

City of Milwaukee Settlement Agreement

Six-Month Report on Non-Compliant Items



Prepared by the Crime and Justice Institute

MARCH 2022

The photo on this cover depicts a mural at the House of Peace in Milwaukee painted by artist Brad Anthony Bernard, who was assisted by George Gist.

TABLE OF CONTENTS

Introduction	4
Areas of Progress and Challenges	6
Update on Non-Compliant Items.....	8
SA Paragraph IV.A.1	8
SA Paragraph IV.A.2.a	9
SA Paragraph IV.A.2.b	9
SA Paragraph IV.A.2.d	10
SA Paragraph IV.A.3	11
SA Paragraph IV.C.1.a	11
SA Paragraph IV.C.1.c.....	12
SA Paragraph IV.C.3	13
SA Paragraph IV.F.3	13
SA Paragraph V.1.d.i.....	14
SA Paragraph V.1.d.iii.....	19
SA Paragraph V.1.d.v	21
SA Paragraph V.1.d.vi	22
SA Paragraph V.1.d.vii.....	23
SA Paragraph V.1.d.viii.....	23
SA Paragraph V.1.d.ix	23
SA Paragraph V.1.d.x	24
Conclusion.....	25

INTRODUCTION

The Settlement Agreement among the Parties in *Charles Collins, et al. v. City of Milwaukee, et al.*¹ stipulates that a Consultant provide the Parties an annual report addressing compliance with the terms of the Agreement. In addition, the Agreement states:

*Should the Consultant find that the Defendants are non-compliant with any of the requirements of this Agreement, the Consultant shall submit a report within six (6) months determining whether Defendants have rectified the issue(s). (SA V.A.1)*²

The Crime and Justice Institute (CJI) serves as the Consultant per mutual approval of the Parties. In our [third annual report](#)³ released in September 2021, we reviewed all of the Settlement Agreement requirements for compliance. This six-month report provides an update on the progress and status of the items deemed non-compliant in our third annual report per SA V.A.1.

Over the past six months, we have worked closely with the Defendants to make progress in a variety of areas including, but not limited to:

- Refining and strengthening internal processes at Milwaukee Police Department (MPD) and Fire and Police Commission (FPC) related to the Settlement Agreement;
- Continuing to determine the documentation required to adequately demonstrate that compliance for individual requirements in the Settlement Agreement has been achieved;
- Continuing to refine and improve the quality of the required data extractions MPD shares with the Consultant, Plaintiffs' counsel, and FPC on a quarterly basis;
- Working closely with a three-attorney team at the City Attorney's Office; and
- Working closely with MPD Command Staff and FPC leadership and staff.

As of the writing of this report, CJI conducts regular, virtual meetings with:

- MPD Chief Norman;
- Assistant Chief Waldner, Inspector Sarnow, and other MPD personnel responsible for requirements of the Settlement Agreement;
- FPC Executive Director Todd;

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

³ <https://city.milwaukee.gov/ImageLibrary/Groups/cityFPC/Reports/Crime-and-Justice-Institute/CJIYearThreeAnnualReporttoFile.pdf>

- FPC Chief of Staff Gehling and other FPC staff who are responsible for compliance with the Settlement Agreement;⁴
- Three-attorney team from the City Attorney's Office; and
- Plaintiffs' counsel and affiliated representatives.

CJI is also in occasional communication with the offices of the Mayor and the Common Council President. Both Mayor Barrett and his staff and Acting Mayor Johnson demonstrate an interest in understanding the efforts and challenges to reaching compliance. In addition, on October 21, 2021, CJI presented the main findings of the third annual report to the Fire and Police Commission, in response to their invitation to join their meeting and share findings.

The categories of compliance remain unchanged from previous reports and are as follows:⁵

- **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.

In addition to providing updates on non-compliant items, we provide some general reflections on areas of overall progress and challenges that the Defendants experienced during the previous six months. A comprehensive report of the Defendants' efforts and status on all aspects of the Settlement Agreement will be included in our fourth annual report, which is forthcoming in September 2022.

⁴ Throughout this report, FPC refers to the Executive Director and staff unless the language specifically includes the Commissioners.

⁵ We also use a status of "unable to assess" for some items deemed non-compliant in the annual report. CJI did not re-assess selected items in this six-month report, as they will be part of the annual data analysis of 2021 traffic stops, field interviews, no-action encounters, frisks, and searches.

AREAS OF PROGRESS AND CHALLENGES

We take this six-month report as an opportunity to highlight general areas of progress and challenges since the publication of our third annual report in September 2021. During the last six-months, the FPC has made notable progress in a few areas. They have filled new and vacant positions including a new Compliance Auditor as of January 2022, a position that had been vacant since October 2021. They also hired two new auditors in the fall, which for the first time gave the FPC a fully-staffed auditing team. Unfortunately, one of the two new auditors has since left the position and this means that the FPC will be operating below their expected capacity for conducting audits until that position is filled. The FPC is hopeful to hire for that position in a short amount of time. Despite this staffing setback, the FPC produced their first set of audits and shared their findings and recommendations with the MPD. This is a very welcome development. It has been encouraging to see the FPC staff, under the leadership of Lee Todd, reinvigorate their cooperation and attention to compliance. They are engaging in nuanced conversations about MPD policy and practice, and the focus is less about ticking boxes toward compliance with the Settlement Agreement and rather seems to be about creating and sustaining sound practices. Over the last six months or so there has been notable change in the Commission itself. The Common Council affirmed Mayor Barrett's nominee Ed Fallon for the position of Chair along with other positions filling vacant and expiring seats. Mayor Johnson nominated a seventh Commission member who is in the stage of community vetting. Assuming the Common Council also confirms this candidate, there will be seven confirmed Commissioners.

For MPD's part, the swearing in of a permanent Chief in Jeffrey Norman in November 2021 is welcome news. Despite some staff departures, Chief Norman has largely retained people who were already familiar with the Settlement Agreement and kept them in positions that are responsible for Settlement Agreement compliance. We are hopeful that this brings stability to the Department and the work toward compliance, as leadership and staffing turnover has been an ongoing challenge. With FPC support, MPD created a new position of civilian risk manager, who will work in the Chief's office. MPD is close to filling this position, which will increase capacity to making progress toward compliance.

Despite this stability in leadership and in the compliance staff, CJI is concerned that the focus of achieving compliance continues to reside mostly with staff working directly on the administrative side of compliance, including the Academy and the Inspections Section. We have insufficient evidence that all levels of command, in particular the Patrol Bureau, are talking about, demonstrating good practice, and supervising patrol officers about what actions must occur to achieve compliance. This includes not only better report writing and data collection, but also understanding from the public's perspective what inadequate policing looks and feels like and how to eliminate those types of actions. As we have previously stated, and more than once, the responsibility of achieving compliance must be shared beyond a few key people. The Patrol Bureau in particular must be deeply engaged in this work and relentless in its attention to behavior up and down the chain of command in order to see the desired change in districts across the City.

MPD continues to show progress in how they utilize data and findings as management tools and sources for operational improvement. The Inspections Section in particular has grown in this area, demonstrating efforts to improve practices and seek CJI's counsel. For example, the Inspections Section recently endeavored to understand why some encounter data indicated "NULL" for a call's reporting district, which thus represents a missing required data element, police district. MPD's inquiry into the data helped them understand better how the data are entered and identify a possible remedy for the issue. MPD also wrestled with and asked for advice on best practice in data reporting when officers do not obtain an ID from a subject during a field interview - wondering whether it is preferable to estimate the age of a subject in order to meet the required data element or indicate "unknown." We applaud the curiosity with an eye toward improved, accurate, and consistent reporting.

MPD has also continued to make improvements to the required quarterly data extraction when new aspects of the data come to their attention, and to do so in a timely manner. As one example, MPD discovered that automobile crashes were inadvertently included in the quarterly data and moved quickly to remove these cases from the data, resubmit a cleaned data set, and notify CJI, the FPC, and the Plaintiffs' counsel of the change and the reasons for the change. This continuous review with an interest in process improvement is aligned with the goals of review and self-regulation contemplated by the Settlement Agreement.

In-service training this year is off to a somewhat late start, as officer and supervisor training started in February. As of the writing of this report CJI has yet to observe in person the in-service training and expects to do so in April. We are aware of some concerns with changes to the training this year on the part of Plaintiffs' counsel and will assess these changes in the upcoming weeks. Observation of the training is best done in person and yet, MPD made efforts to allow CJI and Plaintiffs' counsel to observe virtually. Despite these good efforts, it is simply difficult to assess fully the quality of the training in that manner.

Given that we are three and a half years into this Settlement Agreement, the overall progress toward compliance on the part of the Defendants is not where we hoped it would be. It is worth recognizing that achieving full compliance requires a resetting of MPD's culture and not only changes in actions and operations - a process that takes time. The FPC, for its part, is showing attention to adopting a new vision for itself, which is encouraging. Both MPD and FPC must keep a consistent focus on the work required by this Agreement to continue progress toward achieving full compliance.

UPDATE ON NON-COMPLIANT ITEMS

In our third annual report, CJI found the Defendants to be non-compliant with regard to the paragraphs of the Settlement Agreement referenced below. For each of the items we include the relevant Settlement Agreement paragraph and requirement language, any progress that Defendants have made in the previous six months, or the lack thereof, and an updated compliance status as of the six-month mark.

SA PARAGRAPH 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.”

Progress Update:

We rely on two sources of information to assess whether every traffic stop, field interview, no-action encounter, frisk, and search has an electronic, digitized record: MPD internal audits and information from the quarterly extraction data.

MPD conducts regular audits of traffic stops, field interviews, and no-action encounters. They draw audit samples from Computer Aided Dispatch (CAD) assignments with the call types “traffic stop,” and “subject stop,” for traffic stops and field interviews, respectively. MPD draws the audit sample for no-action encounters from all CAD assignments with a disposition of C-21 and all No-Action Encounter reports in RMS. The most recent set of audits covers traffic stops and field interviews occurring between January and June 2021, and no-action encounters occurring between July and December 2021.

From this set of audits MPD found undocumented encounters, demonstrating non-compliance with this Settlement Agreement requirement, including a single no-action encounter, field interviews, and frisks and searches. We present details of the audit findings by encounter type below for SA IV.A.2.a, SA IV.A.2.b, and SA IV.A.2.d. In our third annual report MPD was compliant in documenting all no-action encounters and, as such, a separate assessment of SA IV.A.2.c is not included in this report of non-compliant items. However, as part of our assessment of IV.A.1 we note that the most recent NAE audit identified one undocumented encounter.

CJI recognizes the high standard MPD must meet in order to ensure documentation of every encounter specified by the Settlement Agreement in a digitized record. We view MPD audits as an important tool to identify whether the Department is meeting this standard and yet, even with a relatively small audit sample, MPD identifies undocumented encounters. This speaks to the importance of MPD’s audits and the need to continue with a rigor and scope sufficient to identify whether undocumented stops continue.

As part of our review of the quarterly extraction data for all four quarters of 2021, assembled after the filing of our third annual report, CJI continues to find information in the CAD file that does not match to information provided in the RMS or TraCS data files. This indicates

that police encounters continue to lack electronic, digitized documentation specified by the Settlement Agreement, further supporting the MPD audit findings.

Updated Status: Non-compliant

SA PARAGRAPH IV.A.2.A

“Defendants shall ensure that all traffic stops are documented in TraCS.”

Progress Update:

We rely on two sources of information to determine progress toward whether Defendants are documenting all traffic stops in TraCS: MPD internal audits and information from the quarterly extraction data.

In MPD’s most recent audit of traffic stops, the Audit Unit found that every encounter in the audit sample had an associated contact summary form in TraCS. The audit sample consisted of 102 randomly selected encounters with a CAD call type “traffic stop” that occurred between January 1 and June 30, 2021.

CJI reviewed quarterly extraction data for quarters one and two of 2021 and found 116 CAD numbers that have an originating and final CAD call type of “traffic stop” but no corresponding TraCS documentation. Thus, CJI observed encounters in the CAD file that did not have corresponding TraCS documentation demonstrating non-compliance with this requirement.

Updated Status: Non-compliant

SA PARAGRAPH IV.A.2.B

“Defendants shall ensure that all field interviews are documented in RMS.”

Progress Update:

We rely on two sources of information to determine progress toward whether Defendants are documenting all field interviews in RMS: MPD internal audits and information from the quarterly extraction data.

In MPD’s most recent audit of field interviews, the Audit Unit found that officers failed to complete a Field Interview report in RMS for seven encounters in the sample, and failed to file an additional required report for one encounter in the sample. The audit sample consisted of 91 randomly selected encounters with a CAD call type “subject stop” that occurred between January 1 and June 30, 2021.

CJI reviewed quarterly extraction data for quarters one and two of 2021 and found 80 CAD numbers that have an originating and final CAD call type of “subject stop” but no corresponding RMS documentation. Thus, CJI observed encounters in the CAD file that did

not have corresponding RMS documentation. Both the most recent audit of field interviews and CJI's quarterly extraction review demonstrate non-compliance with this requirement.

Updated Status: Non-compliant

SA PARAGRAPH 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.”

Progress Update:

We rely on two sources of information to determine progress toward whether Defendants are documenting all frisks and searches: MPD internal audits and information from CJI's semiannual analysis of encounters.

In MPD's field interview audit of January through June 2021, auditors observed one encounter where a frisk was observed on video with no accompanying Field Interview report. In the same audit, MPD found two searches on video with either no accompanying Field Interview report or no indication in the report that a search occurred. In MPD's audit of traffic stops occurring between January and June 2021, auditors found one undocumented frisk and one undocumented search.

CJI's semiannual analysis of traffic stops, field interviews, no-action encounters, and frisks identifies any CAD call types that are likely to involve a frisk and determines whether the data extractions for the period under scrutiny reflect frisks for those encounters. The semiannual analysis published in October 2021 assessed a sample of encounter data from January to June 2021 and found two undocumented frisks out of a group of nine encounters for which we deemed a frisk was likely.⁶ Both data sources demonstrate non-compliance with this requirement.

Updated Status: Non-compliant

⁶ Crime and Justice Institute. (October 2021). *Semiannual Analysis of Traffic Stops, Field Interviews, No-action Encounters, and Frisks*.

<https://city.milwaukee.gov/ImageLibrary/Public/ImageLibrary/Photos/CJISemiannualAnalysisOctober2021.pdf>

SA PARAGRAPH IV.A.3

“Defendants shall ensure that each traffic stop, field interview, and no-action encounter documented pursuant to this paragraph...is assigned a unique stop identification number.”

Progress Update:

MPD uses the CAD number as the unique stop identification number, a nine-digit number assigned by dispatch when communicating with officers about a police encounter. While the CAD system automatically generates this number, officers manually input the CAD number when completing forms in RMS and TraCS. The diagnostic review of quarterly data extractions continues to show common codes in the CAD number field, such as “NULL,” or blank information. The presence of these common codes do not reflect a unique stop identification number. The majority of the common codes are found in TraCS forms rather than in data received from RMS. While MPD continues to make progress with ensuring valid CAD numbers serve as the unique stop identifier, we still find unmatched TraCS and RMS data with invalid information, including common codes, in the CAD field that we are unable to match with CAD files.

Updated Status: Non-compliant

SA PARAGRAPH 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.”

Progress Update:

In order to assess compliance for this requirement we rely on MPD’s audits of traffic stops and field interviews. The audits’ objectives include a review of the timeliness and quality of supervisor review of arrest reports. A subset of encounters from the audit samples includes arrests, which serve as the data source for this requirement. Based on the most recent MPD audit of field interviews (Audit 21-06), there were 40 encounters involving an arrest, and in three of them, supervisors did not meet the threshold for this requirement. For Audit 21-07, the most recent audit of traffic stops, there were three encounters involving an arrest and all three met this requirement for arrest review. The Settlement Agreement notes that “all reports of arrests” must meet this threshold. Because encounters from the most recent FI audit did not meet this threshold, we deem the Defendants non-compliant for this requirement.

To date MPD has conducted five sets of audits. In two of the five field interview audits, all of the encounters with arrests met this requirement and in three of the five field interview

audits there were encounters with arrests that did not meet this requirement. All five of the traffic stop audits conducted to date met these criteria. However, the sample sizes for audited traffic stops that involved arrests were notably small, at three encounters or fewer. We continue to note the high bar set by the Settlement Agreement to achieve compliance with this requirement. In addition, we believe this finding continues to demonstrate the value of the Audit Unit's work.

Updated Status: Non-compliant

SA PARAGRAPH 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.”

Progress Update:

MPD has developed a compliance report process for supervisors to support supervisor review of traffic citations, non-traffic citations, and warnings issued by officers. This process allows supervisors to generate reports that help them identify encounters that are missing forms or that have incomplete information and tracks whether approvals occur within the seven-day timeframe set forth in SOP 070.

MPD's most recent audit of traffic stops (Audit 21-07) included an assessment of supervisor review of traffic stops, including their review of citations and warnings generated with contact summaries. The audit found that 15.7 percent of the audited sample involved supervisor-approved forms that were missing information, had data errors, or were approved more than seven days after the encounter occurred.

Further, while MPD provides training to supervisors on how to check for quality and approve citations and warnings, their compliance report training directs supervisors to verify the accuracy of citations and warnings by looking at a CAD compliance report. Relying on a review of the CAD compliance report limits supervisors' review to stops that are first found in the CAD system. This misses citations and warnings that may not appear in the CAD compliance report due to errors or missing information in the CAD field on the citation or warning form that prevents them from being connected to the CAD system. For example, if an officer issues a warning and types in 000000000 in the CAD field, this warning will remain unconnected to CAD data and will be therefore invisible in the CAD compliance report. Supervisors may miss these forms upon review if they are not directly approving each issued form, regardless of whether there is a valid CAD entry associated with it. MPD has

established a process by which supervisors can approve every citation and warning but now must demonstrate supervisors are doing so within the specified timeframe and that they are reviewing every issued warning and citation.

Updated Status: Non-compliant

SA PARAGRAPH 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.”

Progress Update:

The Internal Affairs Division is required to prepare a report every six months on allegations of policy violations and any corrective actions taken. During the last reporting period, assessed in the third annual report released in September, MPD did not complete the reports within the required six-month timeframe and were found to be non-compliant for SA IV.C.3 (part 3). Part of the value of the six-month reporting period is for managerial purposes for accountability and improved performance. In September 2021, MPD produced a policy violations report that covered the period January 1 through June 30, 2021. In January 2022, MPD produced a policy violations report that covered the period July 1 through December 31, 2021. While CJI has some remaining questions about the content of these reports, given their timely submission the Defendants are in compliance.

Updated Status: Compliant

SA PARAGRAPH 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-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.”

Progress Update:

As noted in our third annual report, we lacked sufficient detail on any discipline occurring related to traffic stops, field interviews, no-action encounters, and frisks. During the last six months, MPD submitted their Discipline Matrix, which was approved in and effective as of November 2021, outlining progressive discipline as the number of violations increases. Discipline includes district level written reprimand (DLWR), official reprimand, suspension without pay, demotion, and termination. MPD submitted an AIM report covering the period July 1 through December 31, 2021 that includes 12 investigation case numbers related to the

Settlement Agreement involving both officers and supervisors. The report shows that four allegations were sustained. The intent of SA IV.F.3 is to ensure that discipline happens in response to the articulated violations. MPD has provided some documentation that DLWR occurred in four cases. To become compliant MPD needs to provide additional documentation that discipline consistently occurs for the reasons outlined in SA IV.F.3. While progressive discipline is outlined in the Discipline Matrix, MPD also needs to demonstrate that such progressive discipline is happening in practice. CJI is contemplating a deeper review of this particular requirement for our next annual report.

Updated Status: In process

SA PARAGRAPH 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.”

Progress Update:

Table 1 outlines the extent to which TraCS data for traffic stops and associated frisks and searches are missing any of the required information listed in the Settlement Agreement. The period of assessment for this report is quarters one and two of 2021. All of the required data elements in TraCS for this reporting period meet the 14 percent threshold demonstrating compliance for this Settlement Agreement requirement. The previous four quarters of data are included for comparison (quarters one through four of 2020).

Upon inspection of the most recent quarterly data extracts and a review of our methodological approach in assessing the data for missing information, we have determined that a revised approach to assessing missing data is prudent and necessary. We revise our approach for three reasons. First, this revision offers a better delineation of encounter-level and person-level data elements, which is more useful for MPD as they work to gain sustained compliance with the quality of their data.

Second, we previously assessed IV.A.3.j (violations, offenses, or crimes) in the TraCS data based only on contact summaries that had corresponding warning or citation information.⁷ The scope of this approach is too narrow given our current knowledge of TraCS forms and we no longer consider contact summaries to be the primary form officers complete when documenting a traffic stop. Contact summaries are one of the forms officers are required to

⁷ As we have detailed in other reports, one of the deficiencies of the quarterly data from TraCS is difficulty in connecting citations and warnings to contact summaries, the primary form officers are required to use when documenting interactions during traffic stops. The inability to connect contact summaries to warnings or citations can be due to officers mistyping the CAD number on each form, officers failing to complete contact summaries when issuing warnings or citations, or officers failing to complete written warnings or citations when documenting a traffic stop with a contact summary.

complete, but in practice can issue a citation or warning without also submitting a contact summary. For that reason, we began including citation/warning only encounters in the IOARS sampling for the semiannual reports beginning with the January to June 2020 assessment period. Examination of citation/warning only encounters in addition to encounters that have accompanying contact summaries provides a more complete picture of all stops documented in TraCS.

Third, we previously assessed missing values for IV.A.3.j based on the “violation local ordinance description” field that did not account for citations or warnings focused on statute violations that did not also violate local ordinances. A coding error in merging this data field across the TraCS forms (warnings, electronic citations, and non-traffic citations) inappropriately masked the presence of citation information when the encounter did not include issued warnings. This erroneously inflated the missing data for this field in previous assessments.

We retroactively applied the revised missing data methodology to the previous calendar year (2020) to update the percentages from our third annual report that we used to determine compliance for that year (see Tables 1 and 2). We will use this revised methodology for all future assessments. We denote in Tables 1 and 2 below which data elements are assessed at the encounter level (i.e., the unit of analysis is a unique CAD number) or at the person level (i.e., the unit of analysis is a person involved in a police encounter).

Table 1 allows for comparison of CJI’s original assessment of TraCS data for 2020 with our revised methodology for the assessment of missing data. While MPD still does not meet the compliance threshold for missing data in TraCS (14 percent), the percent of missing data for some data elements in 2020 changed with the revised methodology.

Two of the three data elements that do not meet the missing data threshold for 2020 are encounter-level elements: police district and CAD transcript. The unit of analysis (i.e., the denominator) for the encounter-level data elements is a unique encounter identifier (represented by information in the CAD number field) associated with at least one TraCS form. If an officer mistypes a CAD number on any TraCS form or if the CAD number is otherwise not filled in (e.g., if the field indicates “NULL”), this does not allow the form to connect to CAD information or information from any other TraCS form. Thus, it is considered a unique encounter and will have missing information in data elements that are not inherent to the form. For example, if an officer mistypes a CAD number in a citation form, that form will not connect with CAD information about the location of the encounter or the transcript from dispatch regarding the reason for the stop.

The third data element that did not meet compliance for the 2020 assessment period was the yes/no field for searches, assessed at the person-level unit of analysis. The previous methodology to assess missing data involved a data structure that assembled the TraCS files by contact summaries, which excluded TraCS forms that did not match to contact summaries. As contact summaries are the source of the data elements for searches, the focus on contact summaries as the unit of analysis in the previous methodology excluded TraCS forms that

may have represented encounters where officers did not complete a contact summary or situations in which the TraCS forms did not have the same information in the CAD number field.

The previous methodology used to assess missing data focused on contact summaries only and used a data structure that did not benchmark the assessment of missing data based on encounter-level or person-level data elements. Additionally, the previous methodology only relied on the local ordinance violations field to assess whether contact summaries included information about the violations, offenses, or crimes associated with the stop. The merge process for violations introduced a coding error that masked the presence of citations for encounters that lacked warnings. The revised and updated methodology accounts for both ordinance and statute violations and includes encounters that may have citations or warnings but not contact summaries. This revised methodology offers a clearer and more precise picture of missing information in the documentation of stops in TraCS.

Applying the revised methodology, our assessment of missing data for quarters one and two of 2021 indicates that MPD has moved into compliance with traffic stop records. The data show improvements to the completeness of almost every data element from 2020 to 2021, with decreases in missing data for police district, CAD transcript, searches, officer information (names and badge numbers), and the accuracy of the unique encounter ID (CAD number). All of these data elements show marked improvement between the second half of 2020 and the first half of 2021. This is likely related to a combination of factors. First, to the concentrated effort MPD has made in conveying to officers in a variety of ways how to correctly document the required data elements and focusing supervisor reviews on ensuring the data elements are present and corrected when applicable (e.g., mistyped CAD numbers). Another reason for improvements to data completeness could be due to the revised data extraction protocols MPD implemented for 2021 data files in order to remove TraCS forms related to crash investigations. Citations or warnings related to crash investigations likely did not match to CAD records in the data extractions for 2020, thus driving missing data for CAD-dependent or contact summary-dependent data elements (i.e., CAD transcript, police district, and search y/n fields).

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

IV.A.3 Subsection	Data Element	Original Q1Q2 2020	Original Q3Q4 2020	Revised Q1Q2 2020	Revised Q3Q4 2020	Q1Q2 2021
a	Age (person)	3.71%	5.17%	1.54%	0.85%	0.81%
a	Gender (person)	3.71%	5.17%	1.54%	0.85%	0.81%
a	Race and ethnicity (person)	3.71%	5.17%	1.81%	1.08%	0.88%
b	Address (encounter)	2.62%	4.50%	6.09%	4.12%	3.71%
b	Police district (encounter)	5.88%	8.78%	18.89%*	14.44%*	4.72%
c	Date of encounter (encounter)	1.73%	4.24%	0.08%	0.00%	0.02%
d	Start time of encounter (encounter)	1.73%	4.24%	0.08%	0.00%	0.02%
e	Narrative of legal basis (encounter)	1.75%	4.26%	5.10%	3.64%	3.69%
e	CAD transcript (encounter)	4.32%	3.76%	21.03%*	14.96%*	4.65%
f	Frisk Y/N (person)	Not clear	Not clear	Not clear	Not clear	Not clear
f	Frisk legal basis (person)	1.53%	0.76%	0.00%	0.00%	0.00%

IV.A.3 Subsection	Data Element	Original Q1Q2 2020	Original Q3Q4 2020	Revised Q1Q2 2020	Revised Q3Q4 2020	Q1Q2 2021
g	Search Y/N (person)	3.66%	5.16%	23.24%*	15.75%*	4.67%
g	Search legal basis (person)	3.67%	5.16%	0.00%	0.00%	0.00%
h	Contraband found Y/N (person)	3.66%	5.16%	0.00%	0.23%	0.10%
h	Contraband type (person)	3.66%	5.16%	0.00%	0.23%	0.10%
i	Use of force Y/N (encounter)	Not clear	Not clear	Not clear	Not clear	Not clear
i	Use of force type (encounter)	0.00%	0.00%	0.00%	0.00%	0.00%
i	Use of force justification (encounter)	Not received	0.00%	Not received	0.00%	0.00%
j	Encounter outcome (encounter)	1.76%	4.26%	19.40%*	12.89%	11.15%
j	Violations, offenses, or crimes (encounter)	47.90%*	59.17%*	5.32%	3.42%	2.71%
l	Officer names (encounter)	1.73%	4.28%	19.37%*	12.91%	2.63%

IV.A.3 Subsection	Data Element	Original Q1Q2 2020	Original Q3Q4 2020	Revised Q1Q2 2020	Revised Q3Q4 2020	Q1Q2 2021
1	Officer IDs (encounter)	1.73%	4.28%	19.37%*	12.89%	2.30%
	Unique stop ID number (match to CAD) (encounter)	2.62%	4.50%	18.89%*	11.79%	1.78%

Table notes:

¹ The contact summary form 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.” MPD collects data on frisks (pat downs) during traffic stops, but because the documentation of a frisk is part of a drop down menu, and there is no affirmative field to indicate whether a frisk was or was not conducted, it is not possible to assess the percent of records that are missing for this particular data element.

² TraCS, which is a state data system that 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, the AIM system does not have a field for whether use of force was used in a given encounter. Instead, we only know that a use of force occurred by virtue of an AIM file existing for a given encounter. Without another field indicating whether force was used, it is not possible to assess the percent of records that are missing this data element.

³ MPD added a use of force justification field to the AIM system in May 2020. Thus, we have marked this field as not received for the first half of 2020.

Updated Status: Compliant

SA PARAGRAPH V.1.D.III

“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.”

Progress Update:

Table 2 outlines the extent to which RMS⁸ data for no-action encounters are missing any of the required information listed in the Settlement Agreement. The period of assessment for this report is quarters one and two of 2021. The previous four quarters of data (quarters one through four of 2020) are included for comparison. One of the required data elements does

⁸ Although the Settlement Agreement calls for analysis of CAD data here, MPD documents no-action encounters in RMS. The Parties have agreed to this change.

not meet the 14 percent threshold: encounter outcome, subsection j in Table 2. The Settlement Agreement specifies that for no-action encounters this field is the C-code for “no action” (C21). Thus, the missing data assessment for this particular field reflects whether the no action code is present.

We applied the above-described revised methodology to assess missing data for no-action encounters. The revised methodology provides a more precise assessment at the encounter level for how many encounters lack the proper C-code for “no action” as reflected in the CAD data. Table 2 lists the percent missing for each data element using the original and revised methodologies, showing small changes to the proportion of missing data due to the more precise focus on unit of analysis.

Using the revised methodology, the percent of missing data for the encounter outcome element decreased from 60.81 percent to 39.74 percent between the second half of 2020 and the first half of 2021. The Inspections Section created a C-21 Guide in December 2021 to provide officers with additional information about how to notify dispatch when documenting a no-action encounter. If MPD’s efforts to focus on this data element are fruitful, we should see continued improvements over the next two assessment periods (the second half of 2021 and the first half of 2022).

Table 2: Percent of No-Action Encounter Records Missing Data in RMS

IV.A.3 Subsection	Data Element	Original Q1Q2 2020	Original Q3Q4 2020	Revised Q1Q2 2020	Revised Q3Q4 2020	Q1Q2 2021
a	Gender (person)	0.00%	0.00%	0.00%	0.00%	0.00%
a	Race (person)	0.00%	0.00%	0.00%	0.00%	0.00%
a	Ethnicity (person)	0.00%	0.00%	0.00%	0.00%	0.00%
b	Address (encounter)	0.00%	0.00%	3.03%	2.70%	0.00%
b	Police district (encounter)	2.55%	3.95%	3.78%	2.70%	0.00%
c	Date of encounter (encounter)	0.00%	0.00%	0.76%	1.35%	0.00%

IV.A.3 Subsection	Data Element	Original Q1Q2 2020	Original Q3Q4 2020	Revised Q1Q2 2020	Revised Q3Q4 2020	Q1Q2 2021
d	Start time of encounter (encounter)	0.00%	0.00%	0.76%	1.35%	0.00%
e	Narrative of legal basis (encounter)	0.00%	0.00%	0.00%	0.00%	0.00%
j	Encounter outcome (encounter)	65.33%*	62.15%*	65.15%*	60.81%*	39.74%*
l	Officer names (encounter)	0.00%	0.00%	0.00%	0.00%	0.00%
l	Officer IDs (encounter)	0.00%	0.00%	0.00%	0.00%	0.00%
	Unique stop ID number (match to CAD) (encounter)	1.09%	0.56%	3.03%	2.70%	0.00%

Updated Status: Non-compliant

SA PARAGRAPH 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.”

Progress Update:

CJI’s semiannual analysis of traffic stops, field interviews, no-action encounters, and frisks involves an assessment of individualized, objective, and articulable reasonable suspicion (IOARS) for every six months of encounter data. We have conducted five analyses to date.

The most recent IOARS analysis, published in October 2021, assessed encounters that occurred during the first half of 2021.

IOARS documentation for field interviews has increased over the last three reporting periods, but continues to fail to meet the required threshold. In the most recent analysis, CJI found that 20.9% of field interviews in the sample failed to establish IOARS as justification for initiating the encounter.⁹ Our next semiannual IOARS analysis will be published in April 2022.

Updated Status: Non-compliant

SA PARAGRAPH 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.”

Progress Update:

CJI’s semiannual analysis of traffic stops, field interviews, no-action encounters, and frisks involves an assessment of individualized, objective, and articulable reasonable suspicion (IOARS) for every six months of encounter data. We have conducted five analyses to date. The most recent IOARS analysis, published in October 2021, assessed encounters that occurred during the first half of 2021.

Despite improvement in the share of no-action encounters failing to meet the IOARS standard in the second half of 2020, the latest review of IOARS documentation for no-action encounters failed to show continued progress. We found that 52.6% of no-action encounters in the sample failed to establish IOARS as justification for initiating a police encounter.¹⁰ Our next semiannual IOARS analysis will be published in April 2022.

Updated Status: Non-compliant

⁹ Crime and Justice Institute. (October 2021). *Semiannual Analysis of Traffic Stops, Field Interviews, No-action Encounters, and Frisks*. <https://www.cj institute.org/assets/sites/2/2021/11/CJI-Semiannual-Analysis-October-2021.pdf>

¹⁰ Ibid.

SA PARAGRAPH 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.”

Progress Update:

CJI’s semiannual analysis of traffic stops, field interviews, no-action encounters, and frisks involves an assessment of individualized, objective, and articulable reasonable suspicion (IOARS) for every six months of encounter data. We have conducted five analyses to date. The most recent IOARS analysis, published in October 2021, assessed encounters that occurred during the first half of 2021.

The Defendants continue to miss the established benchmark, though the most recent analysis shows a substantial decrease in the proportion of frisks failing to meet the IOARS standard to justify the frisk (from 86.8% to 48.8%).¹¹ Our next semiannual IOARS analysis will be published in April 2022.

Updated Status: Non-compliant

SA PARAGRAPH 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.”

Progress Update:

The basis for assessing this requirement of the Settlement Agreement is an annual analysis of encounter data conducted in preparation for the annual reports that is published each September. We will base the next analysis on encounter data for calendar year 2021 and will present the results in CJI’s September 2022 annual data analysis report.

Updated Status: Unable to Assess

SA PARAGRAPH 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.”

¹¹ Ibid.

Progress Update:

The basis for assessing this requirement of the Settlement Agreement is an annual analysis of encounter data conducted in preparation for the annual reports that is published each September. We will base the next analysis on encounter data for calendar year 2021 and will present the results in CJI's September 2022 annual data analysis report.

Updated Status: Unable to Assess

SA PARAGRAPH 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 no-action encounters after controlling for agreed upon benchmarks.”

Progress Update:

The basis for assessing this requirement of the Settlement Agreement is an annual analysis of encounter data conducted in preparation for the annual reports that is published each September. We will base the next analysis on encounter data for calendar year 2021 and will present the results in CJI's September 2022 annual data analysis report.

Updated Status: Unable to Assess

CONCLUSION

This report presents an updated status of non-compliant items from CJI's third annual report from September 2021. We note that only a few of the non-compliant items have moved to compliant. In some regard, this is to be expected as the most challenging requirements to demonstrate compliance are the ones remaining after three and a half years since the Settlement Agreement began. The mandated outcomes require changes to the way in which work is done. Such culture change is a challenge and one that requires time. We hope that the City can redouble their efforts on these changes that are necessary to achieve the desired outcomes. Several of the remaining non-compliant requirements relate to the notably high thresholds for compliance per the Settlement Agreement, such as "every traffic stop, field interview, no-action encounter, frisk, and search... is documented in an electronic, digitized record;" "all traffic stops are documented in TraCS;" and "all reports of arrests... will be reviewed and approved by a supervisor," among others.

Our next semiannual IOARS report will be published in April. Our fourth annual report, to be published in September, will reassess the totality of the Settlement Agreement requirements. In September we will also publish our annual data analysis of traffic stops, field interviews, no-action encounters, and frisks. We hope with stable leadership from Chief Norman and Director Todd that the Defendants can continue forward momentum and we can report on continued progress in our forthcoming reports.