From: Gregory Gelembiuk
To: Kapusta-Pofahl, Karen
Subject: Fw: Recommendation Findley #42 and frequency of MPD use of force
Date: Monday, January 4, 2021 3:18:57 AM

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Greg

From: Gregory Gelembiuk
Sent: Thursday, May 2, 2019 4:01 PM
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Subject: Recommendation Findley #42 and frequency of MPD use of force

Dear Committee Members,

Since Keith Findley's proposed recommendation on distraction blows (Findley #42) is on the agenda for today, I thought I'd write with a bit of information on MPD use of force.
Findley #42 states: *"MPD should reconsider its training protocols and policy regarding the use of "distraction blow." If such blows are authorized, officers should be provided more guidance on the allowable uses of such blows. Any distraction blows policy should prohibit strikes to the head or strikes to individuals already in handcuffs."*

MPD recently released its "Accountability Report", asserting a low rate of use of force.
http://www.cityofmadison.com/police/documents/AccountabilityRpt2018.pdf
I'd previously pointed out major issues with some of MPD's assertions in the report.

Here, I'll add something further. A major deficiency in the report was the lack of any kind of comparison between MPD's rate of use of major force and that of other departments.

A small number of administrative surveys of law enforcement departments have been conducted to study patterns of use of force nationally. Three of the four published surveys contain data that provide some basis for comparison. For any legitimate comparison, the definitions (for use of force) used in a survey must be sufficiently similar to those used by MPD.

Overall, it appears that the rate of use of major force by MPD might be somewhat higher than average.

A study by Alpert & MacDonald (2001) provides one point of comparison.
https://drive.google.com/file/d/1UiBtkvVfuX_ahV9MTCbjgIOVJxDuyXmu/view?usp=sharing
Data was obtained from 265 law enforcement agencies (the majority were municipal police department, but sheriff's departments were also included) in 1996. Force was defined as "the use of physical force, a chemical agent, or a weapon to control a suspect" - this matches up adequately to MPD's "recordable force" categories to provide a legitimate comparison. Data on the rate of use of force was presented normalized to city population (some kind of normalization is required for any sensible analysis). The study found a median rate of 76 use of force instances annually per 100,000 residents.

MPD provided data on the number of citizen contacts in 2017 and 2018 that involved use of recordable (major) force, and also delineated the types of force used, noting that some cases involved application of more than one type of force. I'll term the latter the number of use of force instances, which will be higher than the number of contacts in which force was used.

MPD had an annual rate of 132 major force instances per 100,000 residents and 90.7 contacts where major force was used per 100,000 residents.

Another survey providing a basis of comparison was conducted by the International Associated of Chief of Police (IACP).
https://www.theiacp.org/sites/default/files/2018-08/2001useofforce.pdf
Their survey, basically conducted from 1994 through 1999, included the following types of force: "Physical Force (the use of fists, feet, hands, etc.)", "Chemical Force (the discharge of MACE, CAPSTUN, OC, CS, and CN devices)", "Electronic Force (the discharge of TASER, Stun Gun, or other electronic weapons)", "Impact Force (the use of a baton, other impact weapons)", and "Firearm (lethal) Force (the discharge of any kind of firearm)". These definitions should capture all the same cases as MPD's "recordable force". IACP provides data on rate of use of force normalized to number of calls for service. They found a national average rate, among departments surveyed, of ~4 instances of major use of force per 10,000 calls for service.

MPD's numbers showed an annual rate of 22.7 instances of major force per 10,000 calls for service and 15.6 contacts where major force was used per 10,000 calls for service.

Finally, I'll note a survey of 529 agencies conducted in 1991 by Pate & Fridell.
https://www.ncjrs.gov/pdffiles1/Digitization/146825NCJRS.pdf
They surveyed a wider range of categories of use of force, but numbers for comparison with MPD can be obtained by restricting consideration to the categories "shot", "electrical devices",

"chemical agents", "batons", "other impact devices", "bodily force", and "dog attacks". They provided data normalized to number of officers. Across all municipal police departments, they found an annual rate of 362.8 major force instances per 1000 officers. Across municipal police departments with 250 or more officers, they found an annual rate of 205.5 major force instances per 1000 officers.

MPD had an annual rate of 698 major force instances per 1000 officers and 479 contacts where major force was used per 1000 officers.

For departments with 250 or more sworn officers, the annual rates of use of specific types of force per 1000 officers:
bodily force 106.3
chemical 41.8
electrical 4.9
other impact 3.9
baton 28.0

MPD's rates per 1000 officers:
bodily force [i.e. includes "takedowns" and "active counter measures"] 536
chemical 30
electrical 52
other impact 6.4
baton 2.1

The differences in rates of use of batons and electrical devices might largely reflect the fact that the Pate and Fridell survey was conducted in 1991. Since that time, there's been a decline in baton use nationally, while Taser use has greatly increased.

Sincerely,

Dr. Gregory Gelembiuk