

City of Milwaukee Settlement Agreement Six-Month Report on Non-Compliant Items



THE CRIME AND JUSTICE INSTITUTE

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The photo on this cover depicts “The Mural of Peace,” painted in 1994 by Milwaukee artist Reynaldo Hernandez. The mural is located on the south wall of the Mercantile Lofts building. You can learn more about this mural and Reynaldo Hernandez on the Milwaukee Mural Map website, <http://mkemuralmap.com/reynaldo-hernandez/>. Photo taken by Andrea Tyree of the Crime and Justice Institute during a May 2023 site visit.



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Introduction

The Settlement Agreement among the Parties in *Charles Collins, et al. v. City of Milwaukee, et al.*¹ stipulates 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 Parties mutually agreed upon the Crime and Justice Institute (CJI) as the Consultant. In our [fifth annual report](#)³ released in September 2023, 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 fifth 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, strengthening internal processes at Milwaukee Police Department (MPD) and Fire and Police Commission (FPC) to make continued progress toward compliance with the Settlement Agreement; determining documentation required to adequately demonstrate that compliance for individual requirements in the Settlement Agreement has been achieved; and working closely with MPD Command Staff and FPC leadership and staff on a weekly basis.

Over the last six months CJI conducted regular, virtual meetings with:

- MPD Chief Norman
- Assistant Chiefs Waldner, Sarnow, and Johnson, Lieutenant Heidemann, Police Risk Manager James Lewis, and other MPD personnel responsible for requirements of the Settlement Agreement
- FPC Executive Director Leon Todd
- FPC Deputy Director Naomi Gehling and other FPC staff who are responsible for compliance with the Settlement Agreement⁴
- Assistant City Attorney Julie Wilson and Deputy City Attorney Robin Pederson

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

- **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

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://www.cjinstitute.org/assets/sites/2/2023/09/CJI-Year-Five-Annual-Report.pdf>

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

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.

For the fifth annual report, we identified two areas as having Deferred status⁵, meaning we could not issue an assessment because we did not have all relevant information. These areas have now been restored to Compliant status due to mutual agreement from all Parties to the Settlement Agreement regarding the expectations for those requirements.

A comprehensive report of the Defendants' efforts and status on all aspects of the Settlement Agreement will be included in our sixth annual report, which will be publicly released in September 2024.

Areas of Progress and Challenges

We take this as an opportunity to highlight areas of progress and challenges since our fifth annual report, published in September 2023.

The Fire and Police Commission (FPC) continues to operate with a full staff, benefiting from the efforts of a full-time Audit Manager for more than a year. This has allowed the FPC to maintain adherence to its audit schedule required by the Settlement Agreement. Since changes in the Commission's authority as a result of passage of Act 12, Commission members and staff have had to spend considerable time adjusting to the new rules.⁶ Act 12 removed the Commission's authority to set policies for both MPD and the Milwaukee Fire Department. The bill also gives law enforcement unions in the state additional influence over the candidates selected to serve on the Commission. Since these changes took place, two members resigned and by February 2024, three new members were appointed to the Commission, bringing it back up to full strength.

Over the past six months, there has been some transition in staffing in the Inspections Section at MPD, now called the Compliance Management Section. However, having systems in place that have been operating over time have made that transition smoother and allowed for staff to continue to address the requirements of the Settlement Agreement. Additionally, MPD filled the vacant Police Risk Manager position, which has resulted in additional, focused attention on those areas of the Settlement Agreement that remain in process. MPD personnel and CJJ representatives continue to have regular meetings to discuss compliance progress, address issues that arise, and provide technical assistance to various personnel working on Settlement Agreement requirements.

As MPD has continued to convene monthly Constitutional Policing meetings, they have become crucial opportunities for Command Staff and District Captains to discuss progress towards compliance with areas of the Agreement focused on establishing individualized, objective, articulable reasonable suspicion (IOARS) for

⁵ See Paragraphs IV.B.1.b and IV.B.1.d of Charles Collins, et al. v. City of Milwaukee, et al., (17-CV-00234-JPS) United States District Court Eastern District of Wisconsin, Milwaukee Division.

⁶ 2023 Wisconsin Act 12, <https://docs.legis.wisconsin.gov/2023/related/acts/12>

applicable interactions with the public. Additionally, this has become a key opportunity for District Captains to highlight community engagement efforts occurring throughout the city.

In January, MPD completed its series of Community Oriented Policing Engagement meetings. These meetings, held in all alder districts and with certain affinity groups, were collaboratively planned by the Community Collaborative Commission (CCC), FPC, and MPD to solicit community input on improvements MPD can make. Those results are now being assessed by the Wisconsin Policy Forum and a recommendation on next steps is expected in coming months. Those recommendations are expected to help shape MPD's Community Policing Plan, a requirement of the Agreement that has been long-delayed.

CJI is required to conduct a semiannual analysis of traffic stops, field interviews, no-action encounters, and frisks. Based on CJI's most recent analysis released in November 2023, most encounter types saw improvements in IOARS.⁷ Traffic stops and field interviews occurring during the first half of 2023 achieved the desired IOARS threshold. However, MPD is still not meeting the 15% IOARS threshold for no-action encounters and frisks. In addition, our latest review shows there are still citations and warnings with incomplete written documentation.

Finally, the inclusion of "every" and "all" language in specific requirements is a consistent barrier to achieving compliance. In some cases, as discussed throughout this report, a margin for error is more reasonable for requirements that hinge on inefficiencies in technology systems or the expectation that largely administrative human error would not occur. MPD has made strides in some of these areas but may never achieve compliance given the perfection required by the current language of the Agreement.

Update on Non-Compliant Items

In our fifth annual report, CJI found the Defendants to be non-compliant with the requirements 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 February 2024.

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:

Two data sources inform our determination of whether every traffic stop, field interview, no-action encounter, frisk, and search has a corresponding record contained in an electronic system. First, we look to MPD's internal audits, and second, we evaluate information received from the quarterly data extraction.

MPD's audits draw samples from Computer Aided Dispatch (CAD) assignments with the call types "traffic stop" for traffic stops, and "subject stop" and "investigation" for field interviews. 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 audits submitted to CJI are field interviews occurring between January and June 2022,

⁷ See Table 11 in [Semiannual Review of Traffic Stops, Field Interviews, No-action Encounters, and Frisks](#) from November 2023.

traffic stops occurring between July and December 2022, and no-action encounters occurring between January and June 2023.

From this set of audits MPD identified undocumented activities including field interviews, a single no-action encounter, and frisks and searches, thus demonstrating non-compliance with this Settlement Agreement requirement. We present details of the audit findings by encounter type below for SA IV.A.2.a, SA IV.A.2.b, SA IV.A.2.c, and SA IV.A.2.d.

CJI recognizes the high standard MPD must meet 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 an audit sample, MPD identified undocumented encounters. As we have stated in previous reports, MPD's audits remain an important tool in identifying whether undocumented stops are happening.

In addition to reviewing MPD's audits, we also rely on our own review of the quarterly extraction data to assess compliance with this requirement of the Settlement Agreement. CJI continues to find information in the CAD file that does not match to information provided in the Records Management System (RMS) or Traffic and Criminal Software (TraCS) data files. We also review body-worn video footage as part of our semiannual review of traffic stops, field interviews, no-action encounters, and frisks. During this review we have found frisks that are recorded on video but not documented in a digitized, electronic record. This indicates that police encounters continue to lack proper 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 look to two sources of information to determine whether Defendants are documenting all traffic stops in TraCS: MPD internal audits and information from the quarterly extraction data.

MPD's most recent audit of traffic stops (Audit 23-04), covering a random sample of encounters with a CAD call type "traffic stop" that occurred between July 1 and December 31, 2022, found that every encounter in the audit sample had an associated contact summary form in TraCS.

However, CJI's review of quarterly extraction data for quarters one and two of 2023 found 264 CAD numbers with a final CAD call type of "traffic stop" but no corresponding TraCS documentation. While this demonstrates non-compliance with this requirement because it does not meet the "every" threshold as required by the Settlement Agreement, the proportion of missing documentation for both quarters is within a five percent margin for error that is generally acceptable for documentation or data loss in this context.

Updated Status: Non-Compliant

SA Paragraph IV.A.2.b

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

Progress Update:

MPD’s internal audits as well as information from the quarterly extraction data inform the compliance assessment for this requirement.

MPD’s most recent field interview audit (Audit 22-06), covering a random sample of subject stop encounters that occurred January 1 and June 30, 2022, found three field interviews for which no report could be located in RMS.

In addition, CJI reviewed quarterly extraction data for quarters one and two of 2023 and found 64 encounters with a final CAD call type of “investigation” or “subject stop” but no corresponding RMS documentation. This demonstrates non-compliance with this requirement. By way of percentage of all subject stops for the quarters, 4.9 percent were missing documentation for quarter one of 2023 and 6.9 percent were missing documentation for quarter two of 2023.

Updated Status: Non-Compliant

SA Paragraph IV.A.2.c

“Defendants shall ensure that all no-action encounters are documented in [RMS].”

Progress Update:

We rely on two sources of information to determine progress toward whether Defendants are documenting all no-action encounters in RMS: MPD internal audits and information from the quarterly extraction data.

MPD has completed three audits of no-action encounters since compliance was assessed for the Year Five Annual Report. In MPD’s most recent audit of no-action encounters that occurred between January 1 and June 30, 2023 (Audit 23-05), the Audit Unit found one no-action encounter where an RMS report could not be located. The audits include all CAD assignments with the C21 disposition code as well as any no-action encounter reports.

CJI reviewed quarterly extraction data for quarters one and two of 2023. In quarter one, CJI found that one out of six encounters had a C21 disposition code but no corresponding no-action encounter report. Thus, CJI observed encounters in the CAD file that did not have corresponding RMS documentation. However, all no-action encounters had a corresponding no-action encounter report for quarter two. This and the most recent audit 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:

To assess whether Defendants are documenting all frisks and searches, we review MPD internal audits and information from CJI’s semiannual analysis of encounters.

In MPD’s traffic stop audit of July through December 2022 (Audit 23-04), auditors discovered one of three traffic stops that indicated a frisk was conducted during the traffic stop that failed to meet the objective because the frisk was undocumented. In the most recent field interview audit, covering encounters occurring from January through June 2022 (Audit 22-06), auditors found four undocumented searches as well as one undocumented frisk. One field interview in the sample did not have written documentation but a frisk was observed on body-worn camera footage upon review.⁸ MPD’s no-action encounter audit of January through June 2023 (Audit 23-05) does not indicate any undocumented frisks.

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 November 2023 assessed a sample of encounter data from January to June 2023 and found no undocumented frisks out of a group of three encounters for which we deemed a frisk was likely.⁹ Based on MPD’s audit findings, the Defendants remain non-compliance with this requirement.

Updated Status: Non-Compliant

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:

The CAD number has been established as the unique stop identification number. This is 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 values in the CAD number field that are either eight or ten digits or are otherwise invalid CAD numbers, including blanks. Most of the invalid CAD numbers come from 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 data with invalid information in the CAD field that we are unable to match with CAD files.

Collectively, there were 340 traffic stops and field interviews lacking a unique stop identification number for quarter one of 2023, and 363 traffic stops and field interviews lacking a unique stop identification number for quarter two of 2023. While this demonstrates non-compliance with this requirement because it does not meet the “every” threshold as required by the Settlement Agreement, the proportion of missing documentation for both quarters is within a five percent margin for error that is generally acceptable for documentation or data loss in this context. We found that all no-action encounters for the first half of 2023 had a unique stop identification number, indicating that all no-action encounters had a complete digitized record in RMS.

Updated Status: Non-Compliant

⁸ MPD has not submitted an updated field interview audit since the previous Six-Month Report on Non-Compliant Items.

⁹ Crime and Justice Institute. (November 2023). Semiannual Analysis of Traffic Stops, Field Interviews, No-action Encounters, and Frisks. <https://www.cjinitiative.org/assets/sites/2/2023/11/IOARS-Report-Corrected-FINAL-VERSION.pdf>

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:

CJI relies on MPD’s traffic stop and field interview audits to assess compliance with this requirement. The traffic stop audit (Audit 23-04) covers the second half of 2022 and included six arrests in the sample, all of which met the relevant criteria outlines in the Settlement Agreement. However, MPD continues to fall short of the requirement that supervisors review, correct, and approve every arrest report written by officers within the seven-day timeframe set forth in the Settlement Agreement. The Terry stop, frisk, and search audit (Audit 22-06) covers the first half of 2022, and included 56 arrests in the sample, 53 of which met the review and approval criteria. Three of the arrest reports did not meet the criteria because one report was not dated by the supervisor, one report did not include the officer’s legal basis for the stop, and one report was not completed within the timeframe set forth by SOP 263. Because three arrests in the field interview audit did not meet the criteria, Defendants remain non-compliant for this requirement.

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 continues to fall short of the requirement that supervisors review, correct, and approve every warning and citation issued by officers within the seven-day timeframe set forth in the Settlement Agreement. The most recent traffic stop, frisk, and search audit (Audit 23-04) indicates that 85 of the 99 sampled traffic stops (86 percent) met the supervisory review standard for warnings and citations. Five of the sampled traffic stops that did not meet the standard were approved with an incorrect CAD number. The other stops that did not meet the standard were approved beyond the seven-day time period or were approved with involved individuals missing documentation. In contrast to the issues found in the audits of field interviews (i.e., Terry Stops), proper supervisory review of the articulation of the stop justification does not appear to be the presenting issue in supervisory review of traffic stops. The presenting issue found in proper supervisory review of traffic stops is in the identification of incorrect CAD information and ensuring all officers present for the incident are accounted for in documentation.

We see in the quarterly data for the second half of 2022 (July through December) that there are citations and warnings in the files that do not match the CAD data received, further supporting the audit findings that officers

and supervisors are not ensuring all citations and warnings have valid CAD information prior to submission and approval. As discussed in previous reports, MPD must focus on ensuring supervisors are reviewing every citation and warning and identifying or correcting errors in documentation.

Updated Status: Non-Compliant

SA Paragraph IV.C.1.d

“Within twelve (12) months of the date of this Agreement, MPD shall achieve supervisory review, correction, and approval of every no-action encounter documented in [RMS] within fourteen (14) days. Supervisors shall review for completeness and shall review the stated basis for the no-action encounter. Prior to approving reports as complete, supervisors shall ensure that officers provide any missing information to ensure all information required by paragraph IV.A.3 is documented.”

Progress Update:

MPD completed one no-action encounter audit since the fifth annual report (Audit 23-05) that includes a review of all no-action encounters that occurred in the first half of 2023 (January through June). There were 10 no-action encounters conducted during the first half of 2023. The Compliance Management Section reviewed every no-action encounter and determined whether supervisors reviewed, corrected, and approved no-action encounter reports based on the standards set forth in the Settlement Agreement (SA IV.C.1.d). Audit findings indicate that 40 percent of the no-action encounters documented in the first half of 2023 met the standards for supervisory review. Four out of six of the no-action encounters that did not meet the standards were found to have errors in justification for the stop. The other no-action encounters that did not meet the requirements were approved by a supervisor with errors in the encounter identification number (CAD number) or lacked documentation in RMS. MPD continues to fall short of the requirement that supervisors review, correct, and approve every no-action encounter per SA IV.C.1.D.

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 field interviews 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 assesses individualized, objective, and articulable reasonable suspicion (IOARS) for every six months of encounter data. The most recent IOARS analysis, published in November 2023, assessed encounters that occurred during the first half of 2023.

IOARS documentation for field interviews has met the required 15 percent threshold after failing to meet it for the second half of 2022. This is the second time in the last three reports that the 15 percent threshold was met

after not meeting the threshold since the second half of 2019. In the most recent analysis, CJI found that 11.1 percent of field interviews in the sample failed to establish IOARS as justification for initiating the encounter.¹⁰

Updated Status: 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 assesses IOARS for every six months of encounter data. The most recent IOARS analysis, published in November 2023, assessed encounters that occurred during the first half of 2023.

The number of no-action encounters that are documented is low compared to traffic stops and field interviews and has continued to decrease over time. Because of this, the percentage of no-action encounters that fail to meet the IOARS standard can fluctuate greatly. In the latest semiannual analysis, we found that 26.7 percent of no-action encounters in the sample failed to establish IOARS as justification for initiating a police encounter.¹¹ This is an improvement from the previous reporting period where 55.6 percent failed to meet the standard but still higher than the required 15 percent threshold.

Updated Status: Non-Compliant

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 assesses IOARS for every six months of encounter data. The most recent IOARS analysis, published in November 2023, assessed encounters that occurred during the first half of 2023.

The Defendants have not yet met the threshold for this requirement, but have plateaued the last three reporting periods (all of 2022 and the first half of 2023) in the proportion of frisks failing to meet the IOARS standard to justify the frisk (30.0 percent, 35.0 percent, and 31.1 percent, respectively).¹²

The IOARS standard was achieved for approximately half of the sampled frisks in the two reporting periods for 2021, an improvement over 2019 and 2020 where most frisks failed to achieve the IOARS standard. MPD must

¹⁰ Crime and Justice Institute. (November 2023). Semiannual Analysis of Traffic Stops, Field Interviews, No-action Encounters, and Frisks. <https://city.milwaukee.gov/ImageLibrary/Public/ImageLibrary/Photos/IOARS-Report-CORRECTED-11-10-2023.pdf>

¹¹ Ibid.

¹² Ibid.

continue to progress with IOARS documentation for frisks to achieve the necessary 15 percent threshold as specified by the Settlement Agreement. As discussed in the most recent Semiannual IOARS report, frisks often lack IOARS because officers' descriptions do not include enough detail linking the subject or current circumstances to the concern that the subject was armed and immediately dangerous.

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:

To determine compliance with this requirement of the Settlement Agreement we analyze 12 months of encounter data and publish the results in the annual reports each September. The next analysis will be based on encounter data for calendar year 2023 and will be presented in CJI's September 2024 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."

Progress Update:

To determine compliance with this requirement of the Settlement Agreement we analyze 12 months of encounter data and publish the results in the annual reports each September. The next analysis will be based on encounter data for calendar year 2023 and will be presented in CJI's September 2024 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:

To determine compliance with this requirement of the Settlement Agreement we analyze 12 months of encounter data and publish the results in the annual reports each September. The next analysis will be based on encounter data for calendar year 2023 and will be presented in CJI's September 2024 annual data analysis report.

Updated Status: Unable to Assess

Conclusion

This report presents an updated status of the non-compliant items from CJJ's fifth annual report from September 2023. Of the 15 non-compliant items, one has moved to the status of compliant, and 14 remain in a status of non-compliance. Three items remain unable to be assessed. Like previous reports, we note that several of the remaining non-compliant requirements are likely the result of the exceptionally high thresholds for compliance per the language Settlement Agreement. Requirements that specify that "every" or "all" encounters must meet a requirement means that if we identify a single encounter or data element during the review period that does not meet the requirement, then that requirement is deemed non-compliant for that reporting period.

The next semiannual IOARS report will be published in April 2024. Our sixth annual report, to be published in September 2024, will reassess the totality of the Settlement Agreement requirements. In September 2024 we will publish our annual data analysis of traffic stops, field interviews, no-action encounters, and frisks from 2023.