

CITY OF MILWAUKEE FIRE AND POLICE COMMISSION

# Addendum to Milwaukee Fire and Police Commission 2016 Vehicle Pursuit Report

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Overview of Non-Pursuit Incidents

MaryNell Regan, Executive Director

## Introduction

As a supplement to the Fire and Police Commission (FPC) 2016 report on Milwaukee Police Department (MPD) vehicle pursuits, this addendum is a summary of data regarding what are known as “Non-Pursuits”. Like the Vehicle Pursuit Report, this addendum on Non-Pursuit incidents is a summary of relevant data and is intended as a factual, informational, and unbiased tool for the public and the FPC Commissioners to reference when examining this topic.

Non-Pursuits are instances in which a Police Officer turns on their squad emergency lights and/or siren while ordering a vehicle to pull over, the vehicle does not comply with this order, and the Police Officer does not pursue the fleeing vehicle. While previous and current FPC Vehicle Pursuit Reports indeed focused on vehicle pursuit data, information regarding these Non-Pursuit events may provide additional context when considering the MPD Vehicle Pursuit Policy as a whole. Though data regarding the numbers of Non-Pursuit events for recent years has already been published (see Appendix 1), in this report we will attempt to provide more detail on the circumstances surrounding these events in order to complete the data picture as fully as possible.

Guidance on whether an officer should or should not pursue a vehicle in these circumstances is provided in MPD [Standard Operating Procedure \(SOP\) 660 – Vehicle Pursuits and Emergency Vehicle Operations](#).<sup>1</sup> The relevant section of this SOP currently states:

Vehicle pursuits are justified only when the police member knows or has probable cause to believe:

1. The occupant(s) has committed, is committing, or is about to commit a violent felony (e.g., armed robbery, recklessly endangering safety, and other crimes against a person in which violence is an element to the felony offense); or
2. The specific vehicle was used in or taken during the attempt or commission of a violent felony (e.g., armed robbery, recklessly endangering safety, and other crimes against a person in which violence is an element to the felony offense); or
3. The vehicle or occupant(s) present a clear and immediate threat to the safety of others and therefore the necessity of immediate apprehension outweighs the level of danger created by the vehicle pursuit (e.g., misdemeanor shots fired incident in which a specific vehicle is described as being involved).
4. A “refusal to stop” pursuit, as previously defined within this policy, may be initiated and maintained for a lesser offense than described above. However, once the “refusal to stop” pursuit becomes an “eluding / fleeing” pursuit, as previously defined within this policy, justification for the pursuit must meet at least one of the criteria (subsection 1 or 2) above.

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<sup>1</sup> Readers interested in the evolution of this policy over time are encouraged to reference the [2016 Vehicle Pursuit Report](#) or the [archive of Fire and Police Commission Vehicle Pursuit Reports](#).

## Reporting of Non-Pursuits

SOP 660 did not require personnel to create a report for Non-Pursuit instances until July 25, 2014. The SOP revision published that day instructed Department Members that:

*“Vehicle Pursuit Reports are to be filed in the AIM system and classified as a “non-pursuit” for those instances where a squad performs or attempts to perform a traffic stop and the suspect flees without being pursued.”*

The “AIM system” mentioned in that statement is a computerized administrative database that contains departmental and incident information on a number of subjects. A later revision of the SOP on June 29, 2015 struck the aforementioned text and added a similar instruction in a subsection to heading 660.25 Decision Not To Pursue:

### B. NON-PURSUIT REPORT REQUIRED

A supervisor shall file a “Non-Pursuit” (NP) report in the AIM system in accordance with reporting requirements for an actual pursuit as outlined in 660.20(K).

This Non-Pursuit incident recording process was again amended on November 23, 2015. At this time the requirement that Non-Pursuit reports be filed into the AIM database was struck, and instead members were instructed that the occurrence of the Non-Pursuit was to be recorded in the Computer Aided Dispatch (CAD) database. The relevant text put into effect at that time reads:

## 660.25 DECISION NOT TO PURSUE

### A. GENERAL GUIDELINES

2. In such instances where a stop is attempted, the vehicle continues, and a pursuit is not initiated, members shall return to service after being verbally acknowledged by the dispatcher that a non-pursuit has occurred. The member attempting the non-pursuit shall provide the dispatcher with as much of the following information as possible so the non-pursuit can be thoroughly documented in CAD:

- a. Address of the non-pursuit.
- b. Description of the vehicle including the vehicle color, year, make, model, style, license plate number and state.
- c. Reason for the non-pursuit.
- d. Number and description of occupants.

3. The Risk Management Bureau shall be responsible for conducting random audits of recordings made regarding non-pursuits by utilizing the DP3 In-Car Video Portal System at the discretion of the commanding officer of the Risk Management Bureau or the Chief of Police.

In summary, there are three general time periods which define the availability of Non-Pursuit data.

- Prior to July 25, 2014 there was not a specific instruction in the SOP governing vehicle pursuits for department members to report on Non-Pursuits.

- Between July 25, 2014 and November 23, 2015 department members reported Non-Pursuit data using the AIM database. During this period there was an evolution in the data elements collected for each Non-Pursuit, thus even within this time period not all data exists for all Non-Pursuits.
  - The most thorough set of data available during that time period is from January 1<sup>st</sup> – November 23<sup>rd</sup> of 2015. This is the data set which allows for the most informative analysis and will be referred to as the “2015 dataset” in this report.
- After November 23, 2015 all Non-Pursuit data is tracked in the CAD database. Many of the data elements in this set are contained in narrative rather than data fields. This complicates data extraction and analysis and has limited the ability to quickly analyze this data beyond incident dates and locations.

Because of these changes in the reporting of Non-Pursuits, year to year comparisons of Non-Pursuit data are not always possible or statistically meaningful. Nonetheless, an overview of the relevant data follows.

## Non-Pursuit Data

### Number of Non-Pursuits

As stated earlier, the year-to-year data on the number of Non-Pursuits is limited. Data for 2014 begins in late July of that year and accurate data before that was not consistently collected. For that reason, a monthly summary may provide better insight than yearly. Figure 1 details the number of Non-Pursuits per month beginning in August of 2014. In accordance with previously released year-to-year data, it is clear that Non-Pursuit incidents are following a cyclical but increasing trend over time.

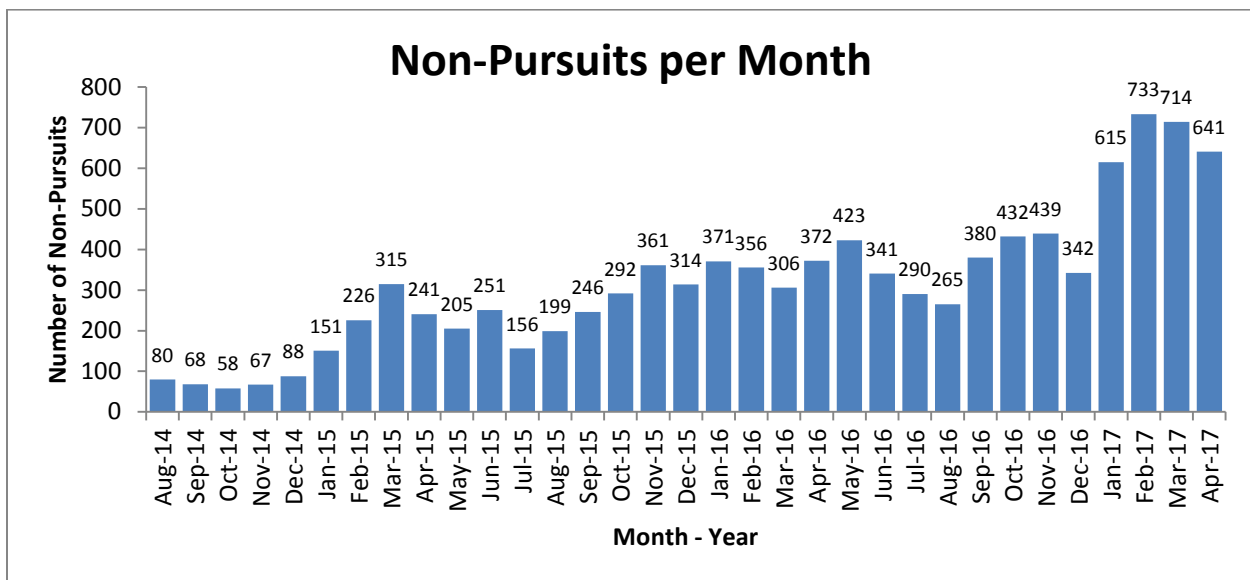


Figure 1

The same data shown as year-over-year percentage change for each month is presented in Table 1.

	2015 vs 2014	2016 vs 2015	2017 vs 2016
January	-	145.7%	65.8%
February	-	57.5%	105.9%
March	-	-2.9%	133.3%
April	-	54.4%	72.3%
May	-	106.3%	-
June	-	35.9%	-
July	-	85.9%	-
August	148.8%	33.2%	-
September	261.8%	54.5%	-
October	403.4%	47.9%	-
November	438.8%	21.6%	-
December	256.8%	8.9%	-

Table 1

### Reason for Attempted Stop

The records of Non-Pursuit occurrences in the 2015 dataset provides a general description of the type of offense that the department member observed before attempting the vehicle stop in Non-Pursuit situations. These are offenses that did not meet the criteria set forth in SOP 660 for pursuable offenses, thus one may assume that the offenses listed as felonies are not violent felonies.

Table 2 details the types of offenses in the 2015 dataset which initiated the Non-Pursuit events. The vast majority of Non-Pursuit offenses were Ordinance violations (80.1%).

	Number	Percent
Ordinance Violation	2031	80.1%
Felony	275	10.9%
Other	135	5.3%
Misdemeanor	93	3.7%

Table 2

### License Plate Data

As part of the records for Non-Pursuit incidents, the department member is to report a description of the vehicle including the vehicle color, year, make, model, style, license plate number and state (whenever possible). The FPC surveyed the entire set of license plate data on record in the AIM database for Non-Pursuits and attempted to categorize the license plate for each entry. Note that license plate data was not easily accessible in bulk from the CAD database because it is recorded there within a narrative rather than data field. Thus this analysis encompasses the time between July 25, 2014 and November 23<sup>rd</sup>, 2015.

Readers are cautioned that because this was a manual, subjective process; there may be some error in the categorization. Entries that had 6 or more digits were considered to be a full and complete record of the vehicle's license plate. Entries that had less than 6 digits were considered to be a partial recording of the vehicle's license plate. Entries that explicitly stated 'none' were categorized as vehicles without visible license plates and blank entries (or those that specifically indicated as such) were considered unknown license plates.

Table 3 details the license plate status of all Non-Pursuit subject vehicles between July 25, 2014 and November 23<sup>rd</sup>, 2015. The license plate of the fleeing vehicle was known in over half of all Non-Pursuit incidents (56.5%) during this time period, but the vehicle's license plate was missing in almost a third of all Non-Pursuit incidents (29.3%).

**License Plate Status of Non-Pursuit Subject Vehicles**

	Number	Percent
Full	1829	56.5%
None	947	29.3%
Partial	129	4.0%
Unknown	332	10.3%

Table 3

Of the license plates that were fully identified during this time period, there were 215 license plate numbers involved in multiple Non-Pursuit incidents, totaling 572 incidents (17.7% of all incidents in this time period). Figure 2 details the number of specific license plates that were involved in multiple Non-Pursuit incidents. There were 150 license plates identified in 2 Non-Pursuits, 31 identified in 3 Non-Pursuits, 18 identified in 4 Non-Pursuits, 8 identified in 5 Non-Pursuits, 4 identified in 6 Non-Pursuits, and 1 identified in 8, 10, 11, and 14 Non-Pursuit incidents, respectively.

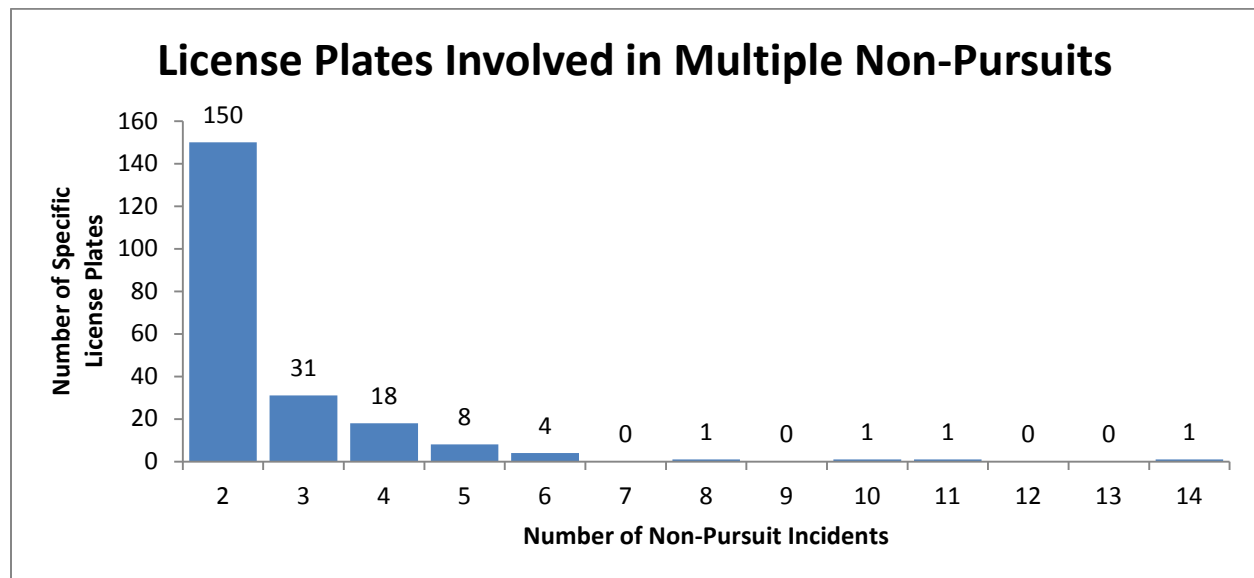


Figure 2

## Stolen Vehicles

In the 2015 dataset there was a data field that indicated if the Non-Pursuit subject vehicle was a stolen vehicle. Entries in this field could be “yes”, “no”, or blank. Figure 3 details the number and percent of Non-Pursuit vehicles per month that were identified as stolen vehicles in the 2015 dataset. On average 14.2% percent of Non-Pursuit vehicles were identified as stolen in the 2015 dataset.<sup>2</sup>

Note that in June of 2015 the pursuit policy was amended to allow for department members to pursue any vehicle which was used or taken in a violent felony. The previous policy required the department member to know that the driver of the vehicle was the person who committed a violent felony. Thus one could surmise that Non-Pursuit subject vehicles identified as stolen after June of 2015 were stolen through non-violent means.

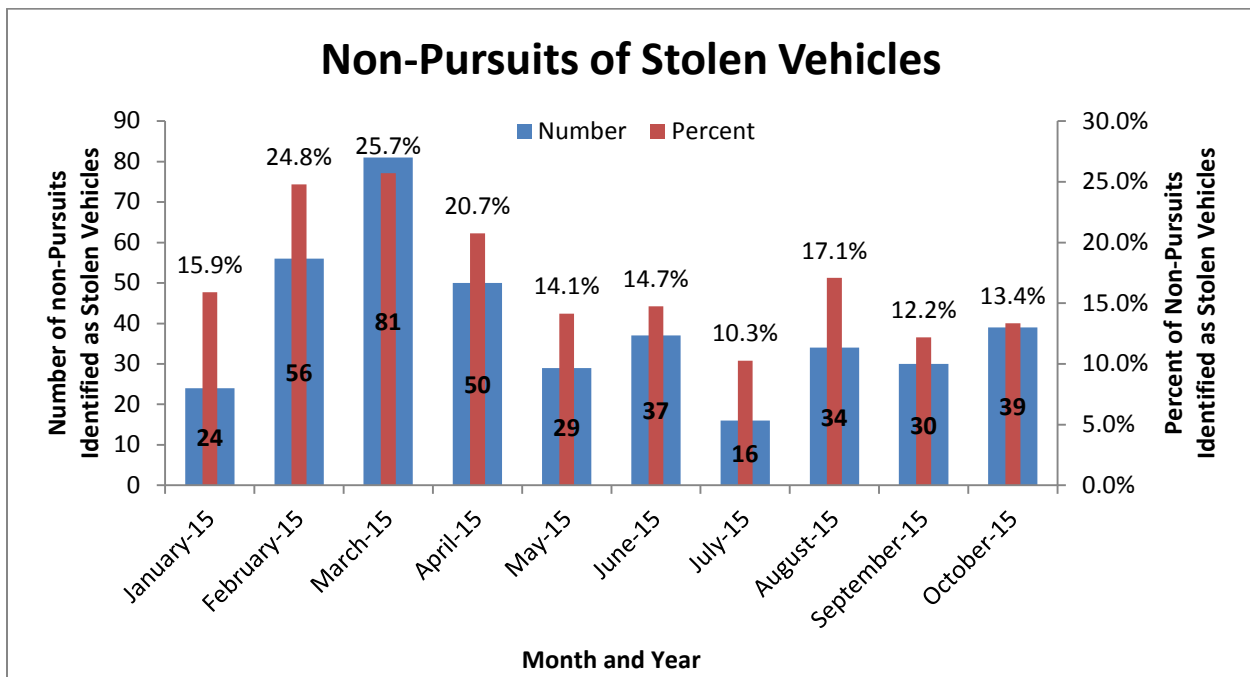


Figure 3

Considering the set of Non-Pursuit vehicles which were identified as stolen along with the set of Non-Pursuit vehicles which had known license plates identified multiple times allows for an analysis of how often particular stolen vehicles are repeatedly fleeing from traffic stops without police giving chase. Figure 4 details this data. Of those vehicles identified as stolen, 51 vehicles were involved in multiple Non-Pursuit incidents and this set of 51 serial stolen car Non-Pursuit subject vehicles comprised 4.4% of all Non-Pursuit incidents in the time period comprising the 2015 dataset. There were 36 license plates of stolen vehicles identified twice in Non-Pursuit incidents, 8 license plates of stolen vehicles identified 3 times, 3 license plates of stolen vehicles identified 4 times and 5 times, and 1 license plate of a stolen vehicle identified 8 times in Non-Pursuit incidents.

<sup>2</sup> This statistic includes the partial month data for November of 2015 not shown in Figure 3.

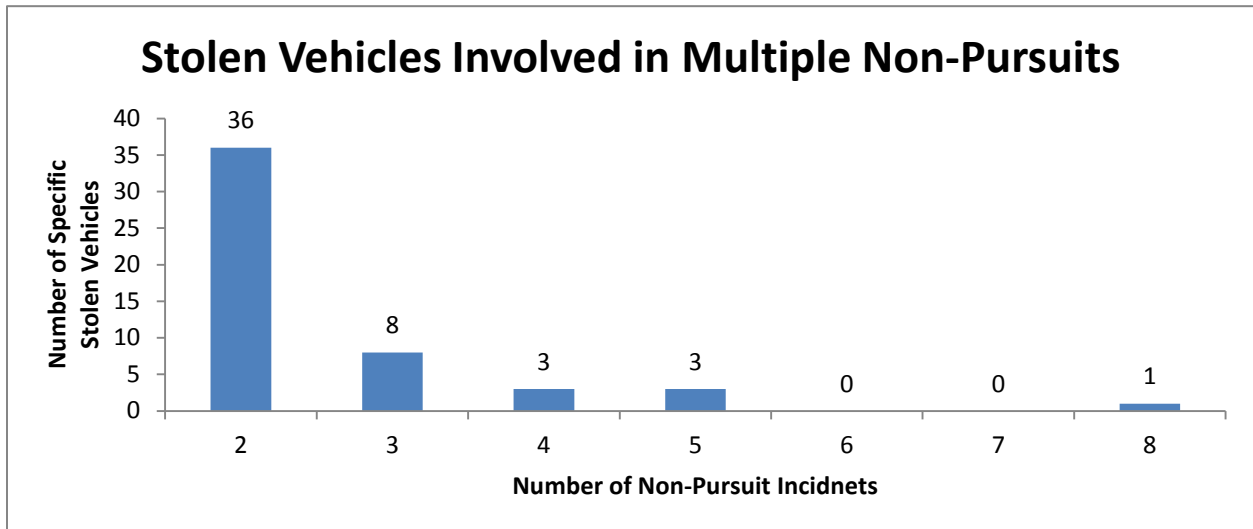


Figure 4

### Owner Citation

Under [State Law 346.175](#) the owner of a vehicle that flees from a traffic stop is subject to a fine of \$300 - \$1000 in the case that the actual driver of the vehicle cannot be identified and cited themselves. In the 2015 dataset there is a data field that indicates if the owner of the subject vehicle was cited for fleeing an officer.

We examined the 2015 dataset for instances in which the owner was cited for fleeing an officer. In order to focus only on instances in which it would be possible to locate and cite the vehicle owner, we included only entries which were identified as having full license plate identification and those which were identified as not stolen vehicles. There were 890 Non-Pursuit incidents meeting this criteria; 176 (19.8%) had a “yes” entry in the owner cited field and 714 (80.2%) had a “no” entry (see Figure 5).

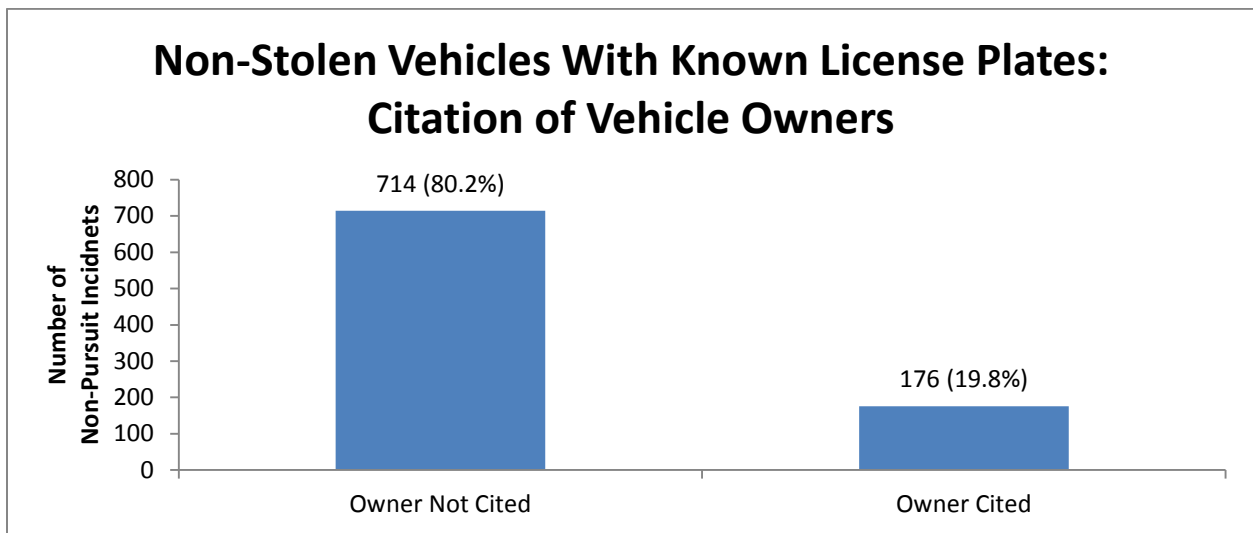


Figure 5



As before, further analysis of instances in which the owner could have been cited for fleeing an officer may be obtained by searching this data subset for any repetition of the same license plate. This would indicate that a fleeing offender was able to do so multiple times without consequence for the owner of the vehicle. Readers are cautioned that the data does not identify other possible outcomes involving the apprehension of the vehicle's actual driver. For instance, it is possible that some of the fleeing drivers were arrested in other situations at later times rendering the citation of the vehicle owner impossible.<sup>3</sup> Regardless, there were multiple, non-stolen car license plates identified multiple times that did not have owners cited for fleeing (see Figure 6). Of those instances in which the owner of the vehicle could theoretically be cited for fleeing, 76 vehicles were involved in multiple Non-Pursuit incidents and this set of 76 vehicles comprised 7.2% of all Non-Pursuit incidents during that time period.

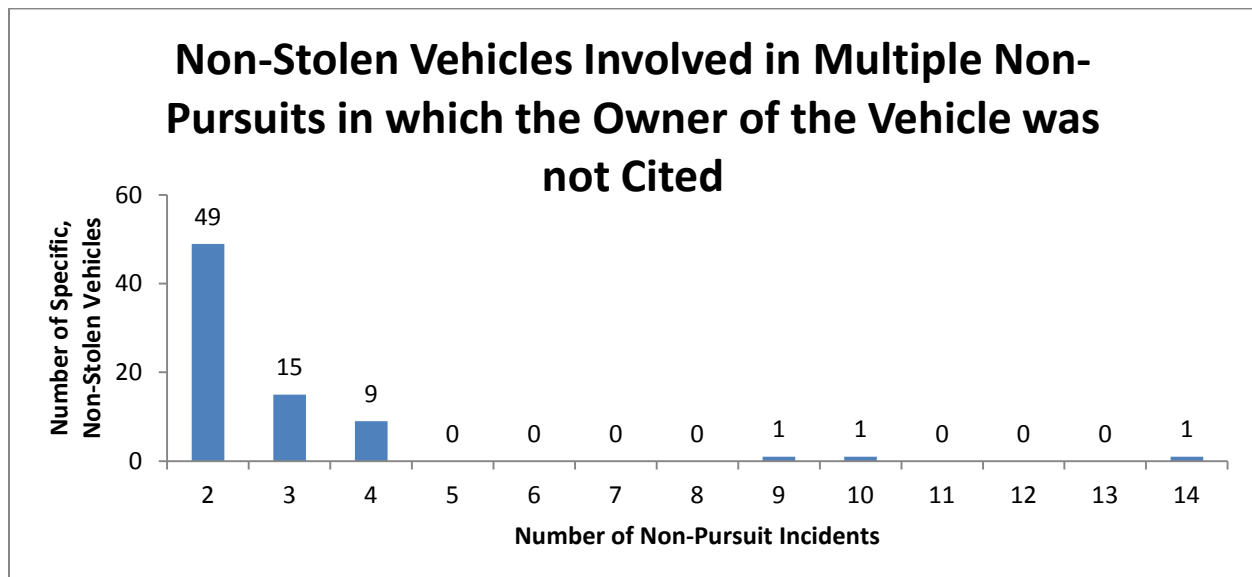


Figure 6

<sup>3</sup> State Law 346-175 states that “no owner of a vehicle involved in a violation of s. 346.04 (2t) or (3) for fleeing a traffic officer may be convicted under this section if the person operating the vehicle or having the vehicle under his or her control at the time of the violation has been convicted for the violation under this section.”

## Conclusion

Though there is not a long history of comparative data, analysis of the available data does provide a window into the circumstances surrounding Non-Pursuit incidents. It is clear that over the time period in which reliable data has been collected (beginning July 25, 2014) Non-Pursuit incidents are occurring more and more frequently. In the beginning months of 2017 each month had over 600 Non-Pursuit incidents recorded, and year-over-year per month increases surpassing 100% have not been uncommon. The vast majority of offenses that precipitate Non-Pursuit incidents are Ordinance violations (80.1%). Fire and Police Commission analysis of the available license plate data indicates that in over half of Non-Pursuit incidents (56.5%) the license plate of the subject vehicle is known and almost a third (29.3%) do not have visible license plates. Of those vehicles with known license plates, 215 license plates were identified in multiple Non-Pursuit incidents, and this set of incidents made up 17.7% of all incidents in that time period. In the limited data which provided the information, 14.2% of Non-Pursuit subject vehicles were identified as stolen vehicles. Of those vehicles identified as stolen, 51 vehicles were involved in multiple Non-Pursuit incidents and this set of 51 serial stolen car Non-Pursuit subject vehicles comprised 4.4% of all Non-Pursuit incidents in that time period. In the limited data which provided the information, the owner of the fleeing vehicle was cited for the offense in only 19.8% of the possible instances (i.e. instances in which the license plate was known and the vehicle was not stolen). Of those instances in which the owner of the vehicle could theoretically be cited for fleeing, 76 vehicles were involved in multiple Non-Pursuit incidents and this set of 76 vehicles comprised 7.2% of all Non-Pursuit incidents in that time period.

*Addendum to the 2016 Fire and Police Commission Vehicle Pursuit Report*

*Designed and Compiled by Dave Gelting, Research and Policy Analyst*

## Appendix 1

### **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.



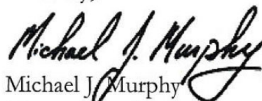
Page 2  
MPD Pursuit Policy

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  
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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%
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\*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.