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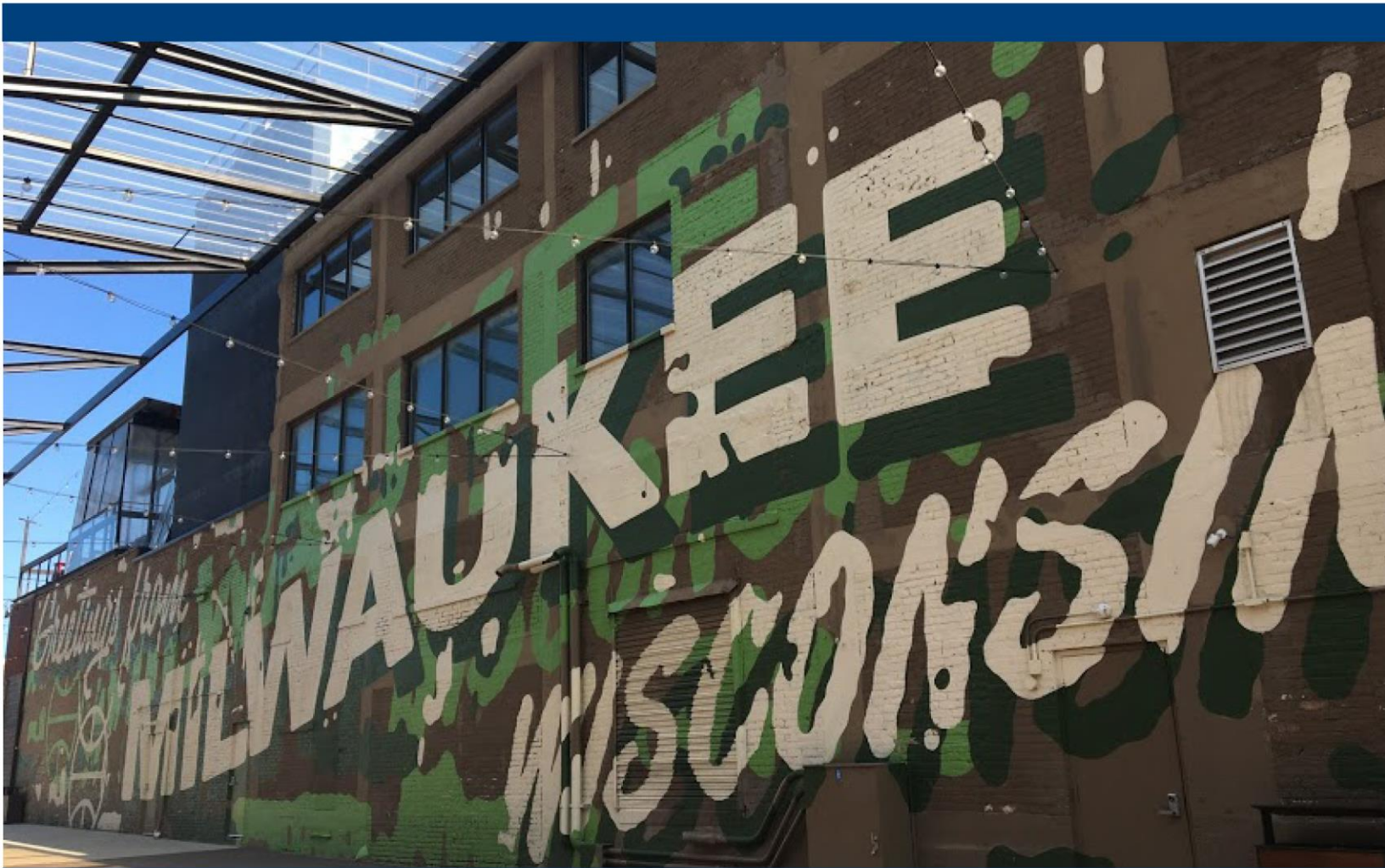
Semiannual Analysis of Traffic Stops, Field Interviews, No-action Encounters, and Frisks

OCTOBER 2020

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INTRODUCTION

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.*[1] The Plaintiffs in the case alleged that there had been racially disparate and unjustified stops, frisks, and other unconstitutional police actions. As required by the Settlement Agreement, the Milwaukee Police Department (MPD) revised their Standard Operating Procedures (SOPs) to reflect constitutional policing standards specific to the Fourth Amendment's protection against unreasonable searches and seizures. SOP 085 ("Citizen Contacts, Field Interviews, Search and Seizure") defines reasonable suspicion as "objective, individualized, and articulable facts that, within the totality of the circumstances, lead a police member to reasonably believe that criminal activity has been, is being, or is about to be committed by a specific person or people." Additionally, for frisks to be warranted during a stop, "the police member must be able to articulate specific facts, circumstances and conclusions that support objective and individualized reasonable suspicion that the person is armed and dangerous."[2]

The Settlement Agreement stipulates that MPD must show sustained and continuing improvement in constitutional policing based in part on whether the legal basis for encounters is sufficiently articulated (SA V.1.d.iv-vii)[3]. Overall, MPD must be able to demonstrate that fewer than 15 percent of traffic stops, field interviews, and no-action encounters fail to show individualized, objective, and articulable reasonable suspicion (IOARS). Additionally, MPD must be able to demonstrate that fewer than 15 percent of documented frisks fail to show individualized, objective, and articulable reasonable suspicion that the subject of the stop was armed and dangerous.[4]

To measure MPD's compliance with the Fourth Amendment in conducting traffic stops, field interviews, no-action encounters, and frisks, the Settlement Agreement calls for the Crime and Justice Institute (CJI), as the Consultant, to conduct a review of randomly-selected encounter data no less often than semiannually (SA V.A.3.a-e). This report is the third review in this series.[5] The unit of analysis is a discretionary police encounter, in that the sample consists only of stops wherein the officer had discretion to initiate the stop, rather than stops conducted to fulfill arrest warrants or in which the officer was otherwise directed to conduct the stop. Through random

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[1] 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.

[2] Milwaukee Police Department Standard Operating Procedure 085 "Citizen Contacts, Field Interviews, Search and Seizure." Effective January 25, 2019.

[3] Citations to a specific paragraph of the Settlement Agreement will appear in this report as SA followed by the paragraph number.

[4] Numerical thresholds are referenced in SA V.1.d.i-vii.

[5] Crime and Justice Institute. (February 2020). *Semiannual Analysis of Traffic Stops, Field Interviews, No-action Encounters, and Frisks;* Crime and Justice Institute. (June 2020). *Semiannual Analysis of Traffic Stops, Field Interviews, No-action Encounters, and Frisks* https://www.cjinstitute.org/city-of-milwaukee-settlement-agreement/.

selection, only one person in multi-person stops is included in the sample. Additionally, only forcible frisks are included in the sample, defined in this report as frisks not conducted as part of a search incident to arrest, or to convey or temporarily seat a person in a squad car.

This report details the analysis of a randomly selected sample of stops and a randomly selected sample of frisks representing police encounters that took place between January 1 and June 30 of 2020. As a part of the Settlement Agreement (SA IV.A.3), MPD is required to provide encounter data to CJI on a quarterly basis, which include the electronic digitized records for traffic stops, field interviews, no-action encounters, frisks, and searches. We base the findings in this report on the data provided by MPD.

The first section provides an overview of the population of encounters from which the sample is drawn, the sampling procedure, and an overview of the sample characteristics. Subsequent sections detail the IOARS analysis for stops and frisks, analysis of hit rates for contraband, including by race and ethnicity, and a comparison of findings from the first half of 2020 to those from 2019 data published in previous semiannual reports.

POPULATION AND SAMPLE CHARACTERISTICS

Encounter and Frisk Population Characteristics

Data for the first half of 2020 represent 28,633 police encounter events involving 33,118 people.[6] Officers record and document traffic stops, field interviews, and no-action encounters in two databases, depending on the nature of the encounter and the type of work assigned to officers during specific tours of duty: Traffic and Criminal Software (TraCS) and Records Management System (RMS). The majority of encounters in the TraCS database involves traffic stops; non-traffic pedestrian stops initiated by officers from their police vehicles are also included. The RMS database primarily holds data on pedestrian encounters categorized as field interviews or no-action encounters.

The population of encounters for this report includes an additional group of data not previously analyzed, representing citations and warnings that lack corresponding contact summary forms in TraCS or any RMS forms.[7] As MPD has emphasized the importance of correctly coded CAD numbers through improved documentation training and developed data extraction protocols that more accurately remove voided citations or warnings, we believe that citations and warnings included in this analysis represent unique encounters not represented in other data. The addition of these data does not affect comparability to previous analyses as we keep this group separated from the traffic stop and field interview encounter groups.

Table 1 shows a breakdown of encounters by type and police district.[8] For encounters where the district is documented, Districts 5 and 7 had the greatest share of all police encounters (20.4 percent and 19.8 percent, respectively). The vast majority of these encounters come from the TraCS database (72.3 percent). The districts with the largest share of encounters documented in TraCS were also District 5 (20.8 percent) and District 7 (21.1 percent). Districts 5 and 2 reported the most field interviews during the period, representing 25.0 percent and 17.8 percent of field interviews, respectively. No-action encounters, a new reportable encounter per the

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[6] This total omits 397 CAD entries that did not have associated TraCS or RMS forms. They may represent additional encounters. We continue to work with MPD to improve and understand the data elements provided in the quarterly data extractions.

[7] We excluded these data from previous analyses because of concerns for oversampling the same encounters multiple times (e.g., the citation or warning may belong to a contact summary already in the sample but was not matched because an officer input the Computer Aided Dispatch system (CAD) number incorrectly) or oversampling an encounter type (e.g., the citation or warning may be more likely to be a part of a traffic stop rather than a field interview).

[8] In this population dataset, each "encounter" represents a unique person in a given encounter. For example if during the reporting period officers conducted three field interviews in District 5, and each field interview involved three people, the number of field interviews for District 5 in Table 1 would be nine. In the sample datasets described later, each "encounter" is a unique encounter with a random person involved in the encounter chosen as the single subject.

Settlement Agreement, represent only 0.5 percent of encounters with about 30 percent occurring in District 5.

For encounters documented in the TraCS database, the district is determined by linking to data retrieved from the Computer Aided Dispatch system (CAD).[9] Encounters represented by only citations or warnings suffer from the highest degree of missing district data when attempting to match to the CAD data files, with nearly 90 percent of the encounters lacking information due to the inability to link to CAD data. We use latitude and longitude information present in these data files to map encounters onto MPD police districts to compensate for the inability to match to CAD data and offer a more complete picture of where these encounters occur.[10]

Table 1. Police encounters by type and district. January – June 2020.

	TRAFFIC STOP-TRACS	FIELD INTERVIEW -RMS	NO-ACTION ENCOUNTER -RMS	CITATION/ WARNING ONLY	TOTAL
DISTRICT 1	1,665 (7.0%)	233 (9.5%)	34 (19.3%)	476 (7.3%)	2,408 (7.3%)
DISTRICT 2	2,785 (11.6%)	438 (17.8%)	25 (14.2%)	870 (13.3%)	4,118 (12.4%)
DISTRICT 3	2,766 (11.6%)	321 (13.0%)	14 (8.0%)	900 (13.8%)	4,001 (12.1%)
DISTRICT 4	2,902 (12.1%)	249 (10.1%)	20 (11.4%)	756 (11.6%)	3,927 (11.9%)
DISTRICT 5	4,969 (20.8%)	616 (25.0%)	52 (29.5%)	1,106 (16.9%)	6,743 (20.4%)
DISTRICT 6	3,175 (13.3%)	234 (9.5%)	6 (3.4%)	709 (10.8%)	4,124 (12.5%)
DISTRICT 7	5,053 (21.1%)	317 (12.9%)	18 (10.2%)	1,179 (18.0%)	6,567 (19.8%)
NULL	626 (2.6%)	53 (2.2%)	4 (2.3%)	8 (0.1%)	691 (2.1%)
MISSING	2 (0.0%)	0 (0.0%)	3 (1.7%)	534 (8.2%)	539 (1.6%)
GRAND TOTAL	23,943 (72.3%)	2,461 (7.4%)	176 (0.5%)	6,538 (19.7%)	33,118 (100.0%)

Notes:
[1] "NULL" refers to encounters that occurred out of jurisdiction.
[2] "Missing" refers to encounters that were missing location data in the data file.
[3] The percentages for the grand totals are the percentages for that type of encounter out of the total encounters. The percentages for the districts are the percentages for that district out of the total number of the type of encounter in the column.

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[9] CAD data represent information drawn from the dispatch record for each encounter, including the location of the encounter, communication between officers and dispatchers, and the call type for the encounter.
[10] Esri ArcGIS software was used to geocode latitude and longitude for encounters that did not match to CAD but had location information present in other files. Using this process, we were able to identify district information for 5,261 citation/warning only encounters and 194 traffic stop encounters from TraCS. We used the MPD police district shapefile available on the City of Milwaukee Open Data Portal to obtain police district boundaries. https://data.milwaukee.gov/dataset/milwaukee-police-district/resource/7ce853c5-04a0-4500-8650-b7442f10198d

During the first half of 2020, 1,181 police encounters included at least one frisk. Of these frisks, we determined that 51 were incident to arrest, 188 were for conveyance or to seat someone in a squad car, and 942 were forcible frisks, meaning that the officer using their discretion decided to frisk the individual. Table 2 shows the breakdown of frisk types for the first two quarters of 2020.

Table 2. Frisks by type and quarter. January – June 2020.

	FORCIBLE	INCIDENT TO ARREST	FOR CONVEYANCE	TOTAL
QUARTER 1	358	17	101	476
QUARTER 2	584	34	87	705
TOTAL	942	51	188	1,181

Table 3 provides a breakdown of the forcible frisk population by type of encounter and district. Most frisks (62.6 percent) occurred during encounters documented as field interviews. Over one-third of frisks (41.1 percent) occurred in District 5.

Table 3. Forcible frisks by encounter type and district. January – June 2020.

	TRAFFIC STOP-TRACS	FIELD INTERVIEW-RMS	TOTAL FRISKS
DISTRICT 1	8 (2.3%)	31 (5.3%)	38 (4.0%)
DISTRICT 2	32 (9.1%)	108 (18.3%)	140 (14.9%)
DISTRICT 3	58 (16.5%)	89 (15.1%)	146 (15.5%)
DISTRICT 4	18 (5.1%)	45 (7.6%)	63 (6.7%)
DISTRICT 5	167 (47.4%)	220 (37.3%)	387 (41.1%)
DISTRICT 6	2 (0.6%)	11 (1.9%)	13 (1.4%)
DISTRICT 7	67 (19.0%)	78 (13.2%)	145 (15.4%)
NULL	0 (0.0%)	8 (1.4%)	8 (0.8%)
MISSING	0 (0.0%)	0 (0.0%)	2 (0.2%)
GRAND TOTAL	352 (37.4%)	590 (62.6%)	942 (100.0%)

Notes:

[1] "NULL" refers to encounters that occurred out of jurisdiction.

[2] "Missing" refers to encounters that were missing location data in the data file.

[3] The percentages for the grand totals are the percentages for that type of encounter out of the total encounters. The percentages for the districts are the percentages for that district out of the total number of the type of encounter in the column.

Sampling Strategy

We drew two random samples from these data to complete the required IOARS analysis. The sample size is a statistically significant representation of encounters and frisks, with a confidence level of 95 percent and a margin of error of five percent. An encounter is defined as a discretionary police stop, categorized as a traffic stop, field interview, no-action encounter, or encounter resulting in a citation or warning that lacks corresponding information in TraCS or RMS. A frisk is an action that occurs during a police encounter and thus is sampled separately.

Because officers record a majority of encounters in TraCS (92.0 percent), we stratified the stop sample to oversample field interviews and no-action encounters.

This stratification allows us to gain a better understanding of field interviews and no-action encounters. The resulting sample included 380 encounters. During our review of the IOARS for each encounter in the sample, it became clear that two observations in the sample were not discretionary stops. One was a dispatch entry error, and another was a response to a motor vehicle accident rather than a discretionary traffic stop. These two were eliminated from the sample, leaving 378 total encounters: 214 traffic stops (56.6 percent), 76 citations/warnings (20.1 percent), 70 field interviews (18.5 percent), and 18 no-action encounters (4.8 percent).

We did not stratify the frisk sample by encounter type. Frisks occur more frequently during field interviews, but the proportion of frisks documented in TraCS was substantial enough to have confidence in a non-stratified random sample. The sample we drew included 273 frisks. As we reviewed each frisk in the sample for IOARS, we determined that four represented searches rather than frisks, two represented vehicle searches, and one represented a frisk that was likely for conveyance. We excluded these seven from the sample, leaving 266 frisks in the final sample (79 traffic stops and 187 field interviews).

Decision Rules

The Settlement Agreement does not specify decision rules for determining IOARS. We consulted MPD training materials, SOPs, previous research, and subject matter experts to establish decision rules to determine whether officers sufficiently documented IOARS in the encounter and frisk samples.[11]

Decision Rule #1: "Speed Violation" stops demonstrate IOARS.

Stops occurring because of speeding violations meet IOARS and no further documentation is necessary to justify the stop. This is because speeding represents visual and observable cues that the person has engaged in a traffic violation.

Decision Rule #2: "Vehicle Registration Violation" and "Vehicle Equipment Violation" stops demonstrate IOARS if officers document the observable registration or equipment violation that prompted the stop.

Officers must indicate in narrative fields the specific nature of the vehicle registration or equipment violation. Examples include expired registration, missing registration, improperly affixed registration, and brake light, headlight, plate, tinted window, or muffler violations. We coded encounters marked as vehicle registration or equipment violations that do not have supporting text regarding the registration or equipment violation observed prior to initiating the stop as a failure to document IOARS.

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[11] For traffic stops, when officers indicate several violations as the reasons for initiating the stop, the decision rules prioritize reasons for stops and the necessary IOARS documentation needed to justify the stop. For example, if an officer indicates "speeding" and "other rules of the road" as the reason for the stop, Decision Rule #1 determines that the officer provided adequate IOARS documentation to make the stop without further explanation of the "other rules of the road" violation.

Decision Rule #3: Stops that are not speed, vehicle registration, or vehicle equipment violations are examined to judge whether IOARS was present prior to initiating the stop.

We determine IOARS to be sufficiently documented if narrative text indicates an observable and legally justified reason for the stop. Examples include stop sign violations, traffic light violations, blocking traffic, open intoxicants, and seatbelt violations. If an officer documents that loitering was the stop justification, the narrative needs to include details about the violated loitering ordinance, such as "loitering in area where 'no loitering' signs posted."

Decision Rule #4: Field interviews documented in RMS must include narrative that specifies IOARS was present prior to initiating the stop.

Examples that meet the IOARS threshold include: truancy, traffic violations or rules of the road, illegal loitering as violation of ordinance, vehicle registration infractions, and matching description of a suspect. If officers specify the reason for the stop as matching description of a suspect, they must provide specific information about how the person matched the suspect description.

Decision Rule #5: No-action encounters must include narrative that specifies IOARS was present prior to initiating the stop.

No-action encounters are interactions in which officers briefly question a person about that person, or that person's own actions or behavior and do not involve obtaining the subject's personal information or any other police action such as a frisk. The examples listed above apply to no-action encounters as well.

Decision Rule #6: Frisks must meet the guidelines of SOP 085 and include narrative about the IOARS that the person is armed and immediately dangerous.

SOP 085 indicates that "members may not use only one of the below factors on their own to justify a frisk as more than one of these or other factors must be present":

- The type of crime suspected – particularly in crimes of violence where the use or threat of deadly weapons is involved.
- Number of subjects vs. police members present.
- Police member vs. subject factors (age and gender considerations).
- Factors such as time of day, location, or neighborhood where the stop occurs.
- Prior knowledge of the subject's use of force and/or propensity to carry deadly weapons.
- The appearance and demeanor of the subject.

If the following condition alone is present, the frisk is justified: "Visual indications that suggest that the subject is carrying a firearm or other deadly weapon." Boilerplate language such as "officer safety" is not considered adequate to meet the IOARS standard for this condition.

Encounter and Frisk Sample Characteristics

Figures 1, 2, and 3 provide an overview of the characteristics of the subjects that members of the MPD stopped from January to June 2020. We see in Figure 1, which presents the proportion by age group, that nearly half of frisks and over a third of encounters occur with young adults (18-29 year-olds). Figure 2 presents the breakdown of encounters and frisks by gender and illustrates that males represent the majority of encounters and frisks (68.5 percent and 89.1 percent, respectively). In Figure 3, showing the proportion of police encounters and frisks by race and ethnicity, it is clear that nearly two thirds of the subjects of police encounters are Black, and Black subjects are an even greater proportion of frisks (63.2 percent and 83.5 percent, respectively).

Figure 1. Proportion of encounters and frisks by age group. January – June 2020.
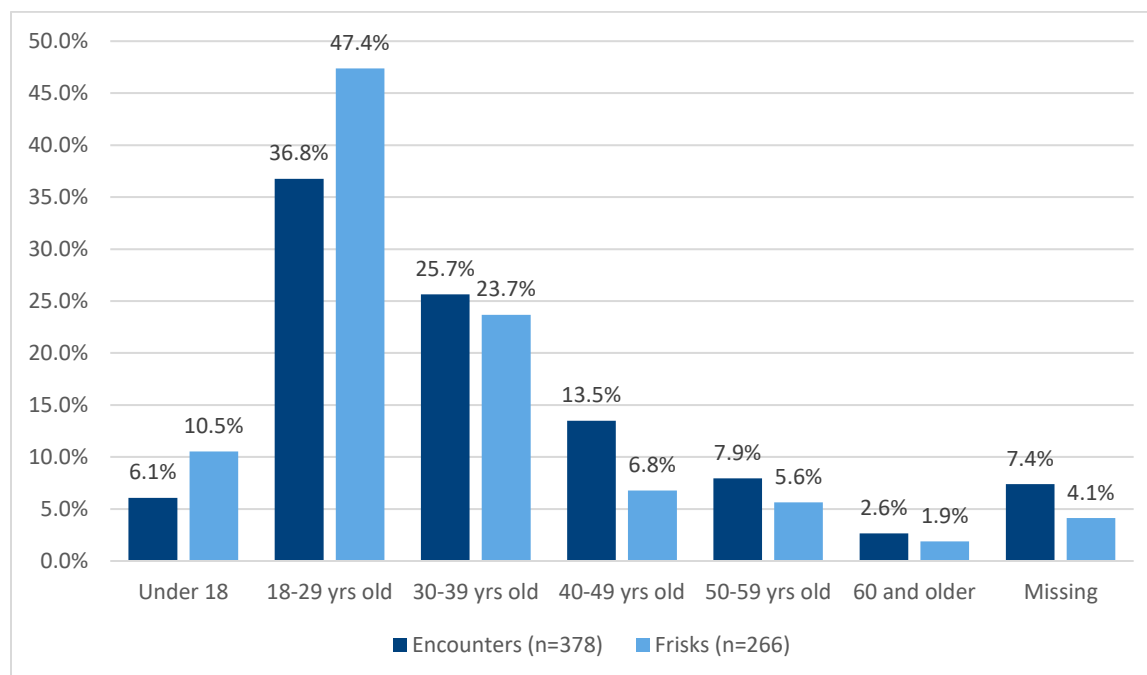
Note: Age represents the person's age at the time of the encounter, given date-of-birth information.

Figure 2. Proportion of encounters and frisks by sex. January – June 2020.
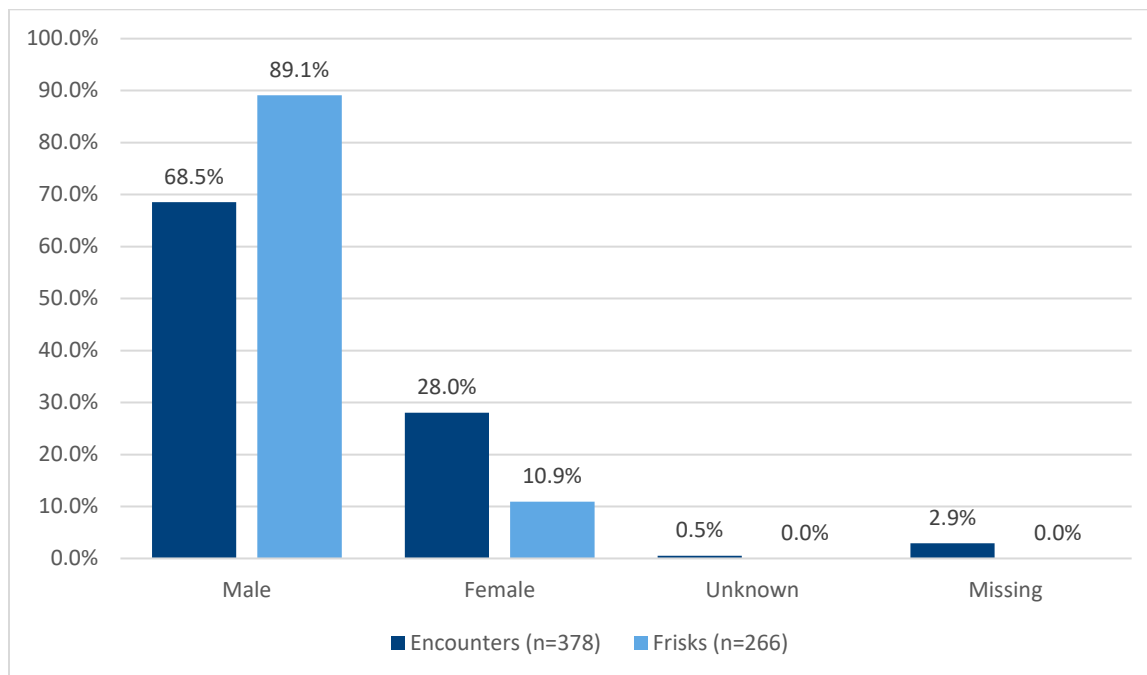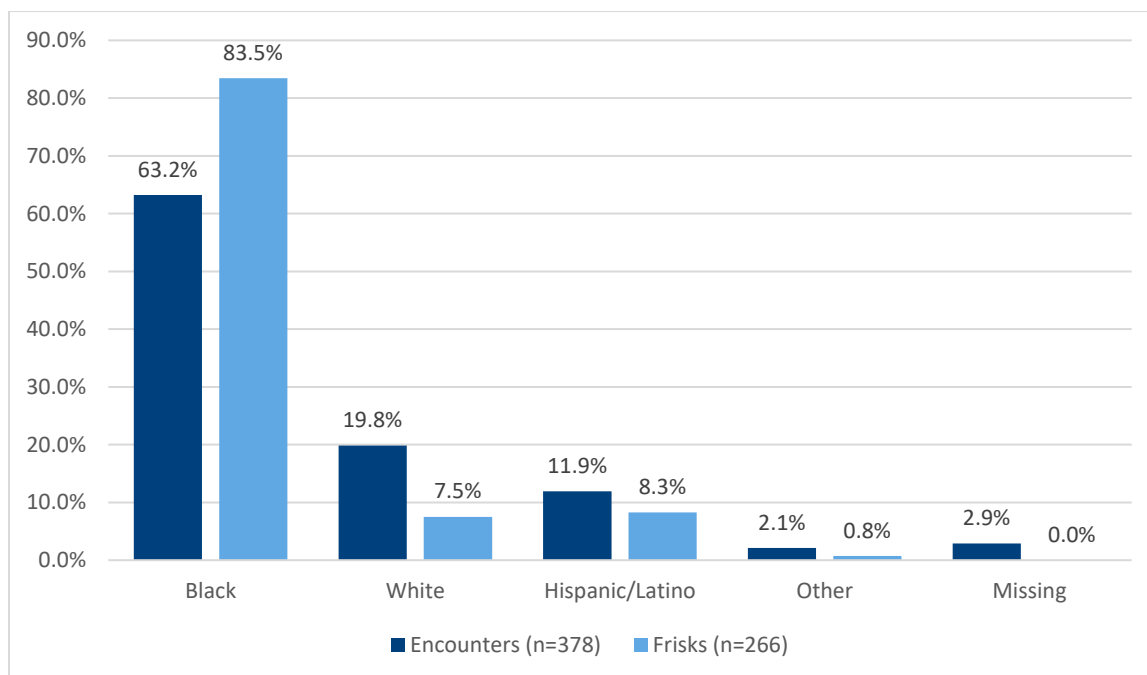

Figure 3. Proportion of encounters and frisks by race and ethnicity. January – June 2020.

Notes: "Other" includes subjects that are Asian or documented as an unknown race or ethnicity. "Missing" refers to instances in which the race and ethnicity information was blank.

Table 4 provides information about the CAD call designation that initiated the police encounter for the encounter sample and the more specific sample of encounters that involves frisks. (See Appendix A for a list of relevant CAD call types and how they are categorized.) Unsurprisingly, the designation for the majority of both samples are subject or traffic stops (68.3 percent for encounters and 45.1 percent for frisks). The frisk sample had more weapon/firearm-related call designations than the encounter sample (26.3 percent and 1.6 percent, respectively). Twenty percent of the encounter sample did not have a call type, primarily due to citation or warning forms without associated contact summary or RMS forms. As previously noted, most of these encounters do not match back to CAD data, the source from which call type is derived.

Table 4. CAD call types by sample. January – June 2020.

	ENCOUNTER SAMPLE	FRISK SAMPLE
SAMPLE TOTAL	N = 378 (100.0%)	N = 266 (100.0%)
CRIME SUSPECT/SUBJECT	3 (0.8%)	14 (5.3%)
DRUG-RELATED	2 (0.5%)	2 (0.8%)
INVESTIGATON	5 (1.3%)	16 (6.0%)
OTHER REASON	16 (4.2%)	20 (7.5%)
PROPERTY CRIME-RELATED	7 (1.9%)	5 (1.9%)
SUBJECT/TRAFFIC STOP	258 (68.3%)	120 (45.1%)
VIOLENCE-RELATED	3 (0.8%)	13 (4.9%)
WEAPON/FIREARM-RELATED	6 (1.6%)	70 (26.3%)
WELFARE CHECK	2 (0.5%)	2 (0.8%)
MISSING CALL TYPE	76 (20.1%)	4 (1.5%)

Notes:
[1] Specific call types for each of these groupings can be found in Appendix A.
[2] Encounters with missing call types represent TraCS or RMS information that does not match to CAD data using the CAD number.

STOP SAMPLE ANALYSIS

The first semiannual analysis of IOARS noted that much of the failure to meet the documentation standard was due to missing data in the officer-written narratives for traffic stops. The second semiannual analysis revealed marked improvement in the presence of documentation and the specificity of the IOARS in that documentation.[12] While IOARS documentation for traffic stops remains sufficient, the current analysis indicates a decline in the rate of IOARS for field interviews and no-action encounters. Generally, the documentation lacked the detail necessary to justify the stop.

IOARS for Stops

An analysis of the 378 encounters in the current sample indicates that the majority of documentation for traffic stops, field interviews, and no-action encounters shows sufficient IOARS documentation (70.1 percent). However, this percentage falls under the required threshold of 85 percent as written in the Settlement Agreement. When broken down by encounter type, traffic stops surpass the threshold at nearly 94 percent, but field interviews, no-action encounters, and citations/warnings do not meet the threshold (51.4, 50.0, and 25.0 percent, respectively). The percentage of the presence of IOARS for field interviews and no-action encounters decreased notably from our previous analysis, returning to a similar percentage as found in our first analysis. Failure to document IOARS was largely due to insufficient or omission of narrative details necessary to meet the threshold for IOARS. Figure 4 indicates the proportion of encounters with IOARS documentation by encounter type and offers a comparison to data from 2019.

Figure 4. Proportion of encounters with IOARS by encounter type and time period.

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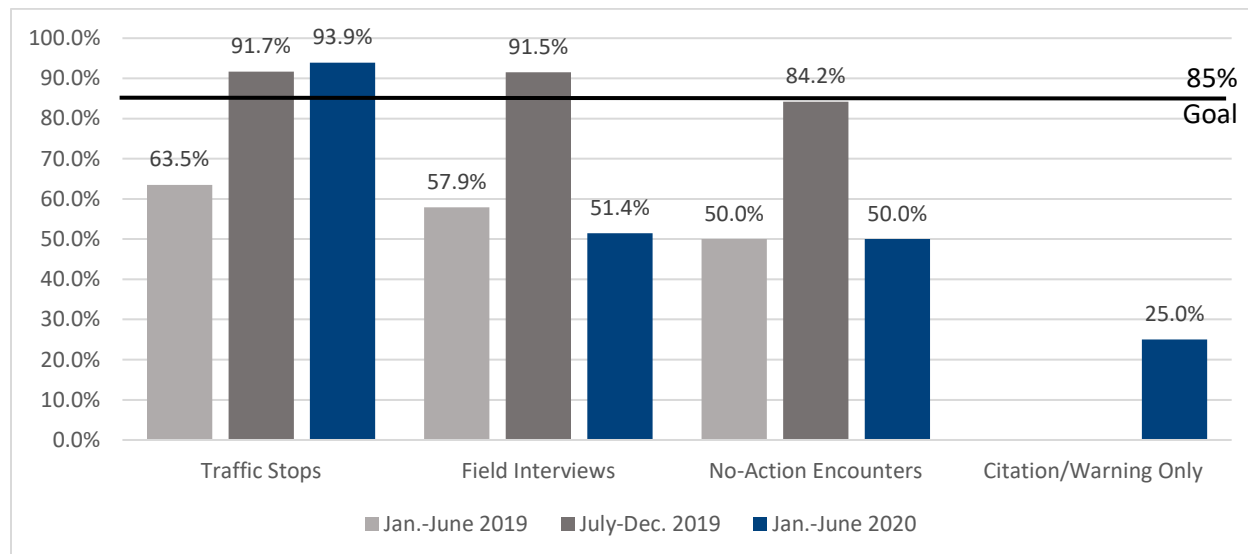
[12] Crime and Justice Institute. (February 2020). *Semiannual Analysis of Traffic Stops, Field Interviews, No-action Encounters, and Frisks* pp. 11; Crime and Justice Institute. (June 2020). *Semiannual Analysis of Traffic Stops, Field Interviews, No-action Encounters, and Frisks* pp. 18. https://www.cjinstitute.org/city-of-milwaukee-settlement-agreement/.

Thirteen out of 214 encounters (6.1 percent) documented in TraCS failed to meet the IOARS threshold. Most of these 13 omitted details to justify the stop when justification was needed (e.g., something other than speeding). For example, while officers may have documented that there was a defect with a vehicle or equipment malfunction, they omitted specific detailed information about the nature and extent of the defect.

Thirty-four out of 70 field interviews documented in RMS failed to provide sufficient documentation for IOARS (48.6 percent). Similar to traffic stops, officers included narratives that did not provide the specific, observable facts the officer used to establish IOARS prior to initiating the stop. For example, the officer indicated that the person matched the description of a suspect in a crime as their justification for the stop, but without further details regarding what about the description matched (e.g., clothing, demographic profile, associates), the documentation is insufficient to support IOARS.

No-action encounters were the least frequently reported type of encounter. Nine of the 18 encounters in the sample failed to include sufficient IOARS for the stop (50.0 percent). For these encounters, failing to document IOARS was due to officers inadequately detailing in their narrative the legally justified observable facts that led them to initiate the encounter. In two of the 18 encounters, no narrative information was provided.

Seventy-five percent of encounters where a citation or warning was documented without a corresponding contact summary in TraCS or field interview information in RMS failed to meet the IOARS standard (57 out of 76 encounters). The majority of these encounters lacked any narrative text about the stop or provided post-investigation statements rather than information regarding IOARS for establishing contact with the stop subject.

Quarter 1 and Quarter 2 Comparison

The current six-month reporting period represents a time where policing activity may have been influenced by external factors, most notably the COVID-19 pandemic. Wisconsin's governor issued a stay-at-home order that took effect March 25, 2020 and likely impacted the number of drivers on the roadways and people in public spaces during the second quarter of 2020 (April through June). Because of these factors, we present analysis of encounter totals by quarter, to explore differences over the course of the six months included in this reporting period.

Table 5 presents the number of encounters by type and quarter. The number of encounters decreased by 51.6 percent from quarter one (January to March) to quarter two (April through June). This decrease was driven by a reduction in traffic stops. There was a 56.6 percent decrease in traffic stops, 64.2 percent increase in field interviews, 9.5 percent increase in no-action encounters, and a 50.5 percent decrease in citation or warning forms with no corresponding TraCS or RMS forms.

Table 5. Number of encounters by type and quarter. January – March 2020 (Q1) and April – June 2020 (Q2).

	TRAFFIC STOPS	FIELD INTERVIEWS	NO-ACTION ENCOUNTERS	CITATION/ WARNING ONLY	TOTAL
QUARTER 1	16,691	1,170	84	4,374	22,319
QUARTER 2	7,252	1,921	92	2,164	10,799
TOTAL	23,943	3,091	176	6,538	33,118
PERCENT CHANGE	-56.6%	+64.2%	+9.5%	-50.5%	-51.6%

In our data report, Analysis of 2019 Traffic Stops, Field Interviews, No-action Encounters, and Frisks, we present the number of encounters by quarter and type.[13] Between the first two quarters of 2019, there was a 16.8 percent decrease in the total number of encounters. Further, there was a smaller decrease in traffic stops and larger increases in field interviews and no-action encounters in 2019 as compared to the same time period in 2020.[14] These comparisons indicate that the responses to COVID-19 may have played a role in the reduction of traffic stops, field interviews, and no-action encounters that occurred during quarter two of 2020.

Table 6 displays the number of frisks by type and by quarter. Overall, the number of frisks increased by 48.1 percent between quarter one and quarter two. There were increases in forcible frisks (63.1 percent) and frisks incident to arrest (100.0 percent), and a decrease in frisks for conveyance (13.9 percent). Forcible frisks increased between quarters 1 and 2 of 2019 as well, but the increase between quarters in 2020 was more pronounced (87.8 percent).[15] However, the total number of documented forcible frisks was lower during the first half of 2019 than in the first half of 2020 (613 and 942, respectively). It remains unclear whether the increase in forcible frisks in 2020 is due to changes to police strategy or practice, an interaction with the nature of the COVID-19 pandemic, or other influencing factors.

Table 6. Number of frisks by type and quarter. January – March 2020 (Q1) and April – June 2020 (Q2).

	FORCIBLE	INCIDENT TO ARREST	FOR CONVEYANCE	TOTAL
QUARTER 1	358	17	101	476
QUARTER 2	584	34	87	705
TOTAL	942	51	188	1,181
PERCENT CHANGE	+63.1%	+100.0%	-13.9%	+48.1%

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[13] Crime and Justice Institute. (September 2020). *Analysis of 2019 Traffic Stops, Field Interviews, No-action Encounters, and Frisks,* table A-1. https://www.cjinstitute.org/city-of-milwaukee-settlement-agreement/
[14] Between quarters 1 and 2 of 2019, traffic stops decreased 21.1 percent, field interviews increased 112.4 percent, and there was a 97.2 percent increase in no-action encounters.
[15] Crime and Justice Institute. (September 2020). *Analysis of 2019 Traffic Stops, Field Interviews, No-action Encounters, and Frisks,* table A-4. https://www.cjinstitute.org/city-of-milwaukee-settlement-agreement/

Documentation of Frisks

The Settlement Agreement stipulates an analysis of the consistency and reliability of frisk documentation by requiring analysis of "cases in which an officer marks 'no frisk' and 'no search' in cases in which a frisk or search was highly likely to have occurred (e.g., stop for a robbery investigation)" (SA V.A.3.e). Based on established knowledge of police encounter protocols and in consultation with policing experts, we created a list of CAD call types likely to involve a frisk. Appendix B includes a list of the 22 CAD call types designated as cases in which an officer is likely to conduct a frisk. Call types flagged for this purpose generally involve firearms or other weapons, including: subject with a gun, shots fired, armed robbery, or domestic violence battery. When we find encounters that fit the criteria but otherwise are not reported as including a frisk, we request video footage from MPD to determine if a frisk occurred but was not documented. This request is based on the guidelines of the Settlement Agreement (SA III.A.7.). As context for the findings for this reporting period, we first review the findings from the prior two reporting periods, the first and second half of 2019.

January to December 2019

For the first reporting period, January through June 2019, we requested and received video footage for 10 encounters where we determined a frisk was likely but was not documented. From those 10, we found one undocumented frisk, one undocumented search, and one encounter without video footage associated with it.

For the second reporting period, July through December 2019, we requested video footage from MPD for 11 encounters we flagged as likely to involve a frisk but reported as not including a frisk. MPD documented eight of the encounters as no-action encounters and three as field interviews. Our video review indicated that five of the 11 encounters included frisks that were visible in the video footage but were not documented in RMS. Officers documented four of these five encounters as no-action encounters, representing an incorrect categorization for these encounters since no-action encounters do not involve frisks or searches. For one of these five encounters, MPD marked "yes" for search but "no" for frisk in RMS.

January to June 2020

Twenty-six of the 378 encounters in the sample for the current reporting period documented a forcible frisk, representing 6.9 percent of encounters with police. We analyzed CAD call types and encounters without frisk documentation and did not find any encounters that likely involved a frisk where officers did not document a frisk. Out of the full population of encounters, there were 604 encounters that met the criteria for a frisk being likely due to their CAD call type, but none of them omitted a frisk in the documentation of the encounter.[16] Therefore we did not request or review any video footage for this report.

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[16] Encounters with missing call types were excluded from this analysis. Most encounters with missing call types in the stop sample were citation or warning forms with no corresponding TraCS or RMS forms.

FRISK SAMPLE ANALYSIS

The first semiannual analysis covered January through June 2019, a period when the Department was in the process of conducting training for all officers on constitutional policing practices and other Settlement Agreement requirements. That first analysis provided a baseline of the extent to which officers document IOARS to justify frisks during police encounters. The first analysis also provided information about contraband obtained during frisks and a preliminary analysis of frisks by race and ethnicity. The second semiannual analysis assessed MPD on these measures during the second half of 2019, a time period in which all officers had been trained on constitutional policing practices and other Settlement Agreement requirements. While MPD made significant improvements in documenting IOARS for justifying stops between the first half and second half of 2019, these improvements were not sustained for field interviews and no-action encounters for this reporting period, the first half of 2020. Regarding frisks, MPD did not demonstrate progress in providing sufficient IOARS documentation for frisks between the first and second half of 2019, and in fact the proportion of frisks that lack sufficient justification increased for this reporting period.

IOARS for Stops and Frisks

For encounters that involve frisks, two levels of IOARS documentation are needed: 1) IOARS that the person has/is/will engage in a crime for officers to justify the stop, and 2) IOARS that the person is armed and dangerous for officers to justify the frisk.

The Settlement Agreement (SA V.1.d.vii.) calls for "analysis of TraCS and RMS data on frisks [that] demonstrates that fewer than 15 percent of frisk 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."

Figure 5 presents a breakdown of the sample, including whether officers documented IOARS for the stop or for the frisk, and whether officers found contraband. After assessing the documentation officers provided for each encounter in the sample, 74 of the 266 stops (27.8 percent) lacked sufficient justification, as they did not meet the IOARS documentation needed to justify the stop. This is similar to our previous analysis of frisks from January to June 2019, wherein 27.6 percent of stops in the frisk sample lacked sufficient justification, but a marked increase from the analysis of frisks from July to December 2019, wherein 6.9 percent lacked sufficient justification. An examination of IOARS for frisks determined that officers did not document the IOARS necessary to justify the frisk 91.4 percent of the time, a proportion higher than our previous analyses, remaining far beyond the Settlement Agreement threshold of 15 percent.

Several patterns emerge where documentation of IOARS justification is insufficient. These patterns are present in all three analysis time periods. First, most of the officer-written narratives do not include specific information about why they suspected the subject had a weapon and why they suspected the person was immediately

dangerous. This includes officers using boilerplate language (e.g., "furtive movement" or "bulge") that is not detailed enough to establish IOARS that the person is armed and dangerous.

Second, officers inappropriately used the suspicion of drugs or drug paraphernalia as justification for frisks. SOP 085 only authorizes frisks of the outer garments when officers have IOARS that the person is armed and dangerous to the officer or other people. Suspicion of the presence of drugs or drug paraphernalia does not justify members of MPD conducting a frisk.

Finally, officers refer to frisks as "consensual" on several occasions. While there are specific criteria in SOP 085 for consensual searches, frisks do not fall within those consent criteria.

Figure 5. Stops involving forcible frisks by IOARS justification and contraband seizure. January – June 2020.
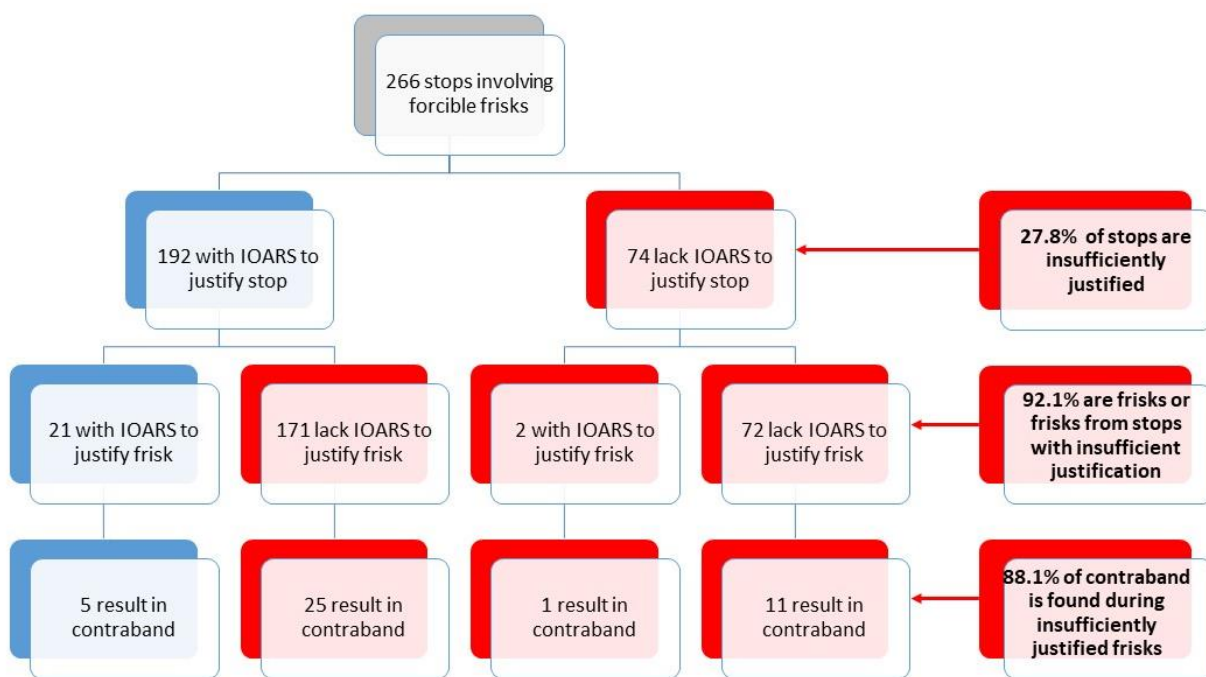
Note: Blue boxes represent sufficient justification and within acceptable thresholds. Red boxes represent insufficient justification and not within acceptable thresholds.

Outcomes of Insufficiently Justified Stops[17]

The presence or lack of IOARS documentation in a given encounter can influence criminal procedure in a court of law, especially if officers find contraband during that

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[17] Section V.A.3.c of the Settlement Agreement calls for an analysis of "fruit of the illegal stop" where a frisk, though proper given the officer's observations, was made pursuant to a traffic stop or field interview conducted without IOARS. Based on this language, the "fruit" is the frisk. However, conventionally in this type of analysis "fruit of an illegal stop" considers contraband and/or weapons as the "fruit." We provide a discussion of both interpretations for this report.

encounter. IOARS documentation also becomes important during investigations of complaints against officers. This section of the report examines outcomes of stops and frisks that lack proper documentation of IOARS and are therefore insufficiently justified stops and frisks.

We explored outcomes in a few ways. The first considers the frisk as an outcome of a stop without IOARS documentation, acknowledging that frisks are an intrusive police action potentially or possibly infringing on the constitutional rights of the public.[18] The lack of IOARS documentation to justify the stop in the data we reviewed could create vulnerabilities in criminal procedure and/or complaints regarding officer misconduct.

The second outcome of insufficiently justified stops and frisks involves seizure of contraband. In the sample of 266 stops where a forcible frisk occurred, 42 resulted in finding contraband—a "hit rate" of 15.8 percent. In the instances where officers found contraband, 85.7 percent lacked proper IOARS documentation for the frisk (see Figure 5). When considering appropriate justification for the stop, the contraband hit rate decreases from 15.8 to 1.9 percent.

Table 7 details the type of contraband obtained during frisks where officers found contraband, broken down by whether the stop and/or frisk was sufficiently justified by IOARS. The contraband obtained during the stops fall into only a few categories, mainly weapons and drugs, with an "other" category that includes items such as stolen property. Overall, weapons were the most common type of contraband found during frisks. Drugs and "other" contraband were found during nearly the same number of frisks.

Table 7. Type of contraband found by IOARS determination. January – June 2020.

	WEAPON(S)	DRUGS	OTHER	TOTAL
ALL FRISKS IN SAMPLE	17	13	12	42
STOP AND FRISK WITH IOARS	2	2	1	5
STOPS WITHOUT IOARS & FRISKS WITH IOARS	1	0	0	1
STOPS WITH IOARS & FRISKS WITHOUT IOARS	11	7	7	25
STOPS AND FRISKS WITHOUT IOARS	3	4	4	11

Hit Rates

Section V.A.3.d of the Settlement Agreement calls for hit rate analysis disaggregated by race and ethnicity. As we discussed in previous reports, research indicates that the threshold of suspicion used by officers to initiate a stop or frisk varies by race,

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[18] The stop sample included 16 forcible frisks out of 378 stops (6.9 percent). Out of those 16 frisks, seven occurred during insufficiently justified stops. Fifteen of the 16 frisks were insufficiently justified by proper IOARS documentation.

and hit rates are often lower for non-white individuals.[19] This may be an important indicator, but not proof of racially biased policing in and of itself.

As stated previously, in the random sample of 266 stops where a forcible frisk occurred, officers obtained contraband from 42 frisks—a hit rate of 15.8 percent. Table 8 provides an overview of hit rates by type of stop indicated as the originating CAD call type.

Table 8. Contraband hit rates by CAD call type. January – June 2020.

	NUMBER OF FRISKS	CONTRABAND HIT RATE
SAMPLE TOTAL	266	15.8%
SUBJECT/TRAFFIC STOP	120	19.2%
WEAPON/FIREARM-RELATED	70	15.7%
OTHER REASON	20	10.0%
INVESTIGATION	16	18.8%
CRIME SUSPECT/SUBJECT	14	0.0%
VIOLENCE-RELATED	13	15.4%
PROPERTY CRIME-RELATED	5	20.0%
DRUG-RELATED	2	0.0%
MISSING CALL TYPE	4	0.0%

In this sample, 79 of the frisks represent encounters documented in the TraCS database. When recording race and ethnicity, officers must choose from a dropdown menu giving the options "Asian," "Black," "Hispanic," "Indian," "White," and "Native Hawaiian/Pacific Islander." The remaining frisks are documented in RMS as Field Interviews (n=187). The RMS database includes a field for race ("American Indian or Alaskan Native," "Asian," "Black/African American," "Unknown," or "White") and a field for ethnicity ("Hispanic/Latino," "Not Hispanic/Latino," and "Unknown"). To analyze the hit rate by race for all frisks, we recoded race and ethnicity for stops documented in RMS into White (Not Hispanic/Latino), Black (Not Hispanic/Latino), Hispanic/Latino, and Other.

Hit rates in Milwaukee have historically varied by race. For encounters occurring in the first half of 2019, Black subjects had the lowest hit rate for contraband discovered during a frisk (18 percent), with hit rates higher among White and Hispanic/Latino subjects (33 and 27 percent, respectively).[20] The second half of 2019 showed the lowest hit rate for Hispanic/Latino subjects (16.7 percent), with Black subjects experiencing a similar hit rate to the previous analysis (18.8 percent) and

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[19] Crime and Justice Institute. (February 2020). *Semiannual Analysis of Traffic Stops, Field Interviews, No-action Encounters, and Frisks* pp. 16-17 https://city.milwaukee.gov/ImageLibrary/Public/ImageLibrary/Photos/CJISemiannualAnalysisFebruary2020.pdf.
[20] Crime and Justice Institute. (February 2020). *Semiannual Analysis of Traffic Stops, Field Interviews, No-action Encounters, and Frisks* pp. 18. https://www.cjinstitute.org/city-of-milwaukee-settlement-agreement/.

White subjects having the highest hit rate (23.1 percent).[21] The current analysis presents a third view of hit rates during the implementation of the Settlement Agreement. In all three analyses we find Black subjects to be involved in the majority of frisks in the sample, making it difficult to draw strong conclusions for comparatively lower number of frisks for White and Hispanic/Latino subjects.

Table 9 details the hit rates for all frisks, disaggregated by race and ethnicity, to the best of our ability given how the data are structured. In looking at all frisks in the sample, we see the highest hit rate among Blacks at 16.7 percent, followed by Whites at 15.0 percent, and Hispanic/Latinos with the lowest hit rate of 4.5 percent. Taking into consideration that the vast majority of frisks in the sample involved subjects who are Black, this analysis suggests there is a difference in the rate at which officers find contraband during a frisk with respect to the race and ethnicity of the individual in the encounter.

Table 9. Hit rate by race and ethnicity. January – June 2020.

	FRISKS	CONTRABAND HIT RATE
ALL FRISKS	266	15.8%
BLACK	222	16.7%
HISPANIC/LATINO	22	4.5%
WHITE	20	15.0%
ASIAN	2	50%

Table 10 demonstrates the type of contraband found during frisks, broken down by race and ethnicity. Due to the low number of instances where officers find contraband, it is difficult to draw any conclusions about racial disparities in the type of contraband seized.

Table 10. Contraband type by race and ethnicity. January – June 2020.

	WHITE	BLACK	HISPANIC/LATINO	ASIAN
NONE	17	185	21	1
DRUGS	1	11	0	1
WEAPONS	0	16	1	0
OTHER	2	10	0	0

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[21] Crime and Justice Institute. (June 2020). *Semiannual Analysis of Traffic Stops, Field Interviews, No-action Encounters, and Frisks* pp. 17. https://www.cjinstitute.org/city-of-milwaukee-settlement-agreement/.

PROGRESS BENCHMARKS

The purpose of the semiannual analyses of IOARS is to determine, in part, whether MPD is meeting the thresholds for justification of traffic stops, field interviews, no-action encounters, and frisks as stipulated in the Settlement Agreement.

Table 11 on the following page lists the proportions of each sample of stops and frisks that do not meet the IOARS documentation requirement that fewer than 15 percent of records fail to show that the encounters meet the IOARS standard. Between the first and second reporting periods, MPD made progress in documenting IOARS for traffic stops and field interviews, falling well within the required threshold for the sample from the second half of 2019. The Department continues to make progress with traffic stops during the current reporting period, falling well within the required threshold for establishing IOARS for traffic stops. Lack of documentation for IOARS for no-action encounters improved from 50.0 percent in the first analysis to 15.8 percent in the second analysis, though still failing to meet the required threshold. However, the documentation of IOARS for field interviews and no-action encounters has returned to levels above the threshold, similar to what we found in our first analysis.

MPD has not made progress in meeting the 15 percent threshold for sufficient documentation of justification for frisks since the first reporting period. There was a slight increase in the percentage of frisks without sufficient documentation of IOARS from the first to the second reporting period, and a larger increase in this most recent reporting period. The frisk samples for all reporting periods indicate that the vast majority of frisk encounters are not sufficiently justified with officer-written narratives describing IOARS that the subject was armed and dangerous.

As of the first half of 2020, the IOARS threshold of fewer than 15 percent was only met for traffic stops and not for field interviews, no-action encounters, and frisks.

Table 11. Comparison of IOARS documentation to settlement agreement thresholds by time period.

SA Paragraph	SA Language	Percentage of Encounters Without IOARS		
		Jan.-June 2019	July-Dec. 2019	Jan.-June 2020
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%	6.1%
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%	48.6%
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%	50.0%
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%	91.4%

Note: Encounters with only citations or warnings that lack corresponding contact summaries in TraCS and/or RMS forms are not represented in this table. It is unclear from available data whether these encounters are traffic stops or field interviews and as such are excluded from the percentages.

SUMMARY OF FINDINGS

This report offers an assessment of the Milwaukee Police Department's progress in implementing changes to police procedures in accordance with the requirements of the Settlement Agreement of *Charles Collins, et al. v. City of Milwaukee, et al.* The encounters detailed in this report occurred in the first half of 2020, after the first cycle of training was completed and the second cycle of officer training specific to constitutional policing practices and other Settlement Agreement requirements was underway. The second cycle of training occurred from December 16, 2019 to April 22, 2020. The following summarizes the major findings based on these data.

The Department has shown continued progress in meeting the requirement that fewer than 15 percent of traffic stops fail to show individualized, objective, and articulable reasonable suspicion. Analysis of traffic stops for this report finds that 6.1 percent of traffic stops fail to show sufficient IOARS documentation.

The Department has shown a regression in meeting the requirements that fewer than 15 percent of field interviews and no-action encounters fail to show individualized, objective, and articulable reasonable suspicion to support the stop. Analysis of field interviews and no-action encounters for this report finds that 48.6 and 50.0 percent respectively fail to provide proper IOARS documentation.

The Department continues to fall short of the Settlement Agreement requirement that fewer than 15 percent of frisks fail to show individualized, objective, and articulable reasonable suspicion that the subject is armed and dangerous. Our analysis of officer-written narratives indicates that 91.4 percent of frisks are insufficiently justified. The narratives lack the specific details necessary to establish IOARS that the subject was armed and immediately dangerous to the safety of the officers and other people present at the scene of the encounter.

Most of the contraband seized during frisk encounters is obtained during frisks that were insufficiently justified. Our analysis of frisk encounters indicates that 88.1 percent of the contraband found occurred when either the encounter or the frisk were insufficiently justified.

The contraband hit rate varies by race and is lowest for Hispanic/Latino subjects. Overall, most frisks in the sample occur with subjects who are Black (83.5 percent) who have a contraband hit rate of 16.7 percent. Hispanic/Latinos, while representing a low number of frisks in the sample had the lowest hit rate of 4.5 percent. While these differences are notable, the low rate of contraband seizure overall makes it difficult to draw conclusions based on hit rates by race. We will continue to track racial and ethnic differences in encounter, frisk, and contraband hit rates in future analyses.

CONTRIBUTORS

Katie Zafft coordinates CJI's data analysis efforts for the Milwaukee Settlement Agreement work. She 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 conducts data analysis and provides policy and project support for the Milwaukee Settlement Agreement work. She has policy and data experience in various parts of the criminal justice system, including jails, courts, policing, 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 for implementing data-driven practices and policies. She holds a Master's of Social Work in Macro Practice from Boston College and a 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 TX Police Department, 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.

APPENDIX A

Call Category	CAD Call Type
Crime Suspect/Subject	Foot Pursuit
	Subj Wanted
	Trb w/ Juv
	Trb w/ Subj
	Vehicle Pursuit
Drug-Related	Drug Dealing
Welfare Check	Welfare Citizen
	Injured Person/Sick
	Mental Observation
Investigation	Investigation
Other Reason	911 Abuse
	Accident Property Damage Only
	Assignment
	Business Check
	Call for Police
	Citizen Contact
	Documented Call
	Fire
	Follow Up
	Gambling
	Indecent Exposure
	Noise Nuisance
	Out
	Parking Trouble
	Patrol
	Reckless Vehicle
	Special Assignment
	Susp Pers/Auto
	Traffic Hazard
	Truant
	Vacant House Check
	Violation of Restraining Order
Property Crime-Related	Entry
	Entry to Auto
	Property Damage
	Shoplifter
	Stolen Vehicle
	Theft
	Theft from Person

Call Category	CAD Call Type
	Theft from Vehicle
Subject/Traffic Stop	DUI
	Subj Stop
	Traffic Stop
Violence-Related	Battery
	Battery Domestic Violence
	Fight
	Robbery
	Threat
Weapon/Firearm-Related	Reckless Use of a Weapon
	Robbery Arm
	Shooting
	Shots Fired
	ShotSpotter
	Subj With Gun
	Subj With Weapon

APPENDIX B

CAD Call Types Likely to Involve Frisk

Call Type Code	Call Type Description
AS	ACTIVE SHOOTER/ATTACK
1344	BATTERY CUTTING
1344D	BATTERY CUTTING - DV
1345	BATTERY DV
1523	BB GUN COMPLAINT
1810	DRUG DEALING
1952	EXPLOSIVES
1613	FIGHT
FP	FOOT PURSUIT
1820	HOSTAGE SITUATION
1349	OFFICER SHOT
1733	PRISONER TRANS
1351	RECK USE OF WEAP
1352	ROBBERY ARM
SW	SEARCH WARRANT
1356	SHOOTING
1357	SHOTS FIRED
1358	SHOTSPOTTER
1632	SUBJ WITH GUN
1634	SUBJ WITH WEAPON
1847	SUICIDE ATTEMPT
WS	WARRANT SERVICE