2016 (863).

Table 1. Vehicle Pursuits and Non-Pursuits by MPD

Vehicle Pursuits & Non-Pursuits by the Milwaukee Police Department								
Police Activity	2012	2013	2014*	2015*	2016*	YTD 2016	YTD 2017	YTD % Change
Vehicle Pursuits	49	82	102	263	305	71	27	-62%
Non-Pursuits	12	36	689	2,544	4,317	863	1,675	94%

\*Indicates both pursuit and non-pursuit data is not comparable due to policy changes or reporting practices.

Questions pertaining to this document should be directed to the Milwaukee Police Department, Office of Management, Analysis & Planning at [omap@milwaukee.gov](mailto:omap@milwaukee.gov) or by phone at (414) 935-7835.