

The Milwaukee Police Chief and the ACLU: A Communications Case Study

David J. Wise

University of San Diego, Law Enforcement and Public Safety Leadership

On February 22, 2017, the ACLU filed a lawsuit against the Milwaukee Police Department challenging the department's "stop and frisk" practice, and further claimed the department was biased toward Black and Latino people (ACLU, 2017). The lawsuit also pointed to statistics which, according to the ACLU, showed racial profiling, and a disproportionate amount of vehicle stops involving Black and Hispanic drivers despite the fact they made up a minority of the city's population. In response, Milwaukee Police Chief Edward Flynn issued a media statement lasting approximately 8 minutes in which he unequivocally rejected the claims made by the ACLU. Chapter 4 of Law Enforcement Interpersonal Communication and Conflict Management: The IMPACT Model by Fitch (2016) addresses the promotion of positive behavior through communication, the use of preplanned scripts, removal of barriers, commitment techniques, and deal closures. Chief Flynn's presentation could arguably be communication directed toward multiple audiences: the personnel in his department, the citizens of Milwaukee, and the ACLU. Chief Flynn's presentation has a lot to offer law enforcement and public safety leaders, with examples of effective strategies and positions which could have been strengthened using additional skills and techniques.

Fitch (2016) claims "the first aspect of promoting positive behavior is our style of interaction" which can be further described as either passive, aggressive, or assertive. Fitch further claims assertive communication is a kind of tempered or calculated aggression which can follow a preplanned formula such as describing the behavior, expressing the result, and requesting what you want (or DER script). Although Fitch's formula outlines communication best suited for one on one conflicts, many of the concepts can be found in Chief Flynn's presentation. Early in the presentation Chief Flynn described the facts as he perceived them by claiming opponents wanted to "drive a wedge between police and their community" and neglected statistics surrounding "hypervictimization of disadvantaged communities of color." Chief Flynn appeared to continue through the DER script by citing specific data points not reported by the ACLU, including homicide, nonfatal shooting, and aggravated assault rates in both

Caucasian and the Black/Latino communities. The data was then used to express possible results of a policing model which would avoid lawsuit: an increased body count and inadequate response to calls for service. While Chief Flynn “described the behavior” of the ACLU through the lawsuit, and appeared to “express the result,” Chief Flynn did not appear to directly request what he wanted, which is the final step in the DER script.

In his presentation, Chief Flynn frequently utilized the “I” statements recommended by Fitch, and while several “you” statements were made they were directed toward a neutral media rather than toward the source of friction. Fitch (2016) argues “I” statements allow for effective because of their honesty, and ability to communicate without accusation. Throughout the presentation, Chief Flynn’s words matched his facial expressions, body language, and tone. In the second sentence of his presentation, Chief Flynn expressed his indignance, depression, and confusion. Although the presentation was assertive and accusatory in parts, Chief Flynn’s communication both verbally and non-verbally conveyed a genuine interest in the welfare of the community he was sworn to protect. Chief Flynn also communicated support to his officers by recognizing their physical risk and expressing his willingness to accept lawsuits for the betterment of the community.

Chief Flynn’s presentation not only directed communication to the ACLU, it was also directed toward the Milwaukee community and the members of his department. Fitch (2016) listed several basic needs of human beings: safety and security, status, self-esteem, recognition, control, sense of belonging, a sense of achievement, and respect. Chief Flynn highlighted a different need for each audience in his presentation, which increased the effectiveness of the message. Chief Flynn underscored the Milwaukee minority population community’s need for safety and security by using data points to display his understanding of the effect of deadly violence. He recognized his officers display of honor and daily life risk. Although Chief Flynn never addressed the ACLU in terms of “basic needs,” he

never utilized derogatory terminology, and rather focused on data and his personal experience to counter challenges from his perspective.

A resolution in the form of a commitment is unlikely once court proceedings begin, and the ACLU v. City of Milwaukee Police Department is not an exception; however, Chief Flynn did offer a commitment from his officers in the form of a reciprocity argument. Fitch (2016) defines reciprocity in arguments as a tendency “to treat others as they have treated us.” Chief Flynn made a powerful closing statement “if my cops are willing to risk their lives to protect those communities, then I have to be willing to risk lawsuits to do the same.” This statement appeared to be a request to his department to continue the policing standards set by the department until legal resolution. Chief Flynn also appeared to use a “less is more” approach to his closing argument by simply asking his department to continue to protect the community as he worked through the lawsuit.

Chief Flynn’s presentation has a lot to offer the law enforcement and public safety leadership community. The presentation was directed simultaneously at multiple audiences, and as a result required multiple techniques from the IMPACT model of conflict management. Because of the multiple audience structure, the presentation best utilized techniques directed toward the department’s members and community. Chief Flynn faced communication challenges with the ACLU with a pending federal lawsuit, which limited his ability to utilize conflict management. While Chief Flynn’s presentation did not address specific concerns outlined in the lawsuit or address conflict management with the ACLU, it is an excellent example of synchronized verbal and nonverbal communication, and a thoughtful approach to addressing possible future conflict with his department and the community.

References:

ACLU. (2017, February 22). *ACLU Challenges Milwaukee Police Department's Unconstitutional Stop-and-Frisk Program Conducted Without Reasonable Suspicion and Based on Racial Profiling*. Retrieved April 08, 2019, from <https://www.aclu.org/news/aclu-challenges-milwaukee-police-departments-unconstitutional-stop-and-frisk-program-conducted>

Fitch, B. D. (2016). *Law enforcement interpersonal communication and conflict management: The impact model*. Los Angeles, CA: Sage Publications.

Flynn, E. (2017, February 28). *Milwaukee Chief Edward Flynn Slams ACLU Claims of Biased Policing*. [Video File]. Retrieved from <https://www.youtube.com/watch?v=jwp3rHWhzts>