

..Number

200320

..Version

SUBSTITUTE 1

..Reference

200316, 200267

..Sponsor

ALD. JOHNSON

..Title

Substitute resolution urging the Fire and Police Commission to adopt de-escalation and restraint policies for the Police Department in alignment with the “Eight Can’t Wait” campaign.

..Analysis

This resolution urges the Fire and Police Commission to adopt de-escalation and restraint policies for the Police Department in alignment with the “Eight Can’t Wait” campaign.

..Body

Whereas, The recent death of George Floyd in Minneapolis, Minnesota has brought public scrutiny to police tactics related to de-escalation and restraint; and

Whereas, In order to reduce systemic racism in the City of Milwaukee, it is crucial to take a coordinated city-wide approach to implement data-driven best practices to reduce violence at the hands of law enforcement officers; and

Whereas, Campaign Zero, a nationwide police reform platform, completed a 2016 study that found that police departments with more restrictive use of force policies kill fewer people per 100,000 arrests and per overall population; and

Whereas, Campaign Zero’s national “Eight Can’t Wait” campaign seeks for Police Departments across the country to introduce eight policing policies which, in jurisdictions where they have been implemented, have contributed to reducing deaths at the hands of law enforcement by 72 percent and decreasing the likelihood of assaults on police officers and police deaths in the line of duty; and

Whereas, Only three Milwaukee Police Department Standard Operating Procedures (SOP) align with the eight policy recommendations promoted by the “Eight Can’t Wait” campaign, including requirements for officers to issue verbal warnings before using force, to intervene when fellow officers use excessive force, and utilization of a use of force continuum; and

Whereas, While the Milwaukee Police Department does not train its members to use chokeholds, strangleholds, carotid restraints, or any maneuver which restricts movement of the head or neck, there is no SOP that explicitly bans these techniques; and

Whereas, The Milwaukee Police Department's "SOP 460 – Use of Force" does not provide detail on de-escalation techniques that officers should use in tense situations, such as methods of using verbal communication and maintaining physical distance from a subject; and

Whereas, SOP 460 states that "force that is intended or likely to cause great bodily harm or death, may only be used as a last resort," but does not explicitly state how use of force must be graduated and which lesser uses of force should be attempted prior to discharging a firearm; and

Whereas, SOP 460 states that an officer may shoot at a moving vehicle when "the moving vehicle poses an imminent and ongoing threat of substantial physical harm ... and there is no reasonable means to escape," but shooting at a moving vehicle has been shown to be an ineffective and dangerous means of stopping a vehicle and subduing a subject; and

Whereas, Under SOP 460, there is no requirement for officers to report usage of force for incidents where they point weapons at civilians; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Fire and Police Commission is urged to adopt de-escalation and restraint policies for the Police Department in alignment with the "Eight Can't Wait" campaign, and to work with the Police Department to improve complaint processes; and, be it

Further Resolved, That the Fire and Police Commission is urged to amend the Police Department's Standard Operating Procedure ("SOP 460 – Use of Force") to explicitly ban chokeholds, strangleholds, carotid restraints, or any maneuvers which restrict movement of the head or neck, as provided in Common Council File Number 200316, sponsored by Ald. JoCasta Zamarripa, which seeks to prohibit certain types of restraints and holds; and, be it

Further Resolved, That the Fire and Police Commission is urged to amend SOP 460 to include language explicitly requiring officers to attempt to de-escalate situations through verbal communication, maintaining physical distance from the subject, and eliminating the use of force whenever possible; and, be it

Further Resolved, That the Fire and Police Commission is urged to amend SOP 460 such that officers must exhaust other means of using force before they may discharge a firearm; and, be it

Further Resolved, That the Fire and Police Commission is urged to amend SOP 460 to ban officers from shooting at a moving vehicle unless occupants of the vehicle pose a deadly threat by means other than the vehicle; and, be it

Further Resolved, That the Fire and Police Commission is urged to amend SOP 460 to require officers to report usage of force for incidents where they point

weapons at civilians, as provided in Common Council File Number 200267, sponsored by Ald. Khalif Rainey, which seeks to require police officers to file a report every time they draw a gun or use mace or a stun gun on duty; and, be it

Further Resolved, That the Fire and Police Commission is urged to require that all Milwaukee police officers be trained and retrained on positional asphyxiation; and, be it

Further Resolved, That the Fire and Police Commission is urged to work with the Milwaukee Police Department Use of Force Committee to ensure that there are proactive, early intervention processes and procedures in place to address complaints, investigations, and patterns of behavior in officers, and to complete a full review of all complaints and investigations on file to look for unaddressed patterns in behavior and gaps in supervisory monitoring and oversight; and, be it

Further Resolved, That the Fire and Police Commission is urged to present a plan to adopt de-escalation and restraint policies for the Police Department to the Common Council within 6 months of adoption of this resolution.

..Requestor

..Drafter  
LRB176114-1  
Alex Highley  
June 24, 2020