



May 21, 2014

Ald. Terry Witkowski, chair
Public Safety Committee
Milwaukee Common Council
200 East Wells Street
Milwaukee, WI 53202

Via fax to (414) 286-3456

RE: file 140136

Dear Alderman Witkowski,

On your committee's agenda for May 22, 2014 is file 140136 relating to the officer-involved shooting in Red Arrow Park and standard operating procedures and departmental policies relating to officer interactions with persons with mental illnesses. The file refers to an incident on Wednesday, April 30, 2014 in which a sworn member of the Milwaukee Police Department (MPD) shot and killed Mr. Dontre Hamilton. Mr. Hamilton apparently has had a history of mental health issues.

On behalf of the American Civil Liberties Union of Wisconsin, I am writing to encourage you and the Public Safety Committee to seriously examine not just MPD's SOPs and policies, but also the MPD's training, practices, and accepted attitudes relating to officer interactions with persons with mental illnesses.

Since the killing there has been some media attention and discussion among mental health advocates regarding the MPD's Crisis Intervention Training program. Apparently a significant number of officers have received CIT training, but there are many more who have not had such training. The number of CIT trained officers on patrol or available to respond to calls for service is relatively small. According to the media MPD Chief Edward Flynn indicated that in 2013 there were 9,600 calls to MPD about individuals who were in mental health crisis. I'd encourage members of the Public Safety Committee to ask the following questions regarding MPD's CIT program.

1. Of the 9,600 calls in 2013 how many were responded to by at least one officer having received crisis intervention training? How many were

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responded to by other responders, such as mental health professionals or EMTs?

2. How were the calls resolved? For example, citations issued – on site mental health intervention – transport to a mental health crisis facility.
3. Of the 9,600 calls in 2013 how many involved the use of force as defined in MPD SOP 460?

I have read the MPD 2015 Department Budget Request. It is impossible to determine how much funding is requested for the CIT program. The budget request does include \$100,000s more for crime analysts and digital video recorders. While technology has its place, an increased expenditure on training that may save lives has its place, too.

I also encourage members of the Public Safety Committee to examine how MPD's policing strategies may impact officer interactions with persons with mental illnesses. For the past several years the MPD has made nearly 250,000 officer initiated traffic and pedestrian stops in addition to calls for service from dispatchers. In the ACLU's opinion a high percentage of these stops serve no valid law enforcement purpose. It appears as if the stops are designed principally to establish the MPD's presence in certain neighborhoods. What impact does this intentional strategy have on interactions with persons with mental illnesses? One would expect that it increases the number of interactions significantly. How do persons with mental illness (and the homeless, too) react to frequent police contact? Do they feel any benefit? Do they feel anxious? Do they seek out or shun appropriate assistance?

Finally, I'd encourage members of the Public Safety Committee to examine attitudes that officers may hold regarding persons with mental illness. In a police force commanders often set the standards for conscious attitudes. That's why it is so troubling to the ACLU and other mental health advocates that in his earliest comments after the shooting, Chief Flynn referred to Mr. Hamilton as "our suspect." To characterize the deceased in such a way lacks any sense of proportion.

As in other officer involved shootings or deaths in custody in recent years in Milwaukee, the public first hears about the incident from the perspective of the police. It can take months for the full story to emerge.

2013 Wisconsin Act 348 went into effect just a few days before Mr. Hamilton's death. It may be unfair to expect the MPD to have already determined how they would comply in all respects with this law, which requires in part an investigation by at least two investigators, one of whom is the lead investigator and neither of whom is employed by the law enforcement agency that employs the officer involved in the officer-involved death. However, the public is still in the dark about how the various investigations of this incident are being coordinated. If

they only investigate the officer's possible liability, it would be a missed opportunity to assess how MPD policies, practices and attitudes may do more harm than good.

The MPD, the Fire and Police Commission, and the Public Safety Committee, should determine in a transparent and independent fashion what aspects of this problem are under the control of MPD and consequently the City's responsibility to fix where necessary.

Thank you for your consideration. I look forward to the active involvement of your committee along with the MPD and FPC in addressing this matter and those all to frequent incidents of a similar nature.

Sincerely,

Chris Ahmuty
Executive Director

cc: Ald. Coggs,
Joanan Polanco