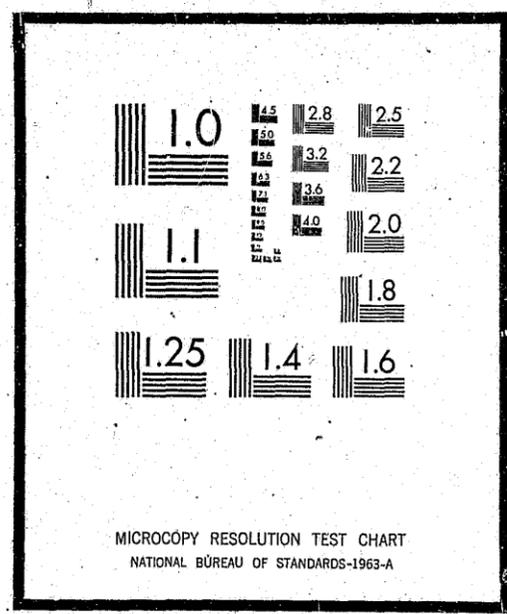


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Report of the Wisconsin State
Committee to the United States
Commission on Civil Rights

December 1972

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PREFACE

The U. S. Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent agency of the executive branch of the Federal Government. By the terms of the act, as amended by the Civil Rights Act of 1960 and 1964, the Commission is charged with the following duties: investigation of individual discriminatory denials of right to vote; study of legal developments with respect to denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

A State Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957, as amended. The Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission upon matters of mutual concern in the preparation of reports to the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Committee; initiate and forward advice and recommendations to the Commission in matters in which the Commission shall request the assistance of the State Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

This report was submitted to the United States Commission on Civil Rights by the Wisconsin State Committee. The conclusions and recommendations are based upon the Committee's evaluation of information received as a result of investigations undertaken by the Committee from August 1971 to April 1972. This report has been received by the Commission and will be considered by it in making its reports and recommendations to the President and the Congress.

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I. INTRODUCTION

In the past decade the role of the police in a changing society has received considerable attention both in public and private forums. According to the Report of the U. S. National Advisory Commission on Civil Disorders, ". . . abrasive relationships between police and Negroes and other minority groups have been a major source of grievance, tension and, ultimately, disorder."¹ The same report found that police practices were often the most intense source of complaint in the areas where riots occurred.²

The President's Commission on Law Enforcement and Administration of Justice has noted that the current climate in our cities demands that police departments "develop policies and practices governing their actions when dealing with minority groups and other citizens."³ An entire chapter of that study, compiled in 1967 by a national commission of experts in police science, law and criminology, is devoted to "The Police and the Community." Heavy stress is laid on the need for urban police departments to improve both their image and their working relationships with minority communities.

The United States Commission on Civil Rights has studied minority groups and their relations with police in several investigations,

¹Report of the U. S. National Advisory Commission on Civil Disorders, New York: N.Y. Times Corp., 1968, p. 299.

²Ibid., p. 143.

³President's Commission on Law Enforcement and Administration of Justice, Task Force Report: The Police, U.S.G.P.O., Wash., D.C., 1967, p. 144.

beginning in 1961.³ Its report on equal opportunity in State and local government found that of all government employment, the uniformed personnel jobs in local police and fire departments were the most difficult for minorities to obtain.⁴

Private studies of the police have reported the increased demands and pressures of contemporary police work.⁵ Police are called upon for emergency ambulance service, for settling domestic disputes, for welfare services, in addition to law enforcement duties. Until recently police salary scales trailed behind most private sector positions demanding a comparable variety of skills. In many cities salary increases and a recession in the private sector have filled police rosters to authorized levels. Yet disconcerting signs remain.

Police are becoming increasingly politicized,⁶ and a "police culture" has developed which renders members of the profession less in touch with the thoughts and values of dissident groups in society.⁷

³Justice, Volume 5 of Statutory Report for 1961. Civil Rights, 1963. Law Enforcement: A Report on Equal Protection in the South, 1965.

Hearings before the U. S. Commission on Civil Rights: Jackson, Miss. Feb.16-20,1965 (Vol. II). Cleveland, Ohio. Apr.1-7, 1966. San Antonio, Tex., Dec.9-14,1968. For ALL The People . . . By ALL The People, 1969. Mexican American and the Administration of Justice in the Southwest, 1970. Who Will Wear The Badge?, 1971.

⁴For All The People, p. 71.

⁵Robert A. Mendelsohn, "Police-Community Relations" American Behavioral Scientist, vol. 13, nos. 5&6 pp. 743-749.

⁶Jerome H. Skolnick, Politics of Protest. Task Force Report submitted to the National Commission on Causes and Prevention of Violence, New York 1969, pp. 268-286.

⁷Ibid.

A strong thrust toward unionization of the police has developed recently. Whether this will result in bread-and-butter demands only, in a narrow "professionalization" in terms of work specification and job descriptions, or in a broad re-evaluation and modernization of the entire concept of police duties still remains to be seen.

It is against this background of continuing racial tension in police community relations combined with recent structural and cultural developments in urban police departments, that the U. S. Commission on Civil Rights began a study on Crime, Police, and the Minority Community. As part of this study the Commission's Wisconsin State Committee held three hearings between December 1, 1971 and February 2, 1972. Thirty-seven persons participated, including current and former police officers, commissioners and staff of the Milwaukee Fire and Police Commission, elected and appointed city, county and State officials, and representatives from various local organizations concerned about the quality of police service in Milwaukee. The following report is based on material obtained through these hearings and from preliminary and followup investigations by the Committee and its staff. Other resources used are cited as they appear in the text.

Clashes between the police and minority groups have been so frequent and well publicized that it is now possible to accept a police department's behavior as normal if it maintains a reasonable degree of order in the white community and wages a running battle with minorities. It may be

that white Americans expect that police and minorities will be on hostile terms. This report accepts the premise that a police department will operate most efficiently in all respects if it relates well and interacts with all segments of its population.

II. HISTORY AND ORGANIZATIONAL STRUCTURE OF THE MILWAUKEE POLICE DEPARTMENT

Americans, especially white Americans, are generally satisfied with police service in their cities.¹ Staff members of the U. S. Commission on Civil Rights have made numerous field investigations, and find that in almost every city a substantial percentage of residents believes the city has "the best police force in the country." Milwaukee is no exception, and to bolster its claim can point to a low crime rate and to an absence of major police scandals. Its police department is thoroughly removed from direct political influence.^{1a} The chief of police is appointed by a civilian board, the fire and police commission, which, having appointed him, can suspend or remove him from office only "for cause." The effective lifetime tenure for the chief is responsible for a remarkably low turnover in Milwaukee police chiefs. (See Table 2.1)

The decision to remove the police from local political control was made in the 1880's. According to Charles W. Mentkowski, current chairman of the Milwaukee Fire and Police Commission (FPC), in the "raw politics" of the times, "Milwaukee Mayors had been appointing and discharging chiefs of police pretty much at random depending on what house of

¹President's Commission on Law Enforcement and Administration of Justice, Task Force Report: The Police, p. 145.

^{1a}Recently the Professional Policeman's Protective Association (PPPA) has challenged a department rule forbidding political activity. See Policemen in Politics to Be Issue, "Milwaukee Journal, July 23, 1972.

TABLE 2.1

Milwaukee Police Chiefs
(Since the Fire & Police Commission was created
in 1885)

John T. Janssen - 1881-1921
Jacob G. Laubenheimer - 1921-1936
Joseph T. Kluchesky - 1936-1945
John W. Polcyn - 1945-1957
Howard O. Johnson - 1957-1963
Harold A. Breier - 1963

Source: Milwaukee Police Department Interview of
Apr. 6, 1972.

prostitution the chief was enforcing the laws against."² The FPC was established, and allowed the chief virtual immunity from intervention by local politicians. Harold A. Breier is only the sixth man to hold the office in the past 83 years.

The Milwaukee arrangement differed sharply from other major American cities, where, according to the Wickersham Commission in 1931, the average service of the chief was 2.41 years.³

That body, appointed by President Hoover, cited Milwaukee as a model department, whose chief enjoyed job stability and independence from political influence. It noted that Milwaukee has had only two chiefs in 46 years.⁴

The Milwaukee Police Department enhanced its image as a pioneer in progressive police measures by instituting the first police aide program, bringing high school graduates into the department on a work-study basis. This program was started in 1953. Milwaukee also was one of the first to develop a community relations manual for police officers. Compiled by Inspector Raymond A. Dahl, then director of the police training school and currently on the faculty of the Southern Police Institute in Louisville, Ky., the 32 page booklet, A Guide to Understanding Race and Human Relations, was distributed widely (30,000 copies) and imitated by other

²Transcript #2, p. 80.

³National Commission on Law Observance and Enforcement. Vol. IV: Police. Wash.: USGPO, 1931, p. 1.

⁴Ibid., p. 3.

police forces throughout the country. These developments occurred in the mid-1950's, under the administration of Chief John W. Polcyn. By contrast, a 1969 proposal for a community relations unit called Project Communication was voted down by members of the Professional Policemen's Protective Association (PPPA). Officials of the association claim that strong opposition from Chief Breier was responsible for killing the proposal. The chief's lack of enthusiasm for a community relations unit is no secret in Milwaukee. He has called such programs "hogwash" and insists that every policeman is a community relations specialist and youth specialist, these functions being part and parcel of his police duties.

In recent times the image of the Milwaukee Police Department as police innovator has disappeared. The President's 1967 Commission, unlike its predecessor the Wickersham Commission, failed to mention the Milwaukee Department in its 239 page task force study on the police. Since 1963, when the current chief, Harold A. Breier, was appointed, the central focus of the department has been to stress traditional police duties-- Milwaukee, for example, has a reputation for strict enforcement against jaywalkers in the downtown area. While other departments stress college education, specialized teams for juveniles, and minority and community relations units, these are downgraded in Milwaukee. The Federal money that has been accepted from the Law Enforcement Assistance Administration has gone mainly into communication and data processing equipment. The Milwaukee Police Department has requested relatively little for such "software" as human relations training, community relations work or programs designed to treat special situations.

The chief's independence on civilian control has allowed him to avoid public scrutiny of his department's operations. Requests for information have come from the National Advisory Commission on Civil Disorders, from at least one State legislative committee, from the attorney general of Wisconsin, from Milwaukee city aldermen, not to mention a large number of local private organizations. All have been refused by the current chief.

The size of the Milwaukee Police Department is 2,141 authorized positions with police power, of which 2,105 are currently filled. An organizational chart, figure 2.1, describes the department's hierarchical structure.

Role of the State Legislature

Wisconsin is one of a very few States in which the appointment and review of municipal police and fire department heads are regulated by State law rather than local rule. According to Roy McClaren of the International Association of Chiefs of Police,⁵ only Maryland has a comparable arrangement. There the Governor appoints the police commissioner for the city of Baltimore. In Missouri the Governor appoints members to the board of police commissioners for Kansas City and St. Louis only. The appointed bodies, however, exercise influence upon policy making and have the power to remove as well as to appoint the chief. Thus, in every State except Wisconsin, the responsibility for formulating local law enforcement policy rests with the local government.

⁵Interview of March 9, 1972.

In 1968, the Wisconsin Legislative Council appointed a committee to examine the implications of the Report of the National Advisory Commission on Civil Disorders ("Kerner Commission") and its application to Wisconsin. Under the chairmanship of State Senator Walter John Chilsen, the committee held 15 hearings between June 5, 1968 and January 9, 1969. The first subject reported on was the administration of justice. The committee made four findings on law enforcement which are reproduced in full:

- a. There is as much desire for law and order within the ghetto community as in the rest of the community. There is therefore, a potentially broad base of support for law enforcement, if the law enforcement agency is able to earn the respect of the ghetto community.
- b. Many poverty area residents are dissatisfied with police performance in their areas, and this discontent, whether justified or not, is a major factor in creating urban racial tensions. Many people appearing before the committee expressed this view.

In a recent "Study of Community Opinions Concerning the Summer 1967 Civil Disturbance in Milwaukee," conducted by Associate Professor Jonathan A. Slesinger of the University of Wisconsin-Milwaukee, 54 percent of the Negroes interviewed thought "police brutality" had a great deal to do with causing the riot. Also, 55 percent of the Negroes felt that insults and lack of respect by the police "occur frequently" in the ghetto. Of those interviewed, 54 percent felt that unnecessary force in making arrests occurs frequently in the ghetto area.

Another community opinion study, conducted by the Milwaukee Urban League, surveyed Negroes and whites who were arrested during the riots. Police community relations were stressed by these Negroes as a cause of the disturbance more than any other factor.

- c. In Milwaukee, no person or agency in a position of authority over law enforcement has demonstrated a willingness to discuss police policy with citizens. The consequence is a sense of frustration in the black community, a loss of confidence in the police, an increase in tensions and, in general, a deterioration in the relationships between police and the ghetto resident. In other cities there is a greater willingness to discuss policy matters with citizens. This willingness to talk to citizens has a very positive effect upon community attitudes toward police. In Beloit, citizens from all racial, economic and social classes expressed appreciation for the "open door" policy followed by Chief Howard Bjorlund. Though problems exist in Beloit, they are moderated by the willingness to discuss those problems.
- d. In Milwaukee, it is not clear to the public who has responsibility for making important law enforcement decisions (although it seems clear that most important decisions are in fact made by the police chief).⁶

The Wisconsin State Committee to the U. S. Commission on Civil Rights heard from a member of the Chilsen Committee, who reaffirmed that the poorly defined responsibility for law enforcement policy was a principal concern of the committee.

It was our judgment, having talked to the community groups in Milwaukee, that there was a great deal of frustration among people, the black community certainly, but not only the black community, with the fact that if there were issues, there was no one in the political structure in Milwaukee willing to talk to them about the problem. But the position taken by the Police Department was that there was nothing to talk about. That either they had no responsibility for developing law enforcement policy or if they did, it was not a matter which they were willing to discuss with the citizens.⁷

The Wisconsin State Committee has found little sign of any clarification of administrative responsibility for law enforcement decisionmaking in the three intervening years. If anything, public opinion appears more

⁶ Wisconsin Legislative Council, Final Report of the Advisory Committee on the Report of the National Commission on Civil Disorders, Madison, 1969, pp. 29-30. Original emphasis.

⁷ Transcript 8, p. 77.

convinced than ever that the police chief is responsible to no one for the entire field of law enforcement, and only the State legislature can change that.⁸ This opinion is shared in varying degrees by the mayor and the Common Council members as well.⁹ The city attorney's office also has rendered the opinion that the council cannot order changes in department rules¹⁰ and cannot change the chief's term of office.¹¹

The Wisconsin State Committee heard one dissenting voice with respect to the Common Council's ability to alter police department rules and/or the term of office for the police chief. A University of Wisconsin law professor, Dr. Frank Remington, said that his colleagues were asked by a Milwaukee organization whether the Common Council had the authority or not. They advised that the council possessed the needed power.¹²

Strong arguments can be made, both from correlative sections of Wisconsin statutes (66.01) and from court precedents (222 Wis. 58), for the council's inability to change the status quo. On the other hand, 62.02 and 62.03 of the statutes exempt cities of the first class from the obligations of the entire Chapter 62, which contains the legislation on police departments and police commissions. It is possible that a new city ordinance amending the current vacuum in responsibility for law enforcement policy in Milwaukee would survive court challenges.

⁸Transcript 9, p. 103; Ibid., p. 65.

⁹See Appendix B, pp. 2-3; Transcript 7, pp. 27, 18, 19, 32.

¹⁰Opinions of the City Attorney, 70-1246.

¹¹Ibid., 68-1279; 69-43.

¹²Transcript 8, p. 92.

It appears to be clearly within the Common Council's authority to alter the City Charter Ordinance (29.22) which confers absolute control of the department to the chief of police. The State law (62.09(13)a) provides that:

The chief of police shall have command of the police force of the city under the direction of the mayor. It shall be his duty to obey all lawful written orders of the mayor or common council.

It is ironic, if not pathetic, that the State's largest and least manageable city should be the only one lacking a vehicle to provide responsiveness and accountability to its people with respect to public safety.

The State legislature in 1971 treated seven pieces of legislation regarding police matters, most of them of interest only to Milwaukee. Assembly Bill 21 would have set a four-year term of office for the Milwaukee police chief. On March 13, 1972 the legislature killed Bill 21, as well as most other legislation on police matters. (See Table 2.2). By contrast, Assembly Bill 334, which established binding arbitration in negotiations between the city of Milwaukee and the PPPA, and had the latter's strong support, has been signed into law.

Proposed Legislation Concerning Police
(Wisconsin, 1971-73)

Chamber	Bill Nos.	Subject	Action Taken
Assembly	21	Sets a 4-year term for Milwaukee Police Chief.	Recommended by Committee; On March 13, 1972, Bill was postponed to later session of legislature.
Assembly	285	State assistance to defray police costs of municipalities.	Same as Assembly Bill 21.
Assembly	334	Establishes compulsory arbitration procedures for negotiations between policemen's union (PPPA) and the city of Milwaukee.	Passed both houses; signed into law by Governor (April 1972)
Assembly	801	Removes responsibility for voter eligibility verification from the police department.	Same as Assembly Bill 21.
Assembly	1208	Establishes procedure for citizen's complaints against police and firemen (but not chiefs) in Milwaukee.	Same as Assembly Bill 21.
Senate	717	Makes law enforcement officers liable for their own negligent acts, removing liability from the employing county or municipality.	Same as Assembly Bill 21.
Senate	805	Requires Milwaukee Police and Fire Chiefs to report suspensions exceeding one day.	Same as Assembly Bill 21.

Source: Wisconsin Legislative Council

III. THE MAKING OF A POLICEMAN IN MILWAUKEE

.../P/olice recruits are not especially sadistic or even authoritarian, as some have alleged. On the contrary, the best evidence that we have been able to accumulate. . . suggests that the policeman is usually an able and gregarious young man with social ideals, better than average physical prowess, and a rather conventional outlook on life, including normal aspirations and self-interest.¹

Unlike the military services, which permit persons with certain qualifications to enter the structure at command levels, the Milwaukee Police Department (MPD) requires that all enter at the bottom rung, as a patrolman. To be eligible to apply for promotion to sergeant, one must have served as a patrolman for five years. Eligibility for lieutenant and captain similarly demand years in service at the next lowest level. This greatly heightens the importance of entrance requirements; they guard the sole gate of admission into the realm of law enforcement in Milwaukee.

A. Entering the Milwaukee Police Department

The Fire and Police Commission (FPC) holds full responsibility for entrance into and promotion within the police and fire departments. The FPC schedules, designs, and administers entrance examinations for all positions. It establishes lists of eligibility, whereby vacancies are to be filled strictly in the order in which applicants have placed through competitive examinations. The police department cannot exercise discretion, e.g., it must take that person who finished best

¹Skolnick, Politics of Protest, p. 252.

in the composite exam score.

Qualifications

Chapter III of the Rules and Regulations of the FPC sets forth the qualifications of applicants to the Milwaukee Police Department. An applicant must be of "good moral character" which is not defined further. It also specifies that an applicant not have been convicted of a felony or be a habitual petty law violator, although juvenile court actions cannot be used to disqualify one from taking the examination. (Rule 1)

To apply, one must be a citizen of the United States and a resident of the State of Wisconsin for one year immediately prior to application. Ability to speak English understandably and write it legibly is demanded, as is a high school education or equivalent. (Rule 2) The applicant must be a male between the ages of 21 and 33 inclusive, a minimum of 5'8" tall and must not be excessively overweight or underweight, proportionate to his height. (Rule 3) The emphasis on physical stature is explicit in the same rule which reads: "Small skeletal frame supports rejection."

The 5'8" height requirement works a hardship on minorities, particularly Latins. The Professional Policeman's Protective Association recently recommended that the minimum be reduced to 5'6" "to specifically accommodate Latin officers," as a representative told the Wisconsin State Committee.² The police chief's reply, (according to

²Transcript #4, p. 163.

Mr. Mentkowski, p. 102) was that the 5'8" minimum should be retained or perhaps raised another inch or two. It is apparent that the PPPA and Chief Breier have differing, perhaps incompatible standards for policemen. The President's Commission on Law Enforcement, noting that as of 1956 roughly 85 percent of the Nation's departments had a mandatory minimum requirement of 5'8" or higher, tends to support the PPPA attitude. "All departments should eliminate inflexible mandatory physical requirements."³

Entrance Examination

The qualified applicant is allowed to take the entrance examination when vacancies exist and the current eligibility list is exhausted. The examination typically has three parts: a written examination, composed by the Assistant to the Executive Secretary of the FPC, who selects questions from examinations supplied by the Public Personnel Association; an oral interview conducted by the FPC board members; and a physical agility test. In addition an applicant must pass the medical examination. Until February 1972, the composite score was 40 percent of the written exam, 30 percent of the oral interview score and 30 percent of the physical agility test. Failure to obtain a passing score on any of the exams resulted in disqualification. The current formula places the physical agility test on the same basis as the medical examination: you must pass it to be eligible. An applicant's composite rating now consists of 60 percent of his written test grade and 40 percent of his oral interview work.⁴

³Op. cit., p. 130.

⁴Interview with Arlene Kennedy, Mar. 6, 1972

The written test has been reviewed by Dr. Glenn Tagatz, chairman of the department of psychological testing in the College of Education at Marquette University. According to Charles Mentkowski, the Chairman of the FPC, Dr. Tagatz found that, while the fire department's entrance exam was "pretty well job oriented," the entrance exam to the MPD was basically an I.Q. type of test, stressing an applicant's formal education. Mr. Mentkowski communicated to this Committee his interest in the testing program employed by the Detroit Police Department.⁵ That project, developed by the Industrial Relations Center (IRC) of the University of Chicago, reportedly has succeeded in removing much of the cultural bias of traditional entrance exams. The rate of minority applicants who pass the IRC test is much higher than for the traditional exams; the passing rate for whites remains stable in both exam types.^{5a}

Whether the FPC will be able to introduce an IRC type of exam may depend on Chief Breier's willingness to allow the IRC testing authorities to do a test validation on successful Milwaukee policemen, currently on the force. This is one of the conditions made by the testing team. The basic attitude of the chief to disallow any outside scrutiny can prevent the fire and police commission from implementing certain programs for removing cultural bias in their testing.

Psychological Test

The President's Commission, in its 1967 Task Force Report on The Police, recommended that all police departments should conduct psychological

⁵Transcript #2, p. 100.

^{5a}Interview with John Furcon, Oct. 20, 1971.

tests and interviews to determine emotional stability, administered only by qualified personnel.⁶ In Milwaukee, no such testing is used. The brief oral interview by the citizens board, conducted under mass production circumstances cannot be termed a substitute.

Job Classification and Testing

The fire and police commission could transfer the responsibility for job classification to the city personnel department, which administers all other civil service classification testing and recruitment.

Personnel director Robert Garnier expressed the view that his department's expertise in recruitment and testing could undoubtedly be put to beneficial use on behalf of the police department,⁷ but this cannot be done without the department's cooperation. "No program works unless you've got good cooperation of the operating department--in this case it would be the Police Department--and while we are ready, willing and able and more than anxious to help them and accomplish this, I think we can't do anything when we are trying to force something on them."⁸ Recruitment, testing and job classification are the responsibility of the FPC, and the services of the city personnel department could be used without the consent of the chief of police. It would also correspond to the Mayor's expressed wish for more efficient, better coordinated governmental services.

⁶Op. cit., p. 129.

⁷Transcript #7, p. 68.

⁸Ibid., p. 75.

Minority Recruitment

While Committee efforts to obtain accurate data regarding the present racial composition of the Milwaukee Police Department were unsuccessful, they nevertheless provide an insight into conditions in the department.

The precise number of minorities in an organization is not essential to an evaluation of its equal opportunity performance. A good estimate is often sufficient for that. Yet when an agency lacks the capacity to enumerate its minority population, and when estimates of minority composition differ significantly among those officials who claim to be working to upgrade minority hiring, the conclusion is inescapable that their efforts are uninformed, uncoordinated and probably unlikely to yield success.

It is very difficult to recruit minorities effectively without using the resources of those minorities already hired. (In Muskegon, Michigan, the effort to find more black and Latin candidates for the police force was fruitless until three minority officers were given part time assignments as minority recruiters. Within weeks the department had six new minority officers, half of the authorized departmental increment.)⁹

Chief Breier professes not to know the actual number of minority policemen; it is possible that the exact figure is not known by anyone. The

⁹Personal interview with Paul Frederick, City Manager of Muskegon, Mich., Mar. 4, 1972

MINORITY RECRUITMENT - 1970-71

PATROLMAN - POLICE AIDE

	<u>Patrolman</u>		<u>Police Aide</u>	
	<u>Blacks</u>	<u>Latins</u>	<u>Blacks</u>	<u>Latins</u>
Received Applications*	99	7	38	2
Filed Applications	47	3	17	0
Took All Tests	8	1	1	1
Passed All Tests	8	1	1	1
Took Written Test	37	3	5	1
Passed Written Test	11	1	1	1
Took Physical Agility Test	12	1	3	1
Passed Physical Agility Test	10	1	2	1
Took Oral Interview Exam**	10	1		
Passed Oral Interview Exam	8	1		

*22 minorities were refused applications.

**No oral examination was given for the Police Aide Program.

Source - Milwaukee Fire and Police Commission Reports for 1970 and 1971.

chairman of the FPC told the Committee of his written request to the chief for the exact number of minority officers. The chief "answered me in writing indicating that he, after investigating and looking into the matter, thought this was impossible from their records."¹⁰ A Black officer stated that he had been explicitly forbidden, by order of Chief Breier, from responding to any questions regarding minority makeup of the department.

Estimates of the current number of Black officers range from a low of 33 to a high of 71. The high estimate is by Kenneth Bowen, Community Relations Specialist of the FPC who based his estimate on attendance at the informal monthly meetings of Black officers. Curiously, the low estimate came from County Supervisor Calvin Moody, a Black retired policeman at whose home the meetings are held! A study by Ebony¹¹ magazine puts the number of Black policemen at 51. Other FPC officials speculate there may be 60 minority officers, including a handful of Latins and American Indians. This would give the department a minority component of just under 3 percent, in a city with a minority population of 17 percent and 82 percent of Wisconsin's minority population.

Prior to the arrival in 1968 of Mr. Mentkowski and Mrs. Arlene Kennedy as chairman and executive secretary, respectively, the FPC kept no records regarding the number of minority group members who applied for

¹⁰Transcript #2, p. 98.

¹¹May 1971, p. 124.

entry into the department. As Table 3.1 shows, relatively few have filed applications to become policemen in a recent period for which data are available. Of those who applied, few have succeeded in gaining entry to the department.

Police Aides

The fire and police commission is also responsible for the recruitment of police aides. This a civilian position open to Milwaukee youth who have graduated from high school the same year in which they apply for the police aide exam. A Police Aide works half time in various clerical duties within the department, and goes to school (Milwaukee Area Technical College) the remaining half. Upon successful completion of the police aide program which lasts from one to a maximum of four years, depending on how soon he reaches twenty-one years of age, a police aide is eligible for promotion to the rank of patrolman. FPC Rule III, 10b, stipulates that the recommendation of the chief of police is required for the promotion. On the surface, the Police Aide program offers an ideal method of augmenting minority participation in the MPD, especially with the consistently high unemployment rate of inner city youth.

Attempts to recruit minorities to the police aide program have been very disappointing, according to Mrs. Kennedy. "We have found it's much more difficult to recruit minorities in the age group between 17 and 19 than it is in the age group between 21 and 33."¹² She also

¹²Transcript #3, p. 125.

indicated that the commission is now developing a special program with high schools having a large minority population, whereby closer contacts will be established with school counselors. The FPC hopes that minority youths showing an interest in the police department will be quickly referred to the community relations specialist.

The FPC has a number of resources available for recruiting minority police officers. It can advertise in the newspapers or via radio and television. It can send its community relations specialist to address community groups or school audiences. It also can deploy its mobile police van. At different times the commission has made use of all of these tools, usually, it admits, with little efficacy. In August, 1971 the FPC held public hearings on the entrance requirements for the fire and police departments. According to Mrs. Kennedy,¹³ spot radio announcements were made, and invitations were sent to community groups, but very few people attended. The chief participants at the hearing on police were the PPPA and the Milwaukee Police Department, both of whom are able to convey their views on rule revisions at regular FPC meetings.

The Wisconsin State Committee saw evidence of a determined effort by the FPC to attract minorities. The newspaper ads used indicated thoughtful, creative approaches. They were circulated in black and Latin weeklies (the latter in Spanish), as well as in the metropolitan

¹³Interview of Mar. 6, 1972.

daily newspapers. The high quality of the advertising campaign contrasts sharply with the commission's earlier undertaking, the community relations mobile unit.

Police Van

The police van was obtained through a grant of \$77,973 from the Law Enforcement Assistance Administration, with a local matching contribution of \$51,982. The purpose of the mobile unit was "to be involved in community relations, recruitment, and specialized training activities, all with some emphasis on minority groups and the police."¹⁴

Dedicated for use on February 9, 1970, the mobile unit's effectiveness was measured by a six-member team¹⁵ which completed its research on February 25, 1971. The evaluation team noted that two of the projected goals of the van--specialized training and minority recruitment--were not met largely because the van had not been used for recruiting, and (in the team's opinion) could not be used for training programs. The team recommended "that the mobile unit be used more extensively for recruitment purposes especially in the central city."¹⁶

The third objective, community relations, was the sole use to which the van was applied in its initial year of operation. The evaluation team concluded from its research that this purpose was being achieved.

¹⁴Evaluation Report of Discretionary Grant No. DF-008, prepared by a six-member team, no date, p. 1.

¹⁵The panel of evaluators consisted of the Chief of Police of Burlington, Wisconsin, the president of the Wisconsin Gas Company, a co-ordinator for the Police Science at MATC, an official from the U. S. Conference of Mayors, an attorney for the Wisconsin Gas Company and the executive-director for the Wisconsin Council on Criminal Justice.

¹⁶Evaluation Report, p. 12.

It acknowledged some serious deficiencies in its research methods - e.g., a 6 - month time lapse between the actual tour of the van and the reaction-measuring interview, the possibility that teachers may have submitted only cooperative students to be interviewed, and the tendency of the informally displayed van to attract favorably disposed viewers. The report also was critical of the unit's heavy concentration on the more stable members of the city's youth, and urged that more street contacts be made.¹⁷ Expansion of efforts to interest adult viewers was also suggested. The vehicle suffered a mechanical breakdown in the summer of 1971 and remained in the police garage for some time while the department haggled with the city budget director as to which agency should bear the repair cost. It was inoperable at the time of its greatest period of exposure, during the State Fair.¹⁸

The Committee has seen no evidence that the Evaluation Report's recommendations have been carried out, particularly with regard to minority recruitment. All indications are that the mobile unit continues to be employed exclusively for public relations purposes, heavily directed toward the lower and intermediate elementary school levels. While the department's need for improved public relations is genuine, the original grant of \$78,000 in Federal funds had a strong orientation toward minority recruitment which has yet to be realized.

¹⁷Ibid., p. 13.

¹⁸Transcript #7, p. 74.

Use of exhibits geared to adult interest levels and contacts with inner city agencies interested in upgrading minority employment could be a first step toward equipping the mobile unit for fulfilling its stated objective.

Problems Surrounding Minority Recruitment

Good intentions, imaginative advertising and efficient use of the mobile recruiting unit are not likely to result in a significant increase of blacks Latins and Native Americans to the Milwaukee Police Department. According to Kenneth Bowen, who, as Community Relations Specialist of the FPC, is the person in charge of recruiting minorities, the bad image of the police in general among minorities repels many potential applicants. The policeman "becomes identified with the arm of repression. So that when people become members of the police force, they in a sense have joined the system that oppresses them."¹⁹

The Milwaukee department's image among minorities is poor, Bowen says, for several reasons: 1) unpleasant contact or even harassment which constitutes the majority of police-minority citizen encounters; 2) the attitude of the current chief;²⁰ and 3) "the whole broad spectrum of police brutality that certain people in higher offices say doesn't exist."²¹ Bowen also stated that programs he suggested for improving the police image were turned down by the department.²²

¹⁹Transcript #1, p. 21.

²⁰Ibid., p. 15.

²¹Ibid., p. 14.

²²Ibid., p. 35.

A member of the Latin community said that residents felt "the whole image of the police department, the blue suit, the gun, the night-stick, the attitude toward the community" is the biggest problem. "The police are not in the community to protect us, they are in the community to protect the buildings."²³

A white civil rights leader expressed this view: "T/he policeman today, to a significant degree, is viewed in the black community as the enemy, you know, as the outsider who comes from the south side or wherever he may come from, to impose law and order on the people living there. Under those conditions, I think it is pretty difficult to attract police officers into the police department. The guy appears to be sort of a sellout, a fink."²⁴

Representatives of the Professional Policemen's Protective Association (PPPA) asserted that the policeman's current image would hamper minority recruitment efforts.²⁵ This plus the carryover of attitudes toward southern law enforcement officers and the unpopularity of a few of the blacks and Latins currently on the force²⁶ inhibits minorities from applying.

The chairman of the Milwaukee Commission on Community Relations believes the FPC lacks credibility among Blacks. "The black community seems to feel it the FPC's most recent recruitment effort is one of the same

²³Transcript #10, p. 11.

²⁴Transcript #9, p. 58.

²⁵Transcript #4, p. 151.

²⁶Ibid., pp. 151, 154.

old gimmicks!"²⁷ He and the MCCR staff cited Chief Breier's intransigence to improvements in police community relations as contributing to the FPC's recruitment failures.²⁸

Others who presented information to the State Committee generally agreed that the poor police image constituted the major obstacle to minority recruitment. But they also cited the 5'8" height requirement,²⁹ the large, white ethnic makeup of the force--perceived to be hostile to minorities³⁰--and the Milwaukee department's emphasis on the detection-apprehension aspects of police work³¹ as contributive to the whiteness of the MPD.

FPC officials said minority recruitment difficulties exist everywhere, that Milwaukee's experience is by no means unique. Mrs. Kennedy said, "We're certainly not satisfied, we're not happy with the number we have, but we feel that we're gradually making progress. We are certainly seeking all the assistance that we can get in the area of recruitment of minorities. We feel very definite and deep responsibility to try to improve the situation. . ."³²

Community Service Office; Lateral Entry Positions

Two possibilities for improving the situation are to create a new type of police job, described by the President's Commission as a Community Service Officer³³(CSO), and permitting lateral entry. Like a police

²⁷Transcript #8, p. 64.

²⁸Ibid.

²⁹Transcript #2, p. 102.

³⁰Transcript #9, p. 32.

³¹Transcript #9, p. 142, #1, p. 22.

³²Transcript #3, p. 124, 137.

³³Op. cit., p. 123

aide, the CSO would be an apprentice policeman and would not carry arms; however, he would not do clerical work, but would assist police officers in their work and improve communications between police and the neighborhood as a uniformed member of the working police.³⁴ The President's Commission suggests that the new position would help both to improve the police image and increase minority hiring.

The FPC, since it sets the requirements for hiring and promotion, could establish lateral entry into the MPD. Minority policemen from other cities might be attracted to Milwaukee; more important, established residents from Milwaukee's minority communities possessing much needed skills for dealing with inner-city residents, would be more apt to join the force if entry to a position commensurate with one's current salary and experience were possible. These and other changes could be accomplished under current FPC powers.

The most immediate roadblock to improving the situation is the current full police roster. While in the late 1960's the department was chronically understaffed, economic recession and recent increases in police salaries have eliminated virtually all job openings. Unless new positions are created and more effective recruiting methods discovered, minorities will remain concentrated at the recruit level of law enforcement.

³⁴Ibid.

B. Police Training

The training of a Milwaukee policeman derives chiefly from two sources: from the 520 hours of instruction he receives in the Police Training School and from the weeks, months and years of indoctrination from the colleagues or superiors to whom he is initially assigned. Police scientists and administrators believe that the latter form of education is more influential by far in forming the attitudes and practices of young police officers.

Minimum educational requirements have been an issue in contract discussions between the PPPA and the city since 1969. The association favors a college degree as necessary for entry into the department. The chief disagrees, insisting that the current trend toward higher education among youth will result in more college graduates entering police work. Other local observers also scored what was described as an "anti-education attitude at the top."³⁵ As of 1969 only one of the thirteen highest ranking officials held a college degree--a bachelor's degree in electrical engineering.³⁶ On July 20, 1972, Chief Breier named Jerome Jagnin to the department's second highest position. Jagnin holds a college degree which has led to speculation whether Chief Breier has changed his position since his earlier statements led many people to assume that he placed little value on college training for policemen.

³⁵Transcript #11, p. 49; #7, p. 8.

³⁶Thomas G. Lubenow, "Police Study Confronts Breier Again" Journal, Jan. 10, 1969, p. 1.

^{36a}Thomas G. Lubenow, "Breier Chooses Inspector" Milwaukee Journal, July 21, 1972, p. 1.

Research done for the Eisenhower Commission³⁷ suggests that police recruits today have lower educational credentials than in years previous. Studies indicate there are fewer college graduates (less than 5 percent in large departments) and more poor scholastic achievers, i.e., those who rank in the bottom half of their high school class (up to 25 percent in certain departments). Higher salaries may well attract candidates with higher qualifications in the future. However, a college requirement for all forms of police work can become one more obstacle to successful recruitment of minorities. Redefinition of categories of police work as recommended in 1967 by the President's Commission on Law Enforcement (into police agent, police officer and community service officer, each having different educational requirements, duties and salaries), along with improved opportunities to pursue college studies while a member of the department would lessen this threat.

The executive secretary of the city's Commission on Community Relations, who is one of 19 guest speakers in the Police Training School, complained that his four-hour presentation was hampered by not knowing what allied subjects are treated in the 13 curriculum. The closest he has come to obtaining a curriculum outline is to see a copy which the chief held in his hand while explaining the things recruits are taught.³⁸ The attitude of ultra-secrecy which permeates even the least significant police matters in Milwaukee was criticized by many, including elected officials, agency heads, and private citizens.³⁹

³⁷Skolnick, Politics of Protest, pp. 252-258.

³⁸Transcript #8, p. 58.

³⁹Transcripts #7, p. 13-14; #1, p. 5; #8, p. 81.

Training Curriculum

The 4 hour lecture by the Milwaukee Commission on Community Relations and a similar block of time for the community relations specialist comprise the total coverage of human relations by the training school. The bulk of the curriculum is technically oriented (see Table 3.2). The State of Wisconsin created a Law Enforcement Standards Bureau in 1969, to assist law enforcement by establishing minimum standards and encouraging programs designed to improve law enforcement performance. (Rules of Wisconsin Law Enforcement Standards Board, LES 1.02). The Board has established a minimum standard of 240 hours of training in law enforcement, effective January 1, 1972 (see Table 3.3). The course, which the executive director of the State's chief law enforcement planning body described as predominantly technical in content,⁴⁰ appears to devote a greater percentage of time to broadening a recruit's understanding of situations and people he is likely to encounter in his work than does the Milwaukee curriculum. For example, where the Milwaukee School's initial training session ("Indoctrination") consists of 17 hours devoted to swearing in, receiving badge, baton, key, classroom seat, gym locker, retirement and payroll forms, and passing uniform inspection, the State's 41 hours "Introduction" offers help in study methods, discusses the history of law enforcement, correctional programs, civil rights questions, and social agencies--matters which this Committee

⁴⁰Transcript #8, p. 90.

judges far more relevant than the military academy approach of the Milwaukee Training School. The State bureau's training outline calls for 15 hours of "Understanding Human Behavior," including "Human Relations" (4 hours) and "Racial and Ethnic Differences" (2 hours). While the actual instruction will depend greatly on teacher proficiency, the State's course outline indicates considerably more appreciation for a changing social climate than does Milwaukee's program, the bulk of which may well date back to 1922, the year the training school opened.

Participation in the Law Enforcement Standards Bureau is not obligatory, but at the option of local governments. A Milwaukee alderman told this Committee that, despite Chief Breier's opposition, the Common Council voted to make the State's minimum standards apply to Milwaukee.⁴¹ No practical change is expected however, since the MPD exceeds the minimum hours requirement and further conformance would depend on the chief's cooperation.

The strongest critics of the department's existing training program were PPPA officials, who complained of the course's narrow, inbred quality:

What you're getting is the same canned rhetoric going on in the police department. This is what they want you to think, don't think anything else, don't broaden your perspectives, just keep in mind that you're one

⁴¹Transcript #7, p. 41.

MILWAUKEE POLICE TRAINING CURRICULUM

DIVISION I	INDOCTRINATION	17 HOURS
DIVISION II	RULES AND REGULATIONS	25 HOURS
DIVISION III	CIVICS - CONSTITUTION AND BILL OF RIGHTS	10 HOURS
DIVISION IV	ARREST, SEARCH AND SEIZURE	42 HOURS
DIVISION V	CITY ORDINANCES	27 HOURS
DIVISION VI	POLICE OBSERVATION AND PATROL	3 HOURS
DIVISION VII	TRAFFIC LAW ENFORCEMENT AND CONTROL	33 HOURS
DIVISION VIII	RULES OF EVIDENCE	27 HOURS
DIVISION IX	CRIMINAL LAW	31 HOURS
DIVISION X	INVESTIGATIONS AND REPORT WRITING	27 HOURS
DIVISION XI	PHYSICAL TRAINING	47 HOURS
DIVISION XII	FIREARMS TRAINING	18 HOURS
DIVISION XIII	FIRST AID	30 HOURS
DIVISION XIV	HANDLING MENTALLY DISTURBED PERSONS	3 HOURS
DIVISION XV	SPEAKERS - SPECIALIZED SUBJECTS	50 HOURS
DIVISION XVI	SEMINARS AND TOURS	16 HOURS
DIVISION XVII	COURT ROOM PROCEDURES	9 HOURS
DIVISION XVIII	PUBLIC RELATIONS	10 HOURS
DIVISION XIX	FIELD TRAINING	80 HOURS
DIVISION XX	MISCELLANEOUS	5 HOURS
DIVISION XXI	FINAL EXAMINATION	8 HOURS
DIVISION XXII	GRADUATION	2 HOURS
TOTAL.....		520 HOURS

SOURCE: Milwaukee Police Department
Training & Special Services Bureau

WISCONSIN LAW ENFORCEMENT STANDARDS BOARD

RECRUIT SCHOOL CURRICULUM OUTLINE

240 HOUR COURSE

SUMMARY

I.	INTRODUCTION	14
II.	UNDERSTANDING HUMAN BEHAVIOR	15
III.	JUVENILE PROCEDURES	8
IV.	POLICE PROFICIENCIES	61
V.	CRIME, INVESTIGATION, APPREHENSION	48
VI.	POLICE TRAFFIC SUPERVISION	31
VII.	PATROL PROCEDURES	34
VIII.	COURSE CLOSING	5
IX.	ADMINISTRATIVE PROCEDURES	24
	TOTAL	240 HOURS

SOURCE: Wisconsin Law Enforcement Standards Board
Training and Standards Bureau

of the chief's crime fighters and all your fundamental assignment is to get out there and fight crime. To hell with people's good and to hell with people's rights, just solve crimes. And this is where you get to be insensitive.⁴²

They also criticized the school's lack of academically qualified teaching faculty and alleged that two officers working on graduate degrees requested assignments to the training school and were refused. The fact that the faculty lacked academic credentials frustrated the union's attempt to have the school certified for college accreditation.⁴³

A police training program tends to conform to the role perceptions of the higher echelon police authorities. Police science writings⁴⁴ without exception excoriate police training efforts for a too narrow focus on crime detection and apprehension, which occupy less than 20 percent of a police officer's time. Positive peacekeeping functions performed by police, such as family assistance, prevention of juvenile delinquency, and medical care receive insufficient attention in the Milwaukee training curriculum.⁴⁵

Commissioner Mentkowski believes the police should avoid usurping the duties of other social agencies. Yet he did suggest to the Committee that the police training curriculum needs new development.⁴⁶

⁴²Transcript #4, p. 168

⁴³Ibid., 169ff.

⁴⁴See for example, David J. Bordua, ed., The Police (N.Y.: John Wiley, 1967); Charlotte Epstein, Intergroup Relations for Police Officers (Baltimore: Williams & Wilkins, 1962); Jerome H. Skolnick, Justice Without Trial: Law Enforcement in Democratic Society (N.Y.: John Wiley, 1966).

⁴⁵Ibid., Transcript #4, p. 185.

⁴⁶Transcript #2, p. 106.

District Attorney E. Michael McGann felt that police officers would be aided by intensified training in psychology and human relations.⁴⁷ Community representatives charged that training in youth care is inadequate and that policemen are exposed far too little to minority life styles.⁴⁸ They also claimed that a John Birch Society film had formerly been used as instructional material in the Police Training School.

However minimal the impact of the 13 week training program, it is clear to this Committee that so great a commitment of time could be utilized more effectively. Hours of rudimentary indoctrination should give way to programs designed to broaden the recruit's perspective of the people and situations he is likely to deal with in Milwaukee during the 1970's. In addition, in-service training programs for veteran policemen should include regular refresher courses in human relations.

Wisconsin Council on Criminal Justice

The involvement of the State in training local police has been magnified through the creation of the Wisconsin Council on Criminal Justice, the agency responsible for overall planning in the administration of justice. Established in 1969 to administer Federal Safe Streets funds, the council was placed originally in the attorney general's office.

⁴⁷Transcript #8, p. 38.

⁴⁸Transcript #1, p. 50-52.

The current Governor brought it directly under his own authority. The council is composed of 21 members and is charged with funneling Federal resources into its 11 planning regions according to a comprehensive plan. (Chief Breier was originally a member of the council, but resigned.)

The Milwaukee Fire and Police Commission is its ancillary for the city of Milwaukee, and its involvement in the funding process is noted below (pp. 86, 90). Appendix I contains an itemization of programs funded through the FPC since 1968. The list indicates a comparatively high percentage of grants made to private agencies, far more than in other midwestern states. Included are parolee rehabilitation programs run by former NAACP Youth Commandos, who helped organize the marches of Father Groppi in 1967-68; half-way houses; creative writing workshops; and inner city community schools. The large private agency involvement is due in part to the reluctance of the MPD to apply for Federal funds, and also because a certain percentage of the money must be spent in large urban areas.

Council vice chairman Frank Remington and executive director Walter Kelly appeared before the State Committee. Kelly told the Committee that requests from the Milwaukee Police Department have been relatively small and usually for equipment.⁴⁹ Kelly expressed his pleasure over

⁴⁹Transcript #8, p. 86.

the FPC's funding patterns toward private agencies, which allow for greater experimentation and promote healthy competition between the public and private sector.

While Kelly was generally satisfied with the funding patterns of the fire and police commission, he was unhappy with the poor cooperation he had received from the MPD; he described it as the worst cooperation given him throughout the State, and frustrating for the development and effectuation of a comprehensive State plan.⁵⁰ The standard data request forms sent by the State Council on Criminal Justice to the Milwaukee Police Department are returned with answers so general that they are meaningless. (See Appendix C.)

Another difficulty the council faces has to do with the regional planning board for the Milwaukee metropolitan area. Since the problem relates directly to the Federal LEAA guidelines for criminal justice planning, it will be treated in a later section.

C. Promotions

If the police department has little control over who enters the police force, it has definite influence in determining who will advance beyond entry level. Promotional tests for sergeant and lieutenant consist of an efficiency rating, made by the department and often called the "department mark;" a written test; an oral interview with the FPC; and a Seniority Rating. The written test constitutes 40 percent of

⁵⁰Ibid., p. 82.

the total, the efficiency rating 30 percent, the oral interview 20 percent and seniority 10 percent. (FPC Rule VI, 7(E)). One FPC commissioner observed that although his board has statutory responsibility for promotions, the Commission's oral interview holds one-third less weight than the department mark in determining promotions.⁵¹ He also illustrated the department's ability to influence the oral interview test (both for entry and promotional interviews): When a relative of a current or former officer is about to be interviewed, the relationship is stressed and the board is told what a fine officer his father (grandfather, uncle) was.

In addition to having full control over the department mark and being able to exert subtle influence upon the oral interview, the police department also plays a role in the written examination. A panel of officers is appointed by the chief to develop an answer key after the written tests have been taken. This is done by eliminating questions considered to be irrelevant, ambiguous, or admitting of several answers.

Officials of the PPPA called for a new system of promotion:

The present system is by the activity which they /officers/ generate . . . those policemen who don't come in with a certain amount of clearances or the other required functions that a policeman performs don't get ahead. They don't measure a policeman by how much good he's done in the community he's working in. They always measure the policeman's goodness and greatness by the amount of activity he has.⁵²

⁵¹Transcript #5, p. 193.

⁵²Transcript #4, p. 146.

I think in essence the promotion system rewards only the aspects of the policeman's job that deal with apprehensions. They say nothing whatsoever about crime prevention or community relations or just general social work, and social work is a dirty word . . . /Y/ou're promoted on how many speeding arrests did you make, how many city arrests, how many state arrests, how many pedestrians you tagged.⁵³

Exempt Positions

There are 25 exempt positions in the MPD, which extend to a personnel of approximately 60. The Milwaukee Fire Department has nine exempt positions. An exempt position is one that can be filled by the chief directly, without competitive examinations. The candidate must merely be eligible, i.e. have passed the FPC examination. He need not have placed high in the competition. In addition to the top administrative offices down through captains, the exempt category covers strategic operational positions, e.g. communications, property and stores, identification, and garage sergeants.

At least one FPC commissioner expressed disaffection with the way in which Rule VI.2 (authorizing the chief to fill exempt positions subject to the approval of the FPC) is carried out. He would prefer a method in which the board could exercise its powers of approval, perhaps by picking one of several candidates submitted by the chief. At present, the board simply "rubber stamps" the chief's appointments.⁵⁴

⁵³Ibid., p. 147.

⁵⁴Transcript #5, p. 193.

Acting Detective

The department has absolute control over advancement to the rank of detective. The detective's work is more attractive than uniformed police work. The pay is better: a detective receives a police sergeant's salary. Advancement is easier: with only 149 detective positions vis-a-vis 1,750 patrolmen. the road upward for a detective is much more promising. Many of the current administration's top leaders, including former Captain of Detectives Breier, came through the detective ranks. Regardless of personal qualifications, no patrolman may take the detective exam. The precondition to eligibility for the exam is one full year's service as acting detective. The department, possibly the chief himself, names the acting detectives.

Being named acting detective in no way assures eventual entry into the detective bureau. One FPC commissioner cited the case of two black officers who had worked as acting detective for 11 months and 26 days, at which point they were returned to patrolman's status for no more than a week, then reassigned as acting detectives.⁵⁵ Police officers and PPPA officials related similar experiences, and claim the selection method for detective creates "an elitist force who does not owe its allegiance to the norms and values and philosophies the rank and file have," but instead "belong to what may be called the same frame of mind as the chief because he is the one who brought them up there."⁵⁶

⁵⁵Ibid., p. 194.

⁵⁶Transcript #6, p. 176.

FPC officials claim that "under the rules of the Commission or the City Charter, there is no such position as acting detective, according to the classification rules."⁵⁷ After questioning from the Committee, it was admitted that the FPC does recognize the position as a prerequisite for taking the detective exam. According to Mrs. Kennedy, the Commission is currently considering a change in the prerequisite rule.⁵⁸

Minority Advancement

Community Relations Specialist Kenneth Bowen says if there is any complaint among the black police officers in Milwaukee it is in the area of upgrading.⁵⁹ The highest ranking minority officer is Dewey Russ, Captain of Detectives. There are no minority police captains nor lieutenants, although there are three sergeants and approximately six detectives, according to Bowen. Hence, of the 90 highest paid positions in the department, only one is held by a nonwhite.

The minority police officer is frequently deployed in plainclothes work, and thus enters detective work, according to one veteran of the force, because "he can get information that other officers cannot get and don't get."⁶⁰ This intensive use of minorities for plainclothes duty creates some resentment by white officers.⁶¹

Differential treatment of minorities by the MPD was described by a former policeman who entered the department in the 1930's. Although a

⁵⁷Transcript #3, p. 120.

⁵⁸Ibid., p. 121.

⁵⁹Transcript #1, p. 23.

⁶⁰Transcript #5, p. 218.

⁶¹Transcript #4, p. 141.

track star who had been invited to play for Marquette University, he failed the police medical examination because of high blood pressure and flat feet. He was appointed to the department after local politicians were promised two black policemen in return for black political support.⁶² Once on the force he had to observe the most minute regulations; he was not allowed to operate a department motor vehicle, even though he owned a car.⁶³

Another black man, recently retired from the force and described by his colleagues as a model officer, told of taking the sergeant's exam. At that time (1954) there were only six or seven blacks in the department. "Then one of the fellows that was real close to the chief told me that he didn't really think that I should take the exam because they weren't ready for a black sergeant."⁶⁴ The fear was that white patrolmen would rebel at working under a black man.

When it was learned that he had passed the exam and was eligible for a sergeant's position, he was offered a detective job. "Put me in plain clothes, then nobody would know if I was a sergeant or not."⁶⁵ The man insisted on the sergeant's job, which, he understands, occasioned a letter from the chief to the mayor's office expressing perplexity as to where the new black sergeant should be assigned. He was placed on the late night shift in a district with a large black population.

⁶²Transcript #5, p. 210.

⁶³Ibid., p. 209.

⁶⁴Transcript #6, p. 227.

⁶⁵Ibid., p. 228.

He attempted the lieutenant's examination twice, unsuccessfully each time. "I kind of decided after I couldn't pass the lieutenant's exam that maybe I ought to do something else. So I went out and took a broker's exam and . . . got a real estate license. Just to make sure I could take some kind of exam."⁶⁶ Today he is a bank president.

A former policeman charged that a double standard is operative in hiring policewomen. "They never talked to a black woman that didn't have a college education. None of the white ones ever had over a high school education."⁶⁷

Environment of Fear

Kenneth Bowen finds that many promising young black officers with potentially bright careers inexplicably quit the department. This Committee and its staff interviewed a number of police officers, both black and white. In virtually every contact, the officer was hesitant to go beyond general platitudes, even in situations where he and the interviewer were alone. The most striking impression made upon interviewers was the fear of speaking out in any fashion, a fear that was frequently expressed in terms of possible retaliation from the chief.

The fact that the common council and the FPC were unable to obtain a copy of police department rules is a graphic illustration of the closed nature of the department's current operation. Chairman Mentkowski's

⁶⁶Transcript #6, p. 230.

⁶⁷Ibid., p. 228.

observation that police officers in general tend to be "extremely defensive, extremely wary, extremely suspicious"⁶⁸ is extremely accurate in the case of Milwaukee.

The Wisconsin State Committee did have a copy of the MPD rules, and found them replete with repressive provisions. Police Department Rule 29.15, for example, prohibits police officers from joining any group "which might in any way exact prior consideration and prevent the proper and efficient functioning of the Department," unless with the approval of the chief. The same section compels every officer to inform the chief promptly if he has knowledge "of the organizing or attempt to organize any association, society, club or meeting of members within the department without the approval of the chief of police. Failure of any member to give such information promptly to the chief of police will subject him to charges." (Emphasis added.) The broadness of the dictum renders its constitutionality questionable; conceivably an officer must ask the chief's permission to marry or to attend a social event with his colleagues. It obviously creates an environment hostile to the growth of ancillary groups such as a black policeman's league, which could be a useful tool in retaining some of the more dynamic black officers who feel oppressed by the pervasive departmental strictures. The PPPA seems to have served the dual function of group interest articulation and safety valve for stifled talents. But by the PPPA officials' own admission, black and Latin officers have not taken an active part in the Association⁶⁹ although they hold membership. From all indications, that body, in its current capacity of contract negotiator, would be unlikely to serve

⁶⁸Transcript #2, p. 85.

⁶⁹Transcript #4, p. 152.

effectively as an articulator of minority interests (e.g., police malpractice in the ghetto, discrimination in hiring). A PPPA officer told the State Committee he is not primarily concerned with race, for "I don't have a problem with race. I try and get along with most people. . . .I'm becoming very much alarmed that the civil rights of the policemen are not being protected."⁷⁰ The thrust for policeman's civil liberties can reinforce but certainly is not coterminous with the thrust for minority civil rights.

Rule 29.35 also contributes to the environment of fear which threatens with non-advancement those who would speak against the rigid departmental controls.

Section 35. Members of the Department shall not deliver addresses at public gatherings concerning the work of the Department; nor shall they under any circumstances make statement for publication concerning the plans, policies, or affairs of the administration of the Police Department, unless duly authorized to do so by the Chief of Police.

This rule, together with 29.32 (defining all official business as confidential) has been applied by the current administration to include prior censorship of college term papers and virtual elimination of attendance at public meetings. Being unable officially to take part in meaningful exchange with constituent community groups, or to express one's reflections in an academic forum are stultifying and likely to drive from the department the fresh, creative talent which could help it adapt to its ever changing situations. Such intellectual incest in the department bodes ill for all of Milwaukee, but especially for the minority communities, where cultural differences demand imaginative police capabilities.

⁷⁰Ibid., p. 140.

D. Police Performance

Former Milwaukee Policeman: "I think the general attitude of most policemen as you go along was pretty much what the /attitudes of the/ bosses were. And they didn't really start to separate themselves until this last two or three years when the PPPA started to become a union. Now they have kind of started to think a little bit for themselves and understand that maybe everything that Breier says isn't true or maybe everything some other person says isn't true."⁷¹

As indicated earlier (p. 28) the heaviest formative impact upon a rookie policeman is believed to come from peer influence, after formal training has been completed. He learns from more experienced colleagues the forms of behavior tolerated or approved by the department, as well as the basic norms for successful relations with one's superiors. Police scientists interviewed by Committee staff were unanimous in stressing the importance of the "police culture" in determining attitudes and practices.⁷² Police practices which relate primarily to minorities will be discussed in the following chapter. This section is concerned with police powers and the manner in which they are exercised in Milwaukee generally.

One observation frequently made to the State Committee⁷³ is that the strong suppression of the civil disturbance here in 1967 has given Chief Breier great popularity among whites in the Greater Milwaukee area. This, plus the extraordinary statutory power of his office has

⁷¹Transcript #6, p. 235.

⁷²Interviews with Hans W. Mattick, Wayne A. Kerstetter, University of Chicago, October 20, 1971.

⁷³E.g., Transcript 1, p. 15; #4, p. 143; #9, p. 66; #11, p. 5.

enabled the chief to discredit any criticism of his operation, internal and external. However, the protracted debates between the PPPA and the city, by highlighting the differences between the chief and representatives of the rank and file, may have lessened the former's absolute control over his men.⁷⁴

Since then, a heightened desire for police professionalization has led to questioning of practices which formerly went unchallenged, running the gamut from petty requirements such as when the hat must be worn to fundamentals regarding education of officers. Witnesses other than policemen objected to such alleged practices as:

1. Overreaction to trivial matters (loitering, jaywalking).⁷⁵
2. The riot-preparedness of the department which is often displayed tauntingly.⁷⁶
3. The arbitrary character of apprehending violators.⁷⁷
4. The "veil of secrecy" which shrouds all departmental operations.⁷⁸
5. Police slowness in responding to calls for emergency assistance.⁷⁹
6. Police insensitivity in dealing with the public.⁸⁰

Policemen interviewed⁸¹ agreed that emphasis is sometimes misplaced, with too little stress put on peacekeeping duties. They were also

⁷⁴Tom Fitzpatrick, "A Gunslinger Duels the Blu Flu" Chicago Sun-Times, Jan. 25, 1971.

⁷⁵Transcripts #9, p. 91; #9, p. 65; #9, p. 34; #11, p. 34; #11, p. 76.

⁷⁶Transcripts #11, p. 80; #9, p. 37.

⁷⁷Transcripts #1, p. 53; #9, p. 44.

⁷⁸Transcripts #1, p. 44; #11, p. 39.

⁷⁹Transcripts #11, p. 38; #7, pp. 20ff; #9, p. 15.

⁸⁰Transcripts #9, p. 136; #9, p. 61.

⁸¹Transcripts #4, p. 146; #5, p. 197.

concerned, however, with internal departmental practices which they felt inhibited the quality of their work. These included the administration's practice of preventing an officer from appealing a suspension (by making him work on "off days" or suspending him fewer than 5 days)⁸² and of making punitive assignments (such as shift switching or guarding a cemetery).⁸³

"Forum Shopping"

A police officer who has made an arrest in anticipation of prosecution has three alternatives legally available to him. If the alleged behavior seems clearly a violation of State law, and that only, the district attorney's office is the proper forum in which to seek the issuance of a complaint. If clearly a city ordinance, and that only, is in question, the officer should go to the city attorney, which means to the principal assistant city attorney with an office in the safety building. Under some circumstances, and if he feels strongly enough about the case, the officer can go directly to a judge through what is called a judgment roll.

The Committee heard considerable and highly authoritative testimony establishing a pattern of forum shopping on the part of some Milwaukee police. Many acts are proscribed both by State law and city ordinance. This puts the arresting officer in a position in which he can choose his complaint forum--district attorney or city attorney. The choice

⁸²Transcript #4, p. 159.

⁸³Transcript #4, p. 160.

likely will mean varying ranges of penalty for the accused, if found guilty. High officials in both complaint forums testify that they are certain some police, refused a complaint by the district attorney's office, will then seek a city ordinance charge in the city attorney's office. If both refuse, the arresting officer may then go directly to the bench.

The availability of such forum-shopping has important protective implications for the policeman, just as it has adverse civil rights consequences for the arrested person. The arresting officer wants a complaint lodged against the person he apprehended, in part to protect the officer against a future suit for false arrest. There seems to be a feeling that the city attorney's office owes the policeman on the beat at least this much.⁸⁴

The prosecutory officials acknowledge that there are "complaint prone" police officers, and that some seem complaint prone toward black citizens primarily. Testimony from the office of the city attorney makes it quite clear that, while this office recognizes its dilemma--how to protect the citizen from the complaint prone policeman, while giving policemen acting in good faith reasonable security against false arrest suits--it has not found a formula for resolving that dilemma.

⁸⁴Transcript #9, p. 98.

City and district attorney spokesmen stated⁸⁵ that they have discouraged "complaint prone" officers by refusing petty or weakly substantiated cases. Both admit that they do not know whether such cases have been borne to court via judgment roll proceedings.

Their inability to block with finality the judicial route of flimsy arrests induces both attorneys to prosecute such cases more than they would wish. This results in some gross inequities in administering justice. Particularly in the cases of gambling⁸⁶ and prostitution,⁸⁷ enforcement by Milwaukee police appears to be applied more stringently in the black community than elsewhere. Concerning gambling, the district attorney said that one of his predecessors "made the determination that we would no longer prosecute those cases as State crimes . . . My observation is that those gambling raids are exercised almost always in the core area, and that the unevenness of prosecution is terrible."⁸⁸ Gambling is now treated as a city violation handled through the city attorney's branch office. The chief of that office stated that although he suspects some officers act out of bias toward minorities, this is a matter for the police administration or a judge.⁸⁹ The differing approaches of the two agencies result in cases, refused by the district attorney's office, being taken up by the city attorney on a lesser charge. There have been instances, the district attorney reported, when he refused to initiate prosecution, only to have the case ultimately brought by the city attorney to a judge who then

⁸⁵Transcripts #9, p. 90; #8, p. 26.

⁸⁶Transcript #8, p. 14.

⁸⁷Interview of March 6, 1972.

⁸⁸Transcript #8, p. 14.

⁸⁹Transcript #9, pp. 91-92.

complained (to the D. A.) that the State charges should have been brought originally.

Waivers of Civil Damages for False Arrest

Allegations were made to the Committee that arrested persons were coerced by the arresting officer into signing waivers of civil damages for false arrest. While this does not preclude a later suit, a plaintiff must then sustain the difficult to impossible burden of overcoming the presumption of a valid waiver, since a waiver is presumed to be given freely and therefore to be legitimate.

Two officials from the city attorney's office appeared separately at closed hearings of the Wisconsin State Committee. One, the assistant city attorney charged with representing the police department, said the city attorney is prohibited by law from preventing a policeman from going directly to a judge for a warrant.^{90/} He also believed that the personality of the district attorney, as well as the lesser burden of proof required for city violations is responsible for many cases, particularly drunk driving, being tried as an ordinance violation rather than as a criminal act.^{91/} The other, the principal assistant city attorney in charge of the Safety Building branch, is primarily involved with police arrests where persons have been charged with city

^{90/} Transcript #7 p. 99.

^{91/} Ibid., p. 103-4.

violations. This involvement results in frequent counseling of officers,⁹² whom he views as clients. A questionable arrest is viewed with serious misgiving for its potential implications: "Where he has made an arrest, he has put himself on the line, committed himself to some act which could ultimately result in his own personal challenge economically. He could be later on sued."⁹³ He said he sometimes asks defendants or their attorneys "if they would like to sign a release in the event we have decided not to prosecute."⁹⁴ He also admitted pursuing a weak case to protect against legal liability.

The principal assistant city attorney acknowledged the tendency of some officers to bring inordinate numbers of complaints to the court.⁹⁵ He stated it is possible and probable⁹⁶ that an officer has the option to select an attorney favorable to his side to review his case and take it to court. He also observed that the same excessively zealous policemen also tend to arrest a certain kind of person.⁹⁷ But he stressed that he keeps his personal feelings to himself, and would not be effective were he to crusade against some officers.⁹⁸ He leaves to the judge or the chief of police the disciplining of any wrongly acting officer.

Other observers reported⁹⁹ that not infrequently a person severely injured in a confrontation with police will be charged with a felony,

⁹²Transcript #9, p. 80f.

⁹³Ibid., p. 84-85.

⁹⁴Ibid., p. 97.

⁹⁵Ibid., p. 90.

⁹⁶Ibid., p. 87.

⁹⁷Ibid., p. 91.

⁹⁸Ibid., p. 93.

⁹⁹Transcript #9, pp. 71, 94.

while persons who suffer slight injuries in similar circumstances receive lesser charges. (See below, p. 70)

While the State Committee found no conclusive evidence of coercion of persons charged to sign waivers of civil damage, it is not difficult to envision such an occurrence in a system which allows a police officer to "shop around" for a sympathetic prosecuting attorney or judge. Although millions of dollars in Federal "safe streets" money are available for police legal advisors, in Milwaukee no systematic effort has been made to secure such support to help educate the few aberrant policemen from violating the rights of citizens unable to protect themselves.

District Attorney

In addition to the everyday contact with police officers through court casework, the office of the district attorney is involved with the police department in extraordinary events, such as public demonstrations. The district attorney believes that, although he never advises the chief on crowd control--there is a very professional relationship between them¹⁰⁰--the fact that one or more assistant district attorneys are in attendance at a demonstration tends to have an "inhibiting influence" on both police and the people demonstrating, and thus helps to prevent violent outbreaks.¹⁰¹

¹⁰⁰Transcript #8, p. 29.

¹⁰¹Ibid., p. 28.

Late in 1971 the board of supervisors for Milwaukee County became embroiled in a dispute between the police department and the district attorney's office regarding the length of stay and hotel accommodations needed by Milwaukee police detectives who traveled to Los Angeles to extradite prisoners. Chief Breier refused to cooperate with the district attorney's probe, and forbade the officers involved from answering questions.¹⁰²

The county board eventually took control of travel expenses away from the police department, although it gave the department "a clean bill of health."¹⁰³ It is unclear whether the board lacked evidence of wrongdoing by the police officers, was satisfied with the chief's answers, or was intimidated by his vaunted popularity.

Civil Rights of Policemen

As the current investigation unfolded, it became apparent that a study of policemen's rights is merited. As reported earlier (p. 42), department rules infringe upon the rights of Milwaukee police officers to express themselves and to attend meetings (Rules 29.32 and 29.35). They must also report any change in the domestic status, such as a marriage or divorce (29.92). According to Rule 44.08, any member of the department may be dismissed or otherwise punished by the police

¹⁰²"Officers Ignored Letters--McCann" Milwaukee Sentinel, Sept. 11, 1971, p. 1; Fred Holper, "A Lesson in Police Psychology" Milwaukee Journal, Sept. 12, 1971, part 2, p. 1.

¹⁰³"County Takes Over Handling of Expenses for Police Trips" Milwaukee Journal, Feb. 9, 1972.

chief for such things as:

- Communicating police related information without permission.
- Criticizing department rules.
- Refusing to give badge number when requested.
- Cowardice.
- Failure to report known violation of law or ordinance.
- Any other act or omission contrary to good order and discipline, or constituting a violation of any of the provisions of the rules and regulations of the department, or of any department orders.

A department board of inquiry serves as a hearing panel for all cases involving officers below the rank of captain (Rule 44.18). The board of inquiry is chaired by the inspector of police or his first deputy, who will name two officers (of lieutenant rank or higher) plus two policemen of the same rank as the accused (44.38) to complete the five member panel. If a unanimous decision is not forthcoming on the first two ballots, the result of the third ballot constitutes the decision of the board.

Section 44.18 reads, "Since department inquiry procedures are in the nature of confidential official investigations, the accused shall not employ attorneys or other persons to defend them." The next section (44.19) states that an inquiry "shall be heard with freedom from unnecessary technical rules of evidence" and shall be guided "by the generally accepted fundamental rules of order usually customary in the government and conduct of committee and boards." Moreover, departure from these rather loose guidelines does not invalidate the proceedings unless the accused show (in writing, within 24 hours after

the case is closed) that such departure affected the rights of the accused (44.37).

The board of inquiry does not allow an accused officer to be represented by counsel. He is tried in a secretive setting by his superiors, under procedures which invite capriciousness, for violating rules whose breadth is limitless and whose significance ranges from grave to puny. He has no immediate external resource, and is in fact forbidden from applying to any outside constituency. Such a system of discipline readily conduces an environment of fear.

Due to the secretiveness of the Milwaukee Police Department, the frequency of internal disciplinary inquiries is not known. The mere availability of such a severe and legally questionable sanction is sufficient to modify behavior, and thereby affect police performance. It is hard to expect that police officers whose own rights are impaired will be zealous protectors of the rights of others. It is also impossible, under these circumstances, for anyone outside the department to know if a "whitewash" has occurred.

IV. MINORITIES AND THE POLICE

Contrary to the belief of many policemen, the overwhelming majority of the public has a high opinion of the work of the police . . . (N)onwhites, particularly Negroes, are significantly more negative than whites in evaluating police effectiveness in law enforcement.¹

In contrast to the paucity of information originating from the Milwaukee Police Department, a rather large body of material exists concerning minority attitudes toward the department. Since 1967 three studies have been done by university professors measuring perceptions in Milwaukee's black community; in 1971 a Governor's committee studied police relations among Milwaukee's Latin people; earlier a State legislative committee examined the same problem.²

The findings of the studies are consistent to the point of redundancy: They note a significant difference in attitudes toward the police between white and nonwhite Milwaukians (See Tables 4.1-4.5).

None of this information is startling; most studies are several years old, and were given some attention by the media. This Committee did not seek to restudy the question of attitudes, but rather to explore

¹President's Commission on Law Enforcement and the Administration of Justice, pp. 145-146.

²Jonathan A. Slesinger, Community Opinions of the Summer 1967 Civil Disturbance in Milwaukee, The University of Wisconsin-Milwaukee, April 1, 1968. Karl H. Flaming, Who "Riots" and Why? Black and White Perspectives in Milwaukee, Milwaukee Urban League, Oct., 1968. Herbert Jacob, Black and White Perceptions of Justice in the City, NWU, Law & Society Review vol. 6, 1971. Wisconsin Legislative Council, Final Report of the Advisory Committee on the Report of the National Commission on Civil Disorders, Madison, 1969, pp. 29-30. Report of the Governor's Investigating Committee on Problems of Wisconsin's Spanish Speaking Communities, June, 1971, and the Chilsen Committee Report.

PERCEIVED FREQUENCY OF SELECTED ASPECTS OF POLICE BEHAVIOR*

	Black	White		
	Inner City (Per Cent)	Inner City (Per Cent)	Outer City (Per Cent)	Suburbs (Per Cent)
Kinds of treatment:				
Insults, lack of respect	55	15	13	18
Frisking, searching unnecessarily	48	19	12	19
Stopping and searching cars unnecessarily	41	13	7	5
Unnecessary force in making arrests	54	16	5	8
Beating people up	38	6	3	7
Searching homes unnecessarily	29	2	--	3

*Percentage of respondents answering "Frequently" to the following question: Please tell me whether you think that the police use any of the following kinds of treatment against Blacks in Milwaukee frequently, seldom or never.

BELIEFS ABOUT THE "TOUGHNESS" WITH WHICH MILWAUKEE POLICE TREAT BLACKS Table 4.2

	Black	White		
	Inner City (Per Cent)	Inner City (Per Cent)	Outer City (Per Cent)	Suburbs (Per cent)
In their treatment of Blacks, Milwaukee police are:				
Too brutal	58	2	7	7
About right	18	62	70	83
Too soft	2	27	19	5
Don't know	21	7	2	5
Not ascertained	1	2	2	--
Total	100	100	100	100

Source: J. A. Slesinger, Ph. D., Community Opinion of the Summer 1967 Civil Disturbance in Milwaukee, April 1, 1968. (Reprinted by author's permission)

BLACKS PERCEPTIONS OF POLICE

"Do you think...is used against blacks in Milwaukee?"	BLACKS			
	Arrestees Younger ^b N = 81	Older ^c N = 14	Control Younger N = 18	Control Older N = 36
Insults, lack of respect				
frequently	86%	65%	67%	58%
seldom	9%	15%	11%	22%
never	1%	15%	6%	3%
don't know	4%	0%	16%	17%
not ascertained	0%	5%	0%	0%
Total	100%	100%	100%	100%
Frisking, unnecessary search				
frequently	85%	64%	50%	53%
seldom	6%	22%	17%	17%
never	4%	0%	11%	0%
don't know	5%	14%	22%	30%
not ascertained	0%	0%	0%	0%
Total	100%	100%	100%	100%
Unnecessarily stop and search cars				
frequently	73%	79%	44%	44%
seldom	17%	14%	17%	17%
never	5%	0%	11%	17%
don't know	5%	4%	28%	19%
not ascertained	0%	3%	0%	3%
Total	100%	100%	100%	100%
Unnecessary force used in arrests				
frequently	89%	74%	50%	58%
seldom	5%	3%	22%	8%
never	5%	14%	22%	20%
don't know	1%	0%	6%	11%
not ascertained	0%	9%	0%	3%
Total	100%	100%	100%	100%
Beating people up				
frequently	74%	64%	44%	33%
seldom	14%	14%	33%	36%
never	4%	7%	11%	11%
don't know	8%	14%	11%	17%
not ascertained	0%	1%	1%	3%
Total	100%	100%	100%	100%
Unnecessarily search homes				
frequently	36%	43%	33%	44%
seldom	35%	29%	11%	11%
never	11%	14%	17%	14%
don't know	18%	14%	39%	31%
not ascertained	0%	0%	0%	0%
Total	100%	100%	100%	100%

Black Perceptions of Police (continued)

- a. Responses to question "Do you think...is used against blacks in Milwaukee?"
- b. Under 30 years of age.
- c. Thirty years of age and older.

Source: Karl H. Flaming (Milwaukee Urban League
Who "Riots and Why"? Black and White Perspectives in Milwaukee
October 1968. (Reprinted by author's permission.)

WHITES' PERCEPTIONS^a OF POLICE

"Do you think...is used against blacks in Milwaukee?"	WHITES			
	Arrestees		Control	
	Younger ^b N = 20	Older ^c N=4	Younger N=23	Older N=90
Insults, lack of respect				
frequently	40%	*	30%	11%
seldom	55%	*	44%	49%
never	5%	*	26%	30%
don't know	0%	*	0%	10%
not ascertained	0%	*	0%	0%
Total	100%	-	100%	100%
Frisking, unnecessary search				
frequently	50%	*	17%	12%
seldom	45%	*	44%	32%
never	5%	*	39%	48%
don't know	0%	*	0%	8%
not ascertained	0%	*	0%	0%
Total	100%	-	100%	100%
Unnecessarily stop and search cars				
frequently	35%	*	13%	8%
seldom	50%	*	57%	37%
never	10%	*	30%	48%
don't know	5%	*	0%	7%
not ascertained	0%	*	0%	0%
Total	100%	100%	100%	100%
Unnecessary force used in arrests				
frequently	30%	*	13%	5%
seldom	40%	*	48%	40%
never	25%	*	39%	47%
don't know	5%	*	0%	8%
not ascertained	0%	*	0%	0%
Total	100%	-	100%	100%
Beating people up				
frequently	15%	*	4%	5%
seldom	60%	*	39%	33%
never	25%	*	57%	55%
don't know	0%	*	0%	7%
not ascertained	0%	*	0%	0%
Total	100%	-	100%	100%
Unnecessarily search homes				
frequently	10%	*	0%	0%
seldom	60%	*	48%	28%
never	20%	*	43%	64%
don't know	10%	*	9%	8%
not ascertained	0%	*	0%	0%
Total	100%	-	100%	100%

a Responses to question "Do you think...is used against blacks in Milwaukee?"

b. Under 30 years of age c. Thirty years of age and older

Source: Karl H. Flaming (Milwaukee Urban League) Who 'Riots' and Why? Black and White Perspectives in Milwaukee, October 1968 (Reprinted by author's permission.)

Table 4.5 shows that respondents in the several neighborhoods possess quite distinctive perceptions of the police. On all of the scales, the differences are significant at the .05 level; on 7 of the 11, they are significant at the .001 level, despite the relatively small size of the samples. Inspection of the table, however, reveals that the largest differences exist between the white and black respondents.

Table 4.5: Perceptions of Actual Police: Mean Scores in Three Neighborhood Samples

Scales	Ghetto (N=71)	White Working Class (N=71)	White Middle Class (N=73)	F Ratio	P
(1. . . Score. . .7)					
Honest...Corrupt	3.30	2.25	1.84	13.10	.001
Bad...Good	4.10	6.04	6.10	35.78	.001
Unfair...Fair	3.76	5.65	6.03	27.70	.001
Excitable...Calm	3.42	5.69	4.97	22.37	.001
Lazy...Hardworking	4.62	5.86	5.85	10.60	.001
Smart...Dumb	2.76	1.93	2.03	6.39	.002
Friendly...Unfriendly	3.63	2.06	2.08	17.38	.001
Kind...Cruel	3.82	2.14	2.10	22.34	.001
Strong...Weak	2.66	2.04	2.12	3.09	.048
Harsh...Easygoing	3.04	3.86	3.68	3.30	.039
Tough...Softhearted	2.49	3.24	2.70	3.24	.041

Blacks perceive the police as more corrupt, more unfair, more excitable, more harsh tougher, weaker, lazier, less intelligent, less friendly, more cruel, and more on the bad than good side than white respondents in either of the two other neighborhoods. Whites, while not in perfect agreement with one another, were closer to each other than to the black ghetto respondents. Middle-class whites generally gave more favorable ratings to the police than whites in the working class neighborhood. But the differences are smaller than those between either set of white respondents and the blacks.

Source: Herbert Jacob, "Black and White Perceptions of Justice in the City." Law and Society Review vol. 6, 1971

the elements which account for those attitudes.

A. Crime and the Minority Community

Using 1970 census data available for Milwaukee, the State Committee found that black adults (18 and over) comprised 12.6 percent of the adult population. Police reports for 1970 indicate that this 12.6 percent was arrested and charged with 56.5 percent of the murders, 70 percent of the forcible rapes, 72 percent of the robberies, 66 percent of the aggravated assaults, 53 percent of the burglaries, 40 percent of the larcenies, 62 percent of the weapons charges, 66 percent of the prostitution and commercialized vice and 85 percent of the gambling arrests for the city of Milwaukee in calendar year 1970. Census data do not admit of accurate compilations for Milwaukee's Latin and Native American populations. It is apparent, however, that the number of arrests for Native Americans--who in 1970 were responsible for 4 percent of all arrests--is disproportionate to their population. Neither police statistics nor the census had a discrete category for Spanish surname Americans. (See Table 4.6)

It is impossible to measure accurately the amount of crime in minority areas. Police experts judge that about half of all crimes go unreported.³

It is also believed that concentrating more policemen in a given area will result in more crimes being detected and reported there. It is also generally accepted that lower income areas tend to have higher crime rates.

³Phillip Ennis, "Crime, Victims and the Police" Transaction, June 1967.

Persons Arrested In Milwaukee, by Race (1970)

	White	Negro	Indian	Yellow	Others
Murder and Non-Negligent Manslaughter	27	39	3	0	0
Manslaughter by Negligence	7	1	0	0	0
Forcible Rape	16	38	0	0	0
Robbery	79	240	11	1	0
Aggravated Assault	158	354	13	2	7
Burglary-Breaking or Entering	256	297	16	0	4
Larceny- Theft (Except Auto Theft)	1104	772	13	2	6
Auto Theft	138	123	1	0	2
Other Assaults	441	469	23	2	7
Arson	6	8	0	0	0
Forgery and Counterfeiting	108	124	1	0	1
Fraud	451	169	0	0	2
Embezzlement	4	1	0	0	0
Stolen Property; Buying, Receiving, Possessing	62	68	2	0	0
Vandalism	171	78	10	0	5
Weapons; Carrying, Possessing, etc.	215	375	7	0	4
Prostitution and Commercialized Vice	49	107	5	0	1
Sex Offenses (Except Forcible Rape and Prostitution)	219	116	4	0	3
Narcotic Drug Laws	598	256	5	2	1
Gambling	96	560	1	0	1
Offenses Against Family and Children	401	225	5	0	6
Driving Under the Influence	0	0	0	0	0
Liquor Laws	12	18	0	0	0
Drunkenness	12341	4983	1162	3	73
Disorderly Conduct	2118	1198	85	2	19
Vagrancy	70	25	4	0	0
All Other Offenses (Except Traffic)	1828	1678	66	2	27
Suspicion	0	0	0	0	0
Totals	20975	12322	1437	16	169

Source: MPD Annual Report 1970

Whether or not the figures are exact, it is certain that inner city residents have the greatest need for police protection. A 1971 survey of inner city businessmen on Milwaukee's North Side conducted by Julian Yudelson of Marquette University found that improved police protection was the most frequently mentioned desire among proprietors of smaller stores.⁴ The desire for better police protection was echoed by residents of the city's northeast side, one of whom, former Mayor Frank P. Zeidler, saw police relations with the black community as one of mutual fear.

In addition, white people, especially the elderly, are becoming increasingly restive over almost daily reports of holdups and physical attacks. Residents in the area of Riverside High School and occupants of the high rise public housing projects complain that police response to calls for help is slow, from 30 minutes to 2 hours.⁵ In February 1972, Project Involve, a group interested in problems of the elderly, requested that Chief Breier return more foot patrolmen to residential neighborhoods.⁶

Minority representatives were less than enthusiastic in calling for more police protection. Black leaders called for community control of police⁷ or for more minority members in the department.⁸ Ghetto

⁴Julian Yudelson, A Study of Businesses Serving Milwaukee's Inner City North, conducted for The Milwaukee Jewish Council, February, 1971, p. 18.

⁵Transcript #11, p. 31; Interview of March 28, 1972.

⁶The Milwaukee Journal, February 23, 1972.

⁷Transcript #9, p. 127.

⁸Ibid., p. 22.

newspapers have frequently urged a crackdown on criminals by the black community, but the white police--especially the heavily armed Tactical squad--is strongly resented in the black, Latin and so-called hippie communities.⁹

Many persons interviewed cited uneven enforcement of the law as being particularly galling to minorities. For example, a Milwaukee ordinance requires a permit for overnight street parking. A former policeman charged that night parking and traffic violations in general are enforced more stringently in the Black areas than elsewhere in the city.¹⁰ The district attorney identified two areas where he has observed aggressive police patrol, the black area and the Brady Street area. He estimated there are three to ten officers "whose credibility is suspect in our office" because a high percentage of their arrests result in charges of resisting an officer. Those officers, he said, are placed for the most part in the black area or the counterculture area of the city.¹¹ He also said he asked a district commander to transfer one officer to an area of less exposure to "resisting" cases. The district commander reportedly complied.

A university professor, who has numbered Milwaukee policemen among his students for several years charged: "There are many disagreements with

⁹Cf. "Crime Fighters Rush to Trouble" Milwaukee Journal, Sept. 9, 1969.

¹⁰Transcript #6, p. 233.

¹¹Transcript #8, p. 20.

the chief and myself, and if he calls the policemen community relations specialists he's crazy. They have men working in the 5th District that can't talk to a black, and ask to be put there for the chance of promotion. And they put them there. I/f he wants to fight that statement let him."¹²

Gambling (see above, p. 48) is also unevenly enforced in Milwaukee, according to a former policeman, who told of attending social gatherings such as police retirement parties, where gambling occurred unmolested. He contrasted this to the petty raids, virtually every Friday, of card games held in the black community. He saw this as being done so that the department "can show a lot of activity, by making arrests for 25 or 30 people, or 40 arrested and booked. And a whole lot of them have little or no previous record for anything like that."¹³

B. Community Relations

The Milwaukee Police Department, unlike many departments of comparable size, has no community relations unit. Chief Breier reported to the Wisconsin Council on Criminal Justice that all of his personnel "are assigned to a community relations unit on a full time basis."¹⁴ This is a reflection of his oft quoted belief that every policeman is his own community relations unit, a view to which the President's Commission on Law Enforcement and Administration of Justice takes strong exception.¹⁵

¹²Transcript #11, p. 57f.

¹³Transcript #5, p. 211.

¹⁴Law Enforcement Data Survey, Appendix C.

¹⁵Op. cit., p. 150.

The commission termed such a unit "essential," and recommended that it be given prestige and high level authority.

Community Relations Specialist

In the mid-1960's a campaign was launched in Milwaukee by local civil rights organizations, supported editorially by the press and television, to establish a community relations unit in the police department. The effort was strongly opposed by the chief, who exercises full authority within the department. The eventual result was the creation, by order of the common council, of a community relations specialist (CRS) position placed within the fire and police commission. The first man to hold the office resigned within 6 months, citing a lack of cooperation from the department as contributive to his resignation. He was succeeded in late 1968 by the Reverend Kenneth Bowen, the current incumbent.

Reverend Bowen described to this Committee the duties of the community relations specialist :

- Handle citizen complaints which the commission assigns to him.
- Lecture on community relations to recruits at the Police Training School.
- Handle minority recruitment responsibilities.
- Speak to any group wishing to know about the police department.
- Attend meetings with groups interested in improving police community relations.¹⁶

¹⁶Transcript #1, pp. 4-5.

Reverend Bowen repeatedly stressed his perception of these duties as "public relations" seemingly unaware that public relations and community relations are different functions.

Originally the community relations specialist was directly responsible to the chairman of the FPC. After Charles Mentkowski became chairman, he asked, and the Common Council so ordered, that the CRS be made accountable to the executive secretary, who is a full time staff person.

The CRS has no program budget, but requests for money to attend conventions and seminars are granted routinely. Reverend Bowen claims the FPC has been generous in funding minority recruitment brochures. He has no assistants, other than the use of a typist as required. A policeman may accompany him when he makes a presentation at a school.¹⁷

Reverend Bowen believes that the major obstacles to effective performance of a community relations function are the absence of a formal relationship to the department and the present negative attitude of the chief.

Reverend Bowen receives no communication from the department directly; he learns of police community relations problems through informal contacts with individual officers and what he terms his own "improvisations." He would like to structure some opportunities for dialogue between police and citizens, but cannot for want of cooperation from the chief.¹⁸

¹⁷Ibid., p. 7.

¹⁸Ibid., p. 13.

Reverend Bowen was asked to evaluate Milwaukee's police-community relations program. He found it lacks power and prestige within the department; it has neither central planning nor district level capabilities; it has no specially trained staff nor is there a formal program on the local history and customs of the area's ethnic groups.¹⁹ Reverend Bowen believes that the chief has the support of most Milwaukeeans in his opposition to a stronger community relations program. "I think the chief is entrenched in his philosophy by the typical conservatism of parochial provincialism in Milwaukee. Many people feel that the chief is doing a good job, he's keeping all the black people in their place."²⁰

Aware that some minorities view him as one who has "sold out" for \$17,000 annually, Reverend Bowen believes he has now established a position where the community comes to him when it wants help.²¹ The FPC has never tried to restrain his activities, but he is seriously inhibited by lack of any entree to the police department.

Most hearing participants concurred with Reverend Bowen's evaluations. Civil rights representatives related the efforts of an umbrella group, the FPC to 1) establish a police-community relations committee to recommend or set human relations policies; 2) form two district level committees which would involve citizens in the responsibilities for nurturing law

¹⁹Ibid., p. 34ff.

²⁰Ibid., p. 15.

²¹Ibid., p. 40

enforcement in the district; and 3) expand the human relations training for policemen. Submitted to the FPC on April 14, 1966, the proposal was rejected.²² Since that time, the same sources insist, the chief has refused to allow his department to participate in any programs involving police-community relations, although the FPC may be a co-sponsor of the program.

Latin representatives complained that the community relations specialist has ignored their community.²³ In September 1971, the leader of a youth center in the Latin community claims he received a call from Reverend Bowen, asking for a meeting with Latin youths. "He insisted on coming down; he sounded desperate like he had to see us, so he could report that he'd been here." The youths were disappointed at what they believed was his attempt to defend the police. At one point in the meeting he reminded them that he could radio for a hundred police officers if he had to. "He said he'd come again, but we haven't seen him."

Police Support for Community Relations

Some of the sharpest critics of the current state of police-community relations in Milwaukee were police officers. One PPPA official said: "We have a vital interest in maintaining good community relations. We're the ones getting shot at, we're the ones getting ambushed and bombed, and we don't like it."²⁴ His fellow PPPA member noted that

²²Transcript #9, p. 7; Ibid., p. 48f.

²³Interview of Mar. 28, 1972

²⁴Transcript #4, p. 171.

the lack of effort in improving relations has had two serious repercussions. It has resulted in frustration for many sensitive police officers who want to bridge the credibility gap with minority groups, but suffer from the negative police "pig" stereotype projected by some of their colleagues. Occasional successes in community relations are not always appreciated by the department hierarchy. A nurse at an inner city health clinic wrote the chief commending him on having placed a very capable officer in that area. She lauded the officer's rapport with the community, and his skill at being unobtrusively present when trouble was likely to arise. Within a week after the letter was written, the policeman was transferred from the area.²⁵

Secondly, the cloud of poor community relations has contributed to a breakdown in police protection: Though some officers are anxious to crack down on minority citizens (see p. 47, above) others are reluctant to intervene in racial situations for fear of a brutality charge.

Police officers are not just quick to enter racial or ethnic situations if they think they are going to have to take some kind of serious action . . . Rather than be put in that situation, they're going to soft pedal it and say 'that's the way they live'. . . In other words you're destroying the very fibre of the police department to take some kind of action.²⁶

In 1970, the PPPA leadership proposed to obtain Federal funding for Project Communication, a program designed to improve the quality of the relationship between citizens and the police.²⁷ The major thrust of the proposed program was to have two PPPA staff members meet

²⁵Interview of July 9, 1971.

²⁶Transcript #4, p. 172.

²⁷Professional Policemen's Protective Association of Milwaukee, Proposal for Project Communication, Milwaukee, 1970, p. 6.

regularly with community groups of all kinds to exchange ideas and hopefully increase understanding of police and community perspectives. The proposal specified that they be professional police personnel-- "in order to maintain the credibility of the project with local police"--a possible reflection of the lack of esteem which the community relations specialist holds in the department. Auxiliary benefits of the project would be identification of tension and conflicts, recruitment assistance, expanded human relations training, and police participation in law enforcement planning. The proposal was rejected by the association's membership. PPPA leaders believe the chief opposed the plan because it would have strengthened the police association.

The whole thing went down the drain because the boss said no, you give these guys that right and you're establishing a first class police association. And of course, that's one of our big hangups, he doesn't want to see us get off the ground.²⁸

One participant recommended that Federal money be sought to deal with the problem of increasing violence in Milwaukee high schools, where there is profound and longstanding alienation from the police.²⁹ This was also noted by Milwaukee School Board President Harold Jackson, who told the Committee that school principals hesitate to call police because of a threefold fear: 1) that the bad publicity will bring a rebuke from the central administration; 2) that the police may inflame rather than abate the problem; and 3) that the students will vent their

²⁸Transcript #4, p. 171.

²⁹Transcript #9, p. 53.

negative feelings toward the police.³⁰ Mr. Jackson, a former assistant district attorney now a professor at the Marquette University Law School, is discouraged by the department's relations with minorities which he described as "absolutely terrible":

I don't think it has improved and I don't see any positive efforts to go out and change that. The kind of efforts that need to be made, I don't see people in positions of authority that care to do it.³¹

Earlier proponents for a community relations unit located within the department have lost much of their original enthusiasm. The intransigent opposition of the chief, the low esteem in which the program is purportedly viewed by the department's rank and file, the limited success of programs in other cities, and a new thrust nationally toward "community control" of local police and locally toward a limited tenure for the chief have taken the steam out of the endeavor. As a long-time campaigner for the unit said, one result of the effort was the staunch defense of the chief by local rightwing organizations who honored him as Man of the Year.³²

A blue ribbon group of community leaders named We Milwaukeeans has continued the attempt to strengthen police community relations within the department. Recognizing Chief Breier's absolute authority, the group has sought to ingratiate him through businesslike seminars rather than outright suggestions. A spokesman said the group, despite its

³⁰Transcript #11, p. 52f.

³¹Transcript #11, p. 49.

³²Interview of July 9, 1971.

roster of community policymakers, is now as frustrated as the civil rights organizations.³³

C. Citizen Complaints

The manner in which complaints of police misconduct are processed has become a deep concern to minority communities. The controversy over civilian review boards in recent years was one of the sharpest clashes between dominant and minority groups in urban centers. Their negative perceptions of police treatment, and the apparent hopelessness of bringing about intradepartmental change resulted in strong attempts by minorities to make police more accountable to civilian authorities. While the civilian review board movement aborted in most cities, Milwaukee discovered that it possessed such a board for half a century. The city charter of 1911 empowered the fire and police commission to hear and dispose of complaints registered against police by "freeholders," or property owners. In 1969 the property requirement was eliminated, enabling "electors" to file complaints.

The FPC did not exercise its powers to hear citizen complaints for nearly 60 years; one reason for this is the public's ignorance of the FPC function.

Another factor responsible for the dearth of complaints was the FPC process itself. Until Charles Mentkowski came to the commission in 1968, the FPC routinely handed over to the department the responsibility

³³Transcript #9, p. 11.

for investigating citizen complaints of police misconduct. Mentkowski has changed that practice so that now the FPC does its own investigation.³⁴

An article in the October 1971 issue of The Milwaukee Badge, a PPPA publication, outlined the FPC complaint process:³⁵

1. Upon receipt of the complaint, a number is assigned to the case.
2. The complaint is given to the full Commission at an open meeting during the conduct of business.
3. The Chairman of the Commission refers the complaint to the Rules and Regulations Committee of the Commission for study to determine jurisdiction; is the complainant an elector or free-holder? Does the complaint on its face warrant action by the Commission?
4. The Commission in executive session with their legal advisor, from the City Attorney's office, discusses the complaint.
5. The Officer is then notified of the next Fire and Police Commission meeting. The Rules and Regulations Committee reports to the full Commission on the complaint with recommendations.
6. If the Commission should decide to pursue the matter, the complaint is referred back to the Rules and Regulations Committee of the Commission for investigation.
7. The Officer is then served with a NOTICE OF INVESTIGATION AND A COPY OF THE COMPLAINT.
8. The Commission then conducts its investigation.
9. The Officer is then served with a NOTICE OF TRIAL.
10. The trial.

³⁴Transcript #2, p. 93.

³⁵Don Abbott, "Legal Claims - Your Protection" The Milwaukee Badge October 1971, p. 4, original emphasis.

The author notes that since the FPC is counseled by the city attorney, the accused police officer must rely on the PPPA's attorney, Gerald P. Boyle. Boyle himself describes the PPPA's past record of defense against FPC complaints as "excellent," but finds that the absence of a pretrial hearing works to the officer's disadvantage.³⁶ He also views the FPC hearing as a forum for minor incidents, since if a citizen had a serious matter against an officer, the case would be taken directly into court.

The Wisconsin Civil Liberties Union "started out four years ago hammering away at the complaint system," and the director of the WCLU is pleased with the changes that have occurred subsequently in the complaint structure.³⁷ This is due, he feels, to a combination of direct orders from the courts to the FPC and to a change both in membership and in attitude on the commission. Although the board doesn't bend over backwards to help people with complaints, it does "fairly and honestly consider complaints that come before it." The WCLU also noted that the commission's other duties, such as dispensing Federal monies and administering police personnel matters are given more serious attention than is the complaint process.³⁸

Other participants observed that the ex-convict who has lost the right to vote is unable to file a complaint. Ex-convicts, a disproportionate

³⁶"Lawyer's Corner" The Milwaukee Badge October 1971, p. 4.

³⁷Transcript #9, p. 63.

³⁸Ibid., p. 71

number of whom belong to minorities, tend to be frequent targets for questioning. Yet they have no recourse to the system.³⁹

It was also reported to the State Committee⁴⁰ that correlations have been observed between the degree of injury sustained in a police confrontation by an arrestee and the severity of the charge imputed to the arrestee. Persons who have been severely injured in a confrontation with police very frequently are charged with a felony, such as assaulting an officer, while those who have been merely pushed around by police receive misdemeanor charges such as obstructing an officer.

It is the practice of the FPC to defer hearings on police misconduct until the court case has been disposed of. Frequently the citizen cannot afford an attorney or the time needed for a court case. Thus the countercharge by the police officer impedes the citizen's access to the complaint system, if it does not dissuade him altogether from applying to it. The community relations specialist said that sometimes in the course of his investigation, a complaint is reassessed by the complainant and withdrawn.⁴¹

The commission discontinued routing citizen complaints to the police department for investigation in 1969. It began keeping records of complaints received the following year. As Table 4.7 indicates, seven complaints have gone to the trial stage. Thus far all but one have

³⁹Transcript #1, p. 55, #5, p. 190.

⁴⁰Transcript #9, pp. 71, 94.

⁴¹Transcript #1, p. 11.

been decided in favor of the policeman. The lone exception was appealed in court unsuccessfully by the PPPA, and the board ultimately suspended the two officers for 6 days. Sanctions available to the board when it finds misconduct are suspension, demotion, or removal from the force. There is no provision for a less severe penalty, such as reprimand. A change in State law is required and Commissioner Mentkowski stated that legislation has been introduced to provide reprimand and conciliation powers.⁴²

D. Community Involvement With The Police: Control or Access?

As mentioned earlier, the focus of minority demands for police reform has shifted from intensified programs in community or human relations to programs involving a degree of community control. The basic tenet of community control proposals is that large urban police jurisdictions should be made smaller, allowing for better communication between residents and police.

Briefly, proponents of community control of local police argue that their system offers two great advantages:⁴³

1. Working in smaller areas, police will be better informed about the area they serve.
2. Citizens will have more capability to articulate demands for service, will be better informed about the police, and will provide more support for the local police.

⁴²Transcript #2, p. 107.

⁴³Elinor Ostrom and Gordon Whitaker, Black Citizens and the Police: Some Effects of Community Control, presented to the American Political Science Association, Sept. 1971, pp. 4ff.

Arguments against community control hold that:⁴⁴

1. It is an inefficient proliferation of administrative machinery.
2. It will result in less professional police service, with fewer checks against corrupt practices.
3. It will lead to greater racial separation, and unless a significant reallocation of resources were to occur, poverty areas would be unable to meet their needs.

It is not the purpose of this Committee to discuss the merits of community control of local police. The Committee is unaware of any American city in which a system of community control has been implemented; the closest approximation is a pilot project in Dayton, Ohio. The police department there has received several hundred thousand dollars from the Federal Law Enforcement Assistance Administration (LEAA) to develop a "Community-Centered Team Policing Program," which "has met with great enthusiasm by the vast majority of citizens in the affected area as well as the police officers involved."⁴⁵ The major thrust of the program is to introduce a team of police officers, each having a specialized expertise, into an area with a high crime rate. Heavy emphasis has been placed on establishing a positive relationship with area residents; a citizen's advisory council was formed, and the community had a voice in selecting police personnel for the area, which covers approximately one-fourth of the city of Dayton.

The team policing project has been buttressed by another innovative Dayton program, the Conflict Management Team. Created as a replacement for the department's community relations unit, the conflict management

⁴⁴Ibid.

⁴⁵Taken from the project description (70-DF-418) submitted to LEAA by the Ohio Law Enforcement Planning Agency, 1971.

team was "commissioned to improve police community relations through improved police operations."⁴⁶ The team is subdivided according to four areas of concern:

Conflict identification: the team seeks to identify potential as well as obvious conflict issues. Its work includes reporting environmental hazards to the proper agencies and establishing liaison with "militant" or activist groups.

Community organization: the team sponsors neighborhood workshops where residents ask or complain about police service. The team also provides technical assistance in organizing block clubs.

Public information: team keeps residents and rank and file informed with factual data, reducing tensions caused by rumor.

Youth aid: the team provides pre-criminal counseling for potential delinquents, and arranges programs designed to provide community youth with positive contact with police officers.

According to a departmental bulletin of March 1972, both programs have been favorably evaluated by a team of researchers from Wright State University. The Dayton work has received attention from the national media. The programs have been successful, according to a Department of Justice official, because the participants have been careful to avoid functioning as an intelligence agency.⁴⁷ Other projects, less ambitious with respect to the degree of community involvement, have begun in Atlanta, Georgia and Washington, D.C.

⁴⁶Dayton, Ohio Dept. of Police, Conflict Management: a new response to community disorder, p. 1.

⁴⁷Interview with Werner Petterson of the Community Relations Service, Department of Justice, Apr. 7, 1972.

Citizen Complaints Against Milwaukee Police Officers
(1970-71)

	<u>1970</u>	<u>1971</u>
New Complaints Processed	37	18
Dismissed on merits, without investigation	15	0
Dismissed, lack of jurisdiction	13	3
Dismissed after investigation	4	4
Withdrawn	2	1
Set for Trial	3	4
Trials Completed	0	4
Investigation Pending	3	1
Awaiting Action	0	1
Court Appeals (Complaints previously filed)		
Dismissed on merits	0	1
Returned for further action	0	1

Isolation of the Milwaukee Police Department

Efforts made by Milwaukians to improve the quality of police relations have been without success. The State Committee heard the department strongly praised by its supporters; none of its critics raised the charge of corruption. Some in fact, expressed serious concern for policemen's civil rights.⁴⁸ Critics and supporters were in agreement on one point, however: The Milwaukee Police Department is not accessible to the people it serves. Most observers attributed this to Chief Breier's narrow definition of police work, in which he views himself as the official expert who needs no outside views.⁴⁹

The non-access pervades all aspects of police duty. According to a former community leader on the near south side, a group of police officers asked the Spanish Center for help in learning Spanish. A program was set up, but the officers suddenly withdrew because of pressure from the administration.⁵⁰ An official of the Commission on Community Relations reports that in 1968 two police officers attended a meeting dealing with racial problems in a north side school. The principal Black spokesmen at that meeting indicated their approval of this first expression of concern by the police. It was also the last, for the chief castigated the black for their rudeness and prohibited further participation by his officers.⁵¹

⁴⁸Transcript #9, p. 62.

⁴⁹Transcript #1, p. 6, 14; #8, p. 101ff.

⁵⁰Interview of July 9, 1971.

⁵¹Transcript #8, p. 64ff.

Policemen interviewed as well as other observers⁵² blamed the subservience of the departmental leaders closest to the chief for thwarting efforts for improved relationships with citizens. Suggestions from the lower ranks reportedly are routinely turned down; a proposed patrolman's handbook of functional Spanish phrases was one such victim.⁵³

Recitation of anecdotes depicting departmental unconcern could continue indefinitely. The list of those who have attempted in vain to meet with the department include, in addition to most community organizations in the city:⁵⁴

The Kerner Commission (National Advisory Commission on Civil Disorders)
 Committees of the State Legislature
 Kenneth Bowen, Community Relations Specialist of the FPC
 The Social Development Commission
 The American Civil Liberties Union
 Milwaukee Aldermen
 The State Attorney General
 The State Crime Laboratory
 The PPPA
 The Police Education Study Committee (Judge Moser)

This insulation from outside communication increases the problem of policemen working in minority neighborhoods. Strongly resented as foreign armies of occupation--a charge not totally lacking justification (see Figure 4.1)--they are severely hampered by the department's gag rule from establishing rapport with residents.

Despite the finding of the President's Commission that the majority of Americans are satisfied with their police (see above, p. 55), a recent

⁵²Transcript #1, p. 53.

⁵³Interview of October 16, 1971.

⁵⁴Milwaukee Sentinel, September 20, 1971.

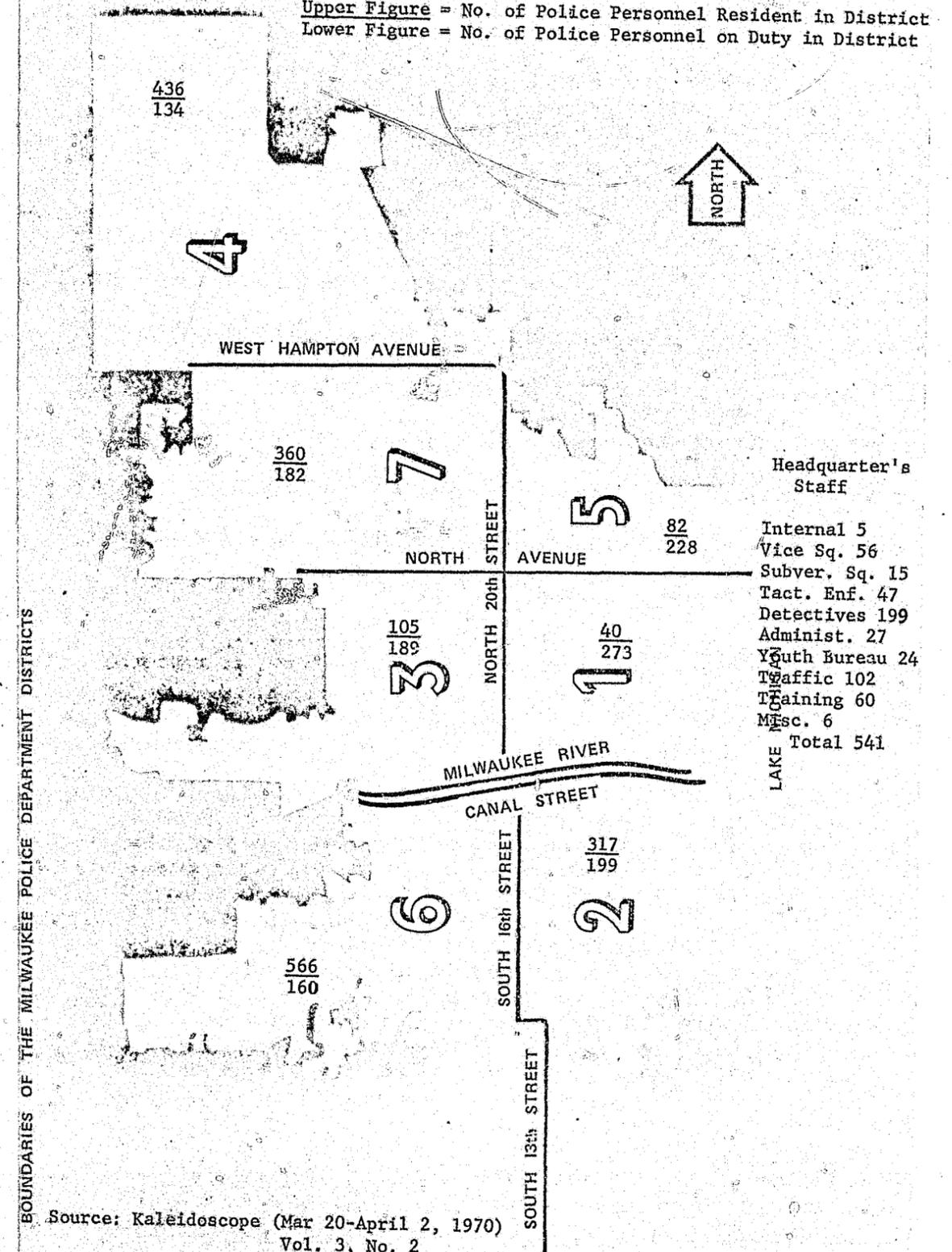
CONTINUED

1 OF 2

Figure 4.1

Residential and Duty Assignment Patterns of Milwaukee Policemen, by District

Upper Figure = No. of Police Personnel Resident in District
Lower Figure = No. of Police Personnel on Duty in District



Source: Kaleidoscope (Mar 20-April 2, 1970)
Vol. 3, No. 2

highly regarded study of Denver policemen⁵⁵ found police officers highly concerned about community disrespect. "Public disrespect and misunderstanding" was the second most troubling item to the officers (25 percent), finishing closely behind "job hazards" (26 percent). An equally respected study on police in a California city found that "relations with the public" (26 percent) and "racial problems and demonstrations" (23 percent) were the greatest problems policemen face.⁵⁶ Police were also found to be more clannish than other occupational groups.⁵⁷ The clubby semi-naristic atmosphere in a department which allows entry only at the lowest rank, further tends to increase the psychological distance between Milwaukee police officers and minority citizens.

The Denver report noted a qualitative difference in services rendered to particular groups within the city. In the view of the officers surveyed,

assistance calls not involving criminal violations were most likely to come from the dominant well-to-do parts of the city. Low-income areas in which Negro or Spanish-named minorities lived were least likely to require non-enforcement assistance. At the same time, officers indicate that the most ambiguous situations, situations in which the decision to apply legal sanctions is most difficult, arise in precisely those areas characterized by low incomes and high concentration of minorities. Police officers are very consistent in their testimony about what to expect at different locations in the city.⁵⁸

⁵⁵David H. Bayley and Harold Mendelsohn, Minorities and the Police New York; The Free Press, 1969, p. 52.

⁵⁶Jerome H. Skolnick, Justice Without Trial: Law Enforcement in Democratic Society; New York: John Wiley & Sons, Inc., 1966 p. 50.

⁵⁷Ibid., p. 53-62.

⁵⁸Op. cit., pp. 73f.

Although the Milwaukee department has not been surveyed, there is no reason to doubt that roughly the same mental "neighborhood maps" are not carried by the Milwaukee police. Persons interviewed⁵⁹ tended to confirm rather than destroy the impression. The political conservatism found among Denver policemen also is generally believed applicable to most urban departments in the nation.⁶⁰

Again, the strongest, most consistent charge leveled against the Milwaukee Police Department by city officials and private observers relates to the MPD's "inwardness" its isolation from the people it is committed to serve. The residential concentration of Milwaukee's policemen is on the city's outer fringes, away from racial minorities. In the view of Kenneth Bowen,⁶¹ this impedes police from relating better to inner city problems. It decreases the likelihood of police and minorities meeting under favorable off-duty conditions. As seen earlier (Chapter III), the minuscule human relations training program cannot counterbalance the typical recruit's deficient exposure to racial and cultural pluralism. In addition, there is no program of inservice training in human relations for veteran policemen. The only human relations courses given by the community relations specialist have been to recruits in the police training school;⁶² hence all officers who entered the department prior to 1968 have had no exposure to Mr. Bowen's training.

⁵⁹Transcript #5, p. 198; #11, p. 66ff.

⁶⁰Op. cit., p. 23; Arthur Niederhoffer, Behind the Shield, Garden City, N.Y.: Doubleday & Co., Inc., 1967 p. 144.

⁶¹Transcript #1, p. 23.

⁶²Ibid., p. 19.

The charge of racism among policemen is not a new one, nor one foreign to Milwaukee. This investigation encountered such charges⁶³ and it is foolhardy to think any institution or profession free of racists. Perhaps more remarkable, however, was the concern shown by officers interviewed--young and old alike--for improvement in their relationship with minorities. This concern for improved community relations is reflected also in the Denver research:

It would be a profound mistake to conceive of policemen as being adamantly opposed to change in their relations with the community. In many ways, there is nothing they want more. This is not to say that they will accept uncritically whatever new programs are suggested. But critics of the police should realize that policemen themselves are almost pathetically amenable to rehabilitation. Those people who would renovate police-community relations would be well advised to build upon this desire for improvement that is a fundamental result of the policeman's minority status.⁶⁴

⁶³E.g., Transcript #11, p.79.
⁶⁴Bayley & Mendelsohn, op.cit., p. 56.

POLICE DEPARTMENT

September 15, 1971

Table 5.1

ORIGINAL REQUEST 1972	EXPENSE CATEGORY	BUDGETS			EXPENDITURES	
		PROPOSED 1972	1971	ACTUAL 1970	1970	1969
\$29,172,451	SALARIES AND WAGES	\$27,100,645	\$23,719,148	\$21,775,993	\$22,885,809	\$20,933,326
382,200	SUPPLIES AND MATERIALS	357,700	368,050	360,175	351,590	358,344
501,060	EQUIPMENT & FACILITY RENT	460,350	366,931	389,100	400,712	281,111
1,296,321	SERVICES	1,118,111	944,405	957,745	1,064,876	1,009,830
513,290	EQUIPMENT (Additional and Replacement)	546,125	491,214	318,420	331,378	389,279
6	SPECIAL FUNDS	6	6	6	-	-
\$ 31,865,328	TOTAL	\$29,582,937	\$25,889,754	\$23,801,439	\$25,034,365	\$22,971,890
<u>SUMMARY</u>		A. 1972 RECOMMENDATION	\$ 29,582,937	C. 1972 RECOMMENDATION	\$ 29,582,937	
		B. 1972 REQUEST	31,865,328	D. 1971 ADOPTED BUDGET	25,889,754	
		CHANGE (A - B)	\$ -2,282,391	CHANGE (C - D)	\$ 3,693,183	

A net change of 234.00 positions, expressed in man-year equivalents, amounting to \$ 2,334,948 are requested for 1972. -3.1 positions (man-year equivalents) amounting to -\$ 36,950 are recommended. The remainder of the Salary & Wage change, \$ 3,418,447, is primarily due to: Salary and wage changes already in effect for 1971 and continuing into 1972 or the inclusion of the City's last offer to the PPPA before entering fact finding.

Actual approved 1972 budget total: \$30,514,090

Source: City of Milwaukee, Bureau of Budget and Management Analysis

V. MAJORITIES AND THE POLICE

As stated earlier (p. 3), white Americans may well have come to accept police-minority hostilities as a fact of urban life. Surveys have shown consistently that public safety is a grave concern for city dwellers and suburbanites alike.¹ The problems associated with the terms "safe streets," "law and order," "crime in the streets," and "support your local police" have received wide coverage from the media, and the increasing Federal outlays for crime control are testimony to the responsiveness of political leaders to this sensitive issue. The ghetto riots of the 1960's have tended to focus the attention of whites on the role of the police as protector of property and master of order. As a result, police departments have received conspicuous public support; budgets have grown, placing further strain on already burdened city revenue sources. The police department's cost to Milwaukee taxpayers has increased by more than seven and one half million dollars--exclusive of additional outlays for unanticipated overtime--between 1969 and 1972. (See Table 5.1) This represents a 29 percent increase in that period of time.

Management Practices

While the cost increases of the department have led the common council to initiate--and impose against the chief's wishes--a study of the

¹See "Fear of Crime Could Be 'Sleeper' Issue in '72 Campaign," Gallup Opinion Index No. 82, April, 1972 pp. 10ff.

department's management practices, the police budget has not become a contentious public issue. In a 1971 study by The Urban Observatory,² two-thirds of Milwaukeeans interviewed believed their local taxes were too high. In the same 10-city survey, Milwaukee stood out as the only city with a substantial segment (18 percent) which believed city employees' salaries actually should be lowered. Yet few complaints have been directed toward police department spending. At a city council budget hearing, one man (who happened to be a suburbanite) opposed the council's proposed police management study as an attack on the police.

The chief's popularity, stemming from general gratitude to him for the absence of serious riots in Milwaukee, was frequently noted by persons interviewed.³ His popularity has inhibited elected officials from exercising closer scrutiny over the police budget.⁴

The secretiveness which pervades all aspects of Milwaukee Police Department operations prevents an accurate accounting of how funds are spent. Hopefully the proposed management study will shed some much needed light. Until then, doubts continue to be expressed. A recent, sympathetic study of Mayor Maier's administration mentioned the "nepotism, circumvention of civil service rules, and patronage"⁵

²The Urban Observatory: "City Taxes and Services: Citizens Speak Out" August, 1971 Washington, D.C.

³Transcript #8, p. 68, p. 101; #1, p. 15; #9, p. 66; #1, p. 57.

⁴Transcript #7, p. 28f.

⁵Ralph Whitehead, Jr., "Milwaukee's Mercurial Mayor Maier" City March/April 1972, p. 17.

characteristic of the Milwaukee Police Department.

Federal Grants

According to State officials, the Milwaukee Police Department is reluctant to apply for Federal law enforcement grants.⁶ While the city's department of fiscal liaison has made considerable and imaginative use of this type of grant, relatively little--other than for equipment--has gone directly to the police department. Whether for fear of interference from the Federal Law Enforcement Assistance Administration--unfounded in view of LEAA's performance--or out of characteristic reluctance to interact with other agencies, the department's requests have been few.

In the brief history of Federal Safe Streets Act funding, the Milwaukee department has developed a reputation for remaining aloof from cooperative interagency programs, despite the cost-free nature of such programs. This is particularly true where the program theme relates to community relations or police education. Thus far, however, few have questioned the department's bypassing of additional Federal monies. Critics of the department do not wish to see its budget increased, while others are loath to risk being called a critic of the Milwaukee Police Department.

⁶Appendix B; Transcript #8, p. 85.

Use of Policemen for Clerical Work

Personnel Director Robert Garnier told the Committee that although his department has "discouraged it to the extent we could," there is probably still too great a use of uniformed policemen for office work.⁷ He described how his office, with the strong support of Commissioner Block, then chairman of the fire and police commission, established the police aide program in 1951. Budget Director Edward Whitney estimates that approximately 130 jobs now held by police officers could be reclassified to civilian status.⁸

Educational Drain

A real but unquantifiable added expense to Milwaukee taxpayers has to do with the number of police officers who have left the department after obtaining a college degree. Policemen told this Committee that since nothing is done to retain those who have earned degrees, many have left Milwaukee, taking jobs with other departments, with police science schools, or with State or Federal agencies.⁹ Given the paucity of college degree persons in the current administration (see p. 28), this educational drain can have serious long range repercussions, in addition to being an unprofitable expense. In 1972, the city will pay \$43,540 in educational bonuses, an increase of \$16,000 over the previous year. While programs to upgrade police

⁷Transcript #7, p. 58.

⁸Transcript #7, p. 61.

⁹Transcript #4, p. 164.

education are recommended by this Committee and reimbursable through Federal funds, the practice of secretiveness prevents any meaningful cost-efficiency analysis, not to mention comparison with other police departments.

Finally, the cost of civil disturbances can often be large or small, depending on the reaction of police officers. A department with personnel untrained in crowd dispersal techniques can cost citizens large sums in property damage and revenue losses. In recent years, welfare rights advocates, Chicano and Puerto Rican organizations, and white youths wishing to congregate around an east side fountain have demonstrated frequently. On several occasions, these demonstrations have been of great cost to the city in terms of police overtime, property damage, and community dislocation. Again this cost is ignored by the majority of citizens. There is a clear need for analysis of goals and objectives as well as a study of management and budget practices regarding public safety in Milwaukee.

VI. AUTHORITIES AND THE POLICE: A MATTER OF ACCOUNTABILITY

The absolute power of the chief of the Milwaukee Police Department and the department's immunity from influence by popularly elected officials has already been stated. No agency of local government, however, is completely sovereign and self-sufficient. The fire and police commission, the mayor and the common council, the city attorney and the district attorney, the State legislature and the Wisconsin Council on Criminal Justice, and the United States Department of Justice, interact in varying degrees for the safety of Milwaukians.

A. Fire and Police Commission

Article 62.13 of the Wisconsin statutes directs each city to have a five-member board of fire and police commissioners. Chapter 29, section 1 of the city charter stipulates that no more than two members shall belong to the same political party. Members are appointed to 5-year terms by the mayor, subject to confirmation by the common council. They receive a stipend of \$1320 per annum for attending board meetings and administering examinations. The present chairman is Charles W. Mentkowski, associate dean of Marquette University Law School. Marjorie L. Marshall, vice-chairman, an attorney, is in private practice.* Richard Block, who has been a member of the board since 1949, is Business Agent for the Sheet Metal Workers' Union.

*In July 1972 Mrs. Marshall succeeded Mr. Mentkowski as chairman; Mentkowski in turn was named vice-chairman.

Louis L. Miller, Jr., is a contract compliance examiner for the Federal Government. Commissioner Julius L. Drozewski died on March 6, 1971. The vacancy was filled in November 1971, when the mayor appointed John Giacomo, executive vice-president, AFL-CIO, to fill the unexpired term.

As the agency established (in 1885) to provide citizen oversight of the police and simultaneously to protect the department from undue outside interference, the Milwaukee Fire and Police Commission has performed well in its second role. The FPC's traditional function has been that of a personnel board,¹ screening and testing candidates for entry to or promotion in the fire and police departments. Typically, they rubber-stamped the decisions of the chief, upon whose information flow the part-time board members depended heavily.

A reading of the State law and the city charter confirms the essentially concurring nature of the FPC. Its major initiatory role comes into play only when a vacancy occurs in the top executive position in the police and fire departments. The moment the FPC selects a chief its job is largely done; thereafter it merely approves the personnel appointments of the chief. (Ch. 29.02; St. 62.13(4)) The police and fire chiefs "shall have power to regulate said departments and prescribe rules for the government of its members." (Ch. 29.22)

¹Transcript #8, p. 77.

Another major function of the FPC is to serve as a review board in disciplinary cases. It reviews suspensions appealed by policemen and it hears complaints against police officers lodged by citizen-electors. This role is discussed in another section (see page 67).

Since 1968 the Milwaukee Fire and Police Commission has taken on a new duty which has given it considerably more importance and prestige than it heretofore enjoyed. In that year Mayor Maier designated the commission as the Wisconsin Council on Criminal Justice's regional supervisory board for the city of Milwaukee. In this capacity the FPC reviews applications for Federal Safe Streets grants. Thus far the decisions of the FPC have been routinely ratified by the State (Wisconsin Council on Criminal Justice) and Federal (Law Enforcement Assistance Administration) funding agencies, thereby giving the commission the leading voice in criminal justice planning for Milwaukee. In 1971 it dispensed nearly three million dollars in Federal funds to public and private agencies in the city of Milwaukee. (See Table 6.1)

This new responsibility has tended to broaden both the mandate and the perspective of the board, and while many still see it as over-protective of the police chief,² a few observers have noted a recent receptiveness to change,³ particularly among the latest appointees of

²Transcript #8, p. 61; #5, p. 202.

³Transcript #9, p. 51.

Table 6.1

History of Safe Streets Funding in Milwaukee
Federal Share Only

<u>YEAR</u>	<u>AMOUNT</u>
1968	27,774.00
1969	208,958.33
1970	828,035.34
1971	2,808,576.96*
TOTAL	<u>3,873,344.63</u>

Source: Milwaukee Fire and Police Commission (1971)

Milwaukee Department of Fiscal Liaison (1968-1970)

*(For itemized expenditures by program, consult Appendix A.)

Mayor Maier.⁴ The FPC also has official responsibility for community relations and minority recruitment, discussed elsewhere in this report.⁵

The weak structure of the board and its part-time nature were criticized;⁶ Commissioner Mentkowski thought that a board of public safety, consisting of three full time commissioners with power to set law enforcement policy, would be better suited to the current needs of a large urban area like Milwaukee.⁷

Several observers viewed the FPC as hostile to any outside organization or individuals concerned with the quality of law enforcement in Milwaukee. Representatives of the Milwaukee Commission on Community Relations told of meeting with the FPC in July 1968 to discuss ways of improving police community relations. The FPC board members sat in elevated seats, as if in judgment on their colleagues from other city agencies. Instead of discussing issues bilaterally, the board required the others to come singly before it as would a plaintiff before a court. Matters worsened when one board member, apparently unaware that his choice of words was offensive, said the members "were doing everything they could to recruit colored boys to the police department."⁸ The commission on community relations suggested that the police department send an officer regularly to the new CCR office in the black community. The suggestion was turned down.⁹

⁴Transcript #9, p. 73.

⁵Ibid., p. 11, p. 37.

⁶Transcripts #1, p. 45; #1, p. 65.

⁷Transcript #2, p. 84.

⁸Transcript #8, p. 60.

⁹Ibid., p. 61.

The Committee also heard complaints that the FPC responds in a negative, or minimal fashion to requests for information¹⁰ or suggestions for improvement,¹¹ and that its members prefer to be ignorant of questionable police activities.¹² Its practice of holding secret, executive sessions was also attacked.¹³ It has given some slender indication of willingness to become more than a mere rubber stamp to the chief. It no longer hands over the investigation of citizen complaints to the department; it has awarded Federal funds to groups which are not notably friendly with the police department; and, it has made some attempts, however futile, to attract more minorities. It could do much more, especially in the matter of revising entry and promotional requirements.

It has sole authority in those areas and can, if it wishes, set standards which better correspond to contemporary police duties. It could also publicize more widely its complaint processing capacity; at present the policy is not to advertise this FPC function.¹⁴ Milwaukee police officers have not been greatly disturbed by its recent resurrection.¹⁵ An active complaint system would aid the commission by pointing up that its constituency is broader by far than the department alone.

A board official indicated¹⁶ that the appearance of negativism is due in part to not wanting to raise false expectations, since many requests cannot be met without concurrence from the police department.

¹⁰Transcript #9, p. 77.

¹¹Transcript #5, p. 200.

¹²Transcript #1, p. 66.

¹³Transcript #8, p. 188.

¹⁴Transcript #3, p. 138.

¹⁵Transcript #4, p. 140f.

¹⁶Interview of March 6, 1972.

This Committee found the FPC as cooperative in responding to informational requests as most governmental agencies.

Law Enforcement Assistance Administration (LEAA)

The Omnibus Crime Control and Safe Streets Act of 1968 created the Law Enforcement Assistance Administration and placed it within the Department of Justice. LEAA's purpose is "to give large-scale financial and technical aid to strengthen criminal justice at every level throughout the nation."¹⁷

The LEAA views law enforcement as a State and local responsibility and the Safe Streets Act insists it must remain so. The Federal or LEAA role is that of a partner, to provide needed Federal aid and help in comprehensive criminal justice planning. Since its inception, LEAA has awarded more than \$17 million in Federal funds to the State of Wisconsin, of which about 22 percent was funneled to the city of Milwaukee (see Appendix A). As the total LEAA appropriation has nearly doubled each year since its inception, the shares of local agencies have increased proportionately.

LEAA guidelines require State agencies to provide broad representation of law enforcement, judicial, and correctional systems, urban-rural balance, and involvement of community interests. According to Executive Director Walter Kelly of the Wisconsin Council on Criminal Justice, the regional office of LEAA has said that the Milwaukee Fire and Police

¹⁷The Law Enforcement Assistance Administration: a program for a safe, more just America, Washington, D.C. USGPO 1970, p. 3.

Commission "does not comply with those LEAA guidelines and it must be changed and we are presently in the process of negotiating that change."¹⁸

When Kelly appeared before this Committee in December 1971, he was working on a plan to establish a Metropolitan Milwaukee Criminal Justice Council which would consolidate the LEAA grant-dispensing functions of the FPC and the Safe Streets Council of Milwaukee County. The latter group administers grants for all municipalities in Milwaukee County other than the city of Milwaukee. Kelly hoped that the metropolitan consolidation would be resolved by April, 1972, but lack of enthusiasm for a merger by city and county officials has slowed the process.^{18a}

¹⁸ Transcript #8, p. 84. The Committee invited John Jemilo, the LEAA Regional Director in Chicago, to attend its January 12, 1972 hearing session. Jemilo forwarded the invitation to LEAA's Director for Civil Rights Compliance, Herbert Rice, who requested an opportunity to respond in writing rather than come to Milwaukee personally. When asked to comment on the representativeness of the Fire and Police Commission relative to LEAA guidelines, Rice replied that he had received no information "which would lead me to believe that the Milwaukee Fire and Police Commission is not representative of the community it serves." (See Appendix D) When on April 13, 1972 a State Committee staff member contacted Jemilo to seek clarification on the discrepancies between Mr. Kelly's statements and the LEAA reply, Jemilo again deferred to Rice. Rice once more pleaded his ignorance, and requested that the conflicting statements be submitted to him in writing. Told that this would be impossible because of time shortage, Rice refused to allow Jemilo to address the question.

^{18a} In July 1972 a Metropolitan Milwaukee Criminal Justice Council was created. It will consist of 21 members--seven to be appointed by the Governor, six by the Mayor of Milwaukee, five by the Milwaukee County Executive and three by suburban representatives. See "7 Appointed to Justice Panel Here," Milwaukee Journal, July 7, 1972, p. 22.

In its brief existence, LEAA has received criticism from many sides, including the National League of Cities and the United States Conference of Mayors^{19/}, which have charged LEAA with neglecting urban centers with high crime rates while outfitting rural areas with basic equipment and weaponry usually purchased with local funds. Civil rights groups have criticized LEAA for lax enforcement of antidiscrimination and equal opportunity requirements.^{20/}

In December 1971 the Center for National Policy Review, in behalf of the Leadership Conference on Civil Rights and others, filed a petition with the Attorney General and the LEAA Administrator, calling for regulatory changes to outlaw funding of agencies or programs engaged in racial discrimination. The petition noted the lack of racial data for employment in law enforcement, cited LEAA's continued funding of agencies which had been judged guilty of employment discrimination, and called on LEAA to implement strong measures, including pre-award compliance reviews and funding termination where discrimination has been discovered.^{21/}

^{19 /} Street Crime and the Safe Streets Act: What is the Impact, Washington, D.C., February, 1970. Statement on Operation of Omnibus Crime Control and Safe Streets Act of 1968, presented to Joint Economic Committee, Washington, D. C., October 12, 1970.

^{20 /} United States Commission on Civil Rights, Federal Civil Rights Enforcement Effort: One Year Later, 1971 at 145 ff

^{21 /} Petition for Regulatory Change made by the Leadership Conference on Civil Rights; The National Spanish Speaking Coalition; The NAACP Legal Defense and Education Fund, Inc.; the Afro-American Patrolmen's League; and, the Native American Legal Defense and Education Fund, Inc., December 9, 1971, Washington, D. C. See also January 20, 1972, letter from Mr. John A. Buggs, then Staff Director-designate, U. S. Commission on Civil Rights, to Mr. Jerris Leonard, Administrator, Law Enforcement Assistance Administration, transmitting Commission staff memorandum commenting on the substantive points raised in the petition.

More recently, LEAA's civil rights compliance program has shown some signs of improvement. A compliance report form covering police-type agencies has been distributed to appropriate recipients, and a tentative system for analyzing the data which will be submitted has been established. Similar report forms covering correctional institutions and court systems, however, still have not been put into final form.

Although LEAA still has not performed any pre-award reviews, the agency has finally undertaken onsite, post-award compliance reviews dealing with both employment and Title VI matters. Further, LEAA has proposed guidelines relating to minority representation on planning bodies and to minimum height requirements used in the employment of peace officers. Adoption of these guidelines as drafted would be a positive measure that is clearly needed. Similarly, in terms of recipients' employment practices, LEAA recognizes the need for imposing affirmative action requirements, but only on a limited basis; LEAA staff continue to take the position that the prohibition against quotas in its program legislation bars the agency from requiring recipients to establish goals and timetables, an interpretation which the Commission feels is unwarranted.

Notwithstanding these paper improvements, in the view of this Committee, the actual performance record of LEAA regarding civil rights has not been encouraging. It has served as a fat new pork barrel for law-and order, allowing institutions such as the Milwaukee Police Department to increase their weapons and equipment inventories without providing training in human relations for its men or upgrading its minority representation.^{21a/}

Fire and police commission records show that since 1969 the MPD has requested and received Federal grants for the following categories:

Riot Control	\$ 27,714
Mobile Van	79,950
Police Aide Program	103,558
Communications and Computer Equipment	<u>522,677</u>
	733,899

Of this amount, only the police aide program directly involves upgrading of personnel, and its failure as a vehicle for minority entry has been acknowledged by the FPC. In addition, this Committee received testimony that Chief Breier had opposed the funding of other LEAA proposals designed to improve police community relations.^{22/}

21a / See Law and Disorder II -- State Planning and Programming Under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, prepared by the National Urban Coalition (Aug. 1970). See also House Comm. on Government Operations, Block Grant Programs of the Law Enforcement Assistance Administration, H.R. Rep. No. 92-1072, 92nd Congress, 2nd Session 10 (1972): "There is an important question whether the pouring of substantial Federal funds into police hardware, much of which has not been objectively evaluated, at the expense of other segments of the criminal justice system is justifiable in light of the goal of the Safe Streets Act - a 'comprehensive' attack on crime. Moreover, it is doubtful that the great commitment of funds to hardware has produced appreciable improvements in overall police effectiveness.

^{22/} Transcript #4, p. 183

The department refused to create a community relations unit. It has refused to meet with minority groups concerned with police problems. It claims to have excellent relations with Milwaukee's Latin population, which Latins stoutly deny. The department has refused to cooperate with efforts to obtain even the most basic information on minority representation; moreover, it admits its personnel records are not designed to generate such basic information. It is one of two city agencies which did not cooperate with the equal opportunity survey undertaken by the city's Commission on Community Relations.

The Chicago Police Department, with a minority representation of 20 percent, has become the object of an investigation by LEAA for employment discrimination. The Chicago department has a 15-man human relations unit, employs more than 400 persons as community service aides, and issues departmental orders urging its officers to help recruit minority policemen. Without exonerating, Chicago, it would appear by comparison that the Milwaukee Police Department is even more worthy of LEAA investigation. The Wisconsin State Committee/ U. S. Commission on Civil Rights calls upon the LEAA to conduct such investigation, and discontinue all Federal funds to the MPD until such time as it provides measurements showing non-discrimination in employment and takes steps to improve police relations with Milwaukee's minorities.

B. The Role of City Government

Milwaukee has built a reputation as the model for separation of police and politics. Although they are formally independent of each other, this should in no way imply that the department and elected officials

do not interact. Aldermen regularly convey constituent concerns to the district station desk sergeant or, in matters of greater import, to the district captain, or even to the chief.²³ Conversely, the power of the chief to obtain his will in the common council is reportedly very great.²⁴

Common Council

The aldermen interviewed believe that the unique aura which surrounds the current chief ("never blamed for any shortcomings in the police department")²⁵ plus the relative impotence of the individual alderman-- who represents only a fraction of the city--has inhibited the common council from having any impact on the chief. These councilmen believe the chief capable of "raising havoc in the city"²⁶ should they take strong measures to move him to any particular course of action. The city attorney's office was accused of aiding the chief in struggles with the council by its consistently narrow application of the FPC regulations most of which were formulated in 1911.²⁷

The council tries to work indirectly and incrementally for improved police services. For example, one alderman insisted that a scooter-like vehicle would be less expensive than a squad car and better suited to the narrow streets of his ward. The department continually resisted

²³Transcript #7, p. 10f.

²⁴Ibid., p. 29.

²⁵Ibid.

²⁶Ibid., p. 28.

²⁷Ibid., p. 31.

the idea until the alderman persuaded the budget examining committee to purchase one vehicle and force the chief to experiment with it. The chief tried it, liked it, and asked the council for more of them.²⁸

The life tenure of the office of the chief, plus his absolute control of policy and rulemaking in the department allows him to be impervious to the mayor and the council. The identification tag incident cited by one of the aldermen who appeared before this Committee is illustrative. During demonstrations or at times when physical confrontation is possible, policemen remove their identification badges, allegedly because the badges could be ripped from the officer's jacket and used as a weapon. But this prevents individual police officers from being identified accurately and makes it difficult to substantiate brutality or misconduct charges. To remove this dilemma the council passed a resolution, with commensurate appropriation, to provide for sewing badge numbers onto the uniform blouses and jackets. The city attorney advised that this was the province of the chief, not the council. The council can only recommend, not compel changes. Some six months later the tags have not appeared on police uniforms.²⁹

The mayor and the council can exercise some influence on the police department by way of the department budget. The council can set the number of positions that the chief can fill and can determine the outlays

²⁸Ibid., p. 28.

²⁹Ibid., p. 9f.

for equipment.³⁰ As in the case of the unique motor vehicle cited earlier, the budget decisions have some impact on department operations. In practice, however, this has tended to be slight. The chief uses the protective label "confidential" to avoid responding to questions regarding the placement of personnel³¹ and since council members themselves lack the time to examine the total budget thoroughly each year,³² only new requests are given much scrutiny.³³ To obviate these difficulties, the council recently appropriated money for a management study of the MPD. Some aldermen have tried to tell the chief privately not to object publicly to the study, because it was going to be conducted regardless of his reaction.³⁴ An earlier council resolution for study by the International Association of Chiefs of Police (IACP) was frustrated due to the IACP requirement that the head of the department must cooperate with any IACP research, and Chief Breier refused to cooperate.³⁵ Table 5.1 contains a preliminary budget for 1972. The actual figure for the budget ultimately approved was \$30,514,090.³⁶

Mayor's Office

Mayor Henry W. Maier did not meet with the Wisconsin State Committee, but preferred to respond to questions submitted in writing. Appendix B contains the full text of his response. Relative to the current

³⁰Ibid., p. 12.

³¹Ibid., p. 14.

³²Ibid., p. 17.

³³Ibid., p. 19.

³⁴Ibid.

³⁵Ibid.

³⁶Interview with Mr. Rheinlander, Office of Budget and Management Analysis, April 17, 1972.

governmental arrangement whereby the chief of police is accountable to no elected official, the mayor said that "no department head, including the chief of police should be immune from accountability to the people . . . In other words, the mayor should appoint all department heads, including the chief of police, to a term of office co-extensive with his own." He feels that the State legislature should address itself to the chief's accountability, since the legislature originally granted the chief of police autonomy.

With respect to ways of improving the department, Mr. Maier suggests that the MPD must become more sophisticated if it is to keep pace with contemporary society. He advocates upgrading the talent level in the department by attracting college graduates through a system of lateral entry. He also stressed the importance of increased minority representation in the department.

The mayor also was asked whether he has had occasion to give instructions to the police department during a disturbance or other emergency. He replied affirmatively and described the department's cooperation as "extremely satisfactory." Other occasions where his role has been advisory only, have not always been satisfactory.

The extreme popularity of the chief has probably neutralized any influence the mayor may have over the department. The aldermen noted that no direct confrontation has ever occurred between the mayor and

³⁷ the chief; they attribute this to the strong popular reaction associated with any criticism of Chief Breier.

Mayor Maier's ability to exert influence over formally autonomous departments in Milwaukee city government has been described at considerable length in a recent work by a team of scholars. "During his ten years of office he has altered the basic influence relationships to the point where his position now encompasses probably as much political power as that of most big-city mayors, except Chicago's Richard J. Daley."³⁸ This he has accomplished despite Milwaukee's "weak mayor" form of city government, in which many administrative offices are controlled by independent citizens' boards or by other elected officials.

Maier's success is attributed to several factors, including his educational background and his experience as a former leader in the State legislature. By gaining the support of a significant number of aldermen and by appointing carefully to key positions, he has been able to increase his influence without severely alienating the common council. His 86 percent plurality in the 1968 election gave him still further strength in the council, which that year and again in 1972 voted pro-Maier aldermen to the crucial post of council president. This combination of administrative skill and personal popularity has enabled him to expand his influence to a degree well beyond that of his predecessors.

³⁷Transcript #7, p. 30.

³⁸Henry J. Schmandt, John C. Goldbach, and Donald B. Vogel, Milwaukee: A Contemporary Urban Profile New York, Praeger, 1971 p. 68.

The same authors note³⁹ that the Milwaukee Police Department has remained insulated from outside review of any kind, whether it be from the government or the electorate. The police department is an agency described as not especially vulnerable to the intrusion of mayoral influence. They also observe that the mayor has been quite selective in expanding his influence, concentrating on agencies susceptible of redirection and shunning those which seemed less malleable.⁴⁰

The Wisconsin State Committee/U. S. Commission on Civil Rights believes that almost all of the major deficiencies of the Milwaukee Police Department enumerated in this report are attributable to the isolated condition of the department in relation to the citizenry it serves. The responsibility for law enforcement policymaking and implementation is concentrated in an office whose incumbent is directly accountable to no one.

The MPD has no staff capability for dealing with the range of problems ususally listed under "community relations." Its police training program ignores the peacekeeping and community service functions which comprise at least 80 percent of contemporary police work.⁴¹ It has ignored Federal funds available for upgrading police training and for improving minority relations. This has contributed to a departmental atmosphere totally alien to successful recruitment of minority policemen.

³⁹Ibid., p. 39.

⁴⁰Ibid., p. 73.

⁴¹The promotional brochure put out by the FPC estimates that 90 percent of police duty is devoted to peacekeeping.

The preeminent national position which Milwaukee once enjoyed among police departments has eroded seriously over the years. It is the belief of this Committee that the erosion is due not so much to any personal inadequacy of the police chiefs who ruled during this time, but rather to the department's structure, which has insulated the entire organization from, and rendered it ill-equipped to cope with, significant changes in Milwaukee neighborhoods.

By contrast, Mayor Maier has been recognized nationally for his leadership in articulating urban needs. As indicated earlier in this section, he has demonstrated ability to bring his influence to bear upon formally autonomous city institutions. Clearly the Milwaukee Police Department is an agency in need of restructuring. This Committee urges Mayor Maier to devote his considerable influence to the task of making the MPD accountable to the electorate. Small steps have been taken by the fire and police commission which has given hints of independence from the police department. In order for genuine accountability to be established, however, the direct, personal involvement of the mayor is needed. He has indicated (see Appendix B) his desire to increase the department's accountability. This Committee believes that the mayor's leadership in this area is crucial to any sound plan to remedy the problems illuminated in this report. It further believes it would be both naive and counter-productive for this Committee to advise the mayor as to strategy or procedures for structuring accountability. It feels itself competent only to urge the mayor, as he begins his fourth term as the city's top elected official, to direct his attention and

resources to the matter of public safety in Milwaukee. Obviously the cooperation of the city council and State officials will be necessary. Experience has shown Mayor Maier capable of marshaling this support however. Given his leadership it is probable that an effort to place the Milwaukee Police Department within a system of reasonable accountability will attract supporters even from unexpected sources.

VII. FINDINGS AND RECOMMENDATIONS

Based upon 9 months of investigation by both Committee members and Commission staff, which investigation included 6 days of hearings plus interviews with government officials, police officers, and community representatives, the Wisconsin State Committee/U. S. Commission on Civil Rights reports the following findings and recommendations:

Finding 1: Pre-employment Residency Requirement

Since a large percentage of minority persons are recent arrivals from other States, the requirement of one year prior residency in Wisconsin works to their disadvantage and to the disadvantage of the Milwaukee Police Department.

Recommendation 1: The Wisconsin State Committee/U. S. Commission on Civil Rights recommends that the one year prior residency requirement be eliminated and that the fire and police commission inaugurate a program of nationwide recruitment with emphasis upon minorities.

Finding 2: Height Requirement

The 5'8" minimum height requirement excludes a disproportionate amount of minority candidates.

Recommendation 2: The Wisconsin State Committee/U. S. Commission on Civil Rights recommends that the current height requirement be reduced

or eliminated. Appropriate national organizations (e.g., the International Association of Chiefs of Police, International Conference of Police Associations, the Police Foundation) should be asked to undertake to study the feasibility of making all physical qualifications job related.

Finding 3: Revised Testing Procedures

The fire and police commission's evaluation of police and fire entrance examinations found the latter to be more job related, while the former was basically an intelligence test.

Recommendation 3: The Wisconsin State Committee/U. S. Commission on Civil Rights encourages and supports the current efforts of the fire and police commission to revise its tests for the purpose of eliminating cultural bias and to conform with actual job demands.

Finding 4: Psychological Test

At present no psychological test is given to police candidates.

Recommendation 4: The Wisconsin State Committee/U. S. Commission on Civil Rights recommends that appropriate psychological testing be included as part of the entrance examination.

Finding 5: Minority Recordkeeping

The present personnel recordkeeping system of the Milwaukee Police Department does not permit reporting the size and ranking of its minority complement.

Recommendation 5: The Wisconsin State Committee/U. S. Commission on Civil Rights recommends that the Milwaukee Police Department henceforth include racial data in its personnel records as an aid to measuring the effectiveness of its minority recruitment program.

Finding 6: Minority Recruitment

Attempts by the fire and police commission to recruit minority policemen or police aides have appeared to be well-intentioned and in the case of newspaper ads, creative and thoughtful. But the commission admits the effort has lacked success.

Recommendation 6: The Wisconsin State Committee/U. S. Commission on Civil Rights recommends that the Fire and Police Commission utilize minority police officers in full time duty recruiting minorities into the police aide and patrolmen programs.

Finding 7: Lateral Entry Positions

The fire and police commission has failed to consider the creation of entry positions at a level higher than patrolman.

Recommendation 7: The Wisconsin State Committee/U. S. Commission on Civil Rights recommends that the fire and police commission establish new police positions and requalify existing ones to enable persons having a needed expertise or advanced educational background (including minority specialists) to enter administrative jobs without having first to undergo assignment as a patrolman.

Recommendation 7a: The Wisconsin State Committee/U. S. Commission on Civil Rights recommends that lateral entry positions be created for staffing a community-centered team policing program to service high crime and high tension areas of the city.

Finding 8: Expansion of Police Aide Duties

The police aide program as currently implemented, does not provide maximum use of the resources possessed by the program's participants.

Recommendation 8: The Wisconsin State Committee/U. S. Commission on Civil Rights recommends that the duties of a police aide be expanded to include the functions recommended by the President's Commission: performing special work with juveniles; providing emergency assistance for the sick, the mentally ill or the alcoholic; and referring citizen problems to appropriate agencies.

Finding 9: Police Training

The curriculum of the Milwaukee Police Training School is glaringly inappropriate to prepare recruits for contemporary police work. The training program as presently constituted serves primarily to inculcate departmental propaganda in the candidates.

Recommendation 9: The Wisconsin State Committee/U. S. Commission on Civil Rights recommends that courses dealing with the role of the police in an urban culture be incorporated into the training curriculum. Specialists from outside the police community should conduct classes for veteran officers as well as recruits. Professional help should also be used to design a program for relevant training in

human relations. Curriculum should include the culture and language of the community to which he will be assigned.

Finding 10: Minority Advancement in the Milwaukee Police Department
Only one of the 90 highest paying positions in the Milwaukee Police Department is held by a nonwhite. The dearth of minority members in the Milwaukee Police Department administrative structure is due to past overt acts of racial discrimination.

Recommendation 10: The Wisconsin State Committee/U. S. Commission on Civil Rights recommends that a program for upgrading minority officers be instituted immediately. District Stations Five, One, and Two which serve the bulk of Milwaukee's minorities, should be staffed with minority officers at the top administrative levels.

Finding 11: Department Influence on Promotion Process

By being present for the introduction of all candidates for promotion at the fire and police commission's oral interviews, police department officials are able to exert influence exceeding the department's efficiency rating.

Recommendation 11: The Wisconsin State Committee/U. S. Commission on Civil Rights recommends that the fire and police commission require all departmental remarks concerning promotions be made in writing. No police administrators should be present for oral interviews by the fire and police commission.

Finding 12: Detective

The position of detective is at present filled by appointment after a qualifying examination. Only acting detectives with a year's prior service may take the examination for detective. Patrolmen are appointed to the position of acting detective at the sole discretion of the chief or his designees. The result is that the detectives are handpicked by the department hierarchy.

Recommendation 12: The Wisconsin State Committee/U. S. Commission on Civil Rights recommends that the fire and police commission establish procedures enabling all police officers to apply and be examined for admission to the detective bureau.

Finding 13: "Forum Shopping" by Policemen

Many acts are proscribed simultaneously by State law and city ordinance, enabling an arresting officer to choose his complaint forum - district attorney, city attorney or a judge. If the arresting officer goes to the district attorney, he may secure a criminal charge; if he goes to the city attorney, he is limited to a civil charge. If refused by the district attorney, he may go to the city attorney with greater assurance that a complaint will be issued. Police officers are thus able to circumvent any checks of prosecuting attorneys, even in weak cases. In many instances an officer by his choice of forum effectively determines the range of punishment for the offender.

enhance their chances for promotion, which are presently based on the amount of enforcement activity.

Recommendation 15: The Wisconsin State Committee/U. S. Commission on Civil Rights recommends that the Fire and Police Commission insure that peacekeeping ability and community service receive highest priority as criteria for promotions. Every effort should be made to eliminate the motivation for selective enforcement (against persons who lack the resources for effective defense) or aggressive police behavior.

Finding 16: Citizen Complaints

Although the fire and police commission's citizen complaint machinery has been overhauled recently, relatively few citizens have made use of it.

Recommendation 16: The Wisconsin State Committee/U. S. Commission on Civil Rights recommends that all complaints received by the Milwaukee Police Department be conveyed to the fire and police commission for review. It further recommends that the fire and police commission publicize its complaint hearing function.

Finding 17: Police Community Relations

Well documented studies indicate that Milwaukee minorities feel strong alienation toward the police. No efforts have been made by the

Recommendation 13: The Wisconsin State Committee/U. S. Commission on Civil Rights recommends that the Milwaukee Police Department establish a police legal advisor program to provide counsel to arresting officers and to provide a check upon the abuse of forum shopping.

Finding 14: Civil Rights of Policemen

The rules and regulations of the Milwaukee Police Department prohibit policemen from expressing their opinions concerning the operation of the police department, forbid their attendance at public meetings, and established a board of inquiry which do not observe the usual due process of law.

Recommendation 14: The Wisconsin State Committee/U. S. Commission on Civil Rights calls upon the Mayor of Milwaukee to appoint a blue ribbon commission to review the Milwaukee Police Department rules and regulations to insure that Milwaukee policemen are accorded all of their constitutional rights compatible with the peculiar demands of their profession. Said commission should include representatives from the offices of the city attorney and district attorney, the judiciary, police department and community representatives.

Finding 15: Uneven Enforcement of the Law

Authoritative information indicates that laws regarding gambling, prostitution and night parking are enforced more stringently in minority areas than elsewhere. Officers and citizens agree that some policemen request assignment to Milwaukee's black area in order to

Milwaukee Police Department to improve relations with minority groups. Making community relations the job of every officer is equivalent to making it nobody's job.

Recommendation 17: The Wisconsin State Committee/U. S. Commission on Civil Rights recommends that a community relations division, headed by an inspector, reporting directly to the chief, having units located in each district, be established and staffed with specially trained personnel. Care should be taken to insure that such units serve and receive cooperation from all branches of the department.

Finding 18: Community Advisory Boards

Testimony received by the Committee indicates that the minority communities perceive the Milwaukee Police Department as a quasi-military occupational force unresponsive to community concerns and needs.

Recommendation 18: The Wisconsin State Committee/U. S. Commission on Civil Rights recommends the establishment of a district community advisory board in each district to work with and assist the district commanders in achieving and developing mutual understanding of department policy and community needs. Representation on these boards should include district: women, students (high school and college), senior citizens, business people, and other community representatives.

Finding 19: Use of LEAA Funds

The Milwaukee Police Department has not used available Federal funds for such "software" purposes as improving police training and minority relations. With few exceptions, it has requested "hardware" items such as radio and computer machinery.

Recommendation 19: The Wisconsin State Committee/U. S. Commission on Civil Rights recommends that the United States Law Enforcement Assistance Administration withhold all discretionary and action grants to the Milwaukee Police Department until the department has demonstrated: a) willingness to upgrade the training of its personnel; and b) willingness to cooperate with regional, State and Federal efforts to improve all aspects of police service, including minority recruitment and community relations.

Finding 20: Absence of Accountability to Civilian Authority

Because he is appointed for life, the police chief is a virtual dictator over his department and is able to repulse any effort to hold him accountable to civilian authority. Directives from elected officials and modernization suggestions from community leaders are consistently ignored by department leadership.

Recommendation 20: The Wisconsin State Committee/U. S. Commission on Civil Rights recommends that the mayor and common council place immediate and strong priority on a combined effort to restructure the

responsibility for public safety policy in Milwaukee, one aspect of which would be a renewable, limited term of office for the police and fire chiefs.

APPENDIX A
Safe Streets Funds in Milwaukee, by Program

APPENDIX A

HISTORY OF SAFE STREETS FUNDS IN MILWAUKEE, BY PROGRAM

<u>1968</u>	<u>Federal</u>	<u>Total</u>
Milwaukee Police Department Riot Control	\$ 27,774.00	\$ 46,790.00
<u>1969</u>		
Milwaukee Police Department Telecom	10,600.00	17,666.64
Milwaukee Enforcers, Inc.	28,386.00	47,310.00
Mobile Van (Discretionary)	79,950.00	133,250.00
Urban Day School	16,481.00	27,469.00
Commando Project I	19,660.00	32,766.40
Criminal Justice Plan (Fire and Police Commission)	34,408.00	34,408.00
Milwaukee Boys' Club (Combination of Police and Boys' Club)	19,473.33	32,546.83
	<u>\$208,958.33</u>	<u>\$325,416.87</u>
<u>1970</u>		
Milwaukee Police Department Recordak	33,000.00	55,684.00
Echo Writers Workshop, Inc.	17,030.00	28,458.00
Milwaukee Boys' Club (Re-funding)	74,760.00	124,600.00
Shalom Center (3CP)	26,784.00	44,661.00
Jewish Vocational Service	68,100.00	113,500.00
Marquette University Law School District Attorney Intern Program(Summer)	22,680.00	37,800.00
Wisconsin Correctional Service Comm. Educational Advisory Program	16,897.00	29,212.00
Harambee House, Inc.	43,278.40	74,916.40
Urban Day School (Re-funding)	42,253.00	70,422.00
Wisconsin Correctional Service Comm. Counseling Center Project	28,979.00	48,579.00

1970 (continued)

	<u>Federal</u>	<u>Total</u>
Milwaukee Police Department Police Aide (Discretionary)	\$ 53,299.00	\$ 88,831.64
MATC - Evidence Technician	7,434.94	12,391.56
Milwaukee Criminal Justice Plan (Fire & Police Commission)	44,315.00	44,315.00
MATC - Parolee Commando Project	9,600.00	16,000.00
Marquette University Law School Law Projects Incorporated	3,000.00	5,000.00
Milwaukee Enforcers, Inc. (Re-funding)	75,000.00	125,000.00
Marquette University Law School District Attorney Internship Program	12,323.00	21,683.00
Commando Project I (Re-funding)	100,148.00	224,468.00
Milwaukee Health Department Intensive Drug Abuse (Discretionary Grant)	73,531.00	125,230.00
Milwaukee Police Department Police Personal Portable System	75,623.00	126,039.00
	<hr/> \$454,273.94	<hr/> \$788,958.20
Sub-total from previous page of 1970.....	373,761.40	627,832.40
	<hr/> \$828,035.34	<hr/> \$1,416,790.60

Source: Milwaukee Fire and Police Commission
Milwaukee Department of Fiscal Liaison

Funding Levels of Proposals Heard By Fire and Police Commission
1971

<u>Title of Proposal</u>	<u>Local</u>	<u>Federal</u>	<u>Total</u>
Wisconsin Correctional Service F.A.C.T.	\$ 14,994.00	\$ 42,115.00	\$ 57,109.00
Puerto Rican Center For Mutual Help	3,584.00	3,000.00	6,584.00
Milwaukee Public Schools Neighborhood Youth Corps	45,000.00	55,000.00	100,000.00
Marquette University Law School District Attorney Intern Program	10,368.00	11,676.00	22,044.00
Marquette University Law School Public Defender Project	9,940.00	10,126.00	20,066.00
B'nai B'rith Youth Organization	9,345.00	27,913.00	37,258.00
Juneau Academy Day-Care Center ¹	29,262.50	87,787.50	117,050.00
Martin Luther King Community School, Inc.	4,799.00	14,396.00	19,195.00
Echo Writers Workshop, Inc.	20,565.00	20,381.00	40,946.00
Council on Urban Life*	16,599.00	49,798.00	66,397.00
MATC-Parolee Commando Project	5,333.00	16,000.00	21,333.00
Milwaukee Enforcers, Inc.	38,717.00	116,151.00	154,868.00
Urban Day School	15,389.00	46,166.00	61,555.00
Community Counseling Center	19,101.00	34,700.00	53,801.00
Federation of Independent Community Schools*	20,000.00	60,000.00	80,000.00
Milwaukee Inner-City Half-Way House	26,320.00	78,959.00	105,279.00

(continued)

1. Applicant withdrew proposal after discussion at State level.

*Program not yet approved at State Level.

Funding Levels of Proposals
 Heard by Fire and Police Commission (continued)

Title of Proposal	Local	Federal	Total
Milwaukee Police Department Communications	\$ 50,744.00	\$152,234.00	\$202,978.00
Milwaukee Boys' Club ¹ Volunteers in Juvenile Probation	12,017.00	36,043.00	48,060.00
Northcott Youth Project	30,044.00	63,174.00	93,218.00
Milwaukee Police Department Police Aide	23,037.00	50,259.00	73,296.00
Commando Project I*	61,615.00	184,846.00	246,461.00
Milwaukee High Intensity Street Lighting	57,003.00	38,420.00	95,423.00
Independent Learning Center	24,396.00	35,583.00	59,979
Marquette Home Study Program	13,010.00	16,407.00	29,417.00
St. Elizabeth's Youth Program	23,603.00	37,090.00	60,693.00
Milwaukee Boy's Club Project Before	33,333.00	98,725.00	132,058.00
MATC-Evidence Technician	4,142.82	12,428.46	16,571.28
Milwaukee Police Department Computer System	114,494.00	251,220.00	365,714.00
Marquette University Law School District Attorney Intern Program (Summer)	23,040.00	66,528.00	89,568.00
Jewish Vocational Service**	41,300.00	76,700.00	118,000.00
Jewish Vocational Service** (Program for Female Delinquents)	14,400.00	42,800.00	57,200.00
United Community Services* Early Corrections Program	139,521.00	82,520.00	222,041.00

(continued)

1. Applicant withdrew proposal after discussion at State level.

* Program not yet approved at State Level

** Fire and Police Commission approved Jewish Vocational Service program as one proposal. State divided program and budget as indicated in table.

Funding Levels of Proposals
 Heard by Fire and Police Commission (continued)

Title of Proposal	Local	Federal	Total
Commando Project I 1971 Summer Program	\$ 50,000.00	\$ 75,000.00	\$125,000.00
Marquette University Law School Law Projects Incorporated	2,250.00	6,360.00	8,610.00
Community Centered Correctional Program (3CP)	15,714.00	45,489.00	61,203.00
Project Phoenix	28,454.00	73,740.00	102,194.00
Project Summer Prep	27,850.00	60,419.00	88,269.00
Wisconsin Correctional Service ¹ Legal Aid Society	60,972.00	176,002.00	236,974.00
Harambee House	35,224.00	60,139.00	95,363.00
Cross Lutheran Church	9,154.00	26,932.00	36,086.00
Youth Development Institute Social Development Commission	33,333.00	100,072.00	133,405.00
Milwaukee Urban League	28,878.00	86,594.00	115,472.00
Milwaukee Public Library Library Services to Police (Discretionary Grant)	4,000.00	12,000.00	16,000.00
Milwaukee Health Department Expansion of Forensic Lab Services (Discretionary Grant)	63,474.00	166,684.00	230,158.00
Totals	\$1,314,319.32	\$2,808,576.96	\$4,122,896.28

1. At State Level, budget was increased to indicated level and program monies will come from State funds.

APPENDIX B

Statement of
Henry W. Maier, Mayor of Milwaukee

MIDWESTERN FIELD OFFICE
U.S. Courthouse & Federal Building
219 South Dearborn Street, Room 1428
Chicago, Illinois 60604
Telephone: (312) 353-7371

January 18, 1972

Honorable Henry W. Maier
Mayor of Milwaukee
Milwaukee, Wisconsin 53202

Dear Mayor Maier:

In a telephone conversation relative to your appearance at a January 12, 1972 meeting of the Wisconsin State Committee, U. S. Commission on Civil Rights, your office indicated that you could not attend because of a schedule conflict. The same aide stated that you would reply to written questions submitted by the Committee.

The enclosed questionnaire was sent to Chief Harold A. Breier of the Milwaukee Police Department. This was done after Mr. Breier had declined an invitation to appear at the Committee's December meeting. On January 10, Mr. Breier told a Commission staff member that he did not intend to answer the questionnaire, nor would he appear at any future meeting of the Committee.

As a result, the Committee requests that you answer the questionnaire to the best of your ability, although parts of it may not be answerable by you or your office. Additionally, the following questions are directed specifically to you as Mayor of Milwaukee.

1. Are you satisfied with the current representation of minority groups on the Milwaukee Police Department? (The estimates received from local authorities range from 1.5% to 3% non-white representation.)

2. During your tenure in office have you given instructions to the Milwaukee Police Department regarding the handling of a particular event, e.g., a demonstration or a disturbance? Please describe the kinds of instruction. Did you receive satisfactory cooperation from the department in these instances?

2.

3. Do you receive evaluations from your constituents regarding police performance? If so, how do your constituents evaluate the performance of the police? (If this varies among segments of the community, please indicate.) What problems do they indicate exist in Milwaukee's law enforcement?

4. You have been quoted as saying that no public servant should be immune from accountability to the people. How does this apply to the office of chief of police in Milwaukee, i.e., should there be a defined term of office, renewable upon review?

5. In an earlier closed informal Committee hearing, a university law professor gave the legal opinion that the Milwaukee Common Council could change the term of appointment of the police chief, if it so desired, without revision of state law. What is your response to this opinion?

6. Are you satisfied that the Milwaukee Police Department is making best use of the federal programs available to it? Are any programs needed which have not been applied for?

6a. What statutory authority, if any, do you have over the operation of the police department?

3.

7. We understand that you office assigned a Mr. Roy Hill to deal with racially tense school situations. What effect did Mr. Hill have generally? What use, if any, did he make of the Milwaukee Police Department?

Please include any suggestions you might have for improving the police function, particularly as it affects Milwaukee's minority groups. Your cooperation with our investigation is appreciated. Finally, we hope to receive your response before February 1, 1972.

FOR THE WISCONSIN STATE COMMITTEE

Sincerely,

Percy L. Julian, Jr.
 PERCY L. JULIAN, JR.
 Chairman

Encl.

FEB 25 1972



HENRY W. MAIER
MAYOR

OFFICE OF THE MAYOR
MILWAUKEE

February 22, 1972

Mr. Percy L. Julian, Jr.
Chairman, The Wisconsin State Committee
United States Commission on Civil Rights
U. S. Courthouse and Federal Building
219 South Dearborn Street, Room 1428
Chicago, Illinois 60604

Dear Mr. Julian:

In response to the questions raised in your letter to me of January 18, let me make the following observations:

1. Even though the Fire and Police Commission, at my urging, mounted a rather massive effort to recruit minority personages for service in the Police Department, the results were disappointing. The effort did produce a better turn-out, but the turn-out was not what we really should have obtained in comparison with our effort. The effort of the Fire and Police Commission included, but not exclusively, a broad-side, prime-time, televised invitation to all prospective candidates, particularly black; a utilization of most known advertising techniques, and the establishment of special classes at the Milwaukee Area Technical College to assist those who fail to pass the examinations, but might be able to pass them with tutoring.

2. I have, during my tenure in office, given instructions to the Milwaukee Police Department only after declaring an emergency under the Wisconsin Statutes, and on that occasion received extremely satisfactory cooperation. Naturally, I have on many other occasions over the last 12 years, had conversations with chiefs of police concerning imminent peril in the city, but because of Davern vs. Rose and the subsequent action of the Legislature, I have been restricted to an advisor role. This has not always been satisfactory. The point of your questions under No. 2 becomes more difficult in response because there are 2200 officers in the Police Department and I cannot

Mr. Percy L. Julian, Jr.
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February 22, 1972

answer for each and every one of them, even in situations where I do obtain authority to move.

3. I do, from time to time, receive letters in my office from constituents regarding police performance. Far and away the concern is over the lack of police protection related to street crime and minor crimes such as bicycle theft. This does not vary among segments in the community. Newspapers generally declare, either in editorial columns or news columns, that the problem is something described as police-community relations. This seldom surfaces from constituents in contact with my office, although some years ago there were protests. It is my belief that as a result of Groppi's 200 plus nights of marching, ours is the most experienced force in the nation.

In my opinion, much of this latter problem can be traced to a contention that a policeman nowadays should be part psychiatrist, part social worker, part truant officer and general social problem solver. In my opinion, these are not duties which our society should assign a police officer. Rather, I think it is nonsense to expect these things from men and women who need be no more than high school graduates, X feet tall, and able to pass the Fire and Police Commission examination at a 70 level. Furthermore, it is a matter of amazement to me that psychiatrists do not protest, social workers do not protest and truant officers do not protest the call for invasion of their areas of activity. Perhaps they are just as happy that the spotlight is not on them in their duty areas. It seems to me that if we are to relate the officer to the community, in the best of all worlds, we would have many more black officers, not necessarily equal to a pinpointed percentage of blacks to the total population, but at least any number somewhere around that percentage. Then I believe all of the so-called police-community relations problems would disappear. Therefore, you will find the Fire and Police Commission breaking its back to recruit blacks and other minorities. Further, I was continually amazed in recent years when minority groups with unemployment rates did not seize the job opportunities despite the sloganing obstacles.

4. The entire tenor of the questions you are putting to me suggest that somehow I should be held accountable for the actions of the chief of police and those under his authority. Any objective appraisal of my administration would demonstrate that I will not be held accountable when I do not have commensurate authority, even though I am elected chief executive on a city-wide basis. Someone has to tell the people the truth. As a matter of fact, since the

Mr. Percy L. Julian, Jr.
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State Legislature granted the chief of police autonomy, it would make more sense to direct the questions there.

Yes, I have espoused the public administration theory that no department head, including the chief of police, should be immune from accountability to the people. I believe that, just as the people of this nation elect a president and hold him accountable, the people of the city should look to the Mayor for accountability. However, the Mayor then necessarily needs the commensurate authority so that he can be accountable. In other words, the Mayor should appoint all department heads, including the chief of police, to a term of office co-extensive with his own so that, just as there was a Kennedy Administration and a Johnson Administration and a Nixon Administration, there could be a Zeidler Administration and a Maier Administration. Until that reform is reality, and there are bills in the State Legislature now to accomplish that reality, I intend to continue to refuse accountability in the interest of reality and public education.

5. As I have noted, the legislative history following Davern vs. Rose strongly suggests that the unrestricted term of the chief of police was created as a matter of public policy by the State Legislature. I do not believe that public policy decreed by the State Legislature can be altered by a Common Council.

6. In conversations with state officials recently, a charge was made that we were losing federal funds which could have been used to upgrade the Milwaukee Police Department. I put that question flatly to our Department of Fiscal Liaison which shepherds our federal and state aid effort and received a negative response. It appears then that we are utilizing every available federal dollar.

6a. None. Except in formally declared emergencies.

7. Mr. Roy Hill would better serve as his own witness. It is my impression that he undertook a rather energetic program and was quite successful within the limits of his time and energy.

I think it is obvious that, in terms of improving the police function, we must upgrade the talent level of the Police Department. One method which I strongly endorse is the introduction of college graduates, particularly those from law schools, at a different entry level than at present. I see no reason why a big

Mr. Percy L. Julian, Jr.
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city Police Department should not approach the problem of creating dedicated talent within its ranks in the same fashion as the Federal Bureau of Investigation. Ours is an increasingly more sophisticated society and our Police Department, if it is to keep pace, must become similarly, increasingly more sophisticated.

And, I believe it would be most just and advantageous if we could recruit minority group members, not for the sole purpose of establishing officer-citizen relationships on neighborhood streets. It seems to me that with the incidence of job openings which we experienced, particularly in the early 1960's, and the high unemployment rates in the minority communities, we should have seen a repetition of the phenomenon which eastern cities saw after waves of Irish immigrants: an Irish police force. I see no reason why, if minority groups became other oriented, that they could not become the policemen of Milwaukee and in the far away majority.

Sincerely,

Henry W. Maier
HENRY W. MAIER
Mayor

APPENDIX C

Milwaukee Police Department-Law Enforcement Data Survey

LAW ENFORCEMENT DATA SURVEY

Agency Name MILWAUKEE POLICE DEPARTMENT
 Address 749 WEST STATE STREET
 Telephone Number 765-2323
 Head of Agency HAROLD A. BREIER, CHIEF OF POLICE
 Planning Region Milwaukee Area
 Person Interviewed _____ By James Blumenberg
 Milwaukee Fire and Police Commission

I. GENERAL INFORMATION

1. Population policed by agency 717,099 ('69)
 2. Total miles of roads and streets 1328.66 ('69)
 3. Total square miles of land in jurisdiction 95.77 ('69)
 4. Does your agency provide 24 hour-a-day, seven day-a-week patrol? Yes No
 5. If not, how many hours per day of regular patrol do you provide? -

II. FISCAL DATA

1. Operational Budget for 1971 \$25,889,754.00
 2. Capital Budget for 1971 none
 3. Total Agency Budget for 1971 \$25,889,754.00

III. PERSONNEL

1.

Year-Round Employees	AUTHORIZED		ACTUAL	
	Full Time	Part Time	Full Time	Part Time
Sworn Officers	2098	-	2081	-
Civilians	188	-	183	4
Cadets	64	-	64	
Other Personnel	-	-		

2. How many new sworn personnel did you hire in 1970? 87
3. How many new sworn personnel do you anticipate hiring in 1971? as many as authorized
4. Does your department hire seasonal sworn officers? Yes No
- a. If yes, how many are employed each year? n/a
- b. For what time period are seasonal officers employed each year: From n/a to n/a
- c. How many seasonal officers have worked for two consecutive seasons and are considered permanently appointed officers? n/a
5. If your department employs part-time sworn officers, how many are on a permanent appointment basis? n/a
6. How many are on a work-when-needed basis? n/a
7. How many auxiliary or emergency police does your agency maintain? classified
- a. What are their powers? no police powers
- b. What is their main function? civic functions
8. Does your agency have a written policy/regulations manual for sworn personnel? Yes No

IV. FUNCTIONAL ASSIGNMENTS - PROFESSIONAL PERSONNEL

A. Planning Units

- 1. How many personnel are assigned to a planning unit on a full-time basis? as required
- 2. How many personnel are assigned to a planning unit on a part-time basis? " "
- Approximately what percent of their work week is spent on planning? " " %
- 3. What is the total number of hours of specialized training in planning taken by those officers assigned to planning? " "

B. Community Relations Units

- 1. How many personnel are assigned to a community relations unit on a full-time basis? all
- 2. How many personnel are assigned to a community relations unit on a part-time basis? "
- Approximately what percent of their work week is spent on community relations? as required %
- 3. What is the total number of hours of specialized training in police-community relations taken by those officers assigned to police-community relations? as required

C. Training Units

- 1. How many personnel are assigned to a training unit on a full-time basis? 10
- 2. How many personnel are assigned to a training unit on a part-time basis? as required
- Approximately what percent of their work week is spent on training? " " %

- 3. What is the total number of hours of specialized training in training taken by those officers assigned to training? as required

D. Juvenile Unit

- 1. How many personnel are assigned to a juvenile unit on a full-time basis? as required
- 2. How many personnel are assigned to a juvenile unit on a part-time basis? as required
- Approximately what percent of their work week is spent with the juvenile unit? " " %
- 3. What is the total number of hours of specialized training in juvenile delinquency prevention and control taken by those officers assigned to a juvenile unit? as required

E. Organized Crime Control Units

- 1. How many personnel are assigned to an organized crime control unit on a full-time basis? classified
- 2. How many personnel are assigned to an organized crime control unit on a part-time basis? "
- Approximately what percent of their work week is spent on organized crime control? " %
- 3. What is the total number of hours of specialized training in organized crime taken by those officers assigned to organized crime? "

F. Narcotic Control Units

1. How many personnel are assigned to a narcotics control unit on a full-time basis?

classified

2. How many personnel are assigned to a narcotics control unit on a part-time basis?

"

Approximately what percent of their work week is spent with the narcotics control unit?

" %

3. What is the total number of hours of specialized training in narcotic control taken by those officers assigned to the narcotic control unit?

"

V. PRESENT PAY SCALES

	Minimum	Maximum
Cadet	\$5118.66	\$6509.51
Jailor	n/a	
Dispatcher	\$9720.00	\$10,425.24
Policewoman	\$8228.00	\$9720.00
Policeman	"	"
Corporal	n/a	
Juvenile Officer	n/a	
Detective/Investigator	\$10,065.45	\$10,812.66
Sergeant	"	"
Lieutenant	\$11,584.01	\$12,881.63
Captain	\$13,310.25	\$15,729.41
Inspector (Deputy)	\$16,448.46	\$17,153.18
Deputy Chief/Assistant Inspector INSPECTOR	\$20,291.65	\$25,593.28
Chief/ INSPECTOR	\$24,111.90	\$30,419.88
Seasonal Officer	n/a	
Part Time Officer Hourly Rate	n/a	
Auxiliary Officer Hourly Rate	n/a	
Others (Explain) _____	n/a	

VI. SELECTION OF PERSONNEL

A. Educational Requirements for Sworn Officers

8th Grade	_____
12th or equivalent	_____ x _____
1 year college	_____
2 years college	_____
3 years college	_____
College degree	_____

1. Does your department conduct a written entrance examination on applicants? Yes No

2. Does your department selection procedure include a psychiatric or psychological examination?
 under advisement No

3. Does it include a physical exam? Yes No

4. Does it require any special educational standards for promotion? Yes No

If yes, please list standards Taken into consideration,
but not required

VII. TRAINING

A. Recruit Training

1. Has your county board/city/village Council adopted the resolution to enter the Wisconsin Law Enforcement Standards Board Program? Yes ~~NO~~

2. How many hours of recruit training are presently required by your agency? 560 hours

3. How many recruits completed your required 105 Milwaukee recruit training program in 1970? 51 other Depts.

4. Where are your recruits trained? in our own facilities

5. How many hours of the recruit training program are spent on classroom instruction? 480

How many hours of field instruction? 80

B. In-Service Training

1. How many hours of in-service training are required per year by your agency? Classroom Average: 50 hrs.
as required

2. Where do your officers receive in-service training? Field our own facilities

3. Does your department conduct in-service training sessions? Yes ~~NO~~

If yes, on what basis is training given?

- When needed
 - Annually
 - Quarterly
 - Monthly
 - Weekly
 - Daily
- some phase of training going on continuously

4. Is human relations training conducted? Yes ~~NO~~

If yes, how many hours are given in recruit training? as required

How many hours are given in in-service training? as required

IX. MOTOR VEHICLES INVENTORY (cont'd)

VEHICLE TYPE	NUMBER AND OWNERSHIP STATUS	
	Leased/Owned By Agency	Other Than Leased/Owned
3 Wheel Scooters	7	
2 Wheel Motorcycles	76	
2 Wheel Scooters	-	
Helicopters	-	
Fixed Wing Aircraft	-	
Watercraft - Motorized	2	
Snowmobiles	-	
Other - please specify below		
TRUCKS	5	

X. COMMUNICATIONS

1. Do you operate your own licensed base station? (Explain) Yes ~~NO~~

2. What frequency (is) does your department operate on and what is their use?

FREQUENCY	USE
1. <u>classified</u>	
2.	
3.	
4.	
5.	
6.	

3. Does your department operate a one-position or multi-position console? one multi

4. Number of mobile (vehicular) radios

5. Number of portable (hand-held) radios

6. Number of mobile radio teleprinters

7. Does your department have voice scrambling equipment?

8. Does your agency have direct communication with the following local emergency services:

classified
"
"
Yes ~~NO~~

	Direct Radio		Direct Phone	
	Yes	No	Yes	No
Adjoining Law Enforcement Agency(ies)			Yes	No
State Patrol	Yes	No	Yes	No
Fire department(s)	Yes	No	Yes	No
Ambulance service(s)	Yes	No	Yes	No
Hospital(s)	Yes	No	Yes	No
Other (explain)	Yes	No	Yes	No

9. Is your department equipped with an emergency generator?

10. List any other equipment you have which you have found particularly useful

~~Yes~~ ~~NO~~

11. List your equipment needs in order of priority. Describe fully, and list number of each item needed

12. Is your department equipped with radar equipment? Yes ~~NOX~~

XI. JOINT SERVICE ARRANGEMENTS

1. Does your agency have any formal arrangements for unified or coordinated services involving other law enforcement agencies? YESX ~~NOX~~

If yes, what services are coordinated and with what agencies?

		<u>Agency</u>
Recruitment and Selection		
Recruit Training		
In-service Training		
Records		
Dispatch Services		
Detention facilities		
Juvenile Investigations		
Patrol Service		
Data Processing		
Narcotics Investigation		
Other (explain)		

2. Is your agency a member of a mutual aid agreement? YESX ~~NOX~~

If yes, please describe nature of agreement, and other agencies involved

XII. MISCELLANEOUS QUESTIONS

1. What do you conceive to be the major problems in criminal justice in your area and specialty?

No comment

2. What recommendations do you have for solving these problems?

No comment

3. Are you familiar with the program of the Wisconsin Council on Criminal Justice? Yes ~~NOX~~

4. Has your agency participated in the Wisconsin Council on Criminal Justice program directly (by grant)? Yes ~~NOX~~

Indirectly (through regional or state grants such as LESB) Yes ~~NOX~~

5. If you have not participated in the Wisconsin Council on Criminal Justice program, why not?

6. If you have participated in our program in what ways has the Wisconsin Council on Criminal Justice program helped your agency?

The program has provided needed funding for identification and mobile communication equipment.

7. Have you any suggestions for the improvement of the Wisconsin Council on Criminal Justice program with particular reference to activities which could help your agency?

No

APPENDIX D

Statement of Herbert C. Rice
Director, Office of Civil Rights Compliance, LEAA

MIDWESTERN FIELD OFFICE
 U.S. Courthouse & Federal Building
 219 South Dearborn Street, Room 1428
 Chicago, Illinois 60604
 Telephone: (312) 353-7371

January 18, 1972

Mr. Herbert Rice, Director
 Office of Civil Rights Compliance
 Law Enforcement Assistance Administration
 633 Indiana Ave., N.W.
 Washington, D.C. 20530

Dear Mr. Rice:

In accordance with your wishes as expressed in a telephone conversation with Thomas Niggemann of our staff on January 10, we submit the following questions:

1. The Milwaukee (Wisconsin) Fire and Police Commission serves as the regional board for LEAA grants. Does this agency meet LEAA criteria regarding diverse representation?
2. Please supply to the Wisconsin State Committee all memoranda and publications containing guidelines for regional planning boards and state planning agencies.
3. Please supply all LEAA regulations concerning compliance with Title VI of the Civil Rights Act of 1964.
4. The booklet, Safe Streets...The LEAA Programs At Work, indicates (p. 23) that large cities will receive at least 30 per cent of block grant funds to states.

In the opinion of LEAA, is the Milwaukee Police Department receiving more than, less than, or approximately an average "big city" share of Wisconsin's allocation of LEAA funds? (Please cite figures to support your response.)

5. Do you require racial records to be kept by grant recipients? (If so, please forward to the Committee, the racial characteristics of the Milwaukee Police Department.)

2.

We would greatly appreciate receipt of the requested information prior to February 10, 1972. We are grateful for your cooperation. Any question regarding the scope or purpose of this study can be directed to Thomas L. Niggemann, Deputy Director of the Commission's Midwestern Field Office.

FOR THE WISCONSIN STATE COMMITTEE

Sincerely,

Percy L. Julian Jr.
 PERCY L. JULIAN, JR.
 Chairman

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UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D.C. 20530



February 4, 1972

FEB 8 1972

Mr. Percy L. Julian, Jr.
Chairman
Wisconsin State Committee
U.S. Commission on Civil Rights
219 S. Dearborn St. (Rm. 1428)
Chicago, Ills. 60604

Dear Mr. Julian:

We are in receipt of your letter dated January 18, 1972, relating to a conversation which I had with Mr. Thomas Niggemann of your staff on January 10. A number of questions relating to LEAA program, and more specifically the way that program relates to grants and sub-grants of LEAA funds to the City of Milwaukee, were posed in that letter.

Responding to your questions.....

1. The Milwaukee (Wisconsin) Fire and Police Commission serves as the regional board for LEAA grants. Does this agency meet LEAA criteria regarding diverse representation?

1. Without commenting on what part the Milwaukee, Wisconsin Fire and Police Commission may serve in the administration of the LEAA program in the City of Milwaukee, no information has been brought to my attention by you, or others, which would lead me to believe that the Milwaukee Fire and Police Commission is not representative of the community it serves.

2. Please supply to the Wisconsin State Committee all memoranda and publications containing guidelines for regional planning boards and state planning agencies.

2. I am enclosing the LEAA Discretionary Grant Guide for FY 1971, and a recent memorandum to State Planning Agency Directors relating to the FY 1972 Comprehensive Plans for Law

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2.

Enforcement. Should you need further material issued by LEAA, please first contact the Wisconsin Council on Criminal Justice, in Madison, the law enforcement state planning agency administering LEAA funds in Wisconsin.

3. Please supply all LEAA regulations concerning compliance with Title VI of the Civil Rights Act of 1964.

3. I am enclosing a compilation of legislative and regulatory materials relating to civil rights compliance under LEAA programs which was issued by LEAA in July of 1970. This document contains the present regulations of the Department of Justice relating to Title VI of the Civil Rights Act. Also enclosed you will find proposed amendment to the Department of Justice Title VI Regulations, which were published as proposed rules in the Federal Register on December 9, 1971.

4. The booklet, Safe Streets...The LEAA Programs At Work, indicates (p.23) that large cities will receive at least 30 per cent of block grant funds to states.

In the opinion of LEAA, is the Milwaukee Police Department receiving more than, less than, or approximately an average "big city" share of Wisconsin's allocation of LEAA funds? (Please cite figures to support your response.)

4. Because of the nature of the LEAA funding process questions relating to the percentage of LEAA funds within a particular state more appropriately would be addressed to the State Planning Agency for that state than to this office. Any questions relating to the funding level of LEAA recipient jurisdictions within the State of Wisconsin should, therefore, be addressed to the Wisconsin Council on Criminal Justice in Madison, Wisconsin.

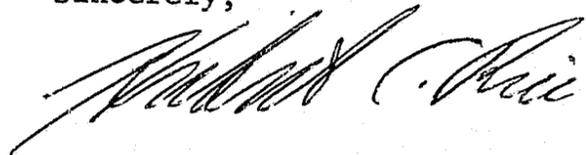
5. Do you require racial records to be kept by grant recipients? (If so, please forward to the Committee, the racial characteristics of the Milwaukee Police Department.)

3.

5. As you may know, LEAA will shortly issue a Civil Rights compliance reporting form, which will require police departments which are recipients of LEAA funds to collect information relative to the employment level of minorities within such department. As part of that reporting system, records used in collecting such data must be kept for subsequent audit. No specific information relating to the employment levels of minorities in the Milwaukee Police Department is presently available to LEAA, assuming such information is what you are seeking when you refer, under heading 5 above, to "racial characteristics."

I trust we have been helpful in this matter.

Sincerely,



HERBERT C. RICE
Director
Office of Civil Rights Compliance

Encls.

END