

BOARD OF FIRE AND POLICE COMMISSIONERS  
OF THE CITY OF MILWAUKEE

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In the matter of the appeal of

CHRISTOPHER E. MANNEY

COMPLAINT

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TO THE HONORABLE, THE BOARD OF FIRE AND POLICE  
COMMISSIONERS OF THE CITY OF MILWAUKEE:

Now comes EDWARD A. FLYNN, Chief of the Police Department of the City of Milwaukee, and makes the following charges against POLICE OFFICER CHRISTOPHER E. MANNEY, who, on October 15, 2014, was ordered to be discharged from the department.

**CORE VALUE 1.00 – COMPETENCE:** We are prudent stewards of the public's grant of authority and resources. We are accountable for the quality of our performance and the standards of our conduct. We are exemplary leaders and exemplary followers.

**REFERENCING: GUIDING PRINCIPLE 1.05:** All department members shall be familiar with department policy, procedures and training and shall conduct themselves accordingly.

**REFERENCING STANDARD OPERATING PROCEDURES RELATING TO: CITIZEN CONTACT, FIELD INTERVIEWS, SEARCH AND SEIZURE - - SECTION 085.25(A):**

**085.25 PAT-DOWN SEARCHES**

A. Justification for Conducting Pat-Down Searches

Law enforcement officers have the right to perform a pat-down search of the outer garments of a suspect for weapons if the suspect has been legitimately stopped with reasonable suspicion and only when the police member has reason to believe that the suspect possesses weapons on his or her person and poses a threat to the police member's or another person's safety. **Not every field interview poses sufficient justification for conducting a pat-down search.** Following are some criteria that may form the basis for establishing justification for performing a patdown search. Police members should note that these factors are not all-inclusive; there are other factors that may be considered. The existence of more than one of these factors may be necessary in order to justify a pat-down search.

1. The type of crime suspected - particularly in crimes of violence where the use or threat of deadly weapons is involved.
2. Number of subjects vs. police members present.
3. Police member vs. subject factors (age and gender considerations)
4. Factors such as time of day, location or neighborhood (i.e. high crime area, known drug trafficking area) where the stop occurs

5. Prior knowledge of the subject's use of force and/or propensity to carry deadly weapons.
6. The appearance and demeanor of the subject's (i.e. a long trench coat being worn on a warm summer night).
7. Visual indications that suggest that the subject is carrying a firearm or other deadly weapon.

**SPECIFICATION:** On April 30, 2014, at approximately 3:28 p.m., Police Officer Christopher E. MANNEY responded to a trouble with subject complaint at Red Arrow Park, 920 North Water Street. Officer MANNEY was notified of the assignment by a desk officer at District One, who received a call from an employee at the Starbucks located in the park. Upon his arrival, he encountered Mr. Dontre HAMILTON lying on the concrete near the Starbucks business.

Officer MANNEY approached Mr. HAMILTON, identified himself, and asked him to stand up. When Mr. HAMILTON stood up and turned around, Officer MANNEY approached Mr. HAMILTON from behind, reached under his arms, placed his hands on Mr. HAMILTON'S chest to conduct a pat-down search, and asked if he possessed any weapons. As Officer MANNEY touched the front of Mr. HAMILTON'S chest, Mr. HAMILTON forcefully put his arms down, and a physical confrontation ensued. Officer MANNEY verbalized with Mr. HAMILTON to gain compliance, but Mr. HAMILTON did not respond. Mr. HAMILTON repeatedly punched Officer MANNEY in the head. Officer MANNEY delivered focused strikes to Mr. HAMILTON'S face, which had no effect. Officer MANNEY transitioned to the long baton and attempted to deliver a strike to Mr.

HAMILTON'S left elbow, which struck Mr. HAMILTON in the side. Mr. HAMILTON trapped the baton with his left arm, and Officer MANNEY was unable to keep possession of the baton. Mr. HAMILTON struck Officer MANNEY on the side of the neck with the baton. Fearing that Mr. HAMILTON would kill him, Officer MANNEY discharged his service weapon at Mr. HAMILTON, stopping his actions.

During a PI-21 interview, regarding the reasoning for conducting a pat-down search, Officer MANNEY stated when Mr. HAMILTON stood up he observed "bulges" in his pockets, and stated, "You could tell that there was stuff in the pockets." Officer MANNEY stated he did not know what the bulge was, adding it could have been anything. Officer MANNEY stated he believed Mr. HAMILTON may have been homeless, and from his experience, homeless people "carry their whole life with them."

During the investigation, a search was conducted of the pockets of Mr. HAMILTON'S clothing, which did not reveal any weapons or large objects.

Police Officer Christopher E. MANNEY failed to adhere to policy when he failed to have reasonable suspicion that Mr. HAMILTON was armed with a weapon and posed a threat to him or others prior to conducting a pat-down search, and acted contrary to training he received on February 22, 2012, specific to the engagement of homeless individuals during a Homeless Outreach Team (HOT) overview. Department procedures regarding homeless persons were included in the training. The procedures pertaining to engagement reads, in part, "...members should approach homeless individuals as they

would any other citizen. Homelessness, on its own, does not constitute reasonable suspicion.”

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**REFERENCING: GUIDING PRINCIPLE 1.05:** All department members shall be familiar with department policy, procedures and training and shall conduct themselves accordingly.

**REFERENCING STANDARD OPERATING PROCEDURES RELATING TO USE OF FORCE - - SECTION 460.05(1):**

**460.05 DISTURBANCE RESOLUTION MODEL**

It is the policy of the Milwaukee Police Department that all uses of force will comply with the State of Wisconsin Defense and Arrest Tactics (DAAT) Disturbance Resolution Model, Intervention Options, as outlined below:

**1. APPROACH CONSIDERATIONS**

Decision Making	Justification
	Desirability
Tactical Deployment	Control of distance
	Positioning (relative positioning / relative positioning with multiple subjects)
	Team Tactics
Tactical Evaluation	Threat Assessment Opportunities
	Officer/subject factors
	Special circumstances
	Level/stage/degree of stabilization

**SPECIFICATION:** On April 30, 2014, at approximately 3:28 p.m., Police Officer Christopher E. MANNEY responded to check the welfare of a citizen at Red Arrow Park, 920 North Water Street. Officer MANNEY was notified of the assignment by a desk officer at District One, who received a call from an employee at the Starbucks located in the park. Upon his arrival, he encountered Mr. Dontre HAMILTON lying in a park near the Starbucks business, apparently sleeping. There were no indicators from the complainant that Mr. HAMILTON was acting in a disorderly or other dangerous manner.

Officer MANNEY approached Mr. HAMILTON, identified himself, and asked him to stand up. When Mr. HAMILTON stood up and turned around, Officer MANNEY approached Mr. HAMILTON from behind, reached under his arms, placed his hands on Mr. HAMILTON'S chest to conduct a pat-down search, and asked if he possessed any weapons. As Officer MANNEY touched the front of Mr. HAMILTON'S chest, Mr. HAMILTON forcefully put his arms down, and a physical confrontation ensued. Officer MANNEY verbalized with Mr. HAMILTON to gain compliance, but Mr. HAMILTON did not respond. Mr. HAMILTON repeatedly punched Officer MANNEY in the head. Officer MANNEY delivered focused strikes to Mr. HAMILTON'S face, which had no effect. Officer MANNEY transitioned to the long baton and attempted to deliver a strike to Mr. HAMILTON'S left elbow, which struck Mr. HAMILTON in the side. Mr. HAMILTON trapped the baton with his left arm, and Officer MANNEY was unable to keep possession of the baton. Mr. HAMILTON struck Officer MANNEY on the side of the neck with the baton. Fearing that Mr. HAMILTON would kill him, Officer MANNEY discharged his service weapon at Mr. HAMILTON, stopping his actions.

It must be noted that prior to Officer MANNEY'S arrival, two officers were dispatched to the same complaint involving Mr. HAMILTON. Those officers complied with their training and our policy on handling potentially emotionally disturbed persons (EDP). The officers also followed relevant training on reasonable suspicion necessary to conduct a pat-down search. Their investigation led to no physical contact with Mr. HAMILTON, and the officers found no cause for police action.

Officer MANNEY was subsequently charged with a violation of Standard Operating Procedure 085.25 (A) relating to the pat-down search.

In his response to charges, Officer MANNEY indicated that the totality of the circumstances led him to believe he was not dealing with somebody in a normal state of mind and felt Mr. HAMILTON posed a significant danger to his personal safety. Officer MANNEY also indicated that Mr. HAMILTON may have possessed a weapon based on the bulges in his clothing. Officer MANNEY made these determinations prior to any verbal or physical contact with Mr. HAMILTON. Officer MANNEY indicated that he had a "plethora" of reasons to fear that Mr. HAMILTON posed a threat to his safety and may be armed with an object that could hurt him. Officer MANNEY noted that he felt compelled to conduct a pat-down search of Mr. HAMILTON for his safety. Officer MANNEY referenced the Defense and Arrest Tactics (DAAT) Training Guide for law enforcement officers in Wisconsin, published by the Wisconsin Department of Justice Law Enforcement Standards Board (2007). Officer MANNEY noted early warning signs described in this publication, such as pre-attack postures, as well as officer/subject factors. Despite his alleged fears, and prior to contact with Mr. HAMILTON, Officer

MANNEY elected to approach Mr. HAMILTON, directed him to stand up, and began to conduct a pat-down search. This decision is in contrast to the DAAT manual, which reads, in part, that “an unrestrained, standing subject is in a much better position to be able to deliver force against you than a subject who is prone on the ground and in handcuffs.”

The DAAT manual further reads, in part, “In your tactical evaluation you assess the potential hazards in the contact, and decide how best to minimize them. If your tactical evaluation leads you to conclude that a situation is too dangerous to try to manage alone—in other words, you would be unlikely to succeed in controlling it—then in most cases, you will simply position yourself tactically and wait until you have sufficient backup.”

In his response, Officer MANNEY indicated he was working one-man and did not have back-up immediately available to him. Our investigation revealed that there were squads available in District 1 and in close proximity to Red Arrow Park. Even if Officer MANNEY was not aware of the fact squads were available, all officers are aware that they can call for an assist and will obtain an immediate response. The Use of Force policy, which references the DAAT manual, provides guidance for this type of circumstance. That guidance includes the recommendation to avoid contact until additional police resources are present. Despite these recommendations, Officer MANNEY, having made a tactical evaluation which led him to believe Mr. HAMILTON was dangerous, elected not to summon additional officers. Rather, Officer MANNEY opted to place his hands on Mr. HAMILTON.



Officer MANNEY received DAAT training during his recruit training and at various in-service training sessions throughout his 13 year law enforcement career. The fact that Officer MANNEY highlights and references the DAAT Manual in his written response further indicates his understanding of the trained tactics.

Officer MANNEY has had instruction pertaining to officer-created jeopardy at in-service training and during DAAT modules. Officer-created jeopardy can be defined as a situation where an officer deviates from established tactics or policies and his behavior unnecessarily places him (and/or others) at greater risk of harm because of his actions. This training guides officers in decision-making and is designed to avoid violent encounters whenever possible. Officer MANNEY did not follow the officer-created jeopardy training when he chose his course of action on this date.

Officer MANNEY failed to adhere to training and procedures regarding Use of Force approach considerations when he made observations that caused him significant fear for his safety yet chose not to call for additional officers prior to his contact with Mr. HAMILTON. Instead, without an urgent need to do so, Officer MANNEY chose to approach Mr. HAMILTON, directed him to his feet, and placed hands on him in performance of a pat-down search. Officer MANNEY'S decisions and actions provoked a combat situation with an emotionally disturbed person (EDP), resulting in an escalation of a use of force leading to Mr. HAMILTON'S death.

\* \* \* \* \*

A copy of Personnel Order No. 2014-102 concerning the disciplinary action I have taken against Police Officer Christopher E. MANNEY is attached.

In the interest of public welfare, good order of the City, and for the good of the police service, the disciplinary action I have taken against Police Officer Christopher E. MANNEY is required, such disciplinary action being set forth in department Personnel Order No. 2014-102.

Dated at Milwaukee, Wisconsin this 15<sup>th</sup> day of October 2014.

  
EDWARD A FLYNN  
CHIEF OF POLICE

EAF:rls  
Attachment (1)





**BE A FORCE**

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

**Edward A. Flynn**  
Chief of Police

(414) 935-7200

**PERSONNEL ORDER 2014 – 102**

October 15, 2014

**RE: DISCIPLINARY ACTION**

**POLICE OFFICER CHRISTOPHER E. MANNEY, (014766), Sixth District, charged with violation of department Code of Conduct as follows:**

Core Value 1.00 – Competence, referencing Guiding Principle 1.05, referencing Standard Operating Procedures relating to Citizen Contact, Field Interviews, Search and Seizure, Section 085.25(A): Failure to have reasonable suspicion prior to conducting a pat-down search.

Core Value 1.00 – Competence, referencing Guiding Principle 1.05, referencing Standard Operating Procedures relating to Use of Force, Section 460.05(1): Failure to adhere to training and procedures regarding Use of Force approach considerations.

The charges having been substantiated, he is found guilty as charged and the penalty adjudged appropriate by the Chief of Police is as follows:

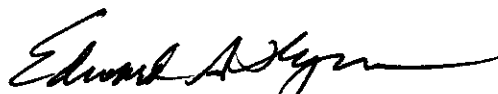
Failure to have reasonable suspicion prior to conducting a pat-down search.

Discharged from the department.

Failure to adhere to training and procedures regarding Use of Force considerations.

Discharged from the department.

It is hereby ordered that POLICE OFFICER CHRISTOPHER E. MANNEY be discharged from the department and removed from the payroll effective immediately pursuant to Wisconsin Statute § 62.50(18).

  
EDWARD A. FLYNN  
CHIEF OF POLICE

EAF:rls  
(14-0187)