



**BE A FORCE**

**Milwaukee Police Department**  
Police Administration Building  
749 West State Street  
Milwaukee, Wisconsin 53233  
<http://www.milwaukee.gov/police>

March 19, 2013

**Edward A. Flynn**  
Chief of Police

(414) 935-7200

Senator Patrick Leahy  
437 Russell Senate Building  
United States Senate  
Washington, D.C. 20510

Dear Senator Leahy:

You sent several questions subsequent to the February 27, 2013, Senate Committee on the Judiciary hearing at which I testified regarding S. 150 (regulating assault weapons). The questions cover a variety of topics. For ease of answering, I have numbered the original questions, included the text of the original questions, and provided a numbered, italicized response to each question below.

**Senator Grassley's Questions for Milwaukee Police Chief Edward Flynn on Records of Break-Ins Related to ATF.**

While the break-in at Fearless Distributing was occurring, a nearby resident says he called the Milwaukee police and reported the incident and then went to the district station and reported it in person. However, Milwaukee police didn't come until the next day.

In February, I sent you a request for the police reports related to this burglary and the earlier SUV break-in.

Question 1: Why didn't Milwaukee police respond to the report that a burglary was in progress?

Answer 1: *The Milwaukee Police Department initially received information regarding a suspicious vehicle in the general area and did not have information to indicate that a crime occurred or was about to occur. Officers responded to the area but found no sign of the suspicious vehicle. The following day, ATF agents went to the store and discovered that a burglary had taken place. The Milwaukee Police Department responded immediately, conducted a thorough investigation, and made several arrests.*

Question 2: Will you commit to providing this Committee with those police reports, since it is necessary for us to do our duty under the Constitution to oversee federal law enforcement operations?

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Answer 2: *The Milwaukee Police Department's Open Records Section has received Senator Grassley's request for public documents related to the ATF operation and our agency is in the process of fulfilling that request.*

**Senator Grassley's Questions for Milwaukee Police Chief Edward Flynn on Milwaukee Police Involvement with ATF.**

Recent news reports have highlighted an operation by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) in Milwaukee. The operation involved an undercover storefront called "Fearless Distributing" that ATF opened to attract individuals wanting to sell firearms under the table.

Although in the end thirty (30) individuals were charged, the operation seems to have been plagued with failures, including wrongly-charged defendants, \$15,000 worth of damage being caused to the space ATF leased, and \$35,000 worth of merchandise being stolen from ATF's storefront in a burglary. In a separate incident, thieves also broke into an ATF SUV parked at a coffee shop a half-mile away from the undercover storefront and stole three guns stored inside the car, including an M-4 .223-caliber fully automatic rifle.

Local residents complain that the ATF operation actually brought more crime into a neighborhood where crime had been on the decline.

Question 3: Did ATF inform your Department of the presence of this ATF undercover operation at the time? If so, did you provide manpower or other support for the operation?

Answer 3: *The Milwaukee Police Department works collaboratively with our federal law enforcement partners, including the ATF, and we did have two Milwaukee officers assigned to the local ATF task force. Those Milwaukee officers worked with the ATF agents on this operation, but were in support positions and were not acting in an undercover capacity.*

Question 4: Were you personally aware of the operation at the time it was ongoing?

Answer 4: *The operation began in February 2012, and at that time an Assistant Chief of the Milwaukee Police Department was briefed on the general concept. Due to the sensitive nature of the operation, most members of the Milwaukee Police Department and many ATF agents assigned to the Milwaukee office were not aware of the initiative. On August 18<sup>th</sup>, 2012, I received a formal briefing on this operation with the ATF.*

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**Senator Grassley's Question for Milwaukee Police Chief Edward Flynn on the Accuracy of Milwaukee Crime Statistics.**

Chief Flynn, in your testimony you referenced a lot of numbers, specifically crime statistics reported by your Department. But back in February 2012, you used crime statistics compiled by your Department to make the argument to the public that Milwaukee had seen four straight years of falling crime.

However, Chief Flynn, you knew as early as 2010 that there were problems with those numbers. You suspected that they were misreported. In fact, you were so concerned that those numbers were incorrect that you asked the FBI to audit your Department. Your fears were confirmed in 2012 by two separate audits—one done internally and one by an independent group—that showed those numbers were wrong.

Question 5: What assurances do we have that the numbers you have referenced in your testimony and answers are reliable?

Answer 5: *Milwaukee is the 28th largest city in America, has the 17<sup>th</sup> largest police force and ranks 4th highest among major cities in terms of poverty. These factors, along with the difficult social and economic issues that arise, can create many challenges for the police professional. Crime prevention, crime control, crime response, and crime reporting are at the top of that long list.*

*The Milwaukee Police Department currently handles over 240,000 calls for service each year and investigates approximately 63,000 crimes. While those numbers are reduced from previous years due to a more focused and nimble policing strategy, the sheer volume of service calls and crime reports still poses problems with respect to data management. Those problems have existed for years.*

*In the late 1990's, Milwaukee began to consider changes to its obsolete data management systems and in 2001 a request for proposals was released. Eventually, the Milwaukee Police Department chose to purchase a new computer aided dispatch system along with the department's first electronic records management system, and in late 2002, a contract was signed with Tiburon, a subsidiary of CompuDyne Public Safety & Justice Inc., at a cost of \$7.3 million.*

*In 2005, after many months of problem solving, the four integrated subsystems, computer aided dispatch (CAD), corrections management system (CMS), automated reporting system*

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*(ARS), and records management system (RMS) were made operational. The Milwaukee Police Department encountered significant problems with implementation of this crime data system and those problems resulted in a delay in reporting WIBRS crime data to the State.*

*Consequently, in early 2007, the Milwaukee Common Council ordered an audit of the system by the City's Comptroller. That audit was conducted in mid 2007 and it determined that the core functions were implemented, but important system functions were still creating problems, were not operational, or were underutilized.*

*In January 2008, I became Milwaukee's Police Chief and quickly held a meeting with local leaders, public and private, to request assistance in improving the performance of the department's information systems. Many modifications were made over the past four years, at a cost of over \$269,000, yet the functionality of the Tiburon System continued to be a significant issue and the agency continued to push for progress through numerous meetings with the vendor. Service requests at times went unanswered and at other times failed to mitigate the various issues that were identified.*

*In September 2011, I directed the formation of a Steering Committee to assess the current system and determine the best course of action. In May 2012, a request for information was developed and the City of Milwaukee is currently reviewing vendor submissions to potentially settle on a new data management system. Funds are being budgeted for this likely scenario.*

*To date, few major cities have chosen the Tiburon System and the larger agencies that have utilized this system have experienced similar data quality issues. For example, Kansas City, Missouri purchased the Tiburon System and was later found to have significant reporting problems as a consequence. During the past four years, that agency overhauled its training program to compensate for this insufficiency and the error rate within that agency has been greatly reduced.*

*The Milwaukee Police Department reports crime statistics under the National Incident Based Reporting System (IBRS) guidelines and was one of the earliest major cities to do so.*

*The FBI recognizes the existence of error in this reporting process and has established procedures designed to improve data quality within the various agencies. The FBI improvement procedures include a random quality assurance review (QAR) or audit of agencies.*

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*In 2011, I made inquiries and determined that the Milwaukee Police Department had never received an FBI quality assurance review. Consequently, I requested that audit and in May 2012, the FBI conducted the QAR. The results showed a 3% error rate in Group A offenses, which include Part 1 Crimes. That error rate is within the acceptable range as determined by FBI standards. The report also showed a higher error rate in Group B (lower level) offenses, but that error rate was the direct result of system deficiencies in the conversion of data involving ordinance violations.*

*In May 2012, our agency conducted its own detailed but targeted audit of the assault crime category after a sample review identified accuracy issues. An audit team electronically reviewed our more than 34,000 simple battery, child abuse, and other assault cases between 2006 and 2012. Based on key fields of data, the crime category was filtered and the audit team visually inspected approximately 11,000 reports.*

*The audit revealed that the department has under-reported aggravated assaults; however, that specific reporting problem has existed since 2005 when the current data system was implemented. It should be noted that this type of classification error existed prior to my appointment and the error rate for aggravated assaults has decreased during my tenure.*

*The Milwaukee audit team has identified three key areas of concern, namely an inadequate data management system, insufficient training for users, and limited quality controls within the Records Division.*

*The review identified a significant deficiency within the records management system that created opportunities for some of the reporting errors to go unnoticed. This deficiency resulted in a high number of classification errors in certain crime categories. A specific modification to the data system has been requested through our vendor and that modification will greatly reduce the rate of classification error.*

*In addition to the FBI audit and the internal audit conducted by our agency, the Milwaukee Fire and Police Commission entered into a contract with PRI, an independent auditing firm, to conduct a comprehensive review of the processes within the Milwaukee Police Department. That auditor performed an attestation audit and reported the results to the Fire*

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*and Police Commission in December 2012. The independent auditor concluded that the system and process deficiencies within the organization had been corrected and the assault category records for current and previous years were accurate.*

*After adjusting crime statistics based on the audit results, we find that Milwaukee's violent crime has declined in essentially the same manner as was initially reported to the FBI in aggravated assaults between 2006 and 2011, and a 23.9% reduction in overall violent crime during that same period.*

Please feel free to contact me at 414-935-7200 if you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward A. Flynn", with a long horizontal flourish extending to the right.

EDWARD A. FLYNN  
CHIEF OF POLICE