

City of Milwaukee Settlement Agreement

SECOND ANNUAL REPORT

SEPTEMBER 2020



PREPARED BY THE CRIME AND JUSTICE INSTITUTE



September 22, 2020

To the Parties to *Charles Collins, et al. v. City of Milwaukee, et al.*:

This report represents the Crime and Justice Institute's (CJI) Second Annual Report, providing our assessment of the Defendants' progress in implementing the reforms required by the Settlement Agreement. The Settlement Agreement stipulates a 30-day review period for the Parties to identify any objections and a 30-day period for CJI to make revisions. Thus, while this report is being released in late September, the information presented here reflects the Defendants' compliance status as of July 2020. We are cognizant that during those 60 days the work toward compliance has continued in both the Fire and Police Commission (FPC) and the Milwaukee Police Department (MPD) while each experiences leadership transitions. Therefore, some information may appear to be out of date at the time of release, but we are bound by the terms of the Agreement and the mandated review period.

In this Second Annual Report we assess efforts towards compliance of over 100 requirements of the Settlement Agreement. Two years into the five-year Agreement, the Defendants are compliant in some areas, non-compliant in others, and in many others the work remains in process. In addition, this report includes a summary of our analysis of police encounters. More detail can be found in our "Analysis of 2019 Traffic Stops, Field Interviews, No-action Encounters, and Frisks" report, submitted as a companion to this Second Annual Report. Based on the data analysis, racially and ethnically disparate policing in Milwaukee continues.

As we look to the third year of the Settlement Agreement, we continue to be concerned about the lack of coordinated action across City entities that we believe is necessary to collectively achieve compliance. The three-person team at the City Attorney's Office working on compliance is a logical and reasonable hub and we see them beginning to assume the role of coordinating the work across City agencies. We believe efficiencies will be realized once a greater coordination of effort occurs from this central place. In the coming months, there will likely be a new Executive Director at the FPC and a permanent Chief of Police. Any change in leadership is accompanied with a learning curve and we are at the ready to assist the new leadership.

Though the Defendants successfully established the foundation needed for reforms, our analysis reported here is concerning and behaviors on the street must change in Milwaukee. Given the national and local context, we believe the work required under this Agreement is more important than ever and we look forward to year three.

Sincerely,



Christine M. Cole
Executive Director, Crime and Justice Institute

CONTENTS

Executive Summary	6
Notable Areas of Progress	8
Notable Challenges.....	9
The Year Ahead.....	12
Introduction.....	14
Background	14
Consultant's Role.....	15
How This Report Is Organized	15
Summary of CJI Activities	17
Assessing Compliance	19
Context for Reform.....	21
City Government.....	21
FPC	22
MPD	24
City Attorney's Office	24
Policies (SA IV).....	26
Summary of Requirements in Settlement Agreement	26
Progress	26
Challenges.....	27
Year Two Assessment.....	27
Remaining Work	29
Data Collection and Publication (SA IV.A)	30
Summary of Requirements in Settlement Agreement	30
Progress	31
Challenges.....	33
Year Two Assessment.....	35
Remaining Work	37
Training (SA IV.B).....	39
Summary of Requirements in Settlement Agreement	39

Progress	39
Challenges	40
Year Two Assessment	42
Remaining Work	44
Supervision (SA IV.C)	46
Summary of Requirements in Settlement Agreement	46
Progress	46
Challenges	47
Year Two Assessment	49
Remaining Work	51
Procedures for Complaints (SA IV.D)	53
Summary of Requirements in Settlement Agreement	53
Progress	54
Challenges	55
Year Two Assessment	56
Remaining Work	60
Audits (SA IV.E)	61
Summary of Requirements in Settlement Agreement	61
Progress	61
MPD	61
FPC	62
Challenges	63
MPD	63
FPC	63
Year Two Assessment	64
Remaining Work	66
MPD	66
FPC	66
Counseling, Re-training, and Discipline (SA IV.F)	67
Summary of Requirements in Settlement Agreement	67
Progress	67
Challenges	68

Year Two Assessment.....	68
Remaining Work	69
Community Engagement (SA IV.G)	70
Summary of Requirements in Settlement Agreement	70
Assessment of Work	70
Year Two Assessment.....	71
Compliance (SA V)	72
Summary of Requirements in Settlement Agreement	72
Year Two Assessment.....	72
Analysis.....	74
Missing Data Elements.....	74
Individualized, Objective, and Articulate Reasonable Suspicion	80
Racial and Ethnic Disparities	81
Remaining Work	83
Miscellaneous (SA VIII)	84
Assessment of Work	84
Year Two Assessment.....	84
Conclusion.....	85
Appendix	86
The Crime and Justice Institute Team.....	86

EXECUTIVE SUMMARY

On July 23, 2018, the U.S. District Court for the Eastern District of Wisconsin entered an order adopting a Settlement Agreement (SA) among the Parties to *Charles Collins, et al. v. City of Milwaukee, et al.* The Plaintiffs in that case alleged that there had been racially disparate and unjustified stops, frisks, and other unconstitutional police actions. The Defendants denied those allegations, and maintain that denial in the Settlement Agreement. By the terms of the Agreement, the City of Milwaukee, the Fire and Police Commission (FPC), and the Chief of the Milwaukee Police Department (MPD) in his official capacity (collectively, the “Defendants”)¹ are committed to implementing significant changes to policies, training, supervision practices, and the use and sharing of data.

As part of the Settlement Agreement, a Consultant must prepare an annual report that addresses the Defendants’ compliance with the terms of the Settlement Agreement based on a review of MPD and FPC actions and an annual analysis of MPD data on traffic stops, field interviews, no-action encounters, searches, and frisks. After mutual agreement by the counsel for the Plaintiffs and the Defendants, the Crime and Justice Institute (CJI) was contracted by the City of Milwaukee to serve as the Consultant. CJI’s role is to focus on Settlement Agreement compliance, and ways to achieve compliance, and to conduct prescribed data analyses. We also serve as a technical advisor and facilitator as the Defendants, through the MPD and the FPC, works toward providing effective, safe, and constitutional policing. We use the language in the Settlement Agreement to define the scope of our responsibilities.

The changes outlined in the Settlement Agreement are first and foremost the responsibility of the Defendants. CJI’s role as Consultant is to provide support and serve as an external entity that assesses and facilitates progress toward the Settlement Agreement requirements. Our role is not to lead the work. The initial work during year one of the Settlement Agreement (July 2018 to July 2019) set a foundation through revising policies, conducting training, and beginning to establish accountability processes. During this second year of the Agreement, much of the work focused on implementing systems of accountability to ensure that policy and training are being adhered to; that employees are fluent in the requirements of the Agreement; that cross-division coordination and collaboration are strengthened; that the data systems relied upon to assess constitutional policing continue to improve; and that comprehension is ensured up and down the command structure through an emphasis on culture change. However, as discussed more fully below and in our companion

¹ Throughout this report we refer to the “Defendants” as the collective of the entities named. Our use of this word is intended to be inclusive of the MPD, the FPC, and City of Milwaukee leadership, which we understand to be the Office of the Mayor and the Common Council. We refer to the City of Milwaukee or the City in some instances where it is appropriate.

report “Analysis of 2019 Traffic Stops, Field Interviews, No-Action Encounters, and Frisks” notable racial and ethnic disparities exist. Additionally, in year two there was a focus on working toward, establishing, and maintaining compliance with the more than 100 requirements of the Settlement Agreement. This Second Annual Report represents CJI’s assessment of the Defendants’ progress in implementing the reforms required by the Settlement Agreement as of July 2020.²

Before delving into the progress and challenges of the second year, it is important to discuss the national context at the time this report was written. First, the nation continues to be gripped by the effects of COVID-19. While the Academy extended the duration of its in-service training during the first half of 2020 to allow for smaller class sizes, MPD informed CJI that no other formal changes to MPD operations as a result of COVID-19 were made, including the conduct of daily operations or responses to calls for service. However, staff at both agencies were hampered in different ways. For example, MPD experienced issues related to illness and staffing, the FPC dealt with hindrances in some of their responsibilities while staff were required to work from home, and the Commission struggled with virtual meetings. In the upcoming year we will continue to monitor how MPD responds to the pandemic and assess how data, particularly related to police encounters, may have been impacted by the pandemic. While we are not aware of any policy shifts in call response strategies during this time, it would not be surprising if the data show fewer encounters during the early months of the pandemic and we will assess that once data covering that timeframe is received.

Recognizing the current national context of policing seems important and relevant. Racial justice and equity protests across the country following the death of George Floyd in Minneapolis in May 2020 continue and anger toward the police on the national stage has been energized into a movement. Across the nation police reform conversations abound in legislatures, communities, and police departments. The aspirations of the Settlement Agreement in Milwaukee are consistent with larger efforts for change. At the core of the national refrain is the need for improved trust between the police and those most affected by policing. Based on what we have seen and read about protests in Milwaukee, the lack of trust between the community and police continues to be an issue and there is more work to be done to repair and strengthen that relationship. It is clear that the tenets of the Settlement Agreement - transparency, accountability, and accuracy of data collection - are more important than ever in the City of Milwaukee.

² As the Consultant, CJI presents a draft report covering the previous 12 months to the Parties by July 23 of each year. According to SA V.A.9, the Parties then have 30 days to serve each other and the Consultant with any objections to the Draft Report. The Consultant then has 30 days to make revisions based on the objections.

Notable Areas of Progress

In our First Annual Report, we expressed concern about the low number of MPD and FPC staff members who were involved in efforts toward compliance with the Settlement Agreement. During year two we have witnessed a welcome increase in the number of personnel within each agency who are working on compliance efforts. The FPC hired a Compliance Auditor who is dedicated to Settlement Agreement work and MPD assigned a Captain and a Sergeant to manage the numerous strands of work underway at MPD to achieve compliance. Within MPD, representatives from the Academy, the Patrol Bureau, Information Technology (IT), Inspections Section, and Internal Affairs Division, among other divisions, were engaged in the work in a meaningful way during the second year. CJI has encouraged and witnessed greater engagement from the Patrol Bureau, which increased its focus on the actions of officers and supervisors by connecting training and inspections, and implementing internal feedback loops. MPD improved cross-division collaboration and internal communication with not only the Patrol Bureau but also the Internal Affairs Division, which showed more involvement and commitment to achieving compliance.

We also expressed a need for a multi-year project plan toward compliance. During the second year of the Agreement, MPD developed a detailed project management plan and a tracking system that identifies divisions responsible for certain tasks and establishes interim benchmarks and timelines. Despite personnel changes at MPD, a Captain who joined the compliance efforts in February has achieved a great deal in a short time due to her rank and superior project management skills. While it remains to be seen if the multi-year project plan can be an effective tool to keep MPD on track, the existence of the plan is notable progress during year two. FPC made progress by grasping the full extent and nature of the work, addressing policy, training, and accountability, and the resources needed to achieve it. A multi-year FPC project plan with responsible entities, timelines, and due dates is still in development but staff are on the right path to putting the necessary project management tools in place.

In March 2020, the MPD Inspections Section completed the first set of required audits of traffic stops, field interviews, and no-action encounters to identify officers who failed constitutional compliance, officers who failed proper documentation of encounters, supervisors who failed to review subordinate officers' reports, and supervisors who failed to require retraining or discipline (SA IV.E.6). The Inspections Section established formal protocols to conduct audits every six months and have a sufficient number of staff members who have been trained on such protocols. The first set of audits has been helpful in identifying the lack of accountability mechanisms and automated processes throughout MPD.

Another key finding of our year one report included struggles with the quarterly data extraction that is required to be shared with the Parties and the Consultant. During

year two MPD continued to improve its process for extracting the data and the quality of the data included in the extraction. MPD established internal vetting and redaction processes that result in a more complete and accurate picture of police encounters in Milwaukee. That said, some challenges related to the quarterly data extraction remain and are further detailed below. (See the Data Collection and Publication section.)

During the second Agreement year, FPC Executive Director Griselda Aldrete made notable efforts toward compliance by engaging an outside consultant to assess operational capacity and beginning to implement some of the Consultant's findings. The Finance and Personnel Committee of Milwaukee's Common Council approved Aldrete's proposal for a reorganization of FPC staff, including new positions, on May 20. These organizational changes and new positions are intended to increase effective functioning of the FPC and enable the agency to perform what is required to achieve compliance, especially related to the audit requirements. As of the writing of this report, positions for auditing staff and investigator staff should be posted soon by the Department of Employee Relations. FPC needs expeditious recruitment, experienced staff, and training on policies and procedures of both MPD and the Settlement Agreement to stand up its critical audit unit. The audit unit can then begin its regular and routine review of traffic stops, field interviews, no-action encounters, frisks, and searches to identify officers who fail constitutional compliance, officers who fail proper documentation, supervisors who fail to review, and supervisors who fail to retrain or discipline, as well as its review of complaints submitted by members of the public to the FPC. These organizational changes, and future staff acquisitions, are important foundations for the FPC to grow its capacity and ability as envisioned in the Settlement Agreement.

Notable Challenges

What follows are the most notable challenges during the second year with a focus on processes and operations. As discussed below in the Racial and Ethnic Disparities section and detailed in our companion report "Analysis of 2019 Traffic Stops, Field Interviews, No-Action Encounters, and Frisks," the outcome of these continued challenges culminates in disparate stop rates. In order to make progress toward compliance with the Settlement Agreement and toward more equitable policing outcomes in Milwaukee continued improvement in these areas is needed.

We believe that the extent of changes in key personnel at MPD and FPC since our First Annual Report is worth noting. Since our year one report, the FPC has a new Executive Director and hired a Compliance Auditor dedicated to the Settlement Agreement; a new Assistant Chief was appointed to the Administrative Services Bureau; a new MPD Inspector was tasked with overseeing the Settlement Agreement work; a new captain oversees the Academy; there is a new MPD Director of IT; turnover occurred at the sergeant level, which is engaged in much of the day-to-day work; and a new Captain

was assigned to manage MPD's overall efforts toward compliance. While none of these individual changes are problematic in and of themselves, the cumulative amount of transition, and the unavoidable learning curves that come with change, inevitably hindered some progress. We are hopeful that the personnel currently engaged in the work can largely be maintained in year three so progress can continue unimpeded.

As noted above, MPD now has a project planning system in place so MPD can hold responsible parties accountable in managing efforts related to the Settlement Agreement. The FPC has made some headway in this area but has yet to develop an overall project plan with benchmarks and deadlines. While the progress is encouraging, these efforts were a work in progress for most of the second year of the Agreement. We believe the lack of structured plans that delineated assignments and timelines for Settlement Agreement requirements hindered both agencies from making more progress in some areas. For example, some responsibilities set out by the Settlement Agreement for the Internal Affairs Division and the Patrol Bureau were not given sufficient attention. Consequently, processes were not established to ensure protocols were adhered to in the field after policies were revised and trainings were conducted. Developing and implementing feedback loops to establish accountability mechanisms proved challenging in year two.

In our First Annual Report we noted the challenges that staff vacancies pose to the Defendants fulfilling all of the responsibilities stipulated in the Settlement Agreement, and those challenges persist. This is particularly true for the Patrol Bureau, Criminal Investigation Bureau, and at the supervisory level in numerous MPD divisions. COVID-19 has presented an unforeseen barrier in filling vacancies, as promotional testing planned for the spring had to be postponed.

As noted above, the MPD made changes to the required quarterly data extractions over the past year and these changes were helpful in providing more complete and compliant datasets to CJI, Plaintiffs' counsel, and the FPC. In some instances, MPD made iterative changes to the data in response to a CJI request. That responsiveness is positive because it shows MPD's willingness to diagnose and solve problems. However, changes in the data extraction across quarters introduced challenges in CJI's ability to analyze the data. These changes hamper our ability to be confident that we are making appropriate comparisons over time. While we believe the foundation of the extraction queries themselves are sound, the iterative adjustments to the quarters both made them more complete and hindered CJI's ability to develop an in-depth understanding of the data structure. This belief in their soundness remains to be seen until after our video analysis, described later in this report, is complete. MPD rejected CJI's requests to re-extract past quarters of data with updated extraction protocols, citing resource constraints. We still have questions about the details of how the quarterly data extractions are assembled and vetted and MPD has been only partially responsive to questions about that process. Similarly, suggestions to use whitelisting,

which is a best practice approach to remove personally identifiable information (PII), were rejected for fear that the process would not appropriately balance the removal of PII and the retention of necessary information given the varied databases and data fields in which narrative information is stored. MPD's choice to pursue manual redaction, in combination with limited resources devoted to data systems, has made preparation of the quarterly data extraction less efficient and, in some ways, it has slowed our ability to get up to speed on what the data do and do not contain.

Another barrier to the timely delivery of accurate data on a quarterly basis is the need for redaction of PII, which is any combination of pieces of information that could allow an individual's identity to be known or inferred. The City Attorney's Office decided that officer PII should not be available to the public, although it is an explicit requirement that MPD provide officer PII in the data extractions to CJI, Plaintiffs' counsel, and the FPC. This decision created confusion and delays in public posting of the data by the FPC, and adds additional work to an agency that is understaffed and recently lost its Research and Policy Analyst who was engaged in the FPC data-related requirements.

MPD is required to complete a community policing status report twice each year. The Agreement itself provides no guidance on what should be included in the report and what the goals are for publishing such a report. We have encouraged the Parties to confer on this particular requirement (SA IV.C.6) as we feel unable to provide an assessment of the draft report that was submitted to CJI without additional input from the Parties.

A continued challenge is FPC's internal capacity to meet the requirements of the Settlement Agreement, particularly related to audits. The departure of a few staff members who were skilled in auditing and data analysis exacerbates the slow pace of the work. We understand that the FPC is working to fill and create positions, but FPC staff capacity is hindering progress toward compliance. Current FPC staff working on the Settlement Agreement show commitment to the work but they are not enough. In addition, FPC lacks a formal training curriculum for investigators and auditors. While developing training materials is in process, it is imperative that training be finalized prior to new staff getting to work.

Per SA IV.G.2, the Settlement Agreement requires the continuation of the Collaborative Community Committee (CCC), a group established by the Common Council prior to the implementation of the Settlement Agreement. The order creating the CCC charged the group with analyzing and reporting on the recommendations of the never-finalized U.S. Department of Justice Collaborative Reform Initiative report. The CCC, with the assistance of a consultant, produced [that report](https://city.milwaukee.gov/ImageLibrary/CRP/CCCCommunityPresentationSlides-FINALSep2019.pdf)³ and presented it publicly in October

³<https://city.milwaukee.gov/ImageLibrary/CRP/CCCCommunityPresentationSlides-FINALSep2019.pdf>

2019. With that report, the CCC appeared to complete its assignment and again, from appearances, ceased its activities. During the early part of 2020, with input from the Plaintiffs' counsel, a new membership list and, therefore, a new version of the CCC was adopted by the Common Council. Appointments and activities were delayed, seemingly stalled by a combination of the COVID-19 pandemic and the April election. On June 10, 2020, the new President of the Common Council named his four appointments to the CCC. At this writing, it is unclear if the CCC has a full complement of members and if they are meeting. Further, to date, there is little evidence that collectively the Defendants takes seriously the valuable role the CCC can play in achieving the intended outcomes of the Settlement Agreement.

As stated in our First Annual Report, we find the personnel within the MPD and the FPC who are working toward compliance to be cooperative, committed, and responsive. During this second year of the Agreement, we are encouraged that the number of individuals engaged in the work has increased, a welcome improvement over the first year. However, we continue to believe that contributions from leadership and coordination across the City remain critical to achieve the cultural, operational, and budgetary changes needed to achieve full compliance. This includes meaningful engagement and attention from the offices of the Mayor, City Attorney, Common Council, and the FPC Commissioners. One potential manifestation of lack of engagement is that leadership may not consider the Agreement in other relevant decisions, such as budgeting and acquisition of new technology. We further discuss these concerns below in our Context for Reform section.

The Year Ahead

Work during the first year of the Settlement Agreement was largely focused on policy and training. During the second year, the focus was on implementation and establishing accountability mechanisms. During the upcoming year CJI will continue to work closely with MPD and FPC to continue implementing new processes and feedback loops. In addition, CJI will conduct additional reviews, audits, and compliance checks to verify that the changes made are translating into practice. MPD's Inspections Section, which is responsible for conducting audits, is not common in an urban police department and is a valuable resource. The Defendants should ensure that the Inspections Section be fully utilized and staffed appropriately. The coming year will require that the MPD follow up on with audit findings, including remedial training and discipline for officers and supervisors who do not comply with policies, and continue to monitor and improve upon technology solutions that assist with accountability measures.

During the upcoming year CJI will design and conduct "compliance checks" to ensure that practice is aligned with training and policy. Such checks will likely involve reviews of samples of case files and reports. For example, we will conduct our own reviews to

verify that complaint forms are available at public libraries and district stations, complaints are accepted through the various means outlined in the Agreement, the number of encounters are not used as a performance indicator, and complainants are contacted within the required timeframe, among other compliance checks.

We understand that the Settlement Agreement requires a great deal of change and that such change will take time to achieve. We believe the MPD and FPC have shown a genuine desire to comply with the requirements of the Agreement, and have made much progress in the first two years of its effectiveness. However, evidence of biased policing in Milwaukee continues to be a significant concern. Behavior changes on the part of patrol officers and more intensive and effective supervision of those officers are critical to these efforts. We have concerns about the current resources and capacity of the involved agencies to do the tremendous amount of work that remains, although notable progress in staff capacity is evident at MPD. In addition to MPD and FPC staff capacity, achieving desired reforms will require the commitment and attention of the Mayor's Office, members of the Common Council, FPC Commissioners, and the City Attorney's Office. All of these entities must work together to ensure that budgets permit appropriate staffing levels, positions are filled expeditiously, and that the Defendants are working toward compliance with all requirements in the Settlement Agreement. We believe a single point of contact that is looking at efforts and accomplishments across the Defendants is necessary to address barriers and ultimately meet compliance.

INTRODUCTION

Background

On February 22, 2017, the American Civil Liberties Union (ACLU), along with counsel from Covington & Burling LLP, filed a class action lawsuit against the City of Milwaukee, the Milwaukee Fire and Police Commission (FPC), and the Chief of the Milwaukee Police Department (MPD). Six individuals brought the case *Charles Collins, et al v. City of Milwaukee* (2017) on behalf of a class of people who allege that MPD’s policies and practices related to stops and frisks violate the protected rights of the Fourth and Fourteenth Amendments of the U.S. Constitution. In particular, the Plaintiffs alleged that the practices, policies, and customs of MPD authorize officers “to stop people without individualized, objective, and articulable reasonable suspicion of criminal conduct” and “to frisk people without individualized, objective, and articulable reasonable suspicion that the person is armed and dangerous”, which are violations of the Fourth Amendment (SA I.A.1)⁴. The Plaintiffs also claim that MPD sustains “stops and frisks of Black and Latino⁵ people that involve racial and ethnic profiling, or are otherwise motivated by race and ethnicity, rather than reasonable suspicion of criminal conduct, in violation of the Fourteenth Amendment” as well as Title VI of the Civil Rights Act of 1964 (SA I.A.1).

On July 23, 2018, the U.S. District Court for the Eastern District of Wisconsin entered an order adopting a Settlement Agreement among the Parties to *Charles Collins, et al. v. City of Milwaukee, et al.*⁶ The Defendants denied the allegations, and maintain that denial in the Settlement Agreement. By the terms of the Agreement, the City of Milwaukee, FPC, and the Chief of MPD in his official capacity (collectively, the “Defendants”) are committed to implementing significant changes to policies, training, supervision practices, and the use and sharing of data. The Settlement Agreement is a comprehensive agreement that outlines specific actions the Defendants must take to reform policing. The MPD and FPC are required per the Agreement to update selected policies, appropriately document stops and frisks, improve training, supervision, and auditing relating to stops and frisks, publish stop-and-frisk and complaint data, and improve processes related to public complaints. Finally, they must utilize a consultant

⁴ Citations to a specific paragraph of the Settlement Agreement follow the text that relies on that paragraph and appears in parentheses containing “SA” followed by the paragraph number.

⁵ The Settlement Agreement uses the term Latino. Throughout this report we use Hispanic/Latino to reflect the actual language that is included in the relevant datasets used for our analysis and to be consistent with our annual data analysis report.

⁶ Order and Settlement Agreement (July 23, 2018). *Charles Collins, et al. v. City of Milwaukee, et al.*, (17-CV-00234-JPS) United States District Court, Eastern District of Wisconsin, Milwaukee Division.

to assess whether the Defendants comply with the Settlement Agreement requirements.

The Crime and Justice Institute (CJI) was selected to serve as the Consultant per mutual approval of the Parties. CJI entered into a contract with the City of Milwaukee on October 4, 2018 and began work immediately.

Full compliance with the requirements of the Settlement Agreement will take a significant amount of time and effort from all Parties. Changes on this scale cannot, and indeed will not, happen overnight. A great deal of thoughtfulness and attention must go into these changes. This significant, multi-year initiative is not a Police Department effort, but rather a full City effort. While the majority of the required reforms outlined in the Settlement Agreement fall under MPD and FPC's purview, the support and engagement of entities throughout the City will be vital to successful reform and meaningful improvement.

Consultant's Role

A major function of the Consultant's role as outlined in the Settlement Agreement is to assess the Defendants' compliance in an annual report (SA V.A.1). This annual report assesses the Defendants' efforts and hindrances towards compliance with the required reforms in the Settlement Agreement and includes results of required data analysis as outlined in the Agreement. Per the Settlement Agreement, if CJI finds non-compliance on any requirement, we will work with the Defendants to reach compliance and formally follow up in six months to report whether they have rectified the issues.

This Settlement Agreement shares many parallels with court-ordered consent decrees executed in other cities but the Consultant's role as outlined in this Settlement Agreement has a notably different and generally more limited role than a consent decree monitoring team that often plays a substantive role in shaping the reforms. In addition, consent decree monitoring teams often have a robust role in community engagement while CJI's role is limited in that area per the requirements of the Settlement Agreement. CJI's main task, as an agreed-upon consultant hired by the City, is to track and report on the compliance of the Defendants by verifying required changes are being implemented and conducting prescribed data analyses. Our role, according to this Settlement Agreement, is to focus on compliance, adherence, and data quality and analysis.

How This Report Is Organized

Similar to our First Annual Report, this Second Annual Report reflects the categorization of requirements as outlined in the Settlement Agreement. Below we begin with a discussion about our activities and work conducted as the Consultant

during year two and provide definitions of compliance statuses, which remain unchanged compared to year one. The subsequent chapters include assessments and discussions on the Defendants' efforts toward compliance in the following areas that mirror the Settlement Agreement:

- Policies;
- Data Collection and Publication;
- Training;
- Supervision;
- Procedures for Complaints;
- Audits;
- Counseling, Re-training, and Discipline;
- Community Engagement;
- Compliance; and
- Miscellaneous.

Within each of these sections, we include a summary of requirements in the Settlement Agreement, an assessment of compliance with the requirements, progress and challenges, and the remaining work. In the Compliance section, we present a summary of our first analysis of encounter data as prescribed by the Settlement Agreement in SA V.A.5 through V.A.8. A separate technical report published concurrently presents the full details of that analysis.

SUMMARY OF CJI ACTIVITIES

During the second year of our role as Consultant, we conducted three site visits. In September 2019, our team visited Milwaukee and met with many key stakeholders, participated in ride-alongs with police officers, and performed some compliance checks on systems at MPD. In December 2019, we attended in-service training and met with key personnel at MPD. We planned for an in-person site visit in March 2020, but due to the COVID-19 pandemic, we conducted this site visit virtually. During the virtual site visit, we conducted meetings with various divisions of MPD, FPC staff, and participated in a presentation to the Judicial & Legislative Committee of the Common Council. Our part of the presentation included the MPD and FPC's progress and challenges as we have witnessed them since beginning our work as Consultant. We also presented on our first semiannual report, "Semiannual Analysis of Traffic Stops, Field Interviews, No-action Encounters, and Frisks."

During the second year, we greatly increased the breadth of individuals with whom we communicated as well as the frequency of that communication. We have regular calls with the following groups and individuals to keep moving toward compliance, help troubleshoot issues as they arise, and continue to strengthen our understanding of the systems and political aspects that can influence work related to the Settlement Agreement:

- FPC staff tasked with overseeing compliance efforts
- FPC Executive Director Aldrete
- MPD staff tasked with overseeing compliance efforts
- MPD command staff, including Chief Morales
- City Attorney's Office
- Plaintiffs' counsel
- Data and IT staff from MPD, FPC, and Plaintiffs' counsel team

The CJI team has established close working relationships with several MPD and FPC staff members tasked with overseeing efforts toward compliance. We find these working relationships to be productive, but at times hampered by staffing and capacity limitations. Given the nature of the work and our role as Consultant, tensions and disagreements inevitably arise and we have witnessed some resistance at times to fully embrace the requirements of the Agreement. However, we believe that CJI has come to be perceived as fair and honest and use that established trust to work through challenges and obstacles.

A significant piece of work this past year has been determining what evidence is needed to demonstrate that the Defendants have sufficiently implemented the specific requirements of the Settlement Agreement. This has been, and continues to be, an iterative process with MPD and FPC as we assess proposed documentation, provide

feedback on submitted documentation, and suggest improvements to demonstrate that all elements of the agreed-upon language in the Agreement are being met. During year two CJI received, reviewed, and responded to hundreds of documents submitted as “proofs” that requirements are being met such as training materials, redacted complaints, reports from the Administrative Information Management (AIM) system, and internal memos, among other types of documentation. In our assessment and determination of compliance, presented in tables in subsequent sections, we measured the documentation received against the exact wording of the Agreement.

During year two, we submitted a six-month report to the Parties and the Court that outlined the progress, or lack thereof, on items that were deemed non-compliant in our First Annual Report. This interim report, [First Six-Month Report on Non-Compliant Items⁷](#), is required per SA V.A.1 and was submitted in March 2020. It is publicly available on the FPC website.

Additionally, since our [First Annual Report⁸](#), we produced two semiannual reports in compliance with SA V.A.3., in [February 2020⁹](#) and [June 2020¹⁰](#), and both are available on the FPC website. These reports outline the Defendants’ compliance with the Fourth Amendment in conducting stops and frisks. The Settlement Agreement requires that CJI use a random selection of encounters to analyze whether officers are appropriately documenting individualized, objective, and articulable reasonable suspicion for stops and frisks, and produce a tabulation of the hit rate, including by race and ethnicity, showing how often officers find contraband during a frisk. Due to the delay in delivery of usable data from the first two quarters in 2019, we produced our first semiannual report in February of 2020. In the future, these semiannual reports will be submitted to the Parties in October and April each year.

Lastly, a core component of the Consultant’s role involves an annual data analysis to assess the extent of racial and ethnic disparities in police encounters (see SA V.1.d.viii through V.1.d.x). During this second year we conducted the required regression analyses to assess the racially and ethnically disparate impact of policing in Milwaukee. The results of that analysis are summarized below in the Compliance chapter and the full technical details on that analysis are being published concurrently with this Second Annual Report in a separate report entitled, “Analysis of 2019 Traffic Stops, Field Interviews, No-action Encounters, and Frisks.”

⁷ <https://city.milwaukee.gov/fpc>

⁸ Id.

⁹ Id.

¹⁰ Id.

ASSESSING COMPLIANCE

In our First Annual Report, we assessed the compliance status of a subset of the Settlement Agreement requirements with a focus on those requirements, with clear due dates and explicit expectations for completion within the first year of the Agreement. In this report, we assess the compliance status for all of the requirements in the Agreement and present those assessments in tables in the subsequent chapters. The tables include the Settlement Agreement paragraph numbers, the exact Agreement language, and the compliance status as of the writing of this report. The assessments are as of July 2020 to meet the required deadline of a draft report submitted to the Parties by July 23. Per the Agreement, the Parties have 30 days to review and provide any objections to the report, and we as the Consultant then have 30 days to make any revisions to the report. Thus, while this report will be finalized and become publicly available in late September, it reflects the compliance status as of July 2020.

For the topic-specific chapters below, in addition to tables presenting our compliance assessment, we describe the progress and challenges made in each area, including some explanation for how the Defendants have or have not demonstrated compliance. As noted above in the description of CJI activities, establishing compliance for individual requirements has been and continues to be an iterative process with the Defendants.

In some places in the Settlement Agreement, a single paragraph contains more than one element to be addressed. We provide an assessment of compliance on distinct components of work that needs to be done and, therefore, a single Agreement paragraph may be represented by more than one row in the tables below.

We classify items into the following categories, which remain unchanged from our First Annual Report:

- **Compliant:** The Defendants have complied fully with the requirement and the requirement has been demonstrated to be adhered to in a meaningful way and/or effectively implemented.
- **In Process:** The Defendants have made sufficient, partial progress toward key components of a requirement of the Settlement Agreement but have not achieved or demonstrated full compliance. The Defendants may have made notable progress to technically comply with the requirement and/or policy, process, procedure, protocol, training, system, or other mechanism of the Settlement Agreement but have not yet demonstrated effective implementation. This includes instances where an insufficient span of time or volume of incidents have transpired for effective implementation in a systemic manner. It may capture a wide range of states, from

the Defendants having taken only very limited steps toward compliance to being nearly in compliance.

- **Non-Compliant:** The Defendants have not complied with the relevant requirement of the Settlement Agreement. This includes instances in which the Defendants' efforts may have begun but the Consultant has deemed those efforts insufficient.

CONTEXT FOR REFORM

As we present our assessment of the Defendants' efforts toward compliance with the Settlement Agreement during year two, we believe it is important to reflect on the context within which these significant reforms are taking place. While most of this report reviews progress, or lack thereof, of the specific requirements outlined in the Agreement, this challenging and resource-intensive work is occurring within agencies that are part of the local government. This context impacts the Defendants' ability to make needed progress in a way that is efficient, adequately resourced, and coordinated.

City Government

Although it has been two years since the Parties signed the Settlement Agreement, the work of achieving compliance seems an afterthought to all but a small number of people in the City of Milwaukee. It is not integrated into the daily work, strategic planning, and service to the community for *all* of government. Dedicated professionals work on training, auditing, operational compliance, and yet, they seem to toil without a citywide mandate or the highest-level leadership confirming that this work matters. We acknowledge that more people than we realize may fret about achieving compliance, perhaps because it is costly to get there, or costly to fail. Unfortunately, too few seem focused on the path of hard work towards compliance. Or even on the important, long-term reforms that compliance permits. Achieving compliance must be a result of the overall reform effort, and not just seen as a goal. Once compliant, the Defendants' policies and practices in the shared delivery of public safety and oversight will reflect current best practices in policing and adhere to the requirements of the U.S. Constitution; and they will not merely conform to a court-ordered agreement. Elected government representatives and Milwaukee's community, represented by the CCC, have a voice in this effort and the provision of safety and oversight moving forward. The City, writ large, needs to leverage the structures and bodies that exist to achieve the hoped-for results.

Many reforms embedded in the Agreement require substantial government involvement, following the notion that creating and living in a safe community should not just concern the public and police. For example, ensuring that an adequate number of police supervisors exists may require a staffing study, a community policing strategy, and specific planning with budget authorities, testing agents, and coordination between the Police Chief and the FPC to plan the schedule for exams and promotions based on attrition or other changes. Or, achieving streamlined and effective oversight may require data-sharing MOUs rather than public records requests between City agencies and that might require adjusting longstanding structures that impede efficiency. Effective oversight is a responsibility of and should be a concern for all aspects of government. It should be an explicit goal of the Police Department

(from the Command Staff to officers), the Common Council, the Office of the Mayor, the City Attorney's Office, and both Commissioners and staff from the FPC. Up to this point, we have not seen any leader organize all relevant agencies in a conversation that drives the Defendants toward compliance. Each agency seems left to its own to set a plan without oversight, coordination, or direction. Compliance will only be achieved when the disparate parts of Milwaukee's infrastructure come together with strategic focus on the common goal of reforming the way the City of Milwaukee thinks about, delivers, and oversees public safety.

Budgetary appropriations, limitations, or cuts could also interfere with the Defendants' work toward compliance. In 2020, budget concerns across the country are exacerbated by public health and safety needs from the COVID-19 pandemic. Yet, achieving the reforms set forth by the Settlement Agreement, to which the Defendants agreed, comes with some costs. For instance, appropriate staffing is necessary to achieve the core mission and aspirations of the Settlement Agreement.

Lastly, we believe collectively the Defendants still have work to do in "owning" the requirements of the Settlement Agreement and embracing the reforms as an opportunity to make necessary improvements. As just one example, we have witnessed personnel reference the Settlement Agreement as the "ACLU agreement", which we believe serves as a cultural barrier to embracing the work and an obstacle to viewing the Agreement as a guide toward improving policing in Milwaukee.

FPC

Since our first annual report there have been changes on the staff side of the FPC. A Common Council-confirmed Executive Director began in August 2019. As of this writing, Griselda Aldrete is overseeing the progress with her stable leadership and an eye on structure, compliance, and coordination of work. As is often the case, the new leader brought some staff defections due to a different leadership style or new expectations. After a period in which she assessed the status of staff and office function and worked to understand the language and spirit of the Settlement Agreement, Director Aldrete filled some vacancies and hired a consultant to conduct a comprehensive review of the organizational capacity assets and needs to achieve the requirements of the Settlement Agreement. The hired consultant produced a report with specific suggestions and Director Aldrete began implementing the suggestions in concert with the established systems of the City, such as seeking necessary approvals from the Common Council and City agencies such as the Department of Employee Relations.

According to Wisconsin State Statute (Wis. Stat. 62.51 (2)), all mayoral appointments must be confirmed by the Common Council following the spring election, including those confirmed by a prior council. After successfully overcoming the hurdle of the

public safety subcommittee hearing on June 25, Director Aldrete withdrew her nomination from consideration ahead of the hearing and vote of the full Common Council on July 7. This decision was not only a surprise but is a concern for CJI. CJI maintains that stable leadership in the FPC is critical to advancing towards compliance and the many changes in leadership in this position negatively impacts the pace of work required to achieve the required reforms. Director Aldrete is the third person to serve in this role since CJI signed its contract with the City in October of 2018. It is our sincere hope that an appointee confirmed by the Council can be in place soon. Now is not the time for staff to wonder about job security or efforts underway, including the very important hiring of an audit unit, which will certainly be stalled. All observers of the FPC should anticipate another round of growing pains with yet another new leader.

The myriad of roles of the FPC Executive Director and the structure of the office causes a lack of clarity in what oversight means in that position. Even though the Executive Director is a direct report to and appointee of the Mayor, they serve as the secretary to the Commission. In practice, it seems unclear how the trio interact and support a common set of goals. Additionally, in the last several months, Executive Director Aldrete was called to testify for numerous hearings by various subcommittees of the Common Council, full Commission hearings, and Commission subcommittee meetings while leading an agency of up to 34 staff members including commissioners (presently only 14 staff positions are filled). Leading reform in an agency is difficult, time consuming, and demanding work. While being responsive to the many bodies and the community is important for transparency and accountability, CJI sees significant conflict and contention among the City's entities that could hamper efforts to reform as well as jeopardize community confidence in the City's ability to oversee police effectively.

The Commission continues to operate with two vacant seats and one member in an expired term. The vacancies limit the roles for interested community members, and consequently also limit points of access for the community. There are likely many qualified individuals in the City who would be interested in serving, so it is unclear why the vacancies remain; the more the public can engage with this work, the more their confidence in the Commission will grow. A full complement of Commissioners also contributes to more robust committee work and efficient operations. While much of the day-to-day work of the Commission is accomplished by the staff, the wide range of responsibilities of the FPC Commissioners include hearing appeals from applicants who are rejected during a hiring process; participating on subcommittees (typically three commissioners per committee) to hear items specific to policy, discipline, testing, and research; and engaging with the community by attending public meetings at the invitation of neighborhood organizations. The ability of the Commission to fully deliver on its expectations is challenged without a full complement of members. The Settlement Agreement envisions a more robust and effective FPC and the demands on the FPC will only expand with the work toward compliance. The part-time

commissioner positions come with extensive expectations, so it is imperative that the Mayor and Common Council act to fill these vacant positions.

In the spring of 2020, there was much criticism in the local media about the functioning of the FPC. There were also looming questions about its leadership and the Commission's ability to be effective with the continued investigation into allegations of ethical breaches by the then-current chairperson. Because the allegations were about integrity, critics called into question the Commission's ability to perform police oversight, its most core function. The Commission voted in a new chairperson in July which seems to have lessened public criticism. We believe that a fully engaged Commission that demonstrates its ability to hold itself accountable, as well as the MPD, is vital to the Defendants' ability to achieve compliance with the Settlement Agreement.

MPD

MPD's work in the last two years firmly establishes the foundation to achieve the reforms imagined by the Settlement Agreement. The drafting and approval of policies, training to policies, and establishing the timing and follow through for accountability are all necessary precursors to seeing and experiencing behavioral change on the street. In recent months, the MPD worked on creating and communicating systems to monitor behaviors, collect data, and then follow through with praise for what works well and support for areas of concern. These feedback loops are critically important for the MPD to embrace and sustain the changes called for in the Settlement Agreement. In the coming year, CJI will work to test the compliance with these administrative changes through compliance checks, reviews of materials, and testing adherence to policies that will solidify an assessment of "compliance".

City Attorney's Office

While the City Attorney's Office is not a listed party to the Settlement Agreement, CJI believes the three-attorney team in that Office is well positioned to provide an infrastructure that coordinates the efforts and responses of the Defendants toward compliance. At present, CJI sees staff in several places working to achieve compliance but not in a way that is coordinated citywide. The recent announcement of new members to the CCC is an example of this lack of coordination, as relevant Defendant agencies were unaware of that important achievement until the announcement was made in a press release. The existence of a central, coordinating body would improve communication, meaning that information similar to that announcement could be shared more efficiently. City-level coordination will increase efficiency and efforts toward compliance instead of relying on individual actors assigning themselves responsibility. In several places in the Settlement Agreement, the phrase "the Defendants shall..." appears. In some instances, the specific responsibilities fall on both

the MPD and FPC. One example is SA IV.D.1.j: “Defendants shall prohibit investigators from conducting investigations...” It is our read that the Defendants are not in full compliance unless and until investigators at both the FPC and MPD are in compliance. As a coordinating entity, we believe the City Attorney’s Office can facilitate collective work toward shared goals rather than the Defendants continuing to remain in silos that lack necessary cross-department communication.

POLICIES (SA IV)

Summary of Requirements in Settlement Agreement

The Settlement Agreement requires changes to the MPD's Standard Operating Procedures (SOP) to ensure that officers carry out all traffic stops, field interviews, no-action encounters, and frisks in accordance with the protected rights in the Constitution as well as with fairness and respect. Departmental policies must make clear that traffic stops, field interviews, and no-action encounters be supported by individualized, objective, and articulable reasonable suspicion of unlawful conduct, and frisks must be supported by individualized, objective, and articulable reasonable suspicion that a person is armed and poses a threat. Law enforcement officers may not rely on race, ethnicity, national origin, religion, gender, age, gender identity or expression, sexual orientation, immigration status, limited English proficiency, disability, or housing status as reasonable suspicion or probable cause in the absence of a specific suspect description. Moreover, officers cannot solely rely on a person's appearance or demeanor, the time of day, or perceived inappropriate presence of a person in a neighborhood as evidence of reasonable suspicion. However, officers may use these factors in combination with other legally appropriate factors to establish reasonable suspicion or probable cause. MPD shall not have policies, trainings, or performance evaluations that use a quota system on the number of traffic stops, field interviews, no-action encounters, frisks, searches, or arrests. To ensure that MPD's policies and practices are consistent with the principles of the Settlement Agreement reviewed above, the Defendants agreed to make changes to an identified set of Standard Operating Procedures.

Progress

Many of the Settlement Agreement's requirements are predicated on the revision of MPD's Standard Operating Procedures. During the first year, the Defendants revised MPD's Standard Operating Procedures as required by the Settlement Agreement and MPD submitted proof that those changes were communicated to and acknowledged by MPD personnel. As of our First Annual Report, SOP 450-Personnel Investigations was the only revised SOP not fully acknowledged by members of the Department through MPD's Continued Education and Request Travel/Training (CERTT) web application. We received evidence of those acknowledgements and now find the Defendants compliant with SA IV.10.b.iv. It is worth noting that as we work through the iterative process of assessing compliance, some items needed for accountability or consistency were not included in the initial round of policy revisions and so future revisions to SOPs will be necessary. However, given that formally revising SOPs is a protracted process, roll call announcements and memorandums issued by command staff have addressed the gaps in policy in the interim.

Challenges

Culture change, achieved through policy, training, and supervision, is difficult in any organization and is even more challenging in a 24/7 operation with approximately 1,700 employees. Constant review of behavior, reporting, and supervision is critical to ensuring that behaviors are consistent with Department policies and Constitutional requirements. The Inspections Section and the feedback loops for training and policy help identify areas of concern and work to correct those areas. Establishing, using, and monitoring those feedback loops for training and policy, as well as retraining individual officers and supervisors to achieve consistent practice and behavior, are enormous undertakings.

Regular review of policies is necessary to ensure MPD's SOPs capture all the specific requirements of the Settlement Agreement. Once in practice, it is not unusual to identify minor, necessary changes to policies. Some additional revisions to SOPs are likely needed to ensure policies fully align with the Settlement Agreement. The process for making those changes not only requires FPC approval, but also that the changes be made available for public comment. The latter, while important, is time consuming and result in significant delays to the revision process. There are ways to facilitate expeditious review of policies without compromising opportunities for community input. For example, sharing the intent and philosophy within a policy with the community, in particular the CCC, could garner support for and eliminate questions or concerns about, the proposed changes in advance of a public hearing.

Year Two Assessment

Settlement Agreement Paragraph	Compliance Status
IV.6 - The number of traffic stops, field interviews, no-action encounters, frisks and/or searches by any officer, squad, District, or other subunit of MPD, shall not be used as a performance indicator or in any other way to evaluate performance.	In process
IV.10.a - Defendants agree to amend MPD SOP 001-Fair and Impartial Policing.	Compliant
IV.10.b.i - Defendants agree to work with Plaintiffs to amend SOP 085-Citizen Contacts, Field Interviews, Search and Seizure.	Compliant
IV.10.b.ii - Defendants agree to work with Plaintiffs to amend SOP 300-Directed Patrol Missions/Saturation Patrols.	Compliant

IV.10.b.iii – Defendants agree to work with Plaintiffs to amend SOP 440-Early Intervention Program.	Compliant
IV.10.b.iv – Defendants agree to work with Plaintiffs to amend SOP 450-Personnel Investigations.	Compliant
IV.10.b.v – Defendants agree to work with Plaintiffs to amend SOP 730-Mobile Digital Video/Audio Recording Equipment.	Compliant
IV.10.b.vi – Defendants agree to work with Plaintiffs to amend SOP 747-Body Worn Camera.	Compliant
IV.10.b.vii – Defendants agree to work with Plaintiffs to amend SOP 990-Inspections.	Compliant
IV.11 – Defendants agree to formally withdraw Memorandum No. 2009-28 “Traffic Enforcement Policy”.	Compliant
IV.12 – All MPD non-supervisory officers assigned to the patrol bureau and engaged in patrol operations who conduct traffic stops, field interviews, no-action encounters, frisks, and searches shall wear body worn cameras.	Compliant
IV.13 – MPD shall require that all patrol officers activate both body worn cameras and mobile digital video recording devices at the initiation of any traffic stop, field interview, no-action encounter, frisk, or search, and shall not deactivate the cameras until the encounter has concluded, with specific exceptions to protect privacy rights as set forth in amended SOP 730-Mobile Digital Video Audio Recording Equipment, and amended SOP 747-Body Worn Camera.	In process
IV.13 – When a non-supervisory officer is transferred to a patrol assignment, MPD shall ensure that the member is provided with equipment necessary to comply with this paragraph within three (3) weeks.	Compliant
IV.14 – Defendants shall recruit, hire, and promote a diverse corps of police officers at all levels of the chain of command to reflect the diversity of Milwaukee communities. FPC will update the promotional testing procedures for positions subject to such testing to include questions and activities testing a candidate’s ability to lead and direct community policing efforts.	Non-Compliant

Remaining Work

There are a few instances in which questions remain about relevant SOPs fully aligning with the language of the Settlement Agreement. As we move into the next year, any additional revisions to policy that are necessary to fully align with the Agreement should be implemented.

Imbedded in the Agreement language of having a diverse group of police officers is the desire to get the right people in the Department and in the right places, and to ensure those who rise to leadership positions demonstrate a capacity over time to work with the community. To do this fully and well, the FPC needs to analyze the demographics of the current department (race, ethnicity, gender, years of service, and rank) to identify the appropriate number of sworn personnel to meet expressed goals, and plan promotional and recruit exams in concert with the budget requests to the Common Council. The FPC can then plan and schedule examinations based on anticipated attrition, a study of calls for service and investigatory needs for officers in patrol, district staffing needs, and the number of detectives, based on the priorities of the MPD, the community, and the FPC. The FPC needs to ensure that the spirit of the exams and promotional process consider and assess candidates' commitment to community policing.

The Defendants are prohibited from using the number of traffic stops, field interviews, no-action encounters, frisks, and/or searches as a performance indicator for officers or any MPD unit. We received documentation that MPD removed language about the number of traffic citations, traffic warnings, and field interviews from the Probationary Performance Reports, but work remains to ensure that the number of encounters is not used in any way as a performance indicator. In the upcoming year, CJI will implement reviews to further verify that the volume of encounters is not used as an indicator of performance.

DATA COLLECTION AND PUBLICATION (SA IV.A)

Summary of Requirements in Settlement Agreement

The MPD is required to document every traffic stop, field interview, no-action encounter, frisk, and search as a digitized record in specified data collection systems. They must document traffic stops in Traffic and Criminal Software (TraCS), and field interviews and no-action encounters in Records Management Systems (RMS).¹¹ If a traffic stop or field interview results in a frisk and/or search, then staff will enter documentation and the outcome concerning the frisk and/or search into the TraCS or RMS systems. Police encounter reports should include the following information:

- Subject's demographic information
- Location of encounter
- Time and date of encounter
- Legal justification for the encounter
- Whether frisk and/or search was conducted and resulted in seized contraband, the type of contraband, and the legal justification for the frisk or search
- Legal justification if use of force was used and type/level of force
- Outcome of the encounter
- Relevant suspect description
- Names and identifying numbers of all officers on the scene

The data entry systems must have a function that ensures all of the required information are in the “hard fields” (fields that must be entered) prior to the officer submitting the electronic record. Officers must submit reports prior to the end of their tour of duty. However, if an officer is unable to complete the report entry during their tour of duty, then the data must be entered in the report prior to the end of the next tour of duty.

In addition to the information required for police encounter reports, MPD must include information that allows for analysis of police encounters. The datasets must contain a unique identifier that serves as a bridge across the TraCS, RMS, and Computer-aided Dispatch (CAD) systems. Every record should include a unique identifier associated with the subject involved in the police encounter. The individual's unique identifier should be the same within and across all databases to track individuals who have repeat encounters with MPD. The Defendants must also provide population and socio-economic data so that those conducting analysis can use them as control variables. The Parties are expected to collaboratively determine the relevant socio-economic

¹¹ While the Settlement Agreement stipulates that no-action encounters be recorded in CAD, this new data element is being recorded in RMS. The Parties agreed to this change on May 19, 2020.

factors to be included in data analyses. If officers capture any traffic stops, field interviews, or no-action encounters through police-vehicle camera or body worn camera footage, then the encounter record must include a unique identifier that links the record with the associated footage. All video footage must also be searchable by CAD number.

MPD is required to share data and data-related documents to the FPC, Plaintiffs' counsel, and CJI on a quarterly basis. The Department should also provide the FPC, Plaintiffs' counsel, and CJI with detailed instructions on how the datasets link together, dataset codebooks and data dictionaries, and user manuals for TraCS, RMS, and CAD. On an annual basis, FPC must make the electronic, digitized data on police encounters publicly available on its website.

Progress

MPD has worked to improve the completeness of the quarterly data through training and accountability checks for officers who input data after conducting traffic stops, field interviews, no-action encounters, frisks, and searches. MPD has also worked to improve the content and structure of the data extractions sent to CJI, Plaintiffs' counsel, and the FPC on a quarterly basis to meet the requirements of the Settlement Agreement.

As of the writing of this report, we have received five quarters of data from MPD, beginning with the first quarter of 2019 through the first quarter of 2020. MPD is actively working toward incorporating two missing required data elements: the CAD transcript explaining an officer's basis for traffic stops, and the use of force justification for traffic stops. While the content of the extractions does not currently meet full compliance, MPD has delivered an extraction each quarter since the start of 2019 to the identified parties. The data dictionary that accompanies the extractions was not compliant in our First Annual Report, but based on our feedback MPD made sufficient changes and was found compliant for this item in our March 2020 six-month report. We also received user manuals, which include examples outlining and clarifying data entry for officers and supervisors who submit or review reports.

MPD has also been able to achieve compliance with the requirement that an identifier exists to permit correlation between encounter data and video footage. While MPD has met the requirement that the video database be searchable by the CAD number, initial video requests by CJI were not met within the required timeframe of seven calendar days (SA IV.A.7). Processes and protocols related to video data requests have now been instituted and responses to more recent video requests have been timelier. We verified this capability through an in-person test in September 2019, as well as in our ongoing video review for semiannual reports on reasonable suspicion, where we receive limited access to the video database.

In March 2020, MPD released its first set of three audits on police encounters, which were conducted by the Inspections Section. Audit number 19-04 on traffic stops, frisks, and searches reveals that officers completed contact summary forms (the primary form an officer fills out after conducting a traffic stop) for the sample of traffic stops. While we plan to conduct our own review to verify that all relevant police encounters are appropriately documented, we deem MPD in compliance with the requirement that all traffic stops are documented in TraCS. Another finding of the audits is that a great majority of officers complete reports by the end of their tour of duty, or if exigent circumstances exist, no later than the end of their next shift. The audits were conducted on traffic stops, field interviews, and no-action encounters and found that 91 percent of traffic stop records, 70 percent of field interview records, and 80 percent of no-action encounter records were completed according to the required timeline.

A key requirement of the Agreement is that the FPC publish “data on all traffic stops, field interviews, no-action encounters, frisks, and searches...with the exception of any personally identifiable information” (SA IV.A.13). The FPC is required to post the stop data on an annual basis (IV.A.13) and has thus far posted on a quarterly basis. It is important for community members in Milwaukee to access and understand police stop data but the manner in which the data is posted precludes that at the present time. As required, the FPC has published the stop data¹² as received from MPD, with the caveat that they have removed data potentially containing officer PII, based on instruction from the City Attorney’s Office. Starting with the data extraction for the fourth quarter of 2019, the FPC is performing manual redaction of narrative fields for officer PII. In some cases, the FPC has removed entire files and fields that also contain other information that is not considered officer PII from the publicly-posted data. Additionally, the published data dictionaries that accompany the stop data indicate which fields and files have been removed using strikethrough, but some inconsistencies exist between these dictionaries and what data is actually published.

As a general area of progress, CJI has convened monthly data calls since November 2019 with staff from MPD’s IT Department, Inspections Section, and the Office of Management, Analysis, and Planning (OMAP), representatives from the FPC, and Plaintiffs’ counsel data expert Kathy Qian. The goal of these calls is to increase all parties’ knowledge and understanding of the data we receive on a quarterly basis, from how the data are entered into the systems to how they are extracted and vetted. We discuss issues with the data extractions and potential solutions. This practice has increased the efficiency of our learning, problem solving, and data-related communication.

¹² <https://data.milwaukee.gov/organization/fire-and-police-commission>

Challenges

The Settlement Agreement requires a great deal from MPD's IT and data staff in terms of data collection. While challenges and delays are to be expected, the requirements in this chapter are vital to understand the extent to which MPD is engaging in racially-biased policing and/or violating individuals' Fourth or Fourteenth Amendment rights.

The agreed-upon timeline for delivery to the parties changed as the extraction, vetting, and redaction efforts evolved. Starting with the first quarter of 2020, the Department proposed and met a 45-day deadline to account for supervisors needing to review and approve reports, for the extraction process itself, and for OMAP to vet the data. Prior to this, there were delays to data deliveries that made it difficult for CJI to plan for and conduct our assessment and analyses. We hope that this 45-day timeline will remain consistent moving forward.

In addition to the date of delivery changing, the extractions have differed in substance and structure as MPD has worked through a learning and development process to meet the Settlement Agreement requirements. Each quarterly extraction is delivered in 30 or more separate files and must be merged together. As the extractions have changed, we have had to develop new code to merge the files together. The over-time analysis of the files and how they fit together are made more complex when the extractions differ from quarter to quarter.¹³

MPD and FPC have also been wrestling with challenges related to redacting PII from records. Plaintiffs' counsel data experts suggested an approach of removing PII through a technological, automated solution, which would greatly reduce the resources needed for redaction, but MPD decided to remove PII with a manual redaction process. Staff in the Inspections Section were trained by IT staff to remove a subject's PII through a manual review of records and this lengthy process is one of the reasons MPD says it requires 45 days from the last day of a quarter to deliver the quarterly extraction. Any new staff member who receives the redaction assignment needs to be trained on this manual approach. Additionally, some of the narrative fields in the data for the first three quarters of 2019 contained officer and subject PII, even though officers are being trained not to include any PII in these narrative fields. For FPC's part, as mentioned earlier, the City Attorney's Office instructed the FPC not to post officer PII as part of the stop data shared publicly. This requires an additional redaction process of officer PII by FPC personnel, who are already understaffed and results in additional delays for the stop data to be posted.

¹³ See companion report "Analysis of 2019 Traffic Stops, Field Interviews, No-Action Encounters, and Frisks" for more detail on how the extractions differ.

In terms of how well MPD documents their stops, MPD's audit of field interviews, frisks, and searches that occurred in June 2019 (Audit Number 19-03) found that 19 field interview records from the statistically significant sample of 70 were not entered into RMS. MPD's audit of no-action encounters occurring between July 1, 2019 and December 31, 2019 (Audit Number 19-05) found that one out of 20 sampled no-action encounter reports were not found in RMS. The audit also found that the Department struggled to identify a no-action encounter, and misidentified this type of encounter 94 times during that period. Types of misidentification included that the encounter was actually a Terry stop, the encounter was actually a traffic stop, and the encounter was part of a dispatched assignment or another call type. MPD's audit of traffic stops that occurred in June 2019 (Audit Number 19-04) found that 100 percent of a sample of 98 traffic stops had a corresponding record in the TraCS system. MPD's first set of audits demonstrate that not all encounters are documented in the appropriate systems and the extent of missing encounters depends on the type of encounter. In addition to field interviews and no-action encounters not being documented consistently, we know that not all frisks and searches are documented in TraCS or RMS appropriately from our semiannual analysis of February and June 2020, which included a small sample of video footage review.

According to SA IV.A.3, MPD is required to assign each traffic stop, field interview, and no-action encounter a unique stop identification number. This identifier is the number assigned by dispatch, or the "CAD number". However, officers must manually type the CAD number into traffic stop, field interview, and no-action encounter records. As this is the case, we find instances where encounter records do not have valid CAD numbers and therefore do not have a unique stop identifier. In some cases, the CAD number in the encounter records is mistyped, has too many or too few numbers, is marked as NULL, or there is a code entered such as OCOE or WALK-IN.¹⁴ These errors prevent the encounter record from being connected back to data from CAD or other databases, including the administrative information management (AIM) database, where use of force data are housed. The issue of invalid CAD numbers in traffic stop, field interview, and no-action encounter records should be a priority for the Academy and supervisors who review and approve reports. The Settlement Agreement also requires a unique identifier meant to allow analysis of all police encounters across data systems for a specific individual (SA IV.A.5). MPD maintains that the "Master Name Index (MNI) number" serves as this identifier or primary key, but problems with this field do not currently allow analysis of encounters for a specific individual across

¹⁴ Table A-2 in "Analysis of 2019 Traffic Stops, Field Interviews, No-action Encounters, and Frisks" that accompanies this report provides an assessment of data loss by database (TraCS, RMS, and AIM) and form (contact summary, electronic citation, non-traffic citation, warning, field interview, no-action encounter, or AIM use-of-force entry).

systems. The MNI number exists primarily in the RMS database and is incorporated, though unreliably, into traffic stop data.

The published datasets are numerous and complex, in part reflecting the systems and structures behind the data extraction. In their current form, these data files do not allow an average community member to easily review the data and get a good picture of stops in Milwaukee, which is the intent of the public posting requirement. We have encouraged the Defendants to make these data more accessible to the public, noting that this more accessible format is not an explicit requirement of the Settlement Agreement.

Year Two Assessment

Settlement Agreement Paragraph	Compliance Status
IV.A.1 – Defendants shall ensure that every traffic stop, field interview, no-action encounter, frisk, and search conducted by any member of the MPD is documented in an electronic, digitized record regardless of the outcome of the encounter.	Non-Compliant
IV.A.2.a – Defendants shall ensure that all traffic stops are documented in TraCS.	Compliant
IV.A.2.b – Defendants shall ensure that all field interviews are documented in RMS.	Non-Compliant
IV.A.2.c – Defendants shall ensure that all no-action encounters are documented in [RMS] ¹⁵ .	Non-Compliant
IV.A.2.d – Defendants shall ensure that all frisks and searches are documented in either TraCS or RMS as appropriate, based on whether the circumstances of the frisk or search are appropriately characterized as a traffic stop or field interview.	Non-Compliant
IV.A.3.a-I – Whether stored in TraCS, RMS, or CAD the electronic, digitized record for each traffic stop, field interview, and no-action encounter shall include all of the following information: <i>(see SA for full list of requirements)</i> .	In process
IV.A.3 – Defendants shall ensure that each traffic stop, field interview, and no-action encounter documented	Non-Compliant

¹⁵ The Settlement Agreement says that no-action encounters must be documented in CAD, however the Parties have agreed to document no-action encounters in RMS.

pursuant to this paragraph...is assigned a unique stop identification number.	
IV.A.4 – A system will be created, if none currently exists, to ensure that all of the required information detailed in paragraph IV.A.3 is properly inputted into RMS, TraCS, and CAD.	In process
IV.A.5 – There shall be a unique identifier that bridges TraCS, RMS, and CAD in order to permit analysis of all traffic stops, field interviews, no-action encounters, frisks, and searches of a specific individual regardless of the database in which the information is stored.	Non-Compliant
IV.A.6 – There shall be an identifier that permits direct correlation between every traffic stop, field interview, no-action encounter, frisk, and search recorded in TraCS, RMS, and CAD and any video associated with the encounter, whether captured through police-vehicle video camera footage and/or officer body-worn camera footage.	Compliant
IV.A.7 – The MPD database(s) of video footage from police-vehicle cameras and body-worn cameras shall be searchable by CAD number with video to be produced one incident at a time, with such searches available for both types of video within one year from the date of this Agreement. Video footage concerning traffic stops, field interviews, no-action encounters, frisks, and searches shall be easily and quickly made available to the Consultant upon request, and no later than seven (7) calendar days from the date of the request.	Non-Compliant
IV.A.8 – Defendants shall require that any MPD officer who conducts a traffic stop, field interview, no-action encounter, frisk, or search complete and file a report or the information, including at least all of the information identified in paragraph IV.A.3, prior to the end of his or her tour of duty.	In process
IV.A.10 – Defendants shall ensure that MPD provides, on a quarterly basis, the electronic, digitized data on all traffic stops, field interviews, no-action encounters, frisks, and searches described in paragraph IV.A.3, with the exception of any personally identifiable information, to the FPC, Plaintiffs’ counsel, and the Consultant. Defendants shall also provide explicit identification of primary keys, foreign keys, constraints, and indices in	Compliant

order to identify how the...datasets or tables link together and what types of duplicates can be expected.	
IV.A.11 – Defendants shall ensure that MPD provides to the FPC, Plaintiffs’ counsel, and the Consultant the manuals for police officer and supervisor use of TraCS, RMS, and CAD including examples aimed at clarifying the procedure for inputting into each system all of the information identified in paragraph IV.A.3 about traffic stops, field interviews, no-action encounters, frisks, and searches recorded in the system.	Compliant
IV.A.12 – Defendants shall ensure that MPD provides to the FPC, Plaintiffs’ counsel, and the Consultant the codebooks and data dictionaries for users of TraCS, RMS, and CAD that clearly define every variables captured in records of traffic stops, field interviews, no-action encounters, frisks, and searches, as well as all values that each variable can be assigned.	Compliant
IV.A.13 – Defendants shall ensure that the FPC will publish on its website, on an annual basis, the electronic, digitized data on all traffic stops, field interviews, no-action encounters, frisks, and searches described in paragraphs IV.A.1-3, with the exception of any personally identifiable information. The FPC will also post on its website any and all reports published by the Consultant pursuant to the Agreement.	In process

Remaining Work

As discussed above, the Agreement data requirements are key to measuring the impact of the other requirements, and understanding whether MPD’s encounters with the community have a disparate impact on Black and Hispanic/Latino individuals. A focus on the non-compliant and in-process items above must be at the forefront of the Defendants’ efforts in year three of the Agreement. MPD must provide the remaining missing data elements and prioritize resources and staff to fully comply with the data-related requirements. To work toward compliance, the MPD must do the following:

- Include the CAD transcription of officers’ communication with dispatch for traffic stops in future data extractions
- Include the use of force justification field that was added to the AIM system in future data extractions

- Ensure that every traffic stop, field interview, no-action encounter, frisk, and search is documented in an electronic, digitized record
- Improve the consistency to which CAD numbers are transcribed into TraCS and RMS forms, or create a new unique encounter identifier
- Create a system to ensure that the required data elements are included in each encounter record
- Improve the MNI number so that all traffic stops and field interviews for a specific individual can be analyzed

CJI is conducting a video review to assess the extent to which MPD is documenting all traffic stops, field interviews, no-action encounters, frisks, and searches in an electronic, digitized form according to the stipulations of the Settlement Agreement. This video review will allow CJI to assess compliance with SA IV.A.1 and will increase confidence that the data behind our annual analysis accurately reflect the activities of police officers in Milwaukee. We drafted a video review plan and submitted a request to MPD and the City Attorney's Office in April 2020. The request was for three full days' worth of video footage, including body-worn camera video and dashboard camera video. In April the Deputy City Attorney, who was the primary point of contact on this issue, retired and other attorneys at the CAO were brought into the matter. After a few rounds of communication and debate, MPD notified us on June 30 that they would release the requested videos and sent them to us on July 6. That delay in getting agreement from the City Attorney's Office and the MPD to release the videos to CJI means we are unable to present the results of that analysis concurrently with our annual analysis of encounters, which was our hope. The methods and analysis of our video review will be published in a future report.

TRAINING (SA IV.B)

Summary of Requirements in Settlement Agreement

The MPD is required to review and revise training materials on all policies and procedures relating to traffic stops, field interviews, no-action encounters, frisks, and searches. They must consider the ways that officers and supervisors can or cannot use race, ethnicity, national origin, and other characteristics in their revised SOP 001 on fair and impartial policing (FIP). The MPD must also implement procedures that enable officers to articulate the constitutional standards for reasonable suspicion and probable cause in their stops, field interviews, no-action encounters, frisks, and searches. If an officer is not able to do this, MPD must provide remedial training. To reinforce the requirements for stops, frisks, and other interactions, MPD is required to create a training bulletin, which supervisors can share during roll call. Within six months of the Agreement, the Plaintiffs shall review the fair and impartial policing training and make suggestions, which MPD can incorporate if the developers of the program or qualified individuals approve them. Trainers will test officers to ensure that they are learning the content. MPD supervisors will also receive training on how to review documentation of police encounters for accuracy and proper practices and how to identify trends that give rise to potentially biased practices.

MPD must hold annual training that covers data collection and reporting. MPD must train officers on TraCS and RMS, the databases containing information on traffic stops, field interviews, no-action encounters, frisks, and searches. Officers must receive training on what information needs to be in each database and their responsibility for reporting that information. MPD must also train staff on reviewing reports for compliance with the Settlement Agreement, as well as constitutional standards and MPD policies.

MPD is required to provide training materials that comply with the Agreement to the Plaintiffs. The Plaintiffs will review the training materials, observe training sessions, and make any recommendations to ensure the training is consistent with the Agreement requirements. Then, the Plaintiffs shall bring any deficiency in the training to the attention of MPD, for them to correct any errors within three months.

Progress

The in-service training covering the issues required by the Settlement Agreement for this second year began on December 16, 2019 and concluded on April 22, 2020. As noted earlier, MPD extended in-service training for a few weeks to accommodate smaller class sizes because of COVID-19. During this period, 1,690 members of the Department completed the training. CJI received copies of all training materials, training rosters of officers who completed training, and current Training History

Reports issued by the Wisconsin Law Enforcement Standards Board showing certification of MPD's in-service instructors. As can be seen in the Year Two Assessment table below, MPD achieved compliance in several training-related areas.

As the Department moved from training on new and revised policies to implementation and auditing this year, the Inspections Section discovered several deficits in the current systems. As a result, MPD created paper systems to fill the gaps while building long-term technological solutions. The paper systems were helpful in drilling down to specific districts, officers, and supervisors, and identifying who was performing well and who needed assistance related to documentation of individualized, objective, and articulable reasonable suspicion (IOARS) and supervisory review of the same. The timing of these feedback loops did not allow the data to be incorporated into the year-two in-service training. It is our hope that the Academy staff will utilize this data to enhance in-service training next year to increase accuracy and performance, particularly related to patrol documentation. MPD's first series of audits completed in March 2020 also revealed a deficiency in the Department's follow-through on remedial training and discipline when they find officers lacking in their documentation. Both the Settlement Agreement and MPD policy require that officers needing remedial training must receive such training within 30 days. Documentation indicating referral for training and training completion is lacking. MPD recognizes this deficiency and is working to correct it. The same is true for discipline. A system for referral, documentation, and tracking must be adhered to and assessed periodically.

To reiterate a sentiment from our year one report that bears repeating, constitutional policing is mandatory, but it is critical that officers are trained in ways that facilitate and encourage a positive relationship with the community. The in-service training in year two continued to stress that professional and courteous communication is expected in all MPD interactions.

Challenges

During year two, the creation and implementation of the no-action encounter has continued to cause issues with the Parties. After monitoring the training this year, the Plaintiffs' counsel made the City Attorney's Office aware that they took issue with how the no-action encounter was being defined and taught to officers. As of this writing, the Plaintiffs' counsel and the City Attorney's Office are continuing to work toward a resolution. While the legal language of the Settlement Agreement is clear, the translation of that into practice and into scenario-based training is quite a challenge. CJI attempted to facilitate a process to reach a mutually agreed-upon resolution and we encourage the Parties to come together in discussion about these practical concerns. At the core of the litigation is a desire to ensure constitutional, non-harassing police interactions and to reach clarity of what a no-action encounter is and when to

document it. We believe it is absolutely necessary to provide officers better guidance in training beyond a few examples of what a no-action encounter is and what it is not. The Deputy City Attorney, CJI's point of contact for the Settlement Agreement for the City Attorney's Office, retired in April. A three-person team of attorneys, including one who was part of the original negotiating team, have taken over work related to the Settlement Agreement. The Plaintiffs' counsel expressed interest in pursuing their own route to resolution on this matter with the City Attorney's Office and we applaud and support those efforts. We strongly encourage the Parties to continue to make headway on the training of no-action encounters and bring it to a conclusion. If negotiations result in a new or revised training, the Academy staff need sufficient time to incorporate changes into training for next year, which is slated to begin in December 2020.

Based in part on our semiannual analysis of traffic stops, field interviews, no-action encounters, and frisks, we know that officers continue to struggle with articulation of IOARS. MPD's hit rate (the rate at which frisks render contraband) and the rate of police stops of Black residents outpacing that of Whites are both troubling. In June 2020 we conducted a meeting with Districts Compliance Officers (DCOs), supervisors from each district selected specifically to assist with compliance efforts at the district level. The meeting provided an opportunity to review findings from our data analysis and answer any questions. Articulation of IOARS was a consistent question from the DCOs, as well as questions about appropriate application of no-action encounters, particularly as it relates to truancy. Both issues need to continue to be clarified and reinforced through training moving forward. It is our hope that the Academy takes CJI's data reports to construct specific training on the issues that officers continue to struggle with. These challenges also relate to supervisors' abilities to identify and address trends in bias (SA IV.B.1.d). CJI is working with MPD to ensure the capacity exists to create and train on such an important subject matter. While obvious bias issues should be easier to recognize, identifying and confronting implicit biases necessitate a level of competence not traditionally taught in police departments.

Within SA IV.B.1.d, there are four specific requirements articulated separately in the table below. In our view, the Fair and Impartial Policing training does not accomplish the intent of "training supervisors to regularly review...records for patterns of individual officer, unit, and squad conduct... to identify potential bias-based behaviors..." While the Fridell Fair and Impartial Policing training identified in the Agreement generally addresses some of these supervisory responsibilities, the ability to review data and findings for patterns based on designated cohorts that amount to a pattern of disparate treatment is not covered in-depth in that training. Such identification should be easy if the disparities are obvious, but may prove very difficult for supervisors if they are insidious and not apparent, or if the supervisor has not received more specific training than provided in the Fair and Impartial Policing curriculum. We offer to be

partners in helping the Department strategize about ways the required supervisory tasks can be achieved.

Year Two Assessment

Settlement Agreement Paragraph	Compliance Status
IV.B.1 - Defendants shall review and revise if necessary training materials for officers and supervisors on the policies, procedures, and constitutional requirements for conducting a traffic stop, field interview, no-action encounter, frisk, and search, and the ways that race, ethnicity, national origin, and other characteristics identified in revised SOP 001 can and cannot properly be used.	In process
IV.B.1 - All training sessions for MPD officers and supervisors on these standards shall be taught by an instructor qualifies under Wisconsin law in the following specified areas.	Compliant
IV.B.1.a - Defendants shall adopt procedures to ensure that all officers are able to articulate, verbally and in writing, the constitutional standards for individualized, objective, and articulable reasonable suspicion and probable cause in conducting a traffic stop, field interview, no-action encounter, frisk, and search, and will provide appropriate remedial training where any officer is unable to do so.	In process
IV.B.1.a - MPD will develop a training bulletin for all MPD officers reinforcing the requirements for a traffic stop, field interview, no-action encounter, and frisk, including with respect to establishing reasonable suspicion for the stop, field interview, or any frisk, which shall be reinforced through roll call training conducted by supervisors.	Compliant
IV.B.1.b - Defendants shall continue the training begun in 2013 in fair and impartial policing through a program developed by Lorie Fridell, Ph.D. and A.T. Laszlo.	Compliant
IV.B.1.b - Plaintiffs shall review the substance of this training program within six (6) months of the execution of this Agreement and shall suggest revisions or additions to this training program.	Compliant

IV.B.1.c - Defendants and/or the trainers shall include testing or other mechanisms to ensure the content of the training is learned by participating MPD staff.	In process
IV.B.1.d - MPD will require and train supervisors to ensure accuracy of traffic stop, field interview, no-action encounter, frisk, and search records documented pursuant to this Agreement...	In process
IV.B.1.d - Supervisors will be provided training developed by Lorie Fridell, Ph.D. and A.T. Laszlo on identifying trends and patterns that give rise to potentially biased practices regarding traffic stops, field interviews, no-action encounters, frisks, and searches of people and vehicles.	In process
IV.B.1.d - MPD will require and train supervisors...to regularly review and analyze [traffic stop, field interview, no-action encounter, frisk, and search] records for patterns of individual officer, unit, and squad conduct to identify at an early stage trends and potential bias-based behaviors, including but not limited to racial and ethnic profiling and racial and ethnic disparities in the rates of traffic stops, field interviews, no-action encounters, and frisks made without sufficient legal justification.	Non-Compliant
IV.B.2.a-d - Within twelve (12) months of the execution of this Agreement, and on an annual basis thereafter, MPD shall provide training for all MPD staff who conduct, supervise, document in TraCS, RMS, or CAD, and/or audit traffic stops, field interviews, no-action encounters, frisks, and searches.	Compliant
IV.B.3 - All training materials developed and/or approved by Defendants to comply with paragraphs IV.B.1 and IV.B.2 of this Agreement shall be provided to Plaintiffs within six (6) months of the execution of this Agreement for review.	Compliant
IV.B.4.b - Defendants shall provide the training calendar to Plaintiffs as soon as it is available.	Compliant
IV.B.4.b - In the event that a [training] observer witnesses and documents training that is not consistent with the requirements of this Agreement, Plaintiffs are to bring any such deficiency to the prompt attention of Defendants. Defendants shall then be allowed to correct the erroneous training within three (3) months.	In process

IV.B.5 - MPD shall have state-certified instructors, certified in the pertinent areas and employed at the MPD Academy, provide the training and re-training of officers and supervisors on the conduct, documentation, and supervision of traffic stops, field interviews, no-action encounters, frisks, and searches.	Compliant
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------

Remaining Work

The Captain tasked with managing compliance efforts worked as a District Commander and spent time in the Internal Affairs Division, OMAP, and on other various assignments, and is therefore able to see the full picture and understand the various divisions' roles in achieving compliance. Through the Captain's work, MPD developed mechanisms and processes for cross-divisional collaboration. We expect to see significant improvements over the next year in accountability, including but not limited to improved coordination of remedial training and discipline.

Across the country, most police departments derive training from mandates by the federal government, state or local law, and, occasionally, as a result of legal settlements to conform officer behavior to agreed-upon standards. Using data to shape and teach curriculum is not traditional in American police departments, and often it takes mounting pressure resulting from a critical incident to start better using data. The level of community unrest across the country, including in Milwaukee, highlights the chasm between actual police behavior and the expectations of those they serve. It is prudent for this Academy, in light of the Settlement Agreement and the tenor of the times, to be attentive to community expectations for constitutional, fair, and non-biased interactions and how those manifest in communities made up of people who are mostly Black, Hispanic/Latino, Indigenous, and other people of color. Similarly, police leaders and supervisors must know how to use data inside and outside the Department to demonstrate when marks are and are not being met. MPD has a tremendous opportunity to go beyond a narrow approach to training and support both the rank and file officers and the community. MPD can lead by taking the information in CJI's annual analysis of encounter data and our semiannual analysis of IOARS and train directly on the deficiencies noted in them.

The MPD must continue to review and revise their training on an annual basis. This includes making certain that supervisors are trained to ensure encounter records are accurate and that supervisors are able to identify trends and patterns that may lead to biased policing.

While the training sessions cover topics outlined in the Agreement, CJI and the Plaintiffs' counsel have expressed concern that officers are not receiving sufficient testing to determine whether personnel understand and retain information to apply

the lessons correctly in operations on the streets. While some verbal testing was conducted, the Academy is now working on additional testing methods to better ensure comprehension. We believe that audit-based scenario training would be a good addition to the program.

As noted previously, outstanding questions remain about no-action encounter training. Plaintiffs' counsel witnessed training and provided concerns to the Defendants about how no-action encounters were being trained, but the questions and issues surrounding this type of encounter still need to be resolved.

Additionally, we look forward to improved training based on data and audit findings. As discussed elsewhere in this report, MPD is regularly performing audits of encounter data and other relevant compliance measures, and we hope to see the findings from these audits incorporated into future training materials. As MPD incorporates findings from its audits and data into training, we hope that command staff meetings and CompStat-like meetings will reiterate the importance of training on deficiencies.¹⁶ We hope that MPD members of all ranks are trained on the same topics and issues so that leadership is better equipped to lead the rank and file members.

¹⁶ CompStat is a performance management system intended to reduce crime and achieve other police department goals. CompStat emphasizes information-sharing, responsibility and accountability, and improving effectiveness. It includes timely and accurate information, rapid deployment of resources, effective tactics, and relentless follow-up. Source: "COMPSTAT: It's Origins, Evolution, and Future in Law Enforcement Agencies," Bureau of Justice Assistance and Police Executive Research Forum (2013).

SUPERVISION (SA IV.C)

Summary of Requirements in Settlement Agreement

Within six months of the effective date of the Settlement Agreement, the MPD is required to create and implement policies regarding the supervision of officers who conduct traffic stops, field interviews, no-action encounters, frisks, and searches. The Agreement requires that a supervisor review and approve all arrest records in the RMS database in a timely manner. Supervisors shall look for the lawful basis of the stop that led to the arrest, as well as the lawful basis for searches or frisks that occurred during the interaction. Within 12 months, MPD is required to review, correct, and approve—within set timeframes—at least 50 percent of all records of field interviews in the RMS database. In addition, supervisors are required to review, correct, and approve all warning and citation records in the TraCS database within seven days. Finally, MPD supervisors must meet these same requirements for no-action encounter records within 14 days. In all of these databases, supervisors must ensure officers fill in information that may be missing from the original record. Supervisors shall document any non-compliance.

If a supervisor finds that an officer has performed an unreasonable or racially-based stop or other encounter, MPD is required to provide counseling or training to that officer. The same is required for supervisors who improperly or incompletely reviewed or corrected unreasonable or racially-based encounters. The Internal Affairs Division is required to prepare a report every six months on any violations of policies relating to supervisory matters. MPD must include compliance with legal requirements relating to stops and other encounters in their performance review process. MPD must also include discussion of community policing in their command staff meetings. Twice annually, MPD will prepare a community policing status report and submit the report to FPC.

Progress

With the completion of MPD's first series of audits, the first round of in-service in June 2019, and the second round completed in April 2020, expectations of supervisors have changed. Now that all officers and supervisors have been trained in quality report writing and review, supervisors are regularly looking for problematic language, incomplete actions, or behavior inconsistent with the intent of the Settlement Agreement. Supervisory review of reports, and any subsequent actions based on those reviews, are part of weekly operations and new accountability mechanisms and processes have been established, including the following:

- MPD has been working on a technological solution for documentation of non-disciplinary counseling and is transitioning away from utilizing its hand-written,

decentralized system. The new electronic system will establish a centralized system for supervisors to document non-disciplinary counseling resulting from incorrect or incomplete reports.

- Roll call sergeants run and review reports on each shift on a daily basis to ensure officers complete their reports accurately and in a timely fashion. The chain of command continues to receive a written memo on insufficiently completed reports while the technology solution is being put in place.
- Shift lieutenants at the districts run reports once a week to ensure sergeants properly review and approve reports.
- A designated Compliance Officer conducts bi-weekly checks for compliance issues with reports. If they identify any problems that sergeants and lieutenants did not identify and correct, then they are corrected and a captain documents any subsequent counseling.
- District Captains have designated one supervisor per district to serve as the Settlement Agreement point of contact, referred to as District Compliance Officers. After receiving appropriate training, they are responsible for conducting a cursory review every week at their respective districts.
- Inspections is planning to distribute a monthly management report to commanders that shows progress, or lack thereof, on compliance with the Settlement Agreement paragraphs related to supervisors' review of reports.

In February 2020, the Patrol Division published a plan addressing issues related to the Settlement Agreement and the above-listed items are derived from that plan. With the assistance of the Captain, who is overseeing work toward compliance, significant progress has been made in this area. Supervisors at all ranks, including the Inspections Section, are now involved in a process of review and accountability, which highlights both strengths and weaknesses in MPD's systems and areas of improvement for supervisors. One of the key challenges continues to be taking information gleaned from these reviews and implementing it to improve operations and accountability within a Department that is already overworked and very busy.

Challenges

MPD has wrestled with some challenges as they strengthen existing systems and develop new ones related to supervisor accountability. The handwritten, interim system revealed that some districts were performing well while others were not. While the handwritten system was being utilized, a technological system was being developed in AIM. MPD had hoped that the AIM system would be operational months ago, but they experienced delays in getting it fully operational. As of June 24, 2020 the AIM component is operable, but they are still working through retroactively inputting documentation from the handwritten system. We have been informed as of this writing that personnel are learning to utilize the new process while also detecting

and correcting issues, which is a positive development. While progress has been made since the March 2020 release of our report, “First Six-Month Report on Non-Compliant Items”, CJI is not in a position to determine whether MPD is meeting the thresholds for review outlined in the Settlement Agreement. The use of centralized, electronic data collection to verify such practices should be possible with the recent launch of the AIM component. Oversight of supervisor review should be much easier once retroactive data are entered and personnel are familiar with the system.

As will be discussed below, MPD has completed the first set of audits on traffic stops, field interviews, and no-action encounters and we are aware that work is well underway for the next set of audits. While completing those audits is notable progress, there is still work to be done on the follow-up from those audit findings. MPD is working on establishing processes for corrective action, including retraining and discipline based on audit findings.

Midway through the second year of the Agreement, CJI recognized that communication and collaboration related to the work of the Settlement Agreement was lacking amongst MPD divisions. We also came to believe that key divisions within MPD were not fully aware of the herculean tasks and level of involvement needed on their part. Not surprisingly, during the first year of the Settlement Agreement, IT, OMAP and the Academy were the most focused on Settlement Agreement-related efforts. During year two, additional divisions, including the Internal Affairs Division and Patrol Bureau, realized the amount of attention and resources needed to work toward compliance and began making and implementing plans. That process revealed how their system lacked the capability to hold people accountable and produce documentation to prove compliance with the Agreement requirements. In recent months, engagement of all key individuals and divisions has increased tremendously and we are hopeful that this new level of participation, coordination, and communication within MPD will continue to move the work forward.

As noted above in the Policy chapter, there are some instances where additional policy revisions are likely still necessary. One in particular relates to the timeframe within which supervisors must review and approve field interviews in RMS. SA IV.C.1.b states that “MPD will achieve a practice of supervisory review, correction, and approval of 50% of all documentation of field interviews in RMS consistent with the timeframes set forth in SOP 085.20”. However, SOP 085 does not include a required timeframe for supervisor review and approval. A policy revision is likely necessary to align the SOP with the requirements of the Settlement Agreement in this aspect. In the meantime, the Academy has been training that such reviews and approvals must be completed within seven days and a directive was issued to the Department indicating the same.

SA IV.C.4 requires MPD to update the performance review process to ensure that it includes matters relating to compliance with legal requirements concerning traffic

stops, field interviews, no-action encounters, frisks, and searches. MPD has made some efforts to amend performance evaluation forms but we encourage MPD to identify and include more specific criteria to the relevant sections of the Settlement Agreement. An update to the performance review process is still lacking and needs additional attention.

Year Two Assessment

Settlement Agreement Paragraph	Compliance Status
IV.C.1.a – All reports of arrests, which are documented in the RMS system, will be reviewed and approved by a supervisor within the time period prescribed by SOP 263—Records Management. The supervisor will review the reports for various matters, including the lawful basis for any traffic stop or field interview that led to the arrest, and the lawful basis for any frisk or search conducted during the encounter.	Compliant
IV.C.1.b – Within twelve (12) months of the date of this Agreement, MPD will achieve a practice of supervisory review, correction, and approval of 50% of all documentation of field interviews in RMS consistent with the timeframes set forth in SOP 085.20. Supervisors shall review for completeness, and shall review the stated basis for the field interview and any frisk and/or search conducted in the course of the field interview. Prior to approving reports for submission to RMS, supervisors shall ensure that officers provide any missing information to ensure all information required by paragraph IV.A.3 is documented.	In process
IV.C.1.c – Within twelve (12) months of the date of this Agreement, MPD will achieve supervisory review, correction, and approval of every warning and citation issued by MPD officers in the course of a traffic stop or field interview, as recorded in TraCS within seven (7) days, consistent with the timeframe set forth in SOP 070. Supervisors shall review for completeness, and shall review the stated basis for the traffic stop, field interview, and any frisk and/or search conducted in the course of the traffic stop or field interview. Prior to approving reports for submission to TraCS, supervisors shall ensure that officers provide any missing information to ensure all information required by paragraph IV.A.3 is documented.	In process

IV.C.1.d - Within twelve (12) months of the date of this Agreement, MPD shall achieve supervisory review, correction, and approval of every no-action encounter documented in [RMS] within fourteen (14) days. Supervisors shall review for completeness and shall review the stated basis for the no-action encounter. Prior to approving reports as complete, supervisors shall ensure that officers provide any missing information to ensure all information required by paragraph IV.A.3 is documented.	In process
IV.C.1 - Defendants shall require MPD supervisors to use the aforementioned data to identify and document any non-compliance by subordinate officers with constitutional standards and policy guidelines concerning the conduct and documentation of traffic stops, field interviews, no-action encounters, frisks, and searches, including SOP 085, SOP 070, SOP 001, SOP 300, and this Agreement.	In process
IV.C.2 - Defendants shall require MPD supervisors to counsel, train, or to refer for re-training, any officer who is found through supervisory review to have engaged in an unreasonable, race-or ethnicity-based, unreported, or insufficiently documented traffic stop, field interview, no-action encounter, frisk, or search. Retraining, when appropriate, will be performed in accordance with SOP 082—Training and Career Development.	In process
IV.C.3 - Defendants shall require MPD command staff to counsel, training, or to refer for re-training, any supervisor who is found through supervisory review to have failed to properly review and correct patrol officers who conduct an unreasonable, race-or ethnicity-based, unreported, or insufficiently documented traffic stop, field interview, no-action encounter, frisk, or search, or to properly refer such officers to counseling, training, or re-training.	In process
IV.C.3 - Appropriately qualified trainers from the Police Academy shall provide such re-training to the officer within thirty (30) days of such a finding.	In process
IV.C.3 - Every six (6) months, Internal Affairs will prepare a report for command staff of allegations of policy violations described above and any corrective actions taken.	In process

IV.C.4 - MPD will update the performance review process to ensure that it includes matters relating to compliance with legal requirements concerning traffic stops, field interviews, no-action encounters, frisks, and searches.	In process
IV.C.5 - Defendants shall continue the changes to the purpose and content of command staff meetings, including discussion and evaluation of community policing measures.	Non-Compliant
IV.C.6 - MPD shall complete a twice per year community policing status report and forward that report to the FPC.	In process

Remaining Work

The Settlement Agreement has specific expectations for supervisors and supervisors will be key in the upcoming year to ensure the behavioral changes for police officers occur.

We continue to believe that compliance with the Settlement Agreement is dependent on adequate officer-to-supervisor ratios. Vacancies in MPD's supervisory ranks continue to detract from the quality of supervision on the street. MPD understands the need for greater supervision and pressed the FPC to host promotional exams in 2019 and 2020. MPD currently lacks lists of detectives, sergeants, or lieutenants to fill vacancies created through attrition. Exhausted or expired lists mean that MPD does not have the ability to promote to the many vacant positions in the supervisory ranks. Exams scheduled this spring were delayed due to the COVID-19 pandemic and are currently planned for August and September 2020. Due to the timeline associated with test announcement, administration, and certification, immediate action is necessary to support the effective operation of the MPD and to achieve compliance with the Settlement Agreement. CJI hopes that the City can budget for routine and regular recruitment and promotional exams. Having fresh promotional lists and scheduled examinations for both hiring and promoting is the collaborative responsibility of many City agencies.

We encourage the FPC to plan for regular exams to ensure quality supervision on the street - the single most critical component to achieve the intent of the Settlement Agreement - and provides unreasonable supervisor-to-officer ratios. This situation creates risk management issues on the street and compromises the ability of the Chief to promote to command ranks.

Achieving compliance with the Settlement Agreement is predicated on routine, robust supervision and positions staffed with well-trained officers and supervisors are derived only from regular exams.

In the upcoming year we will continue to monitor MPD's implementation of the AIM system and their use of AIM reports to hold people accountable and improve their performance. Per SA IV.C.3, another report due in the near future for command staff from the Internal Affairs Division will provide timely information on allegations of policy violations and any corrective actions taken.

PROCEDURES FOR COMPLAINTS (SA IV.D)

Summary of Requirements in Settlement Agreement

The Settlement Agreement includes requirements related to complaints concerning MPD conduct from members of the public and from within the Department. The requirements that apply to both MPD and FPC intend to improve procedures related to complaints and to foster transparency around the nature of complaints received, the investigation process, and complaint resolution. Changes in policy, improved availability of complaint-related materials, enhanced supervisor and Internal Affairs Division training, increased clarity around the personnel investigation process, and increased data-sharing will further these goals.

Pursuant to amendments to SOP 450 on Personnel Investigations, complaint forms and instructions for how to file complaints need to be available in English, Spanish, Hmong, and any other language the Parties determine appropriate. The forms and instructions need to be downloadable from both the MPD and FPC websites and available at libraries and police district stations. With limited exceptions, MPD and FPC must accept all complaints, no matter the means of submission, and they are required to create an online submission portal. Supervisors will receive training on accepting all public complaints. MPD and FPC staff members who accept complaints must not discourage members of the public from filing complaints.

The Settlement Agreement requires changing past practices and states that complaints do not need to be notarized, though identification may be verified at a later point in the process. If a personnel investigation results from a public complaint, Defendants must ensure that the complainant interview occurs outside the police headquarters, with few exceptions. MPD must create a protocol for the timeframe for when public complaint investigations should be completed and require that supervisors review and approve anything open after 90 days, and every 30 days after that. Internal Affairs Division staff members who investigate complaints will participate in training with the intent of eliminating bias in favor of law enforcement.

MPD shall maintain a database containing all complaints about MPD conduct received by MPD and the Internal Affairs Division must maintain the number and outcome of all complaints received, regardless of the outcome. MPD must also maintain the practice of the Early Intervention Program, providing notice to captains of an individual officer receiving three or more complaints within a 90-day period, or three or more complaints over a rolling one year period. MPD will tally complaints into various groupings to improve understanding of staff performance and issues citywide and within each district or unit.

In addition to requirements about the way MPD handles complaints, the Settlement Agreement outlines requirements for FPC. They must investigate all reasonable complaints submitted, review all internal complaints relating to MPD conduct, and keep a database of such complaints. The database should include the same information as the MPD database. The FPC must keep a list of complaints against each officer and provide the Chief with information about officers who receive three or more complaints within 90 days or within a rolling one-year period, as previously stated.

Progress

Both MPD and FPC have complaint forms in English, Spanish, and Hmong available on their websites. In addition, both agencies successfully removed the requirement that complaints be notarized, making it easier for complainants to submit complaints. However, only the FPC has instructions describing the separate processes for filing complaints in those three languages and MPD is working to rectify this gap. The Defendants have complied with the requirement that they make complaint forms available for members of the public on their websites and at public libraries and police district stations. CJI had intended to personally verify form availability at the libraries and district stations during a site visit to Milwaukee in March. However, as previously mentioned, due to travel restrictions related to COVID-19 we have not been able to do an in-person check. We received documentation from MPD and FPC that forms are available at the district stations and libraries and will conduct an in-person audit when we are able to make our next site visit. The Defendants have also provided evidence that they are able to accept complaints through the various means outlined in the Agreement. We will be conducting an audit to ensure that complaints are accepted through the different means outlined in the Settlement Agreement, but are satisfied with the proof received thus far.

MPD provides supervisor training that incorporates the requirements related to accepting all complaints from the public. MPD investigator training currently incorporates the requirement that staff accepting complaints do not discourage complainants from submitting complaints. Previously, the FPC did not have a formal investigator training curriculum in place and the agency is currently developing training materials for future investigators. In addition to the training element, this section of the Agreement requires that discouraging the filing of any complaint from a member of the public does not happen “in practice”. In the upcoming year CJI will audit the in-practice element for both agencies.

The Agreement also requires Defendants to prohibit investigators from conducting biased investigations against complainants (SA IV.D.1.j). MPD’s SOP 450 includes such language, though not to the level of detail outlined in the Settlement Agreement or included in MPD training. MPD successfully trained Internal Affairs Division investigators on the investigation of complaints in the first year of the Agreement.

However, since that time, new investigators arrived to the unit and also need to be trained. MPD is working on a plan with a timeline to ensure that new investigators receive appropriate training. The FPC is incorporating this requirement as they develop their own training protocols.

MPD has developed a timeframe for complaint investigations, including supervisory review, and incorporated the process into SOP 450. They now have a checklist for the requirements for case files and the complaint investigation process. Information is now able to be entered in the AIM system. However, work remains in ensuring documentation is complete and accurate, including documentation related to the accountability process.

Regarding SA IV.D.5.e, the FPC has begun to outline the process for how they will provide information about any officer who receives the required number of complaints in a certain timeframe to the Chief for further action. Revisions to Rule XV, Citizen Complaint Procedure, that describe this process have been proposed but additional work is needed to implement the practice of identifying officers and providing required information to the Chief.

Challenges

Both the MPD and FPC are required to keep a database of complaints about MPD conduct received from the public as well as internally-generated complaints. The database, which for both agencies is the AIM system, must contain numerous, specific elements that are itemized in the Settlement Agreement. We have seen sufficient proof that the AIM system contains the requisite fields; however, some adjustments to the AIM interface are still needed to allow the information to be collected as required by the Agreement. While we have evidence that MPD is entering the required information, we have not seen sufficient evidence from the FPC that they can input data for all of the requisite fields.

SA IV.D.1.g requires the Defendants “to ensure that any personnel investigation stemming from a civilian complaint shall involve an interview of the complainant and that the interview will take place at a location other than police headquarters...” MPD tracks complainant interviews, including the location of the interview, and provided a report showing when and where interviews happened as evidence for this requirement. Until recently, the FPC was not tracking in a centralized way the location of the complainant interview. However, the FPC has recently begun recording the location of interviews in AIM. In the upcoming year, CJI plans to conduct a review that will help us better understand the process behind how the location of interviews was determined.

We have received some documentation from the MPD and FPC in an attempt to show that they investigate “all plausible complaints”. We have also received information

about the processes both agencies go through from receipt of complaint through investigation. What we have received to date does not sufficiently verify that “all plausible complaints” are investigated and we will continue to work with the Defendants to identify documentation that will verify actual compliance with this requirement.

MPD recently implemented a system of documenting in AIM when a complainant is contacted, which is supposed to occur within three days. While it appears this happens on occasion, it is not consistent and the documentation produced was inadequate to demonstrate a clear process by which MPD holds investigators accountable.

Year Two Assessment

Settlement Agreement Paragraph	Compliance Status	
	<i>MPD</i>	<i>FPC</i>
IV.D.1.a – Defendants shall make complaint forms for members of the public and instructions describing the separate processes for filing complaints with the MPD and FPC available in English, Spanish, Hmong, and other languages as the Parties may determine appropriate.	In process	Compliant
IV.D.1.b – Defendants shall continue to ensure that complaint forms for members of the public and instructions are available for download from the MPD and FPC websites and are available, at a minimum, at all Milwaukee public libraries and police district stations.	Compliant	Compliant
IV.D.1.c – Defendants shall accept all complaints received from members of the public, whether submitted in person, by phone, by mail, or via email, or by any other means, and will work to develop online submission via the MPD and/or FPC websites to further facilitate the complaint process.	Compliant	Compliant
IV.D.1.d – Defendants shall ensure that supervisors are trained on their responsibilities under the new policy requiring acceptance of all complaints from members of the public.	Compliant	N/A
IV.D.1.d – Defendants shall ensure that all MPD and FPC staff who accept complaints are trained not to, and in practice do not, discourage the filing of any complaint from a member of the public.	In process	In process
IV.D.1.e – Defendants shall not require that complaints from members of the public be notarized, but may	Compliant	Compliant

require verification of identity at some appropriate time in the complaint proceedings, subsequent to an initial review of the complaint, to ensure that a complaint is not being filed simply for harassment or other similarly inappropriate reasons.		
IV.D.1.f – Defendants shall maintain MPD’s practice of requiring a supervisor to contact the complainant pursuant to SOP 450.35(A)(1) and (2).	In process	N/A
IV.D.1.g – Defendants shall ensure that any Personnel Investigation stemming from a civilian complaint shall involve an interview of the complainant and that the interview will take place at a location other than police headquarters, provided that the complainant can be located with reasonable efforts and, with respect to the location, except as to any complainant who is in custody of law enforcement authorities at the time of taking any such interview. If a person wishes or voluntarily agrees to be interviewed at a police facility, the interview may take place there.	In process	In process
IV.D.1.h – MPD shall develop a protocol specifying an appropriate time frame for investigations of complaints by members of the public to be completed, and hold investigators and supervisors accountable for that time frame.	In process	N/A
IV.D.1.h – MPD shall require supervisory review and approval for investigations open beyond ninety (90) days and every thirty (30) days thereafter.	In process	N/A
IV.D.1.h – MPD shall develop specific guidelines and a checklist of requirements, including requirements for case file contents and the components of the investigative process.	In process	N/A
IV.D.1.h – MPD shall ensure that all plausible complaints are investigated.	In process	N/A
IV.D.1.i – Defendants shall ensure that MPD Internal Affairs investigators undergo training that addresses, and attempts to eliminate, biases in favor of police officers and against civilian complainants that arise in the course of complaint investigations.	In process	N/A
IV.D.1.j – Defendants shall prohibit investigators from conducting investigations in a manner that may reflect biases against complainants, including asking hostile questions to complainants; applying moral judgements	Compliant	Non-Compliant

related to the dress, grooming, income, life-style, or known or perceived criminal history of complainants; giving testimony by officers greater weight than testimony by complainants; providing summary reports that disadvantage complainants and are unrelated to facts developed in the investigation; issuing complaint dispositions that are not justified by the facts developed in the investigation; recommending inconsistent discipline for officer misconduct.		
IV.D.2 – MPD Internal Affairs investigators shall receive special training conducted within one (1) year from the execution of this Agreement in the investigation of complaints by members of the public, including training on the amendments to SOP 450 required by this Agreement. The training shall be conducted by a supervisor of Internal Affairs with expertise in complaint investigation and shall be consistent with those provisions of this Agreement that relate to this subject.	In process	N/A
IV.D.3.a – Defendants shall ensure that the MPD Internal Affairs Division receives all complaints from members of the public for review and determination for appropriate assignment.	In process	N/A
IV.D.3.b – Defendants shall ensure that the MPD Internal Affairs Division reviews every internally generated complaint about MPD conduct.	In process	N/A
IV.D.4.a – Defendants shall ensure that the MPD maintains and enforces its policies requiring that an MPD supervisor or a member of the MPD Internal Affairs Division reviews and investigates every plausible complaint.	In process	N/A
IV.D.4.b – Defendants shall ensure that the MPD continues to maintain a database that includes all civilian and internally-generated complaints concerning MPD conduct received by the MPD, which includes for each complaint: the complainant’s name, address, and other contact information; the complainant’s race and ethnicity; the date, time, and location of the incident; the name of the officer who is subject of the complaint; and the nature of the complaint, including whether it concerns a traffic stop, field interview, no-action encounter, frisk, and/or search, and/or an allegation of racial or ethnic profiling.	In process	N/A

IV.D.4.c – Defendants shall ensure that the MPD maintains a list of the number and outcome of complaints received against each officer, regardless of the outcome of the complaint (which should be readily accessible through the AIM system).	In process	N/A
IV.D.4.d – Defendants shall ensure that the MPD maintains the practice of the Early Intervention Program providing notice to captains of an individual officer receiving three or more complaints within a ninety (90)-day period, and also provides notice to captains of any individual officer receiving three (3) or more complaints over a rolling one (1) year period.	In process	N/A
IV.D.4.e – Defendants shall ensure that the MPD ensures that complaint data are tabulated by citywide, district, unit, and peer groupings to help supervisors understand overall employee performance and the specific factors at issue within their district to allow for active and engaged supervision.	In process	N/A
IV.D.5.a – Defendants shall ensure that the FPC maintains the FPC practice of investigating all plausible complaints from members of the public submitted to it.	N/A	In process
IV.D.5.b – Defendants shall ensure that the FPC reviews every internally generated complaint about MPD conduct.	N/A	In process
IV.D.5.c – Defendants shall ensure that the FPC creates and maintains a database of complaints from members of the public and internally-generated complaints about MPD conduct received by the FPC, which includes for each complaint: the complainant’s name, address and other contact information; the complainant’s race and ethnicity; the date, time, and location of the incident; the name of the officer who is the subject of the complaint; and the nature of the complaint, including whether it concerns a traffic stop, field interview, no-action encounter, frisk, and/or search, and/or allegation of racial or ethnic profiling.	N/A	In process
IV.D.5.d – Defendants shall ensure that the FPC maintains a list of the number of complaints received against each officer, regardless of the outcome of the complaint.	N/A	In process
IV.D.5.e – Defendants shall ensure that the FPC provides to the Chief for further action, as discussed in this Agreement, the name of any officer receiving more	N/A	In process

than the same number of complaints within the same timeframe as set out in the Early Intervention Program, as discussed in paragraph IV.D.4.d.		
------------------------------------------------------------------------------------------------------------------------------------------------	--	--

Remaining Work

The Defendants have made significant strides toward compliance with requirements relating to procedures for complaints. The remaining work is in large part ensuring completeness of documentation and conducting audits to verify that processes are happening as designed. We will work with the MPD and FPC on determining an approach that will allow us to understand fully the process behind how the location of complainant interviews is determined. In the upcoming year we will work with both the FPC and MPD to evaluate whether “all plausible complaints” are investigated and investigated in ways that are required by the Settlement Agreement.

To incorporate some of the requirements of the Agreement into the FPC’s written policies and guidelines, the FPC needs committee approval. A committee has been formed specifically to deal with issues relating to the Agreement and the timeline of their reviewing and approving policy and guideline changes is unclear. We hope this added layer of review and feedback helps strengthen the work and keeps it moving forward.

As mentioned previously, the FPC is working on developing training materials for investigators, as they have not historically had an investigator training curriculum and the FPC has a template for tracking the number of complaints received against each officer.

AUDITS (SA IV.E)

Summary of Requirements in Settlement Agreement

The FPC and MPD must audit data, dashboard camera footage, and body camera footage on all traffic stops, field interviews, no-action encounters, frisks, and searches every six months. The audit should identify the following:

- Officers who fail to conduct encounters with constitutional standards and principles put forth in the Settlement Agreement
- Officers who fail to properly document encounters, supervisors who fail to review subordinate officers' reports for constitutional standards and principles in the Settlement Agreement
- Supervisors who fail to review subordinate officers' documentation of encounters
- Supervisors who fail to re-train and/or discipline officers who conduct unreasonable, unreported, and insufficiently documented encounters

FPC and MPD will use audits to identify officers who need additional training on traffic stops, field interviews, no-action encounters, frisks, and searches and/or discipline for officers who conduct unreasonable, unreported, or insufficiently documented encounters. MPD is required to document FPC's findings in the AIM database. MPD is also required to incorporate the findings from the audits into MPD's Early Intervention Program.

The FPC must also conduct an audit of complaints submitted by members of the public to FPC and MPD to ensure that those responsible properly investigate complaints. FPC must publish data on all civilian complaints received by MPD and FPC on its website. The data must include the number of traffic stops, field interviews, no-action encounters, frisks, and searches without legal justification, whether the encounter was based on race or ethnicity, and whether the case is open or closed. They must include this data in aggregate form as well.

Progress

MPD

In March 2020 the MPD Inspections Section completed the first set of required audits of traffic stops, field interviews, and no-action encounters to identify officers who fail constitutional compliance, officers who fail proper documentation of encounters, supervisors who fail to review subordinate officers' reports, and supervisors who fail to require re-training or discipline (SA IV.E.6). The time period for the audit was from

June 1 through June 30, 2019.¹⁷ The Inspections Section conducted the audits based on generally accepted government auditing standards (GAGAS), which are audit industry standards¹⁸ and several audit objectives are tied directly to Settlement Agreement requirements. Formal protocols have been established to conduct the audits every six months and staff have been trained on such protocols. The Inspections Section has also put tools in place to facilitate tracking audit findings on alleged non-compliance with SOPs, training, and MPDs Code of Conduct. The first set of audits has been helpful in identifying the lack of accountability mechanisms and automated processes throughout the Department. Work on the next set of audits is underway and expected to be finalized in September 2020.

FPC

The FPC is in the early stages of building capacity for an audit unit. The structure of the FPC was not set up with the proper staff positions for a robust audit unit, nor will it be until the approved reorganization on May 27, 2020. Until recently there was only one person with auditing skills and background in the risk auditor position and a single person is not capable of conducting the required audits. The person in that role was able to develop audit plans before leaving for another professional opportunity in late March 2020.

Recognizing the functional limits of the existing structure, in early 2020, the FPC Executive Director retained an external consultant to assess the staffing capacity and structure of the office of the FPC both at present and needed to support the required auditing function set forth in the Settlement Agreement. The consultant's report offered twelve specific recommendations to support and create a robust audit unit. The Executive Director began to implement and follow those recommendations as soon as the FPC received the report. On May 27, 2020 the Common Council approved the proposed reorganizational structure of the FPC. The Executive Director creatively advocated using funds from vacancies in different areas of the FPC and repurposing them to support the efforts toward compliance, still within the overall oversight capacities of the FPC. Of particular note is the creation of a new audit unit, with a manager and two auditors. With the approved positions, appropriately titled and funded, the FPC gets one-step closer to conducting the long-anticipated auditing. The approved reorganization also included title changes. The investigators/auditors are

¹⁷ Because training on the Settlement Agreement requirements as part of MPD's in-service training wasn't completed until June 4, 2019 the Inspections Section determined that the month of June 2019 would provide the most accurate base-line. All future audits will cover a six month time period.

¹⁸ See Government Accountability Office website for more information on GAGAS at <https://www.gao.gov/yellowbook/overview>.

now called Investigators to avoid role confusion and increase clarity in function. The position of Compliance Auditor was also approved, and this role is already filled.

Working within government structures to achieve these changes is often time consuming and requires relentless attention to process. These are important fundamental changes in the FPC that are vital to the Defendants in their efforts toward full compliance with the Agreement.

Challenges

MPD

Although MPD finalized the first set of three audits in March 2020, they were unable to conduct all of the reviews required by the Settlement Agreement. Auditors were unable to review one of the four areas identified in the Agreement: supervisors who fail to require re-training and/or discipline for subordinate officers who conduct unreasonable, unreported, or insufficiently documented encounters. Indeed, the process of conducting the first set of audits helped to identify gaps in tracking and accountability, specifically related to verbal instructions or counseling. The Inspections Section was unable to properly audit SA IV.C.2 and IV.C.3 for this audit period as the Department lacked a system to document and track corrective action that does not meet the threshold for retraining or an internal investigation, specifically verbal instructions and counseling. The development of such a system is underway and, once operational, future audits will include a review of this information. Therefore we find the Defendants in process rather than compliant for this requirement.

FPC

The recent announcement that there will be change in leadership at the FPC portends further delays in the establishment of an audit unit and the completion of the required audits. The process of posting positions included reclassification, job creation, and approval by the Common Council before they were publicly announced. This process required months of work from various entities including the FPC Executive Director and staff at the Department of Employee Relations. Since the new FPC positions are now posted, the barriers now lie in the timeline of hiring appropriate personnel and, when they are hired, getting them familiar with the requirements of the Agreement and the work before them. As mentioned previously, the former FPC auditor prepared schedules and plans for the audits.

Year Two Assessment

Settlement Agreement Paragraph	Compliance Status	
	<i>MPD</i>	<i>FPC</i>
<p>IV.E.1 – Defendant FPC shall audit data, dashboard camera footage, and body camera footage on traffic stops, field interviews, no-action encounters, frisks, and searches, every six (6) months to identify:</p> <ul style="list-style-type: none"> a) Officers who fail to conduct these encounters in compliance with constitutional standards and principles set forth in this Agreement; b) Officers who fail to properly document these encounters in accordance with the terms of this Agreement; c) Supervisors who fail to properly review subordinate officers’ reports to identify officers who fail to conduct traffic stops, field interviews, no-action encounters, frisks, and/or searches in compliance with constitutional standards and this Agreement, or to ensure that the encounters are properly documented in compliance with the terms of this Agreement; and d) Supervisors who fail to require re-training and/or discipline for subordinate officers who conduct unreasonable, unreported, or insufficiently documented encounters. 	N/A	Non-Compliant
<p>IV.E.2 – In order to ensure that complaints from members of the public are appropriately investigated, the FPC, including through the work of any retained consultants, shall conduct an audit every six (6) months of: (a) complaints submitted by members of the public to the MPD, and (b) complaints from members of the public to the FPC.</p>	N/A	Non-Compliant
<p>IV.E.3 – Defendant FPC shall be permitted to spend funds appropriated by Defendant Milwaukee to hire additional staff and/or employ experts or consultants to conduct the audits described in paragraphs IV.E.1 and 2. The Consultant also shall review such audits for accuracy and, if the Consultant concludes that the audits are incomplete or inaccurate, conduct its own audits of these matters. In addition, the Consultant shall</p>	N/A	Non-Compliant

provide training and technical assistance to Defendant FPC to develop the FPC's capacity to conduct such reviews and audits itself, in order to be able to fully and appropriately exercise its oversight obligations.		
IV.E.4 – Defendant FPC shall use audits to, <i>inter alia</i> , identify officers who need additional training on traffic stop, field interview, no-action encounter, frisk, and search policies and/or discipline for the conduct of unreasonable, unreported, or insufficiently documented encounters.	N/A	Non-Compliant
IV.E.4 – Defendants shall ensure that data and findings from the FPC audits described in paragraphs IV.E.1 and IV.E.2 shall be incorporated into the MPD's AIM System...	In process	Non-Compliant
IV.E.5 – Defendant FPC shall publish on its website, on a quarterly basis, data on civilian complaints received, under investigation, or resolved during the previous quarter, including the number of complaints from members of the public broken down by number relating to traffic stops, field interviews, no-action encounters, frisks, and searches without legal justification and traffic stops, field interviews, no-action encounters, frisks, and searches based on race or ethnicity and whether the complaints remain open or have been closed.	Compliant	Compliant
<p>IV.E.6 – Defendants shall ensure that the appropriate division within MPD audits data, dashboard camera footage, and body camera footage on traffic stops, field interviews, no-action encounters, frisks, and searches every six (6) months to identify:</p> <ul style="list-style-type: none"> a) Officers who fail to conduct these activities in compliance with constitutional standards and principles set forth in this Agreement; b) Officers who fail to properly document these encounters in accordance with the terms of this Agreement; c) Supervisors who fail to properly review subordinate officers' reports to identify officers who fail to conduct traffic stops, field interviews, no-action encounters, frisks, and searches in compliance with constitutional standards and this Agreement, or to ensure that the encounters are properly documented in compliance with the terms of this Agreement; and 	In process	N/A

d) Supervisors who fail to require re-training and/or discipline for subordinate officers who conduct unreasonable, unreported, or insufficiently documented encounters.		
IV.E.7 – Defendants shall ensure that the MPD Internal Affairs Division uses audits to, <i>inter alia</i> , identify officers who need additional training on traffic stop, field interview, no-action encounter, frisk, and search policies and/or discipline for the conduct of unreasonable, unreported, or insufficiently documented encounters.	In process	N/A
IV.E.7 – Defendants shall ensure that data and findings from the audits described in paragraphs IV.E.6 and IV.E.7 shall be incorporated into the MPD’s Early Intervention Program.	In process	N/A

Remaining Work

MPD

As MPD continues to produce a new set of audit findings every six months, the Department needs to continue to use the audit findings as a tool to inform training and make changes to the standard curriculum and look for opportunities for roll call updates. Moving forward, there should be regular reporting on audit findings at Command Staff meetings to ensure the highest levels of leadership are attentive and connected to progress or lack of progress among the personnel on the street, including supervisors. Command Staff should use of the audits to manage supervisors and hold them accountable for the Settlement Agreement and for the actions on the street. As the number of completed audits increases, the Department should look across audits and do an analysis of patterns in findings. As both the MPD and FPC have similar auditing requirements, we encourage shared learning and collaborative training.

FPC

The remaining work for the FPC hinges on their capacity to complete the required audits and other associated practices pertaining to the audits. As these audits will be new for the FPC, it would likely be helpful for the FPC to obtain and review MPD’s audit standards, update them for best practices, and mirror those standards internally at the FPC. Once the FPC has hired appropriate staff and developed audit standards and protocols, they will be well-equipped to complete the remaining work outlined in the above table. This includes audits of received complaints as well as encounter data and dashboard and body camera footage, using the audit findings to identify officers who need additional training, and entering the findings from the audits into AIM.

COUNSELING, RE-TRAINING, AND DISCIPLINE (SA IV.F)

Summary of Requirements in Settlement Agreement

The Settlement Agreement requires that the MPD develop and use performance benchmarks as well as an alert system for employees who may be involved in three insufficiently documented, legally unsupported, or racially based traffic stops, field interviews, no-action encounters, frisks, or searches over a rolling one-year period. MPD may discipline, counsel, re-train, suspend, or discharge the officer as appropriate. The Agreement requires that MPD issues discipline progressing in severity as the number of such sustained violations increases. MPD shall update SOPs to reflect the requirements of this Settlement Agreement in this area.

During training, MPD must ensure that officers understand the potential consequences of further training, counseling, or discipline should an officer fail to conduct traffic stops, field interviews, no-action encounters, frisks, and searches in a lawful manner. Supervisors responsible for ensuring officers comply with constitutional standards shall be subject to investigations and the same consequences if they fail in their duties.

The Agreement states that if an officer, in a three-year period, is involved in four or more traffic stops, field interviews, no-action encounters, frisks, or searches not supported by reasonable suspicion or probable cause, or not properly documented, the supervisor must refer that officer for investigation. The Internal Affairs Division shall then conduct an investigation. When command staff or supervisors are determining sanctions or solutions, they will take into consideration the amount and context of complaints lodged against a given officer.

Progress

For months, CJI and MPD have participated in two weekly calls – one includes a group of seven Captains and Inspectors who are overseeing the various streams of work and the entire CJI team and the other includes the Captain and Sergeant who are managing the day-to-day progress toward compliance with two CJI team members. CJI and MPD have structured these routine calls to dissect every paragraph, and in turn every requirement, into component parts. These working calls are focused on discussing those component parts, talking through how each is accomplished, and identifying potential documentation to prove compliance. Such detailed, iterative work facilitates task and project management at MPD. The deliberate process of review of every paragraph revealed that creating and maintaining benchmarks was not occurring to the degree necessary for compliance. In painstaking detail, with the personnel overseeing the work toward compliance and staff from the Internal Affairs Division, systems and processes are now in place including an alert system for employees who may be involved in three insufficiently documented, legally unsupported, or racially

based traffic stops, field interviews, no-action encounters, frisks, or searches over a rolling one-year period, including disciplining, counseling, re-training, suspending, or discharging the officer as appropriate.

MPD had the capability in AIM to capture disciplinary information related to the Agreement but until recently, no centralized, electronic system for tracking non-disciplinary issues existed. Since June 24, 2020 a process now exists to track non-disciplinary issues and in the coming weeks the process will continue to be tested and fully implemented.

Challenges

While MPD has submitted documentation that indicates they are tracking violations of SOP 001 and 085, the documentation does not conclusively demonstrate that they are comprehensively tracking the specific issues mentioned in the Agreement. Additionally, we continue to work with MPD to identify documentation that demonstrates that the appropriate actions are taken once a violation occurs. The follow-through on counseling, training and discipline is critical to ensure that the policies and training are given the weight and credibility necessary to serve both as guidelines for appropriate behavior and deterrence of behavior that violates policy, local laws, or the Constitution. There remain concerns about appropriate discipline being applied in that the proofs do not demonstrate a history of discipline related to incidents involving traffic stops, field interviews, no-action encounters, frisks, and searches that are insufficiently documented, legally unsupported, or based on racial or ethnic profiling. CJI has emphasized to MPD how important it is to meet this obligation. We will focus on this area in the coming year as it is an important undertaking not only for compliance with the Settlement Agreement, but for internal and external legitimacy.

Year Two Assessment

Settlement Agreement Paragraph	Compliance Status
IV.F.1 - MPD will develop and maintain a system of benchmarks and alert notification triggers for any employee involved in three (3) incidents of traffic stops, field interviews, no-action encounters, frisks, and searches that are insufficiently documented, legally unsupported, or based on racial or ethnic profiling over a rolling one (1)-year period.	Non-Compliant
IV.F.3 - Defendants shall ensure that discipline must occur when there is a sustained allegation that any MPD officer has conducted a traffic stop, field interview, no-	In process

action encounter, or frisk that lacks the requisite reasonable suspicion and/or is the result of racial or ethnic profiling, or has failed to report or insufficiently document a traffic stop, field interview, no-action encounter or frisk, with such disciplinary measures progressing in severity as the number of such sustained violations increases. Nothing in this Agreement precludes imposition of a greater or additional discipline when the Chief determines such discipline is appropriate.	
IV.F.7 – Defendants shall require MPD supervisors to refer for investigation any officer identified through supervisory review to have engaged in four (4) or more traffic stops, field interviews, no-action encounters, frisks, or searches that are unsupported by the requisite reasonable suspicion or probable cause, are not properly reported, or are insufficiently documented in a three (3)-year period. Such investigation shall be conducted by the MPD Internal Affairs Division, or by the commanding officer of the district, under the supervision of the MPD Internal Affairs Division.	Non-Compliant

Remaining Work

The importance of the work in this chapter cannot be understated. The first steps of revising policy and developing and conducting training, while challenging, are the most simple and straightforward parts of the process. The most difficult is behavior change and accountability. While the foundation is in place for setting up alerts, and staff at the Internal Affairs Division is adept at completing that task, we have seen that MPD struggles with the follow through once the alerts are issued. As it stands now, there is scant documentation that the follow through up and down the chain of command occurs with the current alert system. MPD will need to shore up the current system and ensure all levels of command are adhering to the policy and procedures outlined.

Collecting the data is the first hurdle in changing behavior. With an ability to capture the data by an involved officer, supervisors will need support and coaching on what to do with these data, how to respond to alerts, and how to ensure that the re-training or counseling sticks. This is one of the areas that they will need major work this year. CJI's ongoing discussions with the compliance team and MPD's Internal Affairs Division will focus on the effort in this area.

COMMUNITY ENGAGEMENT (SA IV.G)

Summary of Requirements in Settlement Agreement

Per SA IV.G.1, MPD's monthly crime and safety meetings should include concerns raised by the community about the actions of the MPD, especially as they relate to stops and frisks. The Agreement also requires that the Defendants shall maintain the CCC to seek community input regarding police actions and to improve the relationships between the police and the community. Changes in membership of the CCC should be a result of consultation between the Plaintiffs and Defendants, and the Defendants should make sure that the CCC represents racially and ethnically diverse communities, persons with disabilities, LGBTQ persons, and other protected classes.

Assessment of Work

In January 2020 a memo was issued to the District Captains instructing them to include on the agendas for their monthly crime and safety meetings an item about the MPD's actions and any concerns from the district about their policies and practices. While CJI has received documentation that some districts have included the required topic on a monthly crime and safety meeting agenda, the evidence submitted to date is not sufficient to show that this is happening regularly in all districts. In addition, we provided feedback on documentation received that was intended to make it clearer that the focus should be on operations, policies, and practices surrounding traffic stops, field interviews, no-action encounters, and frisks. We acknowledge the challenges with conducting monthly crime and safety meetings for the better part of 2020 due to the COVID-19 pandemic and expect that MPD will ensure that, when they are able to safely conduct monthly crime and safety meetings, any concerns about their policies and practices regarding traffic stops, field interviews, no-action encounters, and frisks are on the agendas. We are encouraged by a recently drafted agenda template created by OMAP which is intended to ensure consistency in language across the districts.

As noted above, in October 2019 the CCC produced a report on the recommendations of the never-finalized U.S. Department of Justice Collaborative Reform Initiative report. A draft resolution relating to the duties and membership of the CCC was shared with Plaintiffs' counsel last fall. Plaintiffs' counsel provided input and the Defendants responded to that input in November 2019. During the early part of 2020, with input from the Plaintiffs' counsel, a new iteration of the CCC was adopted by the Common Council. The new President of the Common Council named his four appointments to the CCC in June 2020. At this writing, we are aware of a CCC meeting scheduled for July 29, 2020 and it is unclear if the CCC has a full complement of members at this time. We believe the CCC can play a valuable role in achieving the intended outcomes

of the Settlement Agreement and continue to encourage City leaders to give serious attention to this issue.

Year Two Assessment

Settlement Agreement Paragraph	Compliance Status
IV.G.1 - Defendants shall ensure that the MPD monthly crime and safety meetings, which MPD already conducts, will include on their agendas in all districts concerns, if they are raised, about the MPD's actions, including but not limited to policies and practices concerning traffic stops, field interviews, no-action encounters, and frisks.	Non-Compliant
IV.G.2 - Defendants shall maintain the existing Milwaukee Collaborative Community Committee to seek community input on police department operations to improve trust between law enforcement and city residents. Defendants shall consult with Plaintiffs regarding any changes in or additions to the membership of this group. Defendants shall make reasonable efforts to ensure that the membership in this committee represents racially and ethnically diverse communities, persons with disabilities, LGBTQ persons, and other protected classes.	In process

COMPLIANCE (SA V)

Summary of Requirements in Settlement Agreement

To achieve compliance with the Settlement Agreement, MPD must incorporate all requirements into their internal policies, ensure that needed staff are in place per the requirements, and appropriate sufficient funds to meet requirements (SA V.1.a-c). In addition, through the Consultant's analysis, MPD must demonstrate sustained and continuing improvement in constitutional policing based on the following: First, that fewer than 14 percent of traffic stop, field interview, no-action encounter, and frisk records are missing any of the requirement information outlined in SA IV.A.3. Second, that fewer than 15 percent of traffic stop, field interview, no-action encounter, and frisk records lack sufficient individualized, objective, and articulable reasonable suspicion for the action to occur. Third, that there is no significant racial or ethnicity disparity in traffic stops, field interviews, or no-action encounters.

Year Two Assessment

For the rows in the following table, MPD must demonstrate that it has shown sustained and continuing improvement in constitutional policing based on:

Settlement Agreement Paragraph	Compliance Status
V.1.d.i – analysis of TraCS data demonstrating that fewer than 14% of records of traffic stops, frisks, and searches documented in TraCS during the previous six (6) months are missing any of the information required by paragraph IV.A.3 for inclusion in records.	Non-Compliant
V.1.d.ii – analysis of RMS data demonstrating that fewer than 14% of records of field interviews, frisks, and searches documented in RMS during the previous six (6) months are missing any of the information required by paragraph IV.A.3 for inclusion in records.	Compliant
V.1.d.iii – analysis of CAD data demonstrating that fewer than 14% [of] records of no-action encounters documented in CAD during the previous six (6) months are missing any of the information required by paragraph IV.A.3 for inclusion in records.	Non-Compliant
V.1.d.iv – analysis of TraCS data on traffic stops demonstrates that fewer than 15% of traffic stop records documented during the previous six (6) months fail to show that the stops were supported by individualized, objective, and articulable reasonable	Compliant

suspicion of criminal activity or a traffic or vehicle equipment violation.	
V.1.d.v – analysis of RMS data on field interviews demonstrates that fewer than 15% of field interview records documented during the previous six (6) months fail to show that the traffic stops and encounters were supported by individualized, objective, and articulable reasonable suspicion of criminal activity or a traffic or vehicle equipment violation.	Compliant
V.1.d.vi – analysis of CAD data on no-action encounters demonstrates that fewer than 15% of records documented during the previous six (6) months fail to show that the traffic stops and encounters were supported by individualized, objective, and articulable reasonable suspicion of criminal activity or a traffic or vehicle equipment violation.	Non-Compliant
V.1.d.vii – analysis of TraCS and RMS data on frisks demonstrates that fewer than 15% of frisks records documented during the previous six (6) months fail to show that the frisks were supported by individualized, objective, and articulable reasonable suspicion that the stop subject was armed and dangerous.	Non-Compliant
V.1.d.viii – analysis of TraCS data on traffic stops demonstrates that there is no significant racial or ethnic disparity in the rate at which Black and white people, and Latino and white people, are subjected to traffic stops after controlling for agreed upon benchmarks.	Non-Compliant
V.1.d.ix – analysis of RMS data on [field interviews] demonstrates that there is no significant racial or ethnic disparity in the rate at which Black and white people, and Latino and white people, are subjected to field interviews after controlling for agreed upon benchmarks.	Non-Compliant
V.1.d.x – analysis of CAD data on no-action encounters demonstrates that there is no significant racial or ethnic disparity in the rate at which Black and white people, and Latino and white people, are subjected to	Unable to determine¹⁹

¹⁹ We were unable to determine compliance with this item because the low frequency of no-action encounters reduced the statistical power of the by district regression specifications. We are not able to confidently state that there were no racial or ethnic disparities in no-action encounters based on the data present for this type of police encounter.

no-action encounters after controlling for agreed upon benchmarks.	
V.A.8.a – Defendants will provide Plaintiffs and the Consultant with the relevant police district population data.	Compliant
V.A.8.b.i – Defendants shall ensure that the Consultant and Plaintiffs’ counsel are provided with crime data agreed upon by the Parties. At a minimum, Defendants shall make available crime data for the preceding year, including reported crimes, committed crimes, type of crime, police district of crime, and suspect race if known.	Compliant
V.A.8.c – The Parties shall endeavor to reach agreement about the economic and social factors used as controls. To the extent that there are differences in the economic and social regression factors used by each side, and to the degree there appear to be different conclusions based on different factors, the Parties’ experts will determine which are the most relevant and reliable.	Compliant

Analysis

The following sections describe our assessment of SA V.1.d.i-x in three parts.²⁰ First, we discuss the extent to which data are missing from traffic stop, field interview, and no-action encounter records in TraCS and RMS (SA V.1.d.i-iii). Next we present our findings on the percentage of encounters and frisks without sufficient IOARS to justify them (SA V.1.d.iv-vi). Finally, we provide an overview of our findings from the required statistical analysis focused on determining whether there is racial or ethnic bias in MPD’s traffic stops, field interviews, no-action encounters, and frisks (SA V.1.d.vii-x).

Missing Data Elements

Tables 1, 2, and 3 outline the extent to which TraCS and RMS are missing required data elements from records regarding traffic stops, field interviews, and no-action encounters. The tables show the percent of observations where the listed data element is missing. We consider an element missing from a record if that field is blank or has a value of “NULL”. We did not assess the extent to which data are correct or valid, with

²⁰ This analysis is based on extraction data received from the Defendants, which they maintain is a complete record of all traffic stops, field interviews, and no-action encounters occurring within the extraction timeframes. CJI is conducting a review of video footage to assess the completeness of the data extraction.

three exceptions: 1) Police district fields where values should be between one and seven, 2) CAD numbers where we can assess whether a given CAD number from the dispatch database matches the CAD number in TraCS and RMS records, and 3) the outcome field for no-action encounters which should be a specific “no action” code per the Agreement (IV.A.3.j.iii).

This missing data assessment is different from the missing data assessment in the Analysis of 2019 Traffic Stops, Field Interviews, No-action Encounters, and Frisks, which looks at missing demographic data and data loss due to missing CAD numbers. The assessment in this report, as mentioned above, measures the extent to which data elements are missing from each of the encounter files. To do this missing data assessment, we created three files, one for each type of encounter: traffic stops, field interviews, and no-action encounters. Each file contains multiple rows or observations for a single encounter if there are multiple subjects or officers involved in that encounter. The values from the most recent six months of data that do not meet the 14 percent threshold requirement laid out in the Settlement Agreement are presented with an asterisk. A detailed explanation and assessment of each file and the extent to which data elements are missing follow each table.

While the Settlement Agreement directs us to investigate the previous six months of data, we also provide the percent of missing data from quarters one and two of 2019, which were included in our First Annual Report for comparison’s sake.

Table 1: Percent of Traffic Stop Records Missing Data in TraCS

IV.A.3 Subsection	Data Element	Q1Q2 2019	Q3Q4 2019
a	Age	26.80%	4.36%
a	Gender	26.80%	4.36%
a	Race and ethnicity	26.80%	4.36%
b	Address	1.60%	1.06%
b	Police district	4.00%	4.99%
c	Date of encounter	0.00%	0.00%
d	Start time of encounter	0.00%	0.01%
e	Narrative of legal basis	60.50%	0.01%
f	Frisk Y/N	not clear	not clear

f	Frisk legal basis	not clear	0.91%
g	Search Y/N	26.70%	4.31%
g	Search legal basis	0.10%	4.32%
h	Contraband found Y/N	0.00%	4.31%
h	Contraband type	0.20%	4.31%
i	Use of force Y/N	not received	not received
i	Use of force type	not received	not clear
i	Use of force justification	not received	not received
j	Encounter outcome	0.10%	0.01%
j	Violations, offenses, or crimes	57.11%	49.91%*
l	Officer names	3.80%	0.07%
l	Officer IDs	0.00%	0.00%
	Unique stop ID number (match to CAD)	3.00%	1.06%

Table 1 shows that most of the required data elements for traffic stops and associated frisks and searches fall below the 14 percent threshold. The data elements which do not meet the threshold requirement or which we cannot assess fully are whether a frisk was conducted, whether a use of force occurred, the type of force used, the justification for a use of force, and the violations, offenses, or crimes alleged. The contact summary form, the primary form officers fill out after conducting a traffic stop, has one field called “search conducted”, where officers can indicate whether they performed a search or a frisk. If an officer selects “yes” for search conducted, only then is there an option in another field, called “search basis,” where they can select “pat down.” Because the documentation of a frisk (pat down) is part of a drop down menu, it is not possible to assess the percent of records that are missing for this particular data element.

TraCS, which is a state system, does not record use of force data, so MPD has provided data from the AIM system as the source for the required fields related to uses of force. However, for traffic stops, the only required use of force field that we received from

the AIM information is the type of force, and because we cannot assess how many instances of force there were, we cannot assess how many instances one would expect to see the type of force used. Of the more than 30,000 observations in this file, we see 26 observations with type of force indicated. Based on a 2018 use of force report from MPD²¹, where they reported that out of 90,745 traffic stops, 67 of them involved use of force, this number seems consistent. However, without another field indicating whether force was used, there is no way of knowing how many indications of the type of force used are missing. MPD added a use of force justification field to the AIM system in May 2020 and we expect to see this in the quarter two 2020 data extraction.

As shown in Table 1, the data field for “violations, offenses, or crime” information has the highest percent of missing data. This is due in large part because the files containing this information do not fully connect back to the primary traffic stop file (contact summary). The percentage for quarters one and two has been updated from our First Annual Report to reflect the same method of analysis used for quarters three and four. The field we looked at for this data element is called “violation local ordinance description” and comes from the electronic citation (ELCI), non-traffic citation (NTC), and warning files which we merged into the contact summary file.²² As not all traffic stops result in a citation or warning, we assessed this field as missing only if the outcome of the stop was not marked as no law enforcement outcome. In other words, we only looked at the violation field for missing data when we expected it to have data. For quarters one and two, we received only ELCI files, rather than ELCI, NTC, and warnings which we received for quarters three and four. It is likely that the percentage for quarters one and two is inflated by this fact.

Table 2: Percent of Field Interview Records Missing Data in RMS

IV.A.3 Subsection	Data Element	Q1Q2 2019	Q3Q4 2019
a	Age	0.10%	1.14%
a	Gender	0.10%	0.14%
a	Race	0.40%	0.14%

²¹ <https://city.milwaukee.gov/ImageLibrary/Groups/cityFPC/Reports/Use-of-Force-Reports/2018yearendUOFreport.pdf>

²² For quarters one and two, this merge process involved associating the “Tracs Prd Header” file with the contact summary files (“Tracs ContactSummary Individual,” “Tracs ContactSummary Location,” “Tracs ContactSummary Summary,” “Tracs ContactSummary Agency,” and “Tracs ContactSummary Document,”), the location and individual files (“Tracs Location” and “Tracs Individual”), and the ELCI files (“Tracs ELCI Defendant,” “Tracs ELCI Violation,” and “Tracs ELCI Document”). A similar process was used for quarters three and four, but also including NTC and warning files.

a	Ethnicity	5.80%	0.18%
b	Address	0.00%	0.04%
b	Police district	2.80%	2.73%
c	Date of encounter	0.00%	0.00%
d	Start time of encounter	0.00%	0.00%
e	Narrative of legal basis	0.30%	0.20%
f	Frisk Y/N	0.10%	0.20%
f	Frisk legal basis	12.30%	2.03%
g	Search Y/N	0.10%	0.16%
g	Search legal basis	7.70%	2.31%
h	Contraband found Y/N	0.10%	0.22%
h	Contraband type	0.10%	0.22%
i	Use of force Y/N	0.20%	0.20%
i	Use of force type	not received	1.55%
i	Use of force justification	13.00%	0.92%
j	Encounter outcome	0.20%	0.16%
j	Violations, offenses, or crimes	6.10%	0.18%
k	Relevant suspect description	not received	11.04%
l	Officer names	0.40%	1.49%
l	Officer IDs	0.40%	0.00%
	Unique stop ID number (match to CAD)	3.10%	0.06%

Table 2 shows that all of the required elements meet the threshold that fewer than 14 percent of field interview records are missing data. The element with the highest share

of missing data is relevant suspect description, a new field received for quarters three and four, at 11 percent.²³

Table 3: Percent of No-Action Encounter Records Missing Data in RMS

IV.A.3 Subsection	Data Element	Q1Q2 2019	Q3Q4 2019
a	Gender	0.00%	0.00%
a	Race	0.00%	0.00%
a	Ethnicity	0.00%	0.00%
b	Address	1.90%	0.00%
b	Police district	2.80%	3.85%
c	Date of encounter	0.00%	0.00%
d	Start time of encounter	0.00%	0.00%
e	Narrative of legal basis	0.00%	0.00%
j	Encounter outcome	not received	88.46%
l	Officer names	0.00%	0.00%
l	Officer IDs	0.00%	0.00%
	Unique stop ID number (match to CAD)	9.30%	1.28%

Table 3 also shows that all of the required elements meet the threshold that fewer than 14 percent of no-action encounter records are missing data. As discussed previously, confusion remains as to when an encounter should be documented as a no-action encounter, yet when officers do record a no-action encounter in RMS, they do a thorough job filling in the relevant data elements. The overall number of recorded no-action encounters is very low, so fluctuations in missing data percentages are inflated by a low sample size.

²³ On July 30, 2019 MPD added “prior_suspect_description” to RMS, a yes or no field to indicate whether there was a prior suspect description given to officers before the stop was conducted. Prior to that, officers may have written suspect descriptions in “suspect_description” but it was unclear whether it was information received prior to conducting the stop. The addition of “prior_suspect_description” was made to make it clearer when officers received suspect descriptions.

The encounter outcome variable for no-action encounter records comes from the CAD disposition field per SA IV.A.3.j.iii. The requirement is that all no-action encounters are coded as “no action” in the CAD disposition field. Table 3 shows that nearly 90 percent of records are not coded as such. MPD’s in-service training includes the instruction that officers use the code for “no action”, and the Inspections Section utilizes this code when conducting their audits of no-action encounters. We expect that MPD will use the percent of incorrectly coded no-action encounters to improve training and supervisory review of reports.

Individualized, Objective, and Articulate Reasonable Suspicion

Table 4 shows the percentage of traffic stop, field interview, no-action encounter, and frisk records that fail to show they were supported by IOARS. We made these determinations based on MPD training materials, SOPs, previous research, and input from subject matter experts. We drew two random samples for each six-month period, one for all encounters, and another for encounters involving frisks. The sampling and IOARS determinations were part of our semiannual analyses required by the Settlement Agreement (SA V.A.3). We have produced two such analyses to date, filed in February and June of 2020. For more information on how we conducted these analyses as well as the population and sample characteristics, see our reports published on the [FPC website](#).²⁴

Table 4: Percent of Encounters without Sufficient IOARS

SA Language	Jan-June (2019)	July-Dec. (2019)
V.1.d.iv – Fewer than 15% of traffic stop records fail to show that the stops were supported by IOARS (TraCS)	36.5%	8.3%
V.1.d.v – Fewer than 15% of field interview records fail to show that the field interviews were supported by IOARS (RMS)	42.1%	8.5%
V.1.d.vi – Fewer than 15% of no-action encounters fail to show that they were supported by IOARS (RMS)	50.0%	15.8%
V.1.d.vii – Fewer than 15% of frisk records fail to show that the frisks were supported by IOARS (TraCS and RMS)	79.4%	80.8%

Table 4 shows that MPD has improved in IOARS documentation for traffic stops, field interviews, and no-action encounters between the first half and second half of 2019. MPD met the 15 percent threshold for traffic stops and field interviews during the

²⁴ <https://city.milwaukee.gov/fpc/Reports#.Xv5kWShKjIU>

second half of 2019 (8.3% and 8.5%, respectively).²⁵ For no-action encounters, which constitute a very small number of encounters, the threshold was missed by less than a percentage point. MPD has not improved in their documentation of IOARS for frisks, with approximately 80 percent of frisk records for the year failing to show that they were supported by IOARS. We have provided a document to MPD that includes the above table, examples of IOARS documentation that do not meet the threshold, and suggestions on how to improve such documentation. MPD has shared the document with the District Compliance Officers and other supervisors who review reports for completeness. CJI plans to continue to provide feedback to MPD based on our analyses on a regular basis, and make ourselves available to answer questions about our analysis and what we see in the data.

Racial and Ethnic Disparities

The Settlement Agreement (SA V.A.5-8) stipulates specific data sources, regression protocols, and hit rate analyses required to measure MPD's compliance with the Fourteenth Amendment of the U.S. Constitution and Title VI of the Civil Rights Act of 1964 in conducting traffic stops, field interviews, no-action encounters and frisks. The intent of the analysis is to determine the impact of a person's race or ethnicity on the likelihood of a police encounter while controlling for crime and population characteristics of each of the police districts. Four analyses were conducted to measure compliance: stop rate analysis, IOARS rate analysis, hit rate analysis of frisks and contraband, and hit rate analysis of districts by crime rates. A full description of how the encounter data files were developed for analysis, and the associated data tables are presented in a companion to this report entitled, "Analysis of 2019 Traffic Stops, Field Interviews, No-action Encounters, and Frisks."

The stop rate analysis indicates, after controlling for agreed-upon characteristics of districts, that Black drivers and residents are subjected to traffic stops, field interviews, and frisks at significantly higher rates than White drivers and residents. Black drivers are eight times more likely to get stopped than White drivers, Black residents are four times more likely to be subjected to a field interview, and seven times more likely to be subjected to a frisk than White residents of Milwaukee. A deeper analysis of frisks indicates that during a police encounter, Black subjects are two times more likely to be frisked than White subjects, with the disparity largest in Districts 1, 3, and 5. Differences in no-action encounters for Black residents and White residents were not statistically significant.

²⁵ We find the Defendants non-compliant on SA V.1.d.i (missing data) and compliant on SA V.1.d.iv (IOARS). The IOARS analysis sample draws encounters from all of the data, regardless of whether it includes missing information or not. If there is an encounter in the sample where there is no narrative about IOARS, the IOARS standard is not met. The samples are not only drawn from complete records, and thus missing data are accounted for in the IOARS analysis.

Controlling for demographic and district-level population characteristics, Hispanic/Latino drivers were 2.4 times more likely than White drivers to be subjected to a traffic stop. During a police encounter, Hispanic/Latino subjects were 1.3 times more likely to be frisked than White subjects. Both of these results are statistically significant. The stop rates of Hispanic/Latino residents for field interviews, no-action encounters and frisks compared to district residential population were not significantly different than for White residents.

There were very few no-action encounters documented in 2019 that could be included in analysis across all districts. This hampered our ability to detect variation in no-action encounter rates by race, ethnicity, or district. Descriptive statistics indicate that no-action encounter rates for Black residents are higher in each district than for White residents, with the most noticeable difference in District 1 (4.6 and 0.5, respectively). However, statistical models do not show racial or ethnic disparity in no-action encounters, likely due to the rare documentation for this type of encounter.

The probability of proper IOARS documentation for an encounter involving a Hispanic/Latino subject is 8.4 percentage points lower relative to the probability of proper IOARS documentation for encounters involving White subjects. This difference is statistically significant at the 90 percent confidence level. There is not a statistically significant difference in IOARS documentation for Black subjects relative to White subjects of police stops. The probability of proper IOARS documentation for frisks involving Black subjects or frisks involving Hispanic/Latino subjects is higher relative to White subjects but not statistically significant.

Hit rates for contraband discovery during a frisk were 17 percent overall, and while discovery rates for Black and Hispanic/Latino subjects were lower than for White subjects, the differences are not statistically significant. Exploration of contraband hit rates by race or ethnicity and type of contraband (drug or weapon) also did not reveal statistically significant differences.

An analysis of the ratio of frisk rates to crime rates by district shows that when accounting for relative crime rates, frisks are conducted more often in majority-Black and Hispanic/Latino districts than in majority-White districts.

Overall, we find racial and ethnic disparity in traffic stops, field interviews, and frisks conducted by MPD. Racial or ethnic disparity in no-action encounters is uncertain due to the low documentation totals for this type of encounter and likely inconsistency in the way no-action encounters are documented. IOARS documentation standards have improved throughout 2019, though encounters with Hispanic/Latino subjects are significantly less likely to meet the IOARS standard in written documentation. Documentation of IOARS for frisks is deficient regardless of race or ethnicity of the

frisk subject. These results indicate that MPD will need to continue focusing on training and accountability for constitutional policing practices.

Remaining Work

In many ways, the multitude of work delineated throughout the other sections of the Settlement Agreement culminates in the outcomes measured in the Compliance section. This section of the Agreement represents the overarching goal of achieving transparent and constitutional policing practices free of racial and ethnic disparity. To that end, there is still much work to be done.

Developing the role of the District Compliance Officers will be crucial for MPD as they work towards the data completeness and integrity goals defined by the Agreement. Our analysis of missing data indicates a marked increase in compliance with documentation of required data elements throughout 2019. MPD, through the District Compliance Officers, should focus on ensuring officers document the correct indicator for a no-action encounter, allowing for clearer processes when internal and external audits take place.

While MPD has increased compliance with IOARS documentation standards throughout the year in their justification for initiating police encounters, proper IOARS documentation is severely lacking in justification for frisks. District Compliance Officers and other supervisors should focus on identifying improper documentation and use that information to communicate patterns to the Academy and develop action plans for individual officers who repeatedly violate documentation standards.

Finally, we find evidence for significant racial and ethnic disparity in police encounters in Milwaukee. The results of our analysis are a clear signal that the Defendants must work hard during the next year and beyond to achieve compliance with the other requirements of the Settlement Agreement with the express purpose of developing a police department that serves the community with equity of justice and protection.

MISCELLANEOUS (SA VIII)

Assessment of Work

Per SA VIII.2, no amendments to the Agreement will be valid unless made in writing and signed by all of the signatories. In our First Annual Report we found that the Defendants made changes to the Agreement in three instances without consulting or communicating with Plaintiffs' counsel. First, documenting no-action encounters in the RMS database rather than the CAD database (IV.A.2.c); second, delayed achieving supervisory review thresholds (IV.C.1.a-d); and third, specific training that was required to be conducted by an Internal Affairs Division supervisor was conducted by Northwestern University (IV.D.2). We deemed the Defendants non-compliant again in our First Six-Month Report on Non-Compliant Items, which was filed in March 2020. In May 2020 the Plaintiffs' counsel signed off on the change of documenting no-action encounters in RMS rather than CAD. As of the writing of this report, to our knowledge the remaining two items have yet to be communicated in writing and signed by all Parties. We continue to recommend to the Defendants that they communicate with the Plaintiffs' counsel in writing the reasons for these modifications and obtain written consent to indicate approval of such changes.

Year Two Assessment

Settlement Agreement Paragraph	Compliance Status
VIII.2 – No Amendments of this Agreement will be valid unless made in writing and signed by all of the signatories hereto.	Non-Compliant

CONCLUSION

This Second Annual Report presents CJI's detailed account of the efforts and activities that the Defendants have conducted since signing the Settlement Agreement. As we continue to address the shortcomings and challenges outlined in this report with the Defendants, we expect notable progress in the upcoming year will be made toward compliance, particularly in the areas of supervision and accountability, FPC audits, and the use of data and audits in practice. In the third year, CJI plans to audit the process of filing and investigating complaints by the public through file reviews to ensure the policies and directives are followed in practice. We will also examine the discussion of community policing measures and expectations within Command Staff meetings as required by the Agreement, including how the Defendants engage the CCC and community organizations in the co-production of safety and improving trust.

Our data analysis reveals much work remains to affect behavior on the street. The Defendants may need to make adjustments to training, for officers and supervisors, to ensure stops, searches, and frisks are all supported by IOARS. The stage is being set for the FPC to start the long-awaited audit process that provides additional evidence that behavior on the street is actually changing.

We are heartened that the MPD, FPC, and legal staff are open to our technical assistance suggestions that often go beyond the scope of the specific Agreement requirements. And, that the Defendants' efforts to comply with the requirements are increasingly more organized. We hope that the Defendants can now coordinate efforts and streamline communication, as this significant, multi-year initiative will require the engagement of various entities throughout the City to achieve the desired reforms. We have sincere hope that the regulatory and oversight struggles can be calmed so a sense of stability in governance and oversight can better allow the Defendants to continue to make progress toward compliance.

APPENDIX

The Crime and Justice Institute Team

The Consultant team is being led by CJI's Executive Director Christine M. Cole, who is serving as the overall project lead, providing strategic guidance, and liaising with key stakeholders in Milwaukee. Ganesha Martin is serving as a subject matter expert on several issues including training, audits, supervision, and counseling and discipline. Senior Policy Specialist Sarah Lawrence is managing the day-to-day operations of the project including project and staff management, compliance documentation and tracking, and operational liaising with MPD. Manager of Policing and Corrections Katie Zafft is leading the required data analysis, and Policy Analyst Joanna Abaroa-Ellison is playing a key role in the data analysis and overall research and operational support. Brief bios of the key staff members are below.

Christine Cole has worked for over 30 years in the safety and justice sector with a particular focus on policing. Prior to CJI, Ms. Cole served as Executive Director at the Harvard Kennedy School Program in Criminal Justice Policy and Management. In that capacity she participated in many research and technical assistance projects related to police-community relations leading numerous focus groups of police professionals and community members in research projects from Los Angeles, CA to Papua New Guinea. She also spent many years in police agencies in Massachusetts implementing community policing, best practices, and sound management habits. She currently works on the police monitoring team in Cleveland, Ohio and has done so since 2015. Ms. Cole has a national reputation of driving police reform through her work with experts in the field. Ms. Cole holds a Master's Degree in Public Administration from Harvard University's John F. Kennedy School of Government and a BA from Boston College.

Ganesha Martin is an attorney contracted by CJI for her subject matter expertise in policing and compliance with court-ordered reforms. Ganesha Martin was the Director of the Mayor's Office of Criminal Justice (MOCJ) for the City of Baltimore. She led collaborative criminal justice efforts that included the Baltimore Police Department, Baltimore State's Attorney's Office, Governor's Office of Crime Control and Prevention, U.S. Attorney's Office, the judiciary and several community groups. Ms. Martin led the federal court-ordered Consent Decree reform efforts at the Baltimore Police Department from 2015 to 2018. As Chief of the Department of Justice Compliance, Accountability & External Affairs Division, Martin collaborated with DOJ Civil Rights Division attorneys during a pattern or practice investigation that ultimately led to a consent decree. She played an integral role on a negotiation team that introduced structural reforms to the Baltimore Police Department in the areas of crisis intervention, relationships with youth, interactions with persons suffering from mental illness, use of force, de-escalation, body-worn cameras, mobile data computer

technology, hiring and recruitment, community engagement, and officer wellness and early intervention. She holds degrees in Journalism and Asian Studies from Baylor University and a Juris Doctor from Texas Tech University School of Law.

Sarah Lawrence has 20 years of experience working with law enforcement agencies and criminal justice executives in research and policy partnerships. Ms. Lawrence has significant experience managing applied research projects with law enforcement agencies. She has managed many multi-site, multi-year projects including an assessment of the DOJ's Collaborative Reform Initiative. Ms. Lawrence is a co-author on the after-action review for the Las Vegas Metropolitan Police Department's response to the 1 October mass shooting. Previously, while at the University of California, Berkeley School of Law, she served as research partner for the East Palo Alto Police Department as part of the Bureau of Justice Assistance Smart Policing Initiative and she collaborated with the Oakland Police Department in the publication of several policy briefs related to crime in Oakland. While at the Criminal Justice Center at Stanford Law School, Ms. Lawrence served as the research director for an Executive Session on California's Public Safety Realignment where she worked closely with many of the state's top criminal justice executives. She holds a Master's Degree in Public Policy from the University of California, Berkeley and a BS in Engineering from Cornell University.

Katie Zafft manages CJI's policing and corrections portfolios and has over 10 years of experience working in criminal justice policy evaluation and implementation. Dr. Zafft's professional research experience includes both quantitative and qualitative data analysis at the local, state, and national level to evaluate a wide range of criminal justice topics, including the intersection of law enforcement and drug policy, community supervision strategies, drug court implementation, sentencing guidelines, and felony theft statutes. Her work for The Pew Charitable Trusts' public safety performance project involved evaluating state criminal justice policy reforms to inform the national conversation about sentencing and corrections. She holds a Ph.D. in Criminology and Criminal Justice from the University of Maryland, a Master's Degree in Criminology from the University of Minnesota-Duluth, and a BA in Psychology from St. Catherine's University in St. Paul, Minnesota.

Joanna Abaroa-Ellison has data and policy experience in various parts of the criminal justice system, including courts, law enforcement, and corrections. Prior to her work with CJI, Ms. Abaroa-Ellison served as the Data Integration Specialist and Research Analyst at the Middlesex Sheriff's Office (MA). There, she was able to extract, analyze, and visualize data as well as build capacity and provide counsel for implementing data-driven practices and policies. She holds a Master's of Social Work in Macro Practice from Boston College and BA in Criminology from the University of Pennsylvania.

Theron Bowman is a policing professional contracted by CJI for his subject matter expertise in policing and compliance with court-ordered reforms. He is a police and city management professional and consultant with more than 30 years of experience leading and managing some of the most complex and sophisticated police and public safety operations in the world. In addition to 30 years with the Arlington Police Department (TX), Dr. Bowman's consulting experience includes serving as a Federal court-appointed monitor; police practices expert and investigator on use of force, internal affairs, misconduct complaints, community policing, bias-free policing, stops, searches and arrests; and recruitment for the U.S. Department of Justice in several jurisdictions. He earned a Ph.D. in urban and public administration from the University of Texas at Arlington and has more than 25 years' experience teaching college and university courses. His experience also includes international policing, community affairs, workforce diversification, public finance, construction oversight, policing strategies, technology, and inspections and accreditations. He has written extensively on policing topics for industry publications and is a graduate of the FBI National Executive Institute and the FBI National Academy.