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Police Use of Force: How Common Is It? A Call for Greater Transparency

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Executive Summary

Police use of force has sparked an intense debate across America, including in our state Capitol. This policy brief answers a simple question: How common is police use of force in some of the larger police departments in Wisconsin?

We focus only on larger departments because there is little information available on smaller law enforcement agencies' use of force and no comprehensive statewide database — deficiencies that state legislators should immediately rectify.

Both Gov. Tony Evers and State Sen. Van Wanggaard have proposed legislation that would require police departments to report to the Wisconsin Department of Justice (DOJ) all use-of-force incidents in which a police officer shoots a civilian or discharges a firearm at a civilian and incidents in which a civilian suffers great bodily harm. DOJ would be required to collect, organize and publish an annual report of these incidents on its website.

While these proposals would be an improvement, they would leave the vast majority of police use-of-force incidents unreported. Our research shows that the majority of use-of-force incidents involve physical contact between police officers and citizens or the use of tasers and pepper spray. Although these types of force rarely result in death or serious bodily harm, they do indicate the level of conflict between a community and its police department. More detailed reporting on all use-of-force incidents would identify areas where police departments can improve interactions and increase public confidence in its practices.

The Badger Institute recommends that the state require all law enforcement entities to track and report instances of use of force just as they are required to track and report the number of arrests.

Both citizens and police departments would then be able to compare the frequency and nature of use of force — information that would likely be of considerable interest.

In the meantime, in the absence of a statewide statistics, the Badger Institute developed a picture of use of force in three of the state's largest departments: Milwaukee,

Madison and Green Bay. We also gathered publicly available information on the frequency of complaints in one of those three municipalities, Milwaukee.

An essential finding: The frequency of any sort of use of force during arrests in Wisconsin's largest cities — Madison and Milwaukee — is almost identical: one in every 29 or 30 arrests. It is difficult to compare use of force in Green Bay because of the way that department tracks and reports data.

All three cities report a striking similarity in rates of the use of bodily force, by far the most common use of force. In Madison, 71.5% of use-of-force incidents involve bodily force only, in Green Bay it's 72.7% and in Milwaukee it's 72.5%.

Some policymakers might feel that the overall frequency — once in every 29 or 30 arrests — is misleading because very few police interactions with citizens result in arrests. Most interactions, some 95% of all calls for service in Madison, for instance, are routine interviews or responses to complaints that do not result in arrests. These are routine interactions that very, very rarely result in force.

We provide statistics on those interactions as well.

There is a nationwide debate today over the use of force and when it is justified. We do not attempt to analyze the propriety of police procedures regarding use of force and what percentage of time use of force is justified in Wisconsin. That would require extensive investigation of hundreds of arrests and inherently subjective conclusions based on what is often incomplete information.

We do, however, break down statistics into categories such as bodily force to the use of a taser, baton, gun or canine. And we do provide some statewide information about officer-involved shootings — which are both rare and a small percentage of all uses of force but, for obvious reasons, garner the most media attention.

We hope the statistics alleviate some of the distrust surrounding routine interactions with police and provide perspective on the prevalence of use of force beyond incidents seen online or on TV.

Frequency of Arrests and Use of Force in the State as a Whole

There were a total of 248,516 arrests by officers in 437 different agencies in Wisconsin in 2018, according to data compiled by the Wisconsin DOJ.

Many departments make relatively few arrests. Over 86%, or 376 agencies, made under 1,000 arrests — fewer than three per day that year. Of the 376, approximately 300 made fewer than 500 arrests, and 152 of them made fewer than 100. There are many small departments in the state that make only a couple arrests, if that, per week.

The Milwaukee Police Department alone, in comparison, made over 18,000 arrests in 2018. The Madison Police Department made 8,044 arrests that year; the Green Bay Police Department made 6,081.

Although there is no complete database of all use of force in the state, there are some sources that provide at least a partial picture of more serious incidents.

In 2019, there were 32 officer-involved shootings in Wisconsin, of which 18 were fatal, according to the Wisconsin Professional Police Association (WPPA). This is the highest number of officer-involved shootings since WPPA began collecting data in 2014. Between 2014-2019 there have been 164 officer-involved shootings, 93 of which were fatal.¹

Year	Total Number of Officer-involved shootings	Number of OIS that resulted in death
2019	32	18
2018	25	12
2017	28	24
2016	26	17
2015	29	12
2014	24	10

Wisconsin Professional Police Association data²

The WPPA also provided some demographic information: 63% of the people shot by officers in 2019 were white, compared to 52% in 2018 and 57% in 2017. The report did not provide any additional details of the racial background of officers or subjects.

All but one of the 18 fatal shootings involved armed subjects, most of whom had guns.

Frequency of Use of Force in Large Cities

While officer-involved shootings should always be the subject of media and law enforcement scrutiny, a more comprehensive analysis of data in three of Wisconsin's larger departments shows that they are a small subset of all uses of force. Uses of force, in turn, occur during a small percentage of arrests and an even smaller percentage of all police interactions.

Milwaukee:

In 2018, Milwaukee Police Department officers made a total of 18,363 arrests for felonies, misdemeanors and ordinance violations, according to a Milwaukee Fire and Police Commission report.³ Of those, one of every 30 involved some form of use of force.

Looked at another way, well over two-thirds of the 1,900 sworn police officers in Milwaukee never use any type of force over the course of a typical year, and in the most recent year for which statistics are available, over 86% never used force or only used force once. Even then, in 95% of cases with force, there was either no injury to the subject or no more than a minor injury.

But that still leaves 14% of officers in Milwaukee — 262 of 1,917 in 2018 — who were involved, justifiably or not, in more than one use-of-force incident over 12 months.

Of those, 39 used force five or more times.

One officer in 2018 was involved in 24 such incidents.

In Milwaukee, the statistics paint a picture of a department where use of force is rare or nonexistent for most officers over the course of a given year, particularly in low-crime neighborhoods. But they also raise questions about why some officers are so far outside the norm.

Location matters. Officers in largely impoverished aldermanic districts with a lot of crime and more arrests use force over seven times as often as those who work in areas of Milwaukee surrounded by more affluent suburbs.

Some level of disparity makes sense. That said, a small percentage of officers are using force much more frequently than their colleagues working in the same areas.

Madison:

Data provided by the City of Madison Police Department shows that force during arrests is used by officers in Madison at similar rates to those in Milwaukee.

Madison officers used force against 290 individuals during 8,330 arrests in 2019, according to the Madison Police Department’s 2019 Accountability Report. This translates to a use of force occurring in 3.5% of arrests, or one of every 29.⁴

The Madison Police Department also uses a second, more comprehensive method for determining frequency of use of force. In total, 322 individuals had force used against them by Madison police, 290 who were arrested and 32 who were not.

It is unusual, though not completely surprising, that officers might occasionally use force against individuals they are not arresting. An officer, for instance, might have to use force to hold back a participant in a bar fight who gets only a citation but isn’t arrested.

The vast majority of police interactions with citizens — approximately 95% in Madison, for instance — do not result in arrest.

While there were — as noted above — 8,330 arrests in Madison in that year, there were a total of 145,205 calls for service, and even calls for service are not a complete measure of all police contact with citizens.

In sum, use of force occurs in fewer than one of every 451 calls for service, and it occurs even less frequently when considering all police interactions.

It is, not surprisingly, much more frequent when the interaction results in an arrest.

Green Bay:

In 2019, Green Bay Police made 6,052 arrests and reported that 283 citizens were involved in use-of-force incidents.⁵ It is not clear if everyone against whom police used force was arrested. If they were, an estimated 4.7% of arrests involved the use of force, or one of every 21 arrests.

We cannot definitively determine whether use of force is more common in Green Bay because of reporting differences between the departments. In addition to the lack of clarity on the percentage of use-of-force incidents

that occurred during arrests, Green Bay has a different definition of force. Green Bay, for example, classifies the use of the PIT maneuver (Pursuit Immobilization Technique), or ramming to stop fleeing vehicles, as a use of force, while neither Madison nor Milwaukee report any vehicle-related use-of-force incidents.

These reporting differences are one reason why universal reporting standards are necessary.

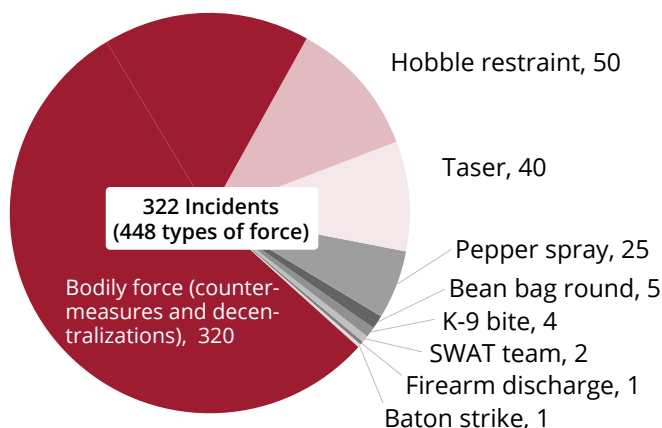
Types of Force

The analysis shows that most force used by police does not involve a weapon, just bodily force. This is true to the same extent for all three of the police departments examined. In all three instances, bodily force alone was used 72% or 73% of all times that force was used. In all instances, the use of hobble restraints, tasers, pepper spray, dogs or guns was far less common.

Bodily force includes the use of both active countermeasures and passive countermeasures (decentralization). Active countermeasures include an officer striking, hitting or kicking a subject with hands, arms, knees or feet. Passive countermeasures consist of pushing, pulling, holding, grappling or tackling a subject.

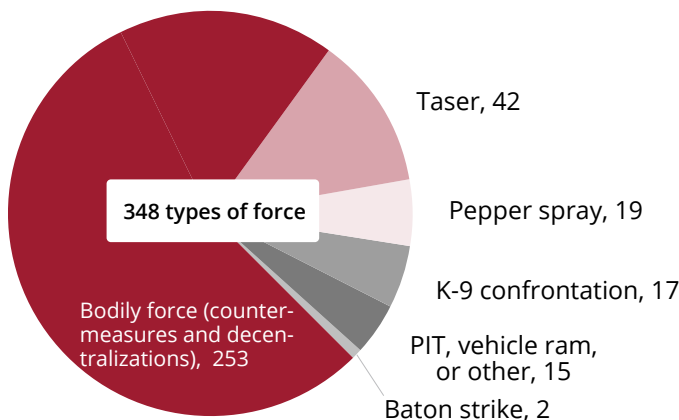
Madison:

In 2019, Madison did not break down the types of use-of-force incidents that occurred only during arrests, but the department did break down the types of use of force used against 322 individuals in all circumstances. Most of these individuals were arrested but some were not.



More serious uses of force were uncommon. Only one involved discharge of a firearm, a fatal officer-involved shooting on October 27. The combined number of types of force (448) exceed the reported 322 incidents because some incidents involve multiple types of force. For example, a suspect who is both tased and tackled during an arrest counts as one incident but two types of force.

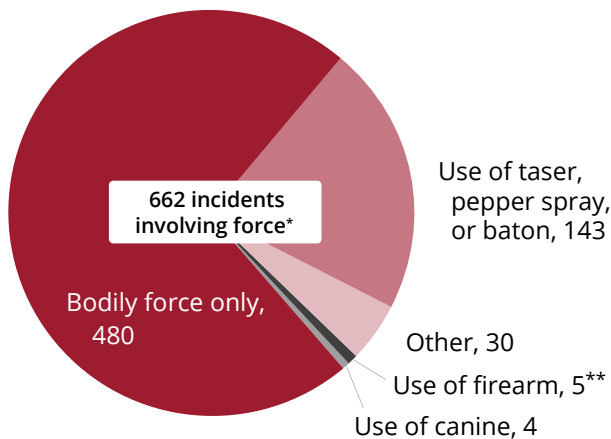
Green Bay:



There were no reports of police using guns as a use of force in Green Bay in that year.

2018 Use-of-Force Statistics for Milwaukee Police Department

Arrests: 18,363 Traffic stops: Over 90,000



Source: An analysis of 2018 Use of Force Incidents in the Milwaukee Police Department by Steven G. Brand and further analysis by the Badger Institute.

*Incidents that involve human beings exclusively and not animals

**Of these five, two resulted in fatal injuries, one in a non-fatal injury and two shots missed.

In sum, all three cities report a striking similarity in rates of the use of bodily force, by far the most common use of force. In Madison, 71.5% of use-of-force incidents involve bodily force. In Green Bay, it's 72.7% and in Milwaukee it's 72.5%. Were the state to mandate data from all departments, policymakers and citizens could determine if the same pattern holds true in other larger departments or in departments with similar instances of crime.

It would be possible to identify and examine outliers. Police departments could use this data to improve policies, training and oversight. Lawmakers could use the information to make policy based on what is actually occurring in Wisconsin communities.



Milwaukee:

The "typical" use-of-force incident in Milwaukee in 2018 involved a 35-year-old white male officer with eight years of service who used "bodily force only" on a 28-year-old black male who sustained minor injuries. According to police, the subjects are typically not armed with a weapon but resist arrest during an altercation outside and at night.

In 2019, the typical use-of-force incident in Madison stemmed from an officer responding to a call for service (but not necessarily involving an arrest) for a disturbance in the north or central part of Madison. It likely involved a white male officer using some kind of bodily force on an African American subject who likely was under the influence of alcohol and/or drugs.

An Analysis of 2018 Use of Force Incidents in the Milwaukee Police Department, Steven G. Brandl, 2019.

Citizen Complaints in Milwaukee

We also examined citizen complaints in Milwaukee and found they are filed in relatively few use-of-force incidents.

Citizen complaints against the Milwaukee Police Department (MPD) are reported and investigated differently by the Milwaukee Police Department and the Milwaukee Fire and Police Commission (FPC). The result is a muddled picture of how many complaints are filed and how they are resolved. The situation is made even less transparent because the FPC has failed to publish an annual report since 2017, and MPD does not address citizen complaints in its annual reports.

The citizen complaint process should be the same whether the complaint is received by the FPC or MPD. Detailed information on complaints with descriptions of the misconduct, resolution and discipline imposed should be regularly reported.

The lack of a complaint does not necessarily prove that use of force was appropriate. Some individuals may not know how to file a complaint or may be reluctant to challenge police. The paucity of complaints does suggest, however, that the vast majority of police/citizen interaction is routine and appropriate.

In 2018, there were 159 complaints that named 210 officers — about 11% of the force.⁶ Thirty officers were the subject of more than one complaint, and nine were the subject of more than two complaints. Of those 159 total citizen complaints, 23 alleged improper use of force.

In Milwaukee, citizens can file complaints either directly with the police department or to the FPC.⁷

- Twenty-one use-of-force complaints were filed directly with the police department. Nine of those were open or pending at the time the FPC report was filed. In three instances, it was found that the actions of the officer were not a violation of the code of conduct. Nine times, the allegations were deemed unfounded.
- The FPC investigated two formal complaints regarding use of force in 2018. Neither resulted in a finding of misconduct by police.

In sum, citizen complaints over use of force by officers are rare, and substantiated claims are even less common.

Recommendation

Given the intense media and social media interest in police use of force, there is likely a common misperception regarding how frequently such incidents occur. Making statistics public and readily available could help restore confidence in police departments.

Without better data, it is difficult to fairly evaluate how a community is being treated by its police force, especially when high profile incidents caught on camera are the main reference point and when most interactions between citizens and police are mundane. On those rare occasions when force is used, a common standard of acceptable use, a transparent discipline process and regular reporting of such incidents can help establish the trust and support between citizens and police that is required for safe communities.

Information on use-of-force incidents, particularly those that result in death or injury, is necessary for building that trust. The lack of standards or legal requirements for reporting use-of-force incidents make it difficult to know what is occurring and how officers are being held accountable for their actions.

The information provided by groups like the Wisconsin Professional Police Association (WPPA) is valuable, but there are still gaps in important areas. WPPA's report on officer-involved shootings does include both fatal and non-fatal shootings but does not cover other police conduct like the use of tasers, pepper spray or other uses of force that can result in serious injury or death.

Annual, standardized reports from government agencies are needed to accurately document use-of-force incidents. Legislative proposals by Gov. Tony Evers and State Sen. Van Wanggaard that would require police departments to report officer-involved shootings and incidents in which a civilian suffers great bodily harm are a good start, but the legislation should be amended to require annual reporting on all use-of-force incidents. Policymakers should also require departments to standardize how they define use of force to ensure uniform reporting methods.

About the author:



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Next: How and when cops are disciplined

organizations do not accept or categorize complaints the same way. The police department counts any complaint received from the public (in person, phone call, written or emailed) as a “complaint” and investigates its validity. The FPC separates complaints into informal and formal complaint categories. When a citizen calls the FPC with a complaint, an investigator informs the citizen how to file a formal complaint with the FPC. If the individual does not file a formal complaint, it is not recorded in the file of the officer and is not investigated. If the citizen follows the process provided by the FPC, it becomes a formal complaint, is investigated by the FPC and entered into the officer’s file. For the purposes of this article, the data covers only complaints designated by FPC as formal complaints and all complaints filed with MPD.

Endnotes

1 The WPPA report cites 95 fatalities, but only lists 93 fatal shootings in the year-by-year statistics. These kind of discrepancies are common in use-of-force reports.

2 <https://wppa.com/wisconsin-officer-involved-shootings-deaths-rose-in-2019/#:~:text=Wisconsin%20Officer-Involved%20Shootings%20%26%20Deaths%20Increased%20in%202019,the%20WPPA%20began%20collecting%20this%20data%20in%202014>

3 <https://city.milwaukee.gov/ImageLibrary/Groups/cityFPC/Reports/Use-of-Force-Reports/2018yearendUOFreport.pdf>, p. 4

4 <https://www.cityofmadison.com/police/documents/AccountabilityRpt2019.pdf>

5 In some instances, more than one type of force was used against a single citizen in Green Bay. As a result, there were 348 uses of force reported in the 283 incidents.

6 The number of citizen complaints against officers is declining in Milwaukee. As recently as 2009, there were 481 complaints filed. Since 2013, annual complaints have been under 250.

7 Complainants raise myriad issues through complaints to both the police department itself (113 in 2018) and the Fire and Police Commission (46 in 2018). This divided structure is further complicated by the fact that the two